HOUSE OF ASSEMBLY

Tuesday 20 July 2004

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

UNDERDALE SPORTS CENTRE

A petition signed by 442 residents of South Australia, requesting the house to urge the government to do all within its power, including the compulsory acquisition of the site, to ensure that the sports and physical recreation facilities at Underdale Sports Centre are retained for public usage, was presented by the Hon. S.W. Key.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 335, 346, 353 to 355, 360 to 364, 366, 367, 368, 370, 374, 376, 382, 386, 388, 389, 390, 392, 393, 395, 397, 398, 404, 412, 413, 423 to 425, 428, 448, 449, 451, 454, 455, 457, 458, 460, 461, 464, 505 to 510, 512 to 515 and 517 to 522; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

FAIR WORK BILL

In reply to **Hon. I.F. EVANS** (1 April 2004).

The Hon. M.J. WRIGHT: I answered this question in response to a further question from the member for Davenport during question time on 3 May 2004.

WATER, YUNTA

In reply to **Hon. G.M. GUNN** (5 May 2004).

The Hon. M.J. WRIGHT: The water in Yunta is known to be of poor quality and was declared non-potable several years ago. Customers are reminded of this three monthly via an insert with their water bills and SA Water has also installed notices at most of the public places in the township advising that the water is not to be used for drinking purposes.

Successive governments have considered this issue over the last 20 years and the decisions during this period have been economically based. SA Water operates a number of non economic systems within South Australia under its Community Service Obligations for which a significant allowance is made in SA Water's accounts.

Given the huge subsidy of uneconomical systems, most of which are in rural areas, it is necessary to ensure that any increases in this amount result in benefits to the maximum number of people possible.

The community, through SA Water, already subsidises the water supplies at the former Railway Townships on the Barrier Highway between Burra and Broken Hill very heavily. For the 2002-03 financial year the costs against revenue ratio was more than four to one.

While I appreciate the problems that the water supplies cause periodically to these communities, and in particular Yunta, the costs of improving these significantly are very high and will not be considered in the face of competing community needs at this time.

SCHOOLS, CEDUNA AREA

In reply to **Mrs PENFOLD** (29 March 2004).

The Hon. J.D. LOMAX-SMITH: It is proposed to deliver the R-5 facility in time for the commencement of the 2005 school year.

Sixteen DEMAC classroom spaces will be removed from the school site once the new buildings are completed. The DEMAC buildings contain asbestos, but I am advised that they have been maintained in good condition to guard against any potential risk to health or the environment.

SCHOOLS, HECTORVILLE PRIMARY

In reply to **Mr SCALZI** (31 May 2004).

The Hon. J.D. LOMAX-SMITH: The Hectorville Primary School amalgamated with East Torrens Primary School (formerly Newton Primary School) at the end of 2000. The site was subsequently declared surplus to the requirements of the Department.

At the time of the amalgamation the Down Syndrome Society of South Australia Incorporated and the Harrow Road Behaviour Management Unit were located on the Hectorville Primary School site. The Harrow Road Behaviour Management Unit relocated to the Paradise Primary School in 2001. A suitable location was found for the Down Syndrome Society of South Australia Incorporated at Hampstead Primary School, however the site needed to be redeveloped to make it suitable for their needs. The works were completed in March 2004 and the Society has since taken occupancy.

Due to these circumstances, the Department expended funds in maintaining the property. Costs for repairs, maintenance and security have totalled approximately $60 000 since the property was declared surplus in 2001.

The South Australian Housing Trust has purchased the site and settlement occurred on 9 June 2004. The department has no further obligation to ensure that the property is maintained.

Any usable infrastructure was removed from the site at the time the school amalgamated with Newton Primary School and became East Torrens Primary School.

HECTORVILLE KINDERGARTEN

In reply to **Mr SCALZI** (25 February).

The Hon. J.D. LOMAX-SMITH: During Estimates Committee proceedings on 19 June 2003, reference was made to a sum of $200 000, allegedly provided by the commonwealth for the purpose of relocating Hectorville Kindergarten. This is incorrect. The commonwealth provided that money for the amalgamation of Newton and Hectorville Primary Schools and it was expended on that project.

I am advised that following community consultation and analysis of demand, it was decided that the former Hectorville Kindergarten would not be relocated.

At the time of its closure there were only nine enrolments and as many as 79 vacancies in nearby centres. The trust deed was as such that on closure, the property reverted to the ownership of the Campbelltown City Council.

SEX EDUCATION

In reply to **Ms CHAPMAN** (28 June 2004).

The Hon. J.D. LOMAX-SMITH: The revised Sexual Health and Relationships Education teaching resource "*Teach it like it is*" and the curriculum plan for Years 8, 9 and 10 have been approved by the Chief Executive of the Department of Education and Children's Services for use in the 15 secondary schools participating in the trial. Under the Education Act, the Chief Executive is responsible for approval of curriculum.

The research project associated with the Sexual Health and Relationships Education program, which seeks to assess the effect of the program on the knowledge, attitudes and behaviour of the young people participating in the trial, has been approved by the research unit of the Department of Education and Children's Services and the ethics committee of the La Trobe University.

TEACHERS, REGISTRATION

In reply to **Mrs PENFOLD** (1 July 2004).

The Hon. J.D. LOMAX-SMITH: Provisional registration is not an interim form of registration and can only be granted when all qualification and screening criteria are met.

Given the difficulty with graduation and staffing timelines, the Teachers Registration Board has initiated a range of strategies in partnership with the universities and employees to process applications from graduating students who have offers of employment commencing Term 3, 2004.

The universities have advised the Board that final academic transcripts will be available prior to their official release dates. Therefore, providing graduating students have already submitted an application for registration and all other requirements have been met, registration will be immediately granted on the receipt of an official academic transcript. It is anticipated this should occur prior to or within days of the commencement of Term 3. The Board will liaise

with employers to ensure suitably qualified teachers are able to commence their teaching career at the earliest opportunity.

GAMBLING

In reply to **Mr BROKENSHIRE** (27 May 2004).

The Hon. K.O. FOLEY: SA Lotteries Marketing and Sales expenditure has remained consistent since the mid 1990's when a threshold of 1.85 per cent of net sales was proactively established. Of this amount, approximately 1.28 per cent has been and is used for advertising and promotion of the various lotteries games on offer. This is benchmarked against Australian and overseas lottery jurisdictions.

Lotteries industry demonstrates that lotteries games are very responsive to advertising, and a correlation exists between advertising and sales across all games. Without advertising, SA Lotteries would experience a substantial decrease as players would not be informed and would miss the opportunity to participate in key (jackpot) events.

SA Lotteries surplus, which is in excess of $80 million per year, is returned to the State Hospitals Fund and the Recreation and Sport Fund and is therefore important to all South Australians. However, the $25 million earned in commission by the 527 small business operators who make up the agent network across the State, is critical to their on-going livelihood and it is therefore highly appropriate that SA Lotteries games continue to be advertised and promoted in a socially responsible manner. Achieving this balance between gaming and social responsibility has been the mandate of this government and as such there is now a mandatory responsible gambling framework in place within the State, within which all gambling codes must operate.

Whilst SA Lotteries has long been fully committed to offering and promoting its games in a socially responsible manner this has been formalised since 30 April 2004 through the implementation of the State Lotteries Responsible Gambling and Advertising Codes of Practice within which SA Lotteries is required to operate.

It is perhaps therefore not surprising that as the only government owned gambling provider, SA Lotteries has also been the industry leader in adopting the provisions of the Codes and ensuring that they are effectively communicated to the members of its agent network across the State. Nevertheless, the honourable member should be aware that lotteries games are not generally those that contribute to the significant level of problem gambling that we have in South Australia.

Reducing the level of problem gambling associated with all forms of gambling has been a priority of this government as has ensuring that those who are experiencing a problem are able to access the help that they require. The level of spend on problem gambling services needs to be considered with regard to the number of people requiring assistance and the level of assistance that they require, not in comparison to the $4.02M (2003-04) brand advertising and promotional activity by SA Lotteries.

In the 2004-05 State Budget, the Government has provided a further $395 000 per annum to the Gamblers' Rehabilitation Fund to tackle problem gambling. This is in addition to the extra $1 million per annum provided by the Government in the 2002-03 State Budget. Since coming to power, the Government has increased the contribution by Government to this fund to $2.195 million, compared to the $800 000 contribution by the previous Liberal Government. This is an increase of 174 per cent.

ELECTRICITY CONCESSIONS

In reply to **Hon. R.G. KERIN** (25 November 2003).

The Hon. K.O. FOLEY: The Premier has provided the following information:

The government makes no apology for informing electricity consumers who have been hard hit by the price hikes following the then Liberal Government's privatisation of ETSA.

The pensioner concessions for power had remained unchanged since 1990, when Labor was in office previously. During eight and a half years of Liberal Government, the pensioner concessions for electricity were never increased. Not only did the previous Government privatise ETSA, leading to massive increases in the cost of power, it appears they did little to provide relief to the people on fixed incomes who were hit by those power price hikes.

I am advised that the cost of the advertising campaign was $9 824.54.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Pursuant to Section 131 of the Local Government Act 1999
District Council of Franklin Harbour—Report 2003-03

By the Attorney-General (Hon. M.J. Atkinson)—

Regulations under the following Acts—
Australian Crime Commission (South Australia)—
Summons
Transitional Summons
Criminal Law Consolidation—Termination of Pregnancy
Electoral—Prescribed Authorities

By the Minister for Consumer Affairs (Hon. M.J. Atkinson)—

Regulations under the following Act—
Liquor Licensing—Long Term Dry Areas—Golden Grove

By the Minister for Health (Hon. L. Stevens)—

Dental Practice (General) Regulations 2003—Review of Regulation 5
Regulations under the following Acts—
Reproductive Technology (Clinical Practices)—
Women's and Children's Hospital
South Australian Health Commission—
Audit of Prescribed Hospitals
Recognised Hospital—Medicare Patients Fees

By the Minister for Transport (Hon. P.L. White)—

Regulations under the following Acts—
Road Traffic—Compulsory Blood Testing—Variations
Motor Vehicles—
Mobile Phones
Mopeds

By the Minister for Urban Development and Planning (Hon. P.L. White)—

Interim Operation of the District Council of Mount Barker—Littlehampton Concept Plan—Plan Amendment Report

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

Regulations under the following Act—
Senior Secondary Assessment Board of South Australia—Subjects

By the Minister for Families and Communities (Hon. J.W. Weatherill)—

Memorandum of Understanding between the Commonwealth of Australia and the State Government of South Australia for the Provision of Care Arrangements in the Community for some Immigration Detainee Minors in SA
Regulations under the following Act—
Adoption—Revocation.

ADELAIDE DOLPHIN SANCTUARY

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: It is my great pleasure today to table the draft Adelaide Dolphin Sanctuary Bill 2004. The Adelaide Dolphin Sanctuary is being established in response to widespread community concern about the security and safety of the dolphins in the Port Adelaide area and fulfils a Labor election commitment. Following the first round of extensive public consultation, it became clear that the best way to protect the dolphins was through specific legislation

to establish the sanctuary. Additional consultation occurred when a draft was released in December 2003. Changes were made following this second stage of consultation and the revised draft is now being placed before the parliament.

Declaration of a sanctuary by specific purpose legislation for the protection of dolphins is the first of its kind for Australia and on the cutting edge of international marine mammal protection. The Adelaide Dolphin Sanctuary will integrate activities in the Port Adelaide River and Barker Inlet area, a place with both economic and ecological significance for our community.

A healthier environment for the dolphins will mean a healthier environment for all of us. For example, issues of water quality, fish stocks, seagrass, mangroves and salt marsh will all be addressed in the management of the sanctuary. The proposal incorporates a management planning and implementation program that will identify issues and the means to address them, along with targets and specific actions to achieve desired outcomes. These mechanisms will provide accountability and a direct means of assessment for the community. The Adelaide Dolphin Sanctuary will support community education programs about environmental issues.

The bill relies on existing legislation to provide regulations in relevant areas. For example, fisheries activities will continue to be managed under the Fisheries Act 1982, development under the Development Act 1993 and water quality under the Environment Protection Act 1993. Land tenure will not change as a result of the sanctuary. I now table the draft legislation.

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Australian Energy Market Commission Establishment,
Health and Community Services Complaints,
Pitjantjatjara Land Rights (Executive Board) Amendment,
Primary Produce (Food Safety Schemes),
Statutes Amendment (Budget 2004),
Statutes Amendment (Courts).

QUESTION TIME

TOXIC WASTE

The Hon. R.G. KERIN (Leader of the Opposition): What action has the Premier taken to stop the establishment of a toxic waste dump near the South Australian border by the Victoria Labor government? The Victorian toxic waste dump proposed by the Bracks Labor government is to be established at Nowingi, which is less than 100 kilometres from South Australia's border near Pinnaroo, and only 14 kilometres from the River Murray.

The Hon. M.D. RANN (Premier): Let me just say this: there's one thing that—

Members interjecting:

The Hon. M.D. RANN: Yesterday, the first day back, after hysterical—

Mr Brokenshire interjecting:

The Hon. M.D. RANN: Do you want to shut up and just listen?

The SPEAKER: The member for Mawson is out of order.

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson, for the second time.

Members interjecting:

The Hon. M.D. RANN: They don't want to hear.

Members interjecting:

The SPEAKER: We can resume.

The Hon. M.D. RANN: Thank you, sir. Yesterday, after an historic decision last week in which the federal government backed down—how many times in history has a federal government with all of its financial power, constitutional power—

The SPEAKER: Order! The question was not about the federal government. It was about any action which the state government may be taking against the state government of Victoria to stop a low radioactive waste repository and other toxic materials being interred close to the South Australian border.

The Hon. M.D. RANN: I will fight any dump being built in South Australia. We did so last week and we won.

The Hon. R.G. KERIN: I have a supplementary question. I ask the Premier: is the Premier actually aware of the Bracks government's plans to build a toxic waste dump near South Australia?

The Hon. M.D. RANN: No, sir; but it is interesting—here is the difference—

Members interjecting:

The Hon. M.D. RANN: They don't want to hear.

Members interjecting:

The Hon. M.D. RANN: If you don't want to hear, that's fine by me. The Leader of the Opposition wants a dump in South Australia but he doesn't want one in Victoria.

NUCLEAR WASTE

Ms BREUER (Giles): My question is to the Minister for Environment and Conservation. Following yesterday's questions, has the minister received additional information about the agreement with Western Mining Corporation to investigate the storage of South Australia's radioactive waste?

The Hon. J.D. HILL (Minister for Environment and Conservation): Yesterday, I read to the house a statement which I had read to a press conference—

Mr BRINDAL: I have a point of order, Mr Speaker.

The SPEAKER: The honourable the minister has the call.

Mr BRINDAL: I have a point of order, Mr Speaker.

The SPEAKER: I hear nothing disorderly other than the raucous behaviour of members on both sides of the chamber.

Mr BRINDAL: On a point of order, Mr Speaker.

The SPEAKER: The honourable the minister has the call.

Mr BRINDAL: On a point of order, Mr Speaker.

The SPEAKER: The honourable member for Unley will be seated.

Mr BRINDAL: On a point of order, Mr Speaker.

The SPEAKER: The minister has the call.

The Hon. J.D. HILL: Thank you, Mr Speaker. Yesterday in question time I read to the house a statement that had been made by me to a press conference last Wednesday, following—

Mrs REDMOND: Point of order, Mr Speaker.

The SPEAKER: The member for Heysen.

Mrs REDMOND: I know I am not an expert on standing orders, sir, but my understanding of the standing orders is that the Speaker must hear the point of order and make a ruling on it before proceeding as soon as a member rises to make that point of order.

The SPEAKER: There is no point of order. The honourable Minister for Environment and Conservation.

The Hon. J.D. HILL: I read to the house yesterday the statement I had also read to a press conference last Wednesday. That did not seem to satisfy the Leader of the Opposition, who seemed to believe, I think, by his interjections, that I was making it all up. I would like to read to the house now a statement that was issued last Wednesday by Mr John McKirdy, the General Manager for Operations at the Olympic Dam site. This was a note that he sent to all of his staff. It is headed 'Waste handling discussions with the South Australian government', and it says:

> You may have heard the media mentioning Olympic Dam as a possible location to store low level radioactive waste.
>
> This is a very topical issue but in fact is not dramatic news or unanticipated. In fact, WMC has been in discussions for some time with the South Australian government, and yesterday agreed to consider the management of the small amount of SA's low level waste here at Olympic Dam.
>
> WMC will extend a current consultancy agreement with the Australian Nuclear Science and Technology Organisation to consider the proposal.
>
> The consultant was engaged recently to review improvements in the management of operational wastes generated at Olympic Dam.
>
> Any final decision on the use of Olympic Dam for low level radioactive waste storage will be subject to the findings of the consultant, appropriate government approvals and commercial negotiations.
>
> A corporate announcement will be made in today's Resources Weekly.
>
> Stay Safe!
>
> John McKirdy.
>
> General Manager Operations—Copper Uranium—Olympic Dam.

That statement absolutely backs up the statements I made to the house yesterday which were doubted by the Leader of the Opposition. The reality is that we have had very good negotiations with Western Mining about looking after our small parcel of radioactive waste—the 22 cubic metres. Unlike the other side, we do not want the national dump in South Australia. We are quite prepared to look after our own.

TOXIC WASTE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Environment and Conservation. What has the minister done to lobby the Victorian government not to locate—

The Hon. K.O. Foley interjecting:

The Hon. R.G. KERIN: You might think it is funny.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. R.G. KERIN: You are a pack of bloody clowns.

The SPEAKER: Order! The honourable the Deputy Premier, the honourable the Minister for Infrastructure and the honourable the Attorney-General are all out of order.

The Hon. R.G. KERIN: What has the minister done to lobby the Victorian government not to locate its toxic waste dump at Nowingi in the north-west corner of Victoria, which is actually much closer to Adelaide than it is to Melbourne, in an area which drains into the River Murray?

Mr Brokenshire interjecting:

The SPEAKER: The honourable member for Mawson is out of order.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the Leader of the Opposition for continuing the battle to have the nuclear dump put in our state. He is in favour of the federal dump in South Australia.

The SPEAKER: Order! The honourable minister knows that the point he makes is debate about a matter not canvassed in the question whatever. The honourable minister will address the question.

The Hon. J.D. HILL: Quite so, Mr Speaker. The Leader of the Opposition's statement is based on a premise that the toxic dump for which the Victorian government has been looking for a site for some time will have some impact on South Australia. I am not aware of an impact. If he has evidence that this is the case, I would be very happy to have it considered. However, as he ought to understand, as the putative leader of the government of South Australia, states have their own jurisdictional responsibilities. The dumping of waste by Victoria in its state is its responsibility.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Yesterday we heard from Basil Fawlty, today we have heard from Manuel. The reality is that each state is responsible for its own waste management. If there is an issue with Victoria having an impact on anything in South Australia, I have yet to see the evidence. If the Leader of the Opposition has any evidence in that regard, he should give it to me, and I will certainly seek further advice in relation to that matter.

The Hon. R.G. KERIN: I have a supplementary question. Given the minister's answer, has the minister received advice that it is a far greater threat to South Australian agriculture and the River Murray than the former proposal for the radioactive waste repository at Woomera?

Members interjecting:

The Hon. R.G. KERIN: No. It is about time you guys looked after South Australia.

The Hon. M.D. RANN (Premier): No wonder they are talking about dumping the Leader of the Opposition: he wants a dump built here in South Australia, but he does not want one built in Victoria. This is getting more bizarre each day.

The Hon. R.G. KERIN: I have a further supplementary question. Given that the government does not seem to care whatsoever about something which is far more dangerous than radioactive waste, will the Minister for Environment and Conservation commission a report on the impact on South Australian agriculture of the toxic waste to be dumped at Nowingi?

The Hon. J.D. HILL: I have already said that I would get some information about that, and I will. When I get it, I will share it with him.

DOCTOR SHORTAGES

The SPEAKER: I call the member for Reynell.

Members interjecting:

The SPEAKER: Order! The honourable Deputy Premier is making it impossible for the member for Reynell to ask her question.

Ms THOMPSON (Reynell): My question is to the Minister for Health. What impact is the shortage of doctors having on the emergency departments at our metropolitan public hospitals, and has the minister made representations to the federal Minister for Health about this issue?

The Hon. L. STEVENS (Minister for Health): I raised this issue with the current federal Minister for Health in my first letter to him of 8 October 2003, when I wrote to congratulate him on his appointment. Members would also be aware that state premiers demanded a national health work force plan at the June 2004 meeting of the Council of Australian Governments. The shortage of general practitioners in the southern and northern metropolitan areas is contributing to the high emergency work loads in our metropolitan public hospitals, increasing numbers of presentations but also increasing the acuity of patients. Admissions have been up by 12 000 over three years. People are presenting in our public hospitals because they cannot access a GP.

Some practices are not accepting new patients. Medicare is failing these communities. The southern metropolitan region, including the electorate of Reynell, has a shortage of 40 general practitioners, and this is adding to the workload of the Flinders Medical Centre's emergency department. Last year, Flinders had 50 000 emergency presentations. Likewise, the northern metropolitan area has a shortage of 35 general practitioners, and South Australia has a shortage of medical staff generally across specialty areas such as emergency medicine, psychiatry, radiology, anaesthetics and orthopaedics.

The Australian Medical Association has been voicing its concerns about this issue, and last week said that the federal government is not doing enough to overcome the shortage of GPs. One general practitioner in the southern metropolitan region has called on South Australia to make the doctor shortage an issue at the next federal election, saying that if something is not done by the federal government it will be 'a real disaster'. While the federal Liberal government has allowed this crisis situation to develop, I am pleased by the announcement by the leader of the federal opposition that federal Labor is committed to structural and funding reforms if elected, including long-term solutions to these national health work force shortages.

GLENSIDE HOSPITAL, ESCAPEE

The Hon. DEAN BROWN (Deputy Leader of the opposition): Will the Minister for Health confirm that a potentially very dangerous patient escaped from Glenside Hospital at 6 a.m. today and, if so, why has the government not issued a warning to protect the public? At 6 a.m. a paranoid schizophrenic, Ben Harvey, with a history of violence, escaped from Glenside. He was at Glenside because there were not enough beds in James Nash House. Several hours ago, six police officers visited a home in search of the escapee. The police warned the occupant of the house (who was known to the escapee) that the escapee was in a very bad way and unstable. The escapee has a criminal record, and just several weeks ago was in the Adelaide Remand Centre.

The Hon. L. STEVENS (Minister for Health): I can confirm that a 30 year old male remanded for breach of parole and suffering from schizophrenia did leave Glenside Hospital. I am advised that he was charged with break and enter motor vehicles and fine evasion. He was on remand at the Remand Centre when referred to the Royal Adelaide Hospital.

The SPEAKER: Order, the honourable member for Unley! If he wishes to speak to the member for Bright, would he be pleased to take a seat next to the member for Bright and not turn his back on the minister addressing the chamber?

The Hon. L. STEVENS: I am advised that he climbed the fence at Brentwood. I must say that, in spite of having been given assurances in relation to the new security arrangements at Glenside which the government spent several hundred thousand dollars instituting at the beginning of the year—that this would prevent these incidents—this has happened. I have asked for an urgent report as to how it has happened and any work that needs to be done. In relation to public warnings, the protocols between the mental health services and the police are in place and the police are handling that matter.

The Hon. DEAN BROWN: As a supplementary question, in terms of this case where such a danger potentially exists to the public, will the minister inform the house why more than seven hours has passed and still no public warning has been issued?

The Hon. L. STEVENS: I will take up that matter with the Director of Mental Health Services. But, again, I say to the house that protocols are in place between Glenside Hospital and the South Australia Police.

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: Well, my understanding is that they have, but I note that the—

Members interjecting:

The SPEAKER: Order!

The Hon. L. STEVENS: —member for Finniss asserts that they have not been followed. I will get a report on that matter for the house.

GAMBLING

Ms RANKINE (Wright): My question is to the Minister for Families and Communities. What measures is the government taking to collaborate nationally to stem problem gambling?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): On a national basis we are seeking to collaborate with the federal minister, who has had $6.4 million sitting in an account earmarked for a public awareness campaign since 2001-02. Through that period the federal government has not got itself organised to allocate that money to a public awareness campaign for problem gambling. First, we had a federal minister who would not allow the gambling ministers to meet; and, now, we have a federal minister who is unwilling to enter into a collaborative arrangement with the states for the allocation of that money, which indicates the lack of cooperation over these matters we are receiving at a national level.

At a state level we have been engaging in very successful communication campaigns, and members would be reminded of the excellent work of the former minister for social justice, the member for Hanson, with respect to the campaign called, 'Think about what you're gambling with'. That was an excellent, hard-hitting campaign which led to an almost 100 per cent increase in demands on the gambling help support services and which did put in touch with those services a number of people who were experiencing real difficulties with problem gambling. That program was, in fact, developed by Victoria.

So, the states have been getting on with this collaboration themselves, but there has been precious little cooperation from the commonwealth. When we invited the commonwealth to release this money to assist us to run more of these

advertisements to raise public awareness about this issue, the commonwealth minister steadfastly refused to engage in that discussion. This money is being kept aside for God knows what purpose—presumably it will be another of the federal government's rather expensive advertising campaigns in the lead-up to the federal election! Certainly, that money has been sitting there since 2001-02 without the federal minister's securing an agreement with the states about what should happen with it. This demonstrates a lack of commitment to working cooperatively with the states to grapple with the real harm caused by problem gambling.

GLENSIDE HOSPITAL, ESCAPEE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Again, my question is to the Minister for Health and, again, it concerns the escape from Glenside. Will the minister confirm that the escapee from Glenside simply escaped over the minister's new security wall?

The Hon. L. STEVENS (Minister for Health): I have just said that. If the deputy leader had been listening he would recall that, in my last answer, I said that the person had climbed the fence at Brentwood. I also mentioned that I was concerned. I will give my exact words: 'In spite of having been given assurances in relation to the new security arrangements at Glenside. . . .this has happened.' I have asked for a full report and we will do what is necessary.

BIOSCIENCE RESEARCH

Mr SNELLING (Playford): Will the Minister for Science and Information Economy inform the house what the state government is doing to expand the availability of major bioscience research facilities for the state's research and young start-up bioscience companies?

The Hon. P.L. WHITE (Minister for Science and Information Economy): I am pleased to announce to the house that the state government is investing just over $400 000 from the Adelaide Integrated Bioscience Laboratories (AIB Labs) Infrastructure Fund to improve general access to specialised bioscience equipment and facilities, technologies and expertise in South Australia. That particular initiative is one of the state government's, Bio Innovation SA. It involves South Australia's three universities and key bioscience research institutes. The program is aimed at establishing a network of service bioscience research and development facilities in local research organisations that can be shared by the bioscience research community.

Members may recall that our first four centres or nodes of the AIB Labs were identified last year at Flinders University, the Adelaide central node on North Terrace, the Waite campus and Mawson Lakes. This second round of funding will be used to support technical positions at six laboratories around Adelaide, including expanding services offered by three laboratories that were funded in that first round of those AIB Labs' investments. The three new labs being added to the network in the second round of funding are Antibody SA, which is an amalgamation of Antibody Production Services at the University of Adelaide and Hanson Institute; the Multiscale Fermentation Facility at the Waite; and the Flinders Microscopy and Image Analysis Facility at Flinders University.

There has been an excellent response to the AIB Labs' initiative from the state's research community, and the infrastructure fund has been well over-subscribed for this second round, which is a clear indication that AIB Labs is helping to address the strong demand for access to research facilities within the state's science community and developing world-class infrastructure to support South Australia's growing pool of bioscience companies. I might add that there is nothing else like this in Australia. This is a unique initiative of the state government's bioscience sector, and I invite members to visit the AIB Labs' online directory on the Bio Innovation SA web site to examine the current list of 59 items of shared bioscience research equipment available to the state's bioscience sector.

MENTAL HEALTH PATIENTS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health give an assurance that no mental health patients from Glenside have been sent to reside at Strathmont Centre?

The Hon. L. STEVENS (Minister for Health): That is my understanding, and I am certain my colleague the Minister for Families and Communities could give a fuller explanation, as Strathmont comes under his jurisdiction.

INTERNATIONAL STUDENTS

Ms CICCARELLO (Norwood): My question is to the Minister for Employment, Training and Further Education. What action is being undertaken to cater for the increase in international students studying in Adelaide?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I was delighted to receive an invitation this morning to turn the first sod on what will be a very substantial student village in the city. Adelaide University is constructing a 400-bed village in Grote Street, with a scheduled completion date of February 2006. The first townhouses are due to come on line as early as July next year. The village will provide accommodation for local, rural, interstate and a growing number of international students in Adelaide.

Facilities include student common rooms, a landscaped village green and barbecue areas. An ongoing program of social events is planned and services will include academic tutoring, counselling, an after-hours shuttle bus and security protection. The village is close to the Central Market and the Gouger Street restaurant strips, so students living in the village will have access to a great range of fresh foods and restaurants. They will also be within close walking distance of the university and the parklands and they will have safe and secure accommodation. These are all things that will help to make Adelaide a home away from home.

The education export industry in South Australia is the eighth largest export industry and is worth about $300 million a year. Last year, more than 13 000 overseas students were in Adelaide, and it is estimated that these students support 2 000 local jobs. The state strategic plan goal is to double South Australia's share of overseas students within the next 10 years, and this boost to student accommodation will support those efforts.

The latest enrolment figures for 2004 from Australian Education International shows a 15 per cent rise in the number of international students coming to Adelaide to study this year compared with a 6 per cent national rise. In 2003, student enrolments were up by 22 per cent compared to 10 per cent nationally. We are again outperforming the rest of Australia in attracting more students here. The star

performers this year are the vocational education and training sector and the higher education sector, with rises of 28 per cent and 22 per cent respectively. Australia is now seeing exceptional growth in university students coming from India and China, and the South Australian government is working closely with Education Adelaide, our universities and other education institutions to move into this important growth market.

HOSPITALS, REPATRIATION GENERAL

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health. Is the minister still committed to the position she put to the parliament on 1 April 2004 that the Repatriation General Hospital would retain its own board and funding arrangements?

The Hon. L. STEVENS (Minister for Health): Yes.

ELECTRICAL INDUSTRY

Mr CAICA (Colton): My question is to the Minister for Industrial Relations. What progress has been made by Workplace Services to reduce the number of fatalities occurring in the electrical industry?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Workplace Services has reported that, for the two-year period preceding 2 July this year, no electrical fatalities occurred in South Australian workplaces. In comparison, in the five-year period to this time eight fatalities occurred from electrical incidents. This milestone has been reached in the context of a heightened focus by Workplace Services and other government agencies on electrical safety in the electrical contracting and construction industries.

Some 80 per cent of all workplace electrical fatalities in the three years before 2 July 2002 occurred in these sectors. The Office of the Technical Regulator and WorkCover Corporation have contributed to the achievement of this milestone by supporting the inspection, compliance, auditing and prevention activities undertaken by Workplace Services.

Efforts from within the electrical industry have also contributed. These efforts include actively pursuing basic electrical safety checks and increasing the provision of residual current devices. Support from the National Electrical Contractors Association and the Communications Electrical Plumbing Union of Australia has also been integral to this reduction in fatalities.

Following this achievement, Workplace Services has already started to update the performance measurement goals for its electrical safety strategy. The strategy will now aim to assist industry to achieve a 20 per cent reduction in electrical incidents over two years and to reach three consecutive years of zero electrical workplace fatalities. I would like to congratulate the industry for its good work.

HOSPITALS, NARACOORTE

Mr WILLIAMS (MacKillop): My question is to the Minister for Health. What measures is the government taking to ensure the continuation of delivery of medical services to public patients at the Naracoorte Hospital from 15 August, just three weeks away? The Kincraig Medical Clinic has issued a statement to the public that as of 15 August 2004 the local GPs in Naracoorte will no longer have a contract with the hospital. I have been provided with a copy of the local doctor's solicitor's letter to the Crown Solicitor's Office which claims that, 'The government has not entered fair and reasonable negotiations, notwithstanding the terms of the current contract which established the negotiation framework.' Today this solicitor informed me that he has received no reply from the local hospital since mid June and only a scant letter from the Crown Solicitor's Office in that time, which, to use his words, 'gave little or no information'.

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for the question. The Naracoorte Health Service and the Kincraig Medical Centre have a contract for the provision of public hospital patient services to the local community.

Mr Williams interjecting:

The Hon. L. STEVENS: Yes, that's correct. That contract is between the board of that health service and the doctors concerned; that's who runs the service. I am advised that a waiver has been agreed by the State Supply Board which will allow negotiations to commence on a range of matters, and I understand that there are issues for negotiations relating to the way the contract is structured that will need to be resolved between the Naracoorte Health Service and Kincraig, and I trust that these negotiations are concluded to ensure that there is no disruption of services. I urge everyone, including the member for MacKillop—and I am sure that he would be proactive in these measures—I urge everyone, including the parties concerned, and certainly my department will be doing the same, to get down, resolve the issues and make sure that we do not have service disruption.

HOUSING TRUST TENANTS

Mr RAU (Enfield): My question is to the Minister for Consumer Affairs. Will the government agree to amend the provisions of the Residential Tenancies Act to accept the certificate of a police officer as to conclusive proof that drugs have been found on the premises by police and to make such a finding enough to warrant some re-termination of a Housing Trust tenancy?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): This is another excellent question from the member for Enfield who questions the front bench irrespective of sensitivities.

Members interjecting:

The Hon. M.J. ATKINSON: No; he is frank and fearless in his questioning of ministers, and I am a lot more frightened of anything the member for Enfield asks me than anything the opposition asks me. I have condemned the behaviour of the small proportion of Housing Trust tenants who engage in anti-social behaviour that drives entire neighbourhoods to distraction. I have also spoken about the reluctance of some Housing Trust managers to take action to put a stop to this kind of behaviour. I can understand the frustration that may spark such a question as that from the member for Enfield.

The electorates of the member for Enfield and I share a common boundary and we have both had constituents contact us, literally at their wits' end as a result of the Housing Trust's failure over many years to take action over the minute percentage of tenants who disrupt entire neighbourhoods as a consequence of illegal goings on at the premises such as drug dealing. That is why, Mr Speaker, you will recall, two parliaments ago, when the Hon. K.T. Griffin, of blessed memory, was the minister for consumer affairs, that members of the much attenuated Labor opposition, and there were only 11 of us, got together with the Liberal backbench to bring in

section 90 of the Residential Tenancies Act, which allowed third parties to apply to the Residential Tenancies Tribunal to terminate the tenancy of disruptive tenants, even though the landlord was happy to keep those tenants on. Some landlords are happy to keep the money rolling in from disruptive tenants and they don't care what effect that tenant is having on the neighbourhood.

Ms Chapman: You would rather throw them out onto the streets.

The Hon. M.J. ATKINSON: Well, another outstanding interjection from the member for Bragg. The member for Bragg says that these tenants should be allowed to go on disrupting neighbourhoods because the tribunal would be throwing them onto the street.

The SPEAKER: Order! The honourable the minister will not respond to disorderly interjections.

The Hon. K.O. Foley: It would not happen up in Burnside, would it?

The Hon. M.J. ATKINSON: It may not be a problem in the electorate of Bragg, but I can assure you that in the state districts of Croydon and Enfield and also in West Torrens, and I am sure in some of the electorates held by members of the opposition, there is a colossal problem with disruptive tenants who deprive their neighbours, their street, of quiet enjoyment. I see the marvel from Kavel nodding, because he knows it is a problem, too, and I am sure you, Mr Speaker, know it is a problem in places like Murray Bridge.

Over the objection of people such as the Hon K.T. Griffin, of blessed memory, who supports landlords' rights to the absolute, and people like the member for Bragg—although the member for Bragg was not in the house at the time—the Liberal backbench and the much attenuated Labor opposition got together to get section 90 into the Residential Tenancies Act, and a very fine provision of the Residential Tenancies Act it is. So when the member Enfield mentioned the idea to me—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: No; we put section 90 into the Residential Tenancies Act something like nine years ago. The member for Enfield mentioned this idea to me—

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg is out of order.

The Hon. M.J. ATKINSON: —and I sought advice from senior public sector lawyers about the merits of the proposal. I was advised—and the member for Bragg will be very pleased to hear this because she is obviously the friend of disruptive tenants in this house—

The SPEAKER: Order! The honourable minister knows that to be simply a misrepresentation of reality. The honourable the minister.

The Hon. M.J. ATKINSON: Only a slight misrepresentation of reality, sir; because the member for Bragg was very concerned that, under section 90, some disruptive tenants are put on the street. I would say the member for Bragg is solicitous of the welfare of disruptive tenants. I do not think that is an exaggeration at all.

My advice is that is would be neither fair to the police nor to the tennant to accept a signed certificate from a police officer as conclusive proof that drug taking has been occurring at rental premises, particularly where the proposed outcome is the summary termination of the tenancy—as the member for Bragg said, putting the tennant out onto the street.

There are a variety of evidentiary aids to prosecution in various statutes, for example the Road Traffic Act and the Controlled Substances Act. None of them are conclusive, for a very good reason. Humans are fallible. They make mistakes. Moreover, those certificates that exist in current legislation are based on professional expertise. A police officer may be able to identify cannabis when he sees it—'vegetable matter' as they say in the reports—but is unlikely to be able to distinguish between amphetamines and precursors, or for that matter perfectly legal prescription drugs.

Therefore, if there has to be a certification process at all it should be rebuttable, and I am sure the member for Bragg would agree with that. The member for Bragg nods in her assent. There should, however, be no certification process with the suggested consequences. That drugs have been found on the premises and that they are illicit drugs carries no necessary implications about who is responsible for them. It is clear and proper law that if drugs are found in an area to which more than one person has access then without means of finding joint possession and without any other evidence the drugs cannot be deemed to be in the possession of those who have non-exclusive access. The occupier may not know that the drugs are there. Of course, drugs may have been planted by an ill-wisher. The suggestion by the member for Enfield would probably, alas, encourage such behaviour. I must emphasise, however, that despite my objection to this particular idea I am pleased that the Minister for Housing is prepared to instigate a seachange in the way that the Housing Trust has been treating the disruptive behaviour of tenants. Some of that may come from the Minister for Housing being the member for Athol Park. I expect that the neighbours and most other Housing Trust tenants will be as grateful as I am.

ENVESTRA

The Hon. W.A. MATTHEW (Bright): My question is for the Minister for Energy. Why did the government make a $54.6 million upfront payment to gas pipeline company Envestra instead of making the payment over a period of five years over which Envestra has advised the Australian Stock Exchange that the payment will be used? In a statement to the Australian Stock Exchange on 12 July this year, Envestra advised in relation to the $54.6 million payment from taxpayers, the following:

> . . . it must be recognised that the government payment is early receipt of tariff revenues that would otherwise have been received annually over the next five years.

Envestra further advised the Stock Exchange that the upfront payment is for some $28 million of initial capital costs with the remaining $26.6 million comprising anticipated operating costs over the next five years.

The Hon. P.F. CONLON (Minister for Energy): I am struggling to understand the import of the question. I think that it is that the member for Bright is so utterly disappointed. He had been running around telling all his friends on that side for the last 18 months that we were going to get a disaster in gas prices, like he gave us in electricity. He talked it up and told all his mates, 'We will get them.' He did not get a disaster and he is bitterly disappointed. I am sorry. I apologise to the member for Bright that I could not deliver the disaster on gas that he delivered on energy, but we didn't want to.

The Hon. W.A. MATTHEW: I rise on a point of order. I asked the minister a very specific question, and that is why he paid $54.6 million of taxpayers' money upfront and not

over a period of five years, as was expected by Envestra in line with their statement to the Australian Stock Exchange? The minister has talked about electricity prices—that's not what my question was about.

The SPEAKER: The minister is addressing the background to his reasons for doing so by pointing out, can I tell the member for Bright, what he considers has been the comparative consequence of the alternative policies, one adopted by the government, the other adopted by the previous government, and to that extent, whilst marginal, it is still orderly. Any further canvass of the subject matter of a form of energy other than gas would be to become disorderly. The minister needs to address the reasons why gas received a differential payment from other forms of energy, particularly electricity I guess. The honourable the minister.

The Hon. P.F. CONLON: I explain again for the member for Bright why $54 million was paid to Envestra. It was because we had to introduce competition in gas. Why did we have to introduce competition in gas? It was because the previous government had committed us years ago to competition—

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: It may not be the answer you want, but you want to know why we paid Envestra $54 million, so I am telling you.

The SPEAKER: The honourable minister will resume his seat. The honourable the Attorney and the member for Morphett will take their seats in the chamber and not turn their backs on the chair, or otherwise leave the chamber and have a conversation in the lobby. The honourable the minister.

The Hon. P.F. CONLON: We paid $54 million upfront for the cost of introducing gas competition because we had sympathy for the people of Australia who had been clobbered by the introduction of electricity competition by the previous government. That competition, having been introduced, meant that we had to go to gas competition to make it work. We were dragged into this thing, committed to decisions made a long time ago by the previous government, and we decided that consumers should not bear all the burden of the bad decisions of the previous government.

The Hon. W.A. Matthew: You could have paid it over a couple of years.

The Hon. P.F. CONLON: On the question of the timing, the timing was negotiated with the investor and to suit the South Australian government and the taxpayers of South Australia. If members opposite do not like it, they can get themselves elected—in about two decades' time, the way they are going.

EDUCATION, FUNDING

Ms CHAPMAN (Bragg): My question is to the Premier. Which South Australian independent schools will have their funding cut and by how much, pursuant to the Labor Party's 'Working for our Schools' agreement which he signed off at a meeting of Premiers on 15 July 2004?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): As the member for Bragg will realise, the federal opposition will announce its election platform closer to the date.

Ms CHAPMAN: As a supplementary question to the Premier, why did he sign the agreement without knowledge of the risk as to which schools would lose their funding?

The Hon. M.D. RANN (Premier): I signed two agreements. I signed agreements relating to health and to education. What we pledged in those agreements is cooperation rather than the ridiculous situation at the moment under the honourable member's friends in Canberra, where we put in more money and they take it away. It is like the Australian health care agreement last year: we were dudded $70 million of money that we should have had. The Catholic schools will be very happy indeed with the Labor package, but the one thing that we are doing is putting some effort into education and putting some effort into health and hospital funding—which is exactly what you and your mates never did.

TOURISM, MARKETING STRATEGIES

Ms BEDFORD (Florey): My question is to the Minister for Tourism. What marketing strategies are being implemented to ensure that South Australia's interstate visitor numbers continue to improve beyond their current record levels?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): The member for Florey realises that opportunities from tourism will increase employment and wealth within her own electorate, and I commend her for her insight. South Australia's most spectacular tourism destinations will form the centrepieces of a new $4.5 million 'Rediscover yourself' tourism campaign unveiled a week ago. The latest tourism figures for the 12 months to March show that interstate markets generated 2 million visitors to South Australia and 11.5 million visitor nights. Interstate visitor nights now exceed intrastate visitor nights, indicating that the interstate markets are South Australia's key market origins. Visitor nights broke the 11 million mark for the first time, recording an 11 per cent increase on the previous year.

The timing of this campaign has been carefully planned to take full advantage of building upon these record levels of interstate visitors. The campaign is an integrated one that builds on the brand strategies used in the 'Secrets' and 'Unwinding roads' campaigns, and takes the viewer on a journey of self discovery, relaxation and rejuvenation, with spectacular scenes of South Australia.

The campaign comprises three 60 second commercials designed around thematic and emotive experiences, taking viewers back to their childhood. The music is played by the Adelaide Symphony, with emotive music from Adelaide-based Graham Koehne. The three new commercials will be aired on pay TV, in particular in lifestyle programs on the Lifestyle, National Geographic and Discovery Channels.

The 'Rediscover yourself' commercials are also aired on some free to air TV in Adelaide in conjunction with the major sponsorships of Channel 9's *Postcards* and Channel 7's *Discover*. The cinema and TV advertisements will be backed up by print media and wide coverage in publications such as *Good Weekend*, the *Weekend Australian* and niche publications that focus on travel, such as *Gourmet Traveller*, QANTAS and motor association magazines.

In addition to the 32-page glossy publications, there will be specific holiday experiences such as the Outback cattle drive, swimming with dolphins, and staying overnight with endangered animals in the Adelaide Hills sanctuary. These products will be posted to more than 240 000 targeted households around the country. For the first time, the high quality publication directs consumers to specific products,

broadening their awareness of holiday experiences and allowing easy conversion to bookings.

Inquiries and reservations may be made through the South Australian Visitor and Travel Centre but, in addition, there will be agent training packages throughout the country. The work builds on the 'wrap-arounds' in Sydney, which are putting South Australia top of the mind with some cheeky advertising campaigns and logos so that we are predominant in people's minds and that they recognise our destinations from the Secrets and Rediscover campaigns.

The interstate market is indeed the cornerstone of our industry, and the interstate visitors (which bring up to 42 per cent of our visitor nights in the state) are important so that campaigns such as these are significant in supporting our push from $3.4 billion up to $5 billion, which is our target for 2008.

GLENELG INTERSECTION

Dr McFETRIDGE (Morphett): Will the Minister for Transport immediately instruct her department to liaise with the City of Holdfast Bay over ways of improving the safety for all users of the Gordon Street, Partridge Street and Jetty Road intersection at Glenelg? On two previous occasions I have asked the government to investigate the safety of this intersection. On Sunday last five pedestrians were injured at this intersection, and one is still in a critical condition.

The Hon. P.L. WHITE (Minister for Transport): The honourable member has not raised this matter directly with me; in fact, he raised this matter indirectly with me after an accident that occurred on Sunday. I understand that the honourable member asked one question in the house quite some time ago and, at the time, he was told by the former minister that this was a council-owned road. The council has responsibility for the intersection as well as the lights. To my understanding there has not been an approach by council to do anything at that intersection, apart from asking late last year for support in its quest to alter the light signals.

The department agreed and that work was done. Exactly what the council asked for was done. Of course, that work was done by council as it is a council road. The council also controls the lights. My department assisted the council in the sequencing of those lights as a result of council's request. To the best of my understanding, there had not been any request to do other than that. However, in the light of the accident that did occur (and, obviously, the police are still investigating that matter), the indication we are hearing publicly is that some driver error was involved in that accident.

However, I stress that that is a matter for the police investigators to determine. After Sunday's incident I gave an undertaking that my officers would assist council in preparing any solution that it deemed appropriate, and my officers are making that contact with council. That assistance will be there. However, I do emphasise, as has been pointed out to the honourable member many times, that this road is owned by local government and that local government controls the intersection and the lights. I might add that last night Channel 7 reported half of one of my sentences.

My point may have been lost to the public, because the part of my sentence that was omitted was the part in which I indicated that that particular road, intersection and lights are council owned and council controlled.

Dr McFETRIDGE: I have a supplementary question. Will the minister assure the house that the allegations of trams' running red lights at this intersection and speeding down Jetty Road are false? Will she follow that up with her department?

The Hon. P.L. WHITE: I always follow up any allegation that is made. If members have allegations of any sort, please raise them—just as the shadow minister raised an allegation of drug abuse by bus drivers during estimates. That allegation was followed up, but no evidence was provided by any contractors that there had been even a suggestion along the lines that the shadow minister had been alligating—

Members interjecting:

The Hon. P.L. WHITE: Excuse me: I have alligators on my mind! One of my sons is transfixed currently with crocodiles and alligators, so I have been talking a lot about alligators. I am happy, as always, to investigate any allegations that are made, but I ask members to bring them to me and to be specific. It is not fair on our transport workers for false allegations to be allowed to stand. I do like to investigate properly and in a timely manner any allegations that are made. I ask the member if he has allegations of significance to make them available to me. At some later time I would be happy to talk to the house about alligators, too!

TEACHERS, POLICE CHECKS

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. Will those teachers who are found through mandatory police checks to have any criminal police record be stood down with or without pay, dismissed immediately, or will they have an avenue of appeal before action is taken?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I have to say, first, that it is worth noting that there are very few teachers who act in an improper way. I support the profession, first, by saying that we are dealing with a very small minority of individuals who might in any way be regarded as acting improperly or having an unacceptable police record. It is also worth mentioning that police records may be acquired through a variety of means. It could be a minor episode for a young person—perhaps civil disobedience, driving charges or minor misdemeanours—many years before going to university and being qualified as a teacher. Certainly, 99.9 per cent of the criminal records that may be uncovered in extensive police checks would be absolutely irrelevant.

I feel it is worth assuring those teachers who have had some indiscretions in their past that all criminal records will not make them unsuitable people for the teaching profession or in any way affect their standing. Each case would be reviewed. Clearly, there are issues with interstate CrimTrac's records, whereby the level of notification may be different, and there is still work to be done by police ministers to ensure that there is equivalence of police records. Of course, there will be decisions in the drafting stage of the bill and the debate in parliament where those issues may be taken into account, but there will be no question of our having draconian sackings without review. Of course, there will be the capacity for appeal against any decisions of the Teachers Registration Board.

Ms CHAPMAN: As a supplementary question, will the minister say what offences will qualify—

The SPEAKER: Order! I inform the honourable member that question time has ended.

GRIEVANCE DEBATE

PAROLE BOARD

The Hon. W.A. MATTHEW (Bright): Today I rise in response to the resignation that has been announced by the Deputy Chair of the Parole Board, Mr Philip Scales. Mr Scales has occupied this position since 1996 and has been recognised for his work in this role and also in other very important roles in the community, such as his voluntary occupation of the position of Chairman of the Australian Criminal Lawyers Association. He was in that position for certainly well over 14 years. As a consequence of that work, his work on the Parole Board and other important work, such as SOS for children, Amnesty International and many others, in 2000 Mr Philip Scales was appointed as a member of the Order of Australia. That was a very important recognition for a man who has contributed tirelessly to his community. Therefore, when I heard that this man no longer wished to continue on the Parole Board, and when I heard the Premier deride him in this house yesterday, I was determined to find out Mr Scales' version of events. I found a very different version of events from the government's spin that has been put into our community.

Mr Scales' position is best summarised by saying that he is concerned about the mismanagement by the Labor government of our state's parole system and, indeed, has cast doubt on the ability of this government to effectively manage parolees and, therefore, to rehabilitate criminals. Mr Scales wrote a letter to the current minister for corrections in which he detailed his reasons for no longer desiring to continue in that position. Amongst the reasons detailed were inadequate rehabilitation, with prisoners in danger of coming out worse than they went in, removal of psychologists from a program for offenders on parole and inadequate supervision of parolees trying to live law-abiding lives because the government refuses to employ enough parole officers.

Those are very disconcerting reasons, and I would like to share with the house some extracts from the letter that Mr Scales sent to the Minister for Correctional Services (Hon. Terry Roberts). He says, in part:

> Some new money has been allocated to corrections but it does not appear to be filtering through to the areas where it is needed. For example, while it's good to see that a sex offender treatment program is being introduced into prisons, which will bring us into line with other states, psychologists who are to be employed have been taken from community corrections and, accordingly, are no longer available to service parolees. There are very few psychologists available in the community despite the board's observations that a great number are required. In addition, many core programs are still not available in prisons and in the community. This is unacceptable from the board's point of view. The board must set appropriate conditions for their release on parole, but knows that many of them will not be observed.

That is a very disconcerting statement from a very senior member of the Parole Board: that the government is pulling psychologists from one program to prop up another. The problem is that, regardless of the terms and conditions that the Parole Board sets in relation to supervision and psychological counselling, because this government has not provided resources, those personnel will not be available, and that means the chance of reoffending by parolees increases proportionately—and that does not offer any comfort to the South Australian community. Mr Scales goes on to say:

> It is apparent that there are insufficient numbers of parole officers. A dramatic increase is required if they are to be able to perform their work at an acceptable level.

It is all very well and good for the government to claim that a tougher stance on law and order is needed, but if they are not providing the resources to ensure that the prisoners are rehabilitated, regardless of the time that they spend in prison, they will be turned out in such a way that they are more likely to reoffend. That reason given by Mr Scales, and supported by his statements in writing, is very different to the reasons given by the Premier in this house yesterday when he said in part:

> Today we have heard that the Deputy Presiding Officer has resigned.

He says later:

> I have read his letter and he does not like our position on parole, law and order, and crime, and has chosen to resign. Let me make it clear to the house that I do not care which member of the Parole Board resigns because we will not soften our position on law and order.

That is not what Mr Scales said in his letter of resignation. Mr Scales expressed concern that he was not seeing government resources put into stopping prisoners from reoffending. That was his concern and that is not what the Premier has related. He then says, 'The Parole Board wants more money.' Mr Scales did not ask for that. He put up to 30 hours a week into that position for very little return, possibly about $6 000 in board fees, and did not mention payment at all in his letter. I ask the Premier to reflect on his words to the house yesterday, and to reflect on what I have said, and it may be that the Premier wishes to come back to correct his position.

DOCTORS, SOUTHERN SUBURBS

Ms THOMPSON (Reynell): I was very pleased and disappointed to hear the response of the minister for Health to my question today about GPs in the southern area. I was pleased that she is working on it, and pleased that she is confident that the federal Labor opposition has an effective plan to deal with it, but disappointed that so long after the federal Liberal government has been in power, and even after the new Minister for Health has been in power, that there is still no clear plan from the Howard government to address the critical shortage of GPs, particularly in the southern suburbs.

The ratio of GPs to the population in the south is 70 per 100 000 population. In the eastern metropolitan area it is 185 GPs for every 100 000 population. Even in the outer rural areas of South Australia, where we hear headline concern about the lack of GPs, the ratio is still far higher than in the outer south, that is, 96 per 100 000. It is no wonder that the AMA and individual GPs in the south are standing up and saying that they cannot cope much longer.

My community has been telling me for a long time that it cannot cope much longer. Last year when I conducted a survey of their wants and needs from our government, 72 per cent of the respondents raised health issues, and the lack of GPs in the south was their top concern. Constituents told me of having to wait three days to see a doctor; 15 per cent told me that they had problems seeing a doctor for emergency

appointments; and others told me that they had real difficulty paying the gap fee.

However, when 15 per cent had problems seeing doctors for emergency appointments, is it no wonder that there are increased presentations at Flinders Medical Centre? It is any wonder that the acuity of those presentations has increased. People are not getting the health care service they need early. If they cannot get that health treatment early, they are certainly not getting preventative treatment early and so they end up at emergency and end up having to be admitted. The minister did not give the figures today and I do not remember the exact figures, but I know that the proportion of presentations to Flinders Medical Centre Emergency Department, which has resulted in admission, has skyrocketed over the last few years. So elective surgery is cancelled, people are waiting in pain, and at times people are not able to undertake their employment because of the need for surgery.

I have noticed a change in the attitude of people who are coming to see me about these matters. They are saying, 'I am having to wait but at least I know you people are doing something about it now. At least I know that you are trying to get the nurses. At least I know that you are trying to organise things better.' I was at my own GP a couple of years ago before the latest Flinders Medical Centre commitment to working closer with GPs on discharge arrangements and he told me that he had spent nearly three hours that day trying to follow up the discharge arrangements for one patient. How many people could he have seen if he had been able to get a proper discharge package for that patient about whose health he was gravely concerned?

The Generational Health Review has committed this state government to developing those better relationships, making the discharge and admissions process much smoother, preventing GPs spending one, two, three, four hours trying to ensure that somebody comes back to a health environment. The Labor opposition has committed to similar plans. They will address the work force shortages. They will implement programs to upskill the existing work force. They will institute systems to connect hospitals and doctors. We need that support from a federal Labor government because the Liberals have shown that they are totally unable to do anything about it.

POLICE, GOLDEN GROVE

The Hon. D.C. KOTZ (Newland): There is an interesting ongoing debate taking place throughout my electorate of Newland and the surrounding electorates of Wright and Florey relating to further police presence being required, and the ongoing saga of a patrol base and its appropriate location. The ongoing debate has been led by the member for Wright. The member for Wright is certainly entitled to fight for a police presence in Golden Grove. In fact, the Liberals went to the last election with a policy to provide a shopfront police presence in Golden Grove.

The member for Wright in a radio interview this year told commentators that she had lobbied the previous Liberal government for a shopfront police presence at Golden Grove and the Liberals had announced they would support this measure as an election promise. When asked why her government had not responded after two years in power she replied that she was still negotiating. One of the commentators asked the member whether that meant she was now lobbying to get the Liberals back into government to get her police presence in Golden Grove. However, the member needs to understand the difference between a shopfront police presence and a police patrol base, which I will come to shortly.

The member for Wright in a grievance to the house as recently as 2 June concluded her comments by calling for a police presence in Golden Grove. I point out to the house that the member had the opportunity last year to see realised her vision for her electorate to have a shopfront police presence at Golden Grove. Instead, the member chose to spend some $120 000 of taxpayers' money moving from her existing office into a you-beaut, dynamic, huge office. The amount of $120 000 would have secured a four year lease on a shopfront police presence at Golden Grove. In the member's statement in this house on 2 June an attack on two local councillors from the Tea Tree Gully Council was made when she accused them both of not supporting her call for a police presence in Golden Grove and was furious that both councillors were now supporting a local council motion to centralise a patrol base at Modbury.

I ask members to recall that earlier in this statement I clearly defined that there is a huge difference between a shopfront police presence and the major establishment of a patrol base. For two and half years the member for Wright has been unable to convince the government that either of these two installations should be provided, and this has been a source of frustration for the member. It would appear that these two councillors are now bearing the brunt of those frustrations, to the point that the member for Wright has crossed the boundaries of common decency and all natural justice protocols, and has taken her attack on these local councillors to the most shameful degree.

The constituents have recently received the member's four-page newsletter. The second page of the taxpayer-funded newsletter has been used to vilify, in the most public manner, the two councillors named by the member for Wright. The names and pictures are prominent on this page of the member's newsletter. The member for Wright accuses them again of not supporting her efforts to get a permanent policing presence. The member's condemnation of these local councillors in the house was obviously not sufficient. It appears that nothing less than an attempt at public humiliation and embarrassment would appease the member's own inability to convince her government of her perceived needs.

Why do these two members of the local community deserve this vitriolic attack? Because they, as duly elected councillors, chose to support a motion of the council to look at the bigger picture of policing requirements that not only affect the Wright electorate, but also Florey, Newland, some of Torrens, some of Playford, some of Elizabeth, and even some of Enfield. That is the area that the LSA covers. I refer members to a Tea Tree Gully Council advertisement from the Messenger Press of 4 May, prior to the member for Wright's speech of condemnation in this house. Part of the advertisement states:

> In order to assist in the provision of a highly visible police facility within the City, Council has offered to construct a purpose-built building and lease it to the South Australia police department. Council initially suggested a location in the Modbury Regional Centre visible from busy North-East Road, but is willing to support any location within the City that best suits the policing requirements of SAPOL and meets the needs of residents.

Tea Tree Gully Council has got its head around the bigger picture and a positive stance to assist the process. They offered a partnership supplying the land and building on a lease-back proposition to the government for SAPOL's use

and, flexibly, left the location open for negotiation. This is the proposition supported by these two councillors, who were hung out to dry in the ink of a taxpayer-funded newsletter of an elected member of the state parliament.

It is the member for Wright's action that should be condemned. The member should apologise publicly to both elected council members. Using the privilege afforded by the parliament to protect members from defamation or libel actions purely to pursue a point of difference between one's own opinion and that of members of the public, who did not have access to parliament or taxpayer-funded newsletters, is an abuse of parliamentary privilege that brings the parliament and its members into disrepute. I say to the member for Wright that the actions that she has taken in this instance to totally vilify two members of the public who voluntarily put themselves up to serve the community in their local councils and who have no means of attacking or disagreeing with the member's comments that have been made in her newsletter is an absolute abhorrent means of dealing with members of the community. I am taking this point of view because the two councillors cannot speak for themselves.

At this point, I am happy to put on the record the circumstances which have brought this to the fore and which have ended up in the member for Wright's newsletter. Again, I state that this is a taxpayer-funded newsletter that has totally vilified two members of our Tea Tree Gully Council who do not deserve to be vilified in this way for having a differing opinion, but who are still seeking to get the same services in that electorate.

YOUTH PARLIAMENT

Ms BREUER (Giles): Last week I had one of those feelgood weeks when you realise that, despite the criticism we get as politicians from the media and from other circles, there are times when you feel very good about the job and realise that we enjoy this and that we are here because we enjoy doing it. One of those occasions was attending Youth Parliament. I was very pleased to be here last week with the YMCA Youth Parliament. I attended on Thursday for the day. I believe that there were 110 participants—48 were rural participants, which I think was an excellent turnout because, in the past, they have had difficulty in attracting young people to come to this, mainly because of the costs involved. I was very proud of the six young people from Whyalla who participated in last week's Youth Parliament.

I first want to pay tribute to Anna Jacobs, youth worker at the Whyalla council who, some months ago, came to me and suggested that she was trying to get a team together to bring to Adelaide, and then proceeded to do so. She has done an excellent job. I saw these young people a few months ago when they were nervous and scared about coming down here, but the way they performed last Thursday was a great credit to them. They can be very proud of themselves, Whyalla can be very proud of them and their families can be very proud of them. They stood up and participated in the debate, they looked good and sounded good, and I was amazed, when I had lunch with them, to find that the majority of them were only 14 and 15 years old.

I send my congratulations to Natasha Gardham, Billi Jo Baulderstone, Sarah Kenny, Bianca Hosking, Samantha Poes and Colin Rhind, the only boy in the group. I certainly will be keeping an eye on them, because I think that in 10 or 20 years' time I will have to look out for my seat, if I am still occupying it!

Also last week, I was able to present some cheques to a couple of community organisations that received grants from the government. One in particular is the In Our Hands Health Information and Resource Centre. This was originally part of a federal sharing health care pilot program in South Australia known as Our Health in Our Hands in Our Region. Previously, they did a study on the quality use of medicine and established an information centre where people could come and get basic health information, away from the mainstream health services. A local GP provided the premises rent free and they formed their centre.

People were able to go there and get information on illnesses and diseases such as diabetes, arthritis, etc., in a very caring sort of environment. It is all run by volunteers. They have over 13 volunteers from all walks of life and operate between 10 a.m. and 4 p.m. They are not health professionals. There are people in the 50-plus age group who are working there. They are able to share a cuppa with people, and sit down and chat to whoever comes in.

Last year, more than 3 000 people attended the centre. One of the very popular courses they run there is Tai Chi for arthritis. That has been an incredible gain for them and many people attend that. I mention this because it is a unique project: it is the only one they know of in Australia run solely by volunteers for the consumers, and they have done an excellent job. I was very pleased to see this, and I think that other communities could look at this and perhaps get some of their people involved in something similar.

I also presented a cheque to our Come and Do organisation in Whyalla. This is located at the Baptist Church in Whyalla and has been operating for at least 25 years, although I am not sure exactly how long. Come and Do is a place where people drop in on a Wednesday, and if you ever try to organise a function in Whyalla you do not organise it on a Wednesday morning, because people are all at Come and Do! They operate a variety of craft classes, and thousands of people over the years have attended. They actually have a waiting list of five or six months before you can get in to Come and Do. They have done an excellent job. It is a place where people can go to learn skills, but it is a meeting place. It is a place where people can sit and chat.

It is the only outing for many people in our community, particularly the elderly, and I want to congratulate all those involved in Come and Do for the wonderful work they have done over the years. Community organisations like the In Our Hands Health Centre and Come and Do are part of that network that exists in communities, particularly in rural communities, which make our communities worthwhile and make them good for us to be able to live in. My congratulations go to all who are involved in it. Once again, my congratulations go to those wonderful young people involved in the Youth Parliament last week. I certainly hope to see them back here next year.

SENIORS GRANTS

Mrs PENFOLD (Flinders): One of the great pleasures of being a member of parliament is being able to help make a difference in people's lives, particularly when many of those people have given so much to others by volunteering in all kinds of capacities within the small communities in which they have lived. It was a thrill to open officially the self-opening doors which enabled people using gophers, wheelchairs, walking frames or just walking sticks to negotiate a door without having to ask someone else to help

them, or to attend a concert and officially launch the new disabled toilets with a royal flush, as I did last year.

Ms Breuer interjecting:

Mrs PENFOLD: Yes. However, today I want to lament the passing of these seniors grants that enabled these small capital works items to be purchased. Our so-called caring Labor government has now changed the criteria. The total of the electorate of Flinders in two years under a Liberal government amounted to more than $50 000 to 20 organisations, the largest single grant being less than $8 000. The grants were in two categories: equipment and assistance, for which the maximum available grant was $2 000; and, development grants up to a maximum of $20 000.

In 2000-01 the reasons given for the grants by the Liberal minister were: to focus on the contribution of older people through their local communities and to encourage organisations and community groups to develop innovative projects to create new opportunities for actively promoting the participation of older people in their communities; and, to assist voluntary agencies, community organisations and self-help groups to remain active in the community.

Then Labor took over. The total seniors grants for funding in the electorate of Flinders in two years under Labor amounts to less than $20 000 to four organisations, with $17 000 of that in one grant. This means that about 17 small seniors grants applications (worth about $30 000 in my electorate alone) have missed out over the last two years.

Grants that improve social living and club activities include office equipment, amplifying and sound equipment, handrails to make premises safer, projector and screens for programs, a microwave for better eating and a digital camera to catch up with technology while recording events. An active lifestyle was encouraged through walking trails, bowls mats, camping trips for cultural preservation and learn to swim classes.

The quality of life was lifted through outings for educational and social purposes, care support and training for volunteers, experiencing traditional Aboriginal life, computing instruction (how to use computers and the internet) and guidance and education on projects for healthy living.

In March 2003, the Labor member for Ashford made a statement in parliament in which she was described as the minister for social justice. It is interesting to note that this particular ministry has been dropped from Labor's portfolios. The honourable member stated:

> I have reviewed the grants for seniors operations and examined the criteria to allocate funding. I want to be sure that the funds that are directed towards these areas and purposes support the Labor government's social justice agenda. Some changes to the administration and policy orientation of the program are therefore being made.

The member for Ashford indicated that major grants will be funded for up to three years and address such areas as employment, promoting positive images of older people in the media and developing age-friendly housing and transport options—quite a significant agenda, one must admit, for a budget of $200 000 to $400 000 maximum. Gone are the small grants that benefited regional ageing, which gave people a little of the quality of life that is so often available in the city but not in the country—and in its place is a program that is quite different. Just how different was made clear with the 2004 allocation of grants, when a grant of $20 000 was made for the writing of a union history and a grant of $20 000 was made to a gay and lesbian group for theatrical comedy work. It is worth noting that $20 000 is the maximum grant available in this program for what are considered to be minor projects.

During estimates a simple question was put to the Minister for Families and Communities in which he was asked for the eligibility criteria for grants for seniors funding that allowed these applications to succeed and how these projects would assist the wellbeing of aged people in South Australia. One of the most deceptive sentences in the minister's evasive answer to the question was his comment on the committee that decides these grants, when he stated 'It is at arm's length from the government.'

However, in reference to the minor seniors grants, the former minister for social justice said that grant applications for this component would continue to be assessed by a ministerial advisory council that reflects community diversity. A ministerial advisory council advises the minister, but it is the minister who agrees to the recommendations made by the advisory council.

ANIMAL WELFARE

Mr HANNA (Mitchell): On 21 June this year the ABC's *Four Corners* program, 'A Blind Eye', investigated the way in which the RSPCA had become compromised by allowing membership and influence to people who derive substantial profits from practices that cause animals' suffering. The program accused the RSPCA of turning a blind eye to the cruel practices in intensive farming, and questioned whether the organisation was effective in enforcing the law equally for all creatures great and small or whether it suffered from conflicts of interest. The program detailed investigations which indicated that in those states where an animal industry was powerful the RSPCA was hopelessly compromised and, in effect, weakest at discharging its quasi government functions as enforcers of animal welfare legislation.

Four Corners also highlighted the fact that the RSPCA, as a private charity, has no public accountability, despite being empowered with police-like powers and receiving $500 000 in government funds each year to enforce criminal laws in South Australia. The RSPCA is not subject to the Police Complaints Authority or any complaints authority; it is not under the jurisdiction of the Ombudsman; nor is it subject to the Freedom of Information Act. In effect, it is an impenetrable private organisation beyond any normal means of public accountability or scrutiny; yet it has police powers and government funding. This is an unacceptable situation in a democracy. It is this lack of accountability that has led critics of the RSPCA to question the effectiveness and future of the organisation, in particular its law enforcement role in the public arena, as no other avenue is open to the critics.

On 29 June this year alarming allegations of inaction and lack of accountability were aired on *Today Tonight*. This program investigated why the RSPCA had failed to prosecute the owner of Gawler River Eggs (later known as Farmgate Eggs) for massive levels of layer hen cage overcrowding in 1997. The program showed how whistleblower workers had exposed this cruel and illegal activity, and we now know that over 36 per cent of the three-bird cages contained more than three birds; yet the RSPCA did not prosecute.

The overcrowding of layer hens is a widespread practice. This issue has been highlighted by groups such as Animal Liberation. When the RSPCA failed to prosecute clear breaches of the law in 1997, Animal Liberation commenced a systematic exposure of other producers, such as Golden Eggs at Angle Vale. In 1999 Golden Eggs was shown to be

routinely overcrowding cages on a massive scale. Animal Liberation released graphic video footage of the horrendous conditions at Golden Eggs, and, after intense and heated public interest in the issue, the RSPCA was finally forced to lay its first ever complaint for layer hen overcrowding. That historic complaint resulted in the first ever conviction under the act for cage overcrowding.

The RSPCA's failure to undertake snap inspections and prosecute has enabled further massive overcrowding to become routine, even though it has powers to do inspections at any reasonable time with or without suspicion of problems or a complaint. On occasions when the RSPCA has been refused entry onto factory farms by owners, they have declined to exercise their powers to enter and simply left the animals to suffer. They have returned only after Animal Liberation later exposed problems at these factory farms.

The situation with sows in stalls is further proof that under the RSPCA system animal welfare is getting worse, not better. I am informed that, according to Primary Industries figures, in the last 20 years the average weight of a breeding sow has increased by 50 per cent while sow stall sizes have increased by only 20 centimetres from 1.8 metres to 2.0 metres clear length. Sows are now becoming more cramped in their tiny stalls than ever before. This has resulted in the annual culling rate, due to stall-induced problems such as lameness and disease, skyrocketing from 40 per cent to 65 per cent of pigs killed each year. This large decrease in sow welfare has occurred partly because of the RSPCA's systematic failure to routinely inspect piggeries and enforce the minimum stall standards set out in the code of practice, which is a prescribed and enforceable code in South Australia.

The issue was not one of the level of resources of the RSPCA but, rather, a question of why the RSPCA has allocated so few of its available resources to effectively police farm animal welfare. There needs to be an urgent inquiry into the RSPCA structure. When I asked a question of the Minister for Environment and Conservation in estimates committee proceedings this year, I was informed that a discussion paper would be issued to the public and that the public would have an opportunity to make submissions accordingly. I am saying now that there should be an inquiry and it should be open. It should review whether a private charity can ever tackle the big end of town properly and enforce the law equally for all animals; or whether it would be better for a unit of the police or a government department to deal with large producers who make significant profits from intensive animal agriculture. Either this parliament and our community cares about animal suffering or we do not. If we do and we have laws to protect animal welfare then we need a proper well-equipped organisation to enforce those laws.

CHICKEN MEAT INDUSTRY (ARBITRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 June. Page 2624.)

Mr BROKENSHIRE (Mawson): My comments will be brief, because I have debated and discussed ad nauseam matters relating to the chicken meat industry in the house, with the parliament and with my constituents. However, I want to place a few words on the record, because I believe that they are owed to my hardworking chicken meat industry constituency, particularly those whose names I will not record but, in particular, one constituent who is aware of what I am about to say; and the excellent effort that lady has put into trying to get the best outcome possible for the growers. I know there has been a lot of toing-and-froing and debate from the government on the NCC. I note with interest that SAFF has spent SAFF membership fees on a full page publicity article to argue a case on redirection of the NCC. The fact is that many of us would like to see some redirection of the NCC, but we need to understand that, historically, the NCC came about following Professor Fred Hilmer's report to the then Labor prime minister Paul Keating. What we now have in place is a result of that.

It is a little like the National Power grid: they have caused concerns for successive state governments around Australia. Notwithstanding that, the fact of the matter is that the NCC is only doing the job, as I understand it, that it was put in place to do following that report. When the Liberal government was in office and obligated to sign the agreement with other premiers and the prime minister of the day back in the mid 1990s, South Australia was set to receive something like $1 billion, from memory, from competition payments and, of course, based on a rough 8 per cent, one can see the amounts of money that were to be received by other states, and indeed states generally were—and are still—receiving billions of dollars in competition payments.

Of course, this concerned not just the private sector. When I was police minister I can remember having to go through NCC requirements for such things as whether or not we had a monopoly on speed camera detection and the police security services division; that is how minute it became. As a former minister, it was quite painstaking to have to put resources into that. So, I also know of the efforts of the private sector and the restructuring that has been required. You will not turn that back. What has happened has happened, and we must live with that and somehow try to achieve the best possible outcomes with what we have to work with as a result of what happened in those years and the way in which the NCC works today.

I take at face value (and, to be honest, I do not have any specific reason not to do so) what I have been told by state government department officials, namely, that they did their level best to achieve a desired outcome with the legislation that we passed after debating it in both houses in 2003 and that there was then, and only then, a final decision from the NCC that it was not prepared to accept that legislation. So, I take at face value the genuineness of the officers of the day.

However, what does disappoint me, and what I need to put on the public record (even if it is only to get it off my chest, but it is more than that), is that, at the end of the day, the people who will suffer more than anyone else as a result of what we are debating today are my constituents and those of our colleagues who have chicken meat growers in their electorates.

I am prepared to support the bill, having spoken to the minister—and, whilst I do not always agree with this minister, in fairness, what I am about to say goes back to the previous minister. The bill that we are about to debate today is sad from the point of view that this parliament passed, in good faith, Rann Labor government legislation last year—not opposition amendments, not legislation introduced by a

private member, but state Rann Labor government legislation—and I supported it on the basis that I understood it would give the outcome required for all parties. Of course, today we find that it is different. In my short time in this parliament I cannot recall a time when a government has defied the parliament by not proclaiming legislation passed by the parliament.

At the end of the day, the parliament is bigger than the government of the day, and I condemn in its entirety the Rann Labor government for not proclaiming that legislation on behalf of my constituents, who worked hard and negotiated with particular officers in PIRSA, who expended a lot of energy. I know that some of them are not involved now, and I will not name them, but they know who they are. I want to put on the public record my appreciation of those officers, who assured my chicken meat growers that it would be all right.

I ask this parliament: why did the government fail to proclaim legislation passed by both houses of parliament that could have been gazetted, from memory, in about September last year? We are now talking about a period of nine or 10 months. I think it is appalling that this government did not do so, and it needs to answer to the parliament and to the chicken meat growers why it did not proclaim that legislation. What has happened as a result is that, in the worst case scenario, there are in my electorate people who are no longer chicken meat growers because they were held to ransom by ruthless processor negotiation. Having spoken to some of those processor organisations, I know that they were holding to ransom those smaller chicken meat growers, who were all right to provide chicken meat growing farms for the processors when it suited them, but they made mileage out of the fact that the bill was not proclaimed. I find that appalling. As I said, in fairness, it was the previous minister. The government needs to tell us why it did not proclaim that legislation.

The fact of the matter is that that was absolutely the wrong signal to send to the processors. We now have a situation where, in the future, processors know that, if they dangle carrots to the government of the day they will get their way because, firstly, they are bigger than the individual growers and, secondly, they now have a clear example of where the government did not proclaim legislation, allowing them to act like cowboys. For that I condemn the Rann Labor government.

Whilst I am not always directly political like this (and I try to be bipartisan when I can), the fact of the matter is that the government needs to be condemned for that, because it should not ignore the will of the people, and it should certainly not ignore the parliament, which, in good faith and on behalf of our electors, voted in favour of a government bill which was not proclaimed. I would like to know when this has occurred before in the history of the state because I cannot remember it. It is a very sad day for chicken meat growers as a result, because had that legislation been proclaimed, whilst the officers had the difficult job of negotiating the $3 million on a recurrent basis through the NCC, the processors would have had to work within the legislation of the day, and that would have given a fairer and more equitable opportunity for the chicken meat growers. Alas, that did not occur, and the processors have had a field day out there against the best interests of the chicken meat growers.

I also would like the minister to answer in committee (and I know that the member for MacKillop who is the lead spokesperson on this bill will ask this question as I will not be able to be in committee) questions relating to the NCC and the $3 million, because there is an interesting argument out there at the moment. Some of the officers from PIRSA have said to people in the chicken meat growing industry, the growers, that they had to make a decision on this before 1 July this year—that is, to bring in these amendments to suit the NCC—or they would lose their $3 million bonus payments forever.

My understanding of it is that that is not correct and, in fact, they could have opted to lose one year's bonus payments—and these are bonus payments, this is $1 billion dollars of extra money coming to a state over a period of time—in the interests of looking after the long-term interests of the chicken meat growers, to then work things out in the next year, so that they did not lose their $3 million ongoing.

Having been in government, and being a responsible member of parliament, I appreciate that any government cannot afford to lose $3 million on an ongoing basis. When we next get into government and find the black holes and where the slush funds have gone with this Rann Labor government, we will need every $1 million that we can get. However, it could have involved a situation where, given that clearly either incorrect advice was given or mistakes made (which we all make) between state government officials and/or the NCC, or vice versa, we could have had a little more time to work through this as well. I would like the member for MacKillop to ask that question in committee.

Mr Williams: I have got it. I have written it down. I have got the answer.

Mr BROKENSHIRE: Thank you. Having said all that, I wish the chicken meat industry in this state all the very best. It is a dynamic industry; it is an industry that has seen consecutive growth; and it is an industry that is very important to the stock feed grain industry of South Australia. However, I hope, now that we are finally going to pass legislation that had better be accepted by the government and the NCC, we will see responsibility, fairness and equity within the industry between the processors, who are clearly a fundamental part of it, and equally with the growers, who deserve to have a fair go.

I know, declaring my interest, that when you are a farmer you are at the end of the fodder chain, and the farm gate prices are where everybody pushes back. However, I say to the processors, 'Be responsible and be fair, because you have got a good deal out of this.' Let us see this industry grow in the interests of its holistic components, not just of the processors, but also of the growers. I look forward to ongoing support to those growers, and I again commend particularly the representative from my own electorate who worked so hard to try to get a fair outcome. I think he has bent over backwards to assist the growers and the government in this case. I hope that we will see growth and fairness in the chicken meat industry's future.

Mr RAU (Enfield): For the sake of consistency, if for nothing else, I think it is important that I place on record that, although I do not profess to be an expert on chicken meat, I do know a little bit about national competition policy, and anything that gets too close to national competition policy necessarily has a problem. I am not surprised that the chicken meat industry has had its difficulties over the years. If it has got anywhere near national competition policy, it has my sympathy. To all those people, particularly the South Australian Farmers Federation, who with the greatest of respect to them, have been somewhat remiss in failing to

stand up for their membership by drawing attention to the absurdities—the patent, manifest, ludicrous absurdities—of national competition policy, I say that they are finally being stirred from their slumbers.

I noticed the other day, in a refreshing moment, as I tore open a buff coloured envelope with trembling hands for the Economics and Finance Committee meeting—which I am now looking forward to tomorrow, as I always do—that the Farmers Federation has been stirred to the point of actually saying something—better late than never—about national competition policy, and I applaud them. Good on them!

An honourable member interjecting:

Mr RAU: Better late than never indeed! They have been spending money to persuade, advise and educate their members and other members of the committee about the absurdity and ridiculous implications of national competition policy, and I congratulate and applaud them. Even though, for the last few years, they have apparently been a bit like Rip Van Winkle, they have woken up and I applaud them for that. I look forward to their constructive engagement on this issue henceforth, and I look forward to them contacting the federal Treasurer and the federal Minister for Primary Industries in this federal election season that we are now in, and saying to them, 'You chaps can do something constructive for us here in South Australia,' and to the chicken meat industry, the barley industry, and all those other poor victims who are lined up on that 176 target list that came out some years ago. They need to say to them, 'Look, for God's sake, do something about the absurdity of this.'

The federal government has actually done a lot of unusual things in the last couple of weeks. It has changed its mind about refugees, for example. It is now a refugee friendly show, so it would appear. They have certainly changed their mind about stuffing northern South Australia full of uranium by-products. That is another positive step on the part of the federal government that I applaud, albeit belatedly and after considerable pressure. But I am still waiting to look at the front page of the paper and see: 'Costello says NCP is nonsense. South Australia, have all your money back. We are sick of ripping money off you. We would rather you spent your money on hospitals and schools and police and doing all the things that your community really wants, instead of ripping it off you, because you have got the temerity to say that arrant nonsense is arrant nonsense.'

I welcome all the people who are getting on board. I welcome the Farmers' Federation being on board. Good on you, you are standing up for your community and you deserve a pat on the back for that. I also put out an invitation to that 'Great Coalition of the Afflicted', as I would call them—not the willing, the afflicted—all those other people who are being targeted by National Competition Policy, such as the pharmacy people who are standing up against the fact that Woolworths and Coles might wind up gobbling them up like they are busily gobbling up petrol stations presently. And there are the people from various other rural sectors, and I do not have to go into them all, dairy and barley, and goodness knows what else, there is a whole bunch of them. Anyway, to all of those people I say, 'Come one, come all to the Economics and Finance Committee,' that august body, chaired by none other than Madam Acting Speaker who is in the chair today. It is a marvellous committee and we are there, we are diligent, we are interested and we want to hear from you. I have just been reminded of the hotels, who I have to say are facing the same form of absurdity and have got off their bottoms and done something about it. They have written a very interesting piece about that and I look forward to hearing from them too.

That is basically my standard contribution on this subject. I will continue to make this contribution whenever it becomes necessary because the National Competition Policy guidelines are thrown up, and I remind everybody here that they should remember that for National Competition guidelines to determine something is evil it simply means that you are deemed guilty of being evil, as far as National Competition guidelines are concerned, until you prove yourself innocent. It is not incumbent on NCP to prove that you as an industry have got a problem: it is incumbent on you to prove that you have not. If that is not crazy, if that is not completely weird, I do not know what is. They have had a lot of fun for a few years, why do they not move onto something else and let everyone get on with their lives.

Let the state parliament make decisions about these various things on the basis of merit and give us that money they keep taking off us every year. The minister is doing his best to get the money back, but why should he be put through jumping through all these hoops? Why do they not just say, 'Look, minister, you run your issues as you see fit. We will give you the money, and everybody will be happy.'? We have had refugees, we have had uranium, and we say, 'What about NCP? Come on, you can do it. It would be great for those poor old rural constituents of yours who you just keep belting up year in year out. It would be really nice to give them a free kick, just before the election.'

Mr WILLIAMS (MacKillop): Might I say, it may not be in order but it might be worth this chamber's while looking at the standing orders to see if the member for Enfield can in future seek leave to have his speech inserted into *Hansard* without his reading it, and that might from time to time save the chamber a considerable amount of time.

Mr Rau interjecting:

Mr WILLIAMS: I'm sure I've heard it before. I am the lead speaker for the opposition although I do not expect to be spending too much time on this particular bill. There are a few things that I do want to bring to the house's attention with regard to the matter before it. Can I first, though, acknowledge the minister's accommodating me in having this debate moved from last night to today. I thank the minister very much for that. I had a personal matter that I had to attend to last night, so thank you for that, minister. Now the gloves come off, and we will talk about the bill.

Might I first address the NCC issue that the member for Enfield has once again brought to our attention. Of course, this bill is all about NCC implications. My understanding is that the original bill that was passed last year by this parliament was in fact introduced late the year before and finally passed and assented to in the middle of last year. It was about trying to have a bill to make everybody happy, including the NCC, and it failed on that count at least. The Liberal Party argued at the time that we believed there were going to be problems in that regard. Nevertheless, the government went ahead and found further down the track that these NCC problems did arise and, in fact, we now have this bill before us. I will come back to that little scenario in a few minutes.

I will talk about the NCC and what the member for Enfield said. I have not got verbatim everything he said, but he did say one thing about 'your money' and the commonwealth government holding back our money. I think the member for Enfield fails to understand where the money that is paid out in competition payments actually comes from. It

is acknowledgment by the commonwealth government that the commonwealth tax receipts are increased substantially due to the introduction of competition across the Australian economy. The commonwealth government has taken the decision that the states, because they created a lot of this competition by adjusting the legislation, the statutes of the various states, should share that increased revenue. That is where the money has come from.

I have a lot of sympathy for what the member for Enfield says, but he has to realise that without competition that money was never there. However, he must realise that, without competition, that money would not be there. It has arrived in the commonwealth coffers only because of increased competition within the Australian economy, because it has increased economic activity. The dollars are going around quicker and, every time they go past the federal Treasurer's door, he takes a handful. That is where the money comes from. If it is not going past the federal Treasurer's door, he never gets the money and he can never pass it on to the states. It is not that difficult.

I am not saying that there are no anomalies or that the system is perfect but, I think that the member for Enfield, if he does not already know, should make himself aware of exactly where the money comes from and the philosophies behind national competition payments. I believe that we have a problem in Australia that will not be addressed by our national competition policies, and I have mentioned this many times in this house, particularly when speaking about rural-based industries. I think that we need something like the anti-trust laws that the Americans have in the United States.

In my opinion, we have a lack of competition in the upper echelons of industry, particularly those in the retail sector. The chicken meat industry is one of those industries that obviously suffer from a lack of competition at the processing and wholesaling end. I do not think there is any problem with lack of competition at the producer end, and that is something that I have argued many times. That is the problem across the primary production sector. Farmers are generally small businesses often run by single-family units that are dealing with large, often international conglomerates, and are being treated quite unfairly.

That was the premise behind the bill in the first place: to try to even out the playing field by bringing in compulsory arbitration so that we could have an independent judge to ensure that the small players—those with much less economic power—were treated in a relatively fair and equitable manner.

The original bill also recognised that you could only take that so far. You did not want to take that process to the point where you allowed inefficient producers to be viable. You have to keep driving producers to use world's best practice. You have to keep driving them to become as efficient as they possibly can, and that is what competition policy is about. I do not have a problem with that, but I do have a problem with efficient producers being squeezed to the wall.

In fact, I had a telephone call from one of the media outlets in my electorate over the past couple of weeks talking about the lamb industry at the moment, because some of the lamb processors and abattoirs have been complaining about the price of lamb in the market. I was able to quote back to this reporter something that her own husband had said to me some years before. They are both constituents of mine. He said, 'Isn't it odd that the only time that the abattoirs are making money is when the farmers are going broke, and the only time the farmers are making money is when the abattoirs are going broke.'

That system does not work—it cannot work. Whether they are producers of lambs or whether they are the wholesalers or processors, or whether it is abattoirs or chicken meat producers or processors does not matter—both sides of the industry have to be viable. If they are not, we lose the industry. That is what I am sure the original bill had as its intention: to try to have an independent arbitrator in the middle who could oversee and ensure that both sectors remain viable.

As I said, there are some anomalies within the national competition rules and, through using the term 'in the process of arbitration', this apparently has fallen foul of the NCC, which has said, 'We are not going to allow this,' because they did not trust that independent arbitrator to sit in the middle to ensure that we were being efficient and delivering the process at a fair and reasonable but low as possible price for the consumer. They have said, 'We will leave it to the open market.' Unfortunately, I do not have faith in the open market under this system where the processors are at one end with extreme economic power and producers are at the other end, in this case, with moderate economic power at best and, at worst, very low economic power.

My understanding is that there are about 80 of those producers in South Australia with an average asset value of over $1 million. They are sitting out there servicing their debt on their assets. They want some sort of contract which goes for more than a few months and probably more than a few years to give them some surety, particularly if they are going to be pushed to increase their efficiency, keep up with best practice and keep up with the most modern equipment—sheds, ventilation and feeding systems—to maintain the health of the birds that they are raising and fattening, and to maintain an efficient throughput of product to maintain their economic viability. They need some certainty about what they are going to be doing next month, the month after and, hopefully, down the track, even longer into a couple of years or, as I understand it, up to five years, as contracts have generally been in recent times.

The original bill went a fair way to putting a system in train to allow that to happen with this administrator. However, the NCC has said, 'That is not good enough. We do not believe that is going to deliver true competition.' So, now, we have before us a bill which will institute a system of compulsory mediation and do away with arbitration. Of course, mediation only really works when all players go to the table in good faith. I do not know how this bill can deliver that good faith to the various parties.

It is most unfortunate that what we have before us today is something which I think will deliver very little to other players in the industry. I do not believe that the processors are going to be very happy, because obviously they would prefer to have open slather. I do not think the producers are going to be very happy, because they are still going to find that, at the table, even though there is a mediator sitting there, they are the small fish in a pretty big pond. The bill would allow individual farmers to bargain collectively, and that would give them some power. I agree that they are better off with this than with no legislation, but I think they are a long way behind where they would like to be.

The member for Mawson raised a very good point which he laboured for quite a while, and I hope the minister will come back with an explanation, but the opposition has been wondering why the chicken meat bill of 2003, which was

assented to on 24 July last year (almost 12 months ago), was never proclaimed. We have the spectre—and the member for Mawson and, I am sure, some of my other colleagues are capable of giving examples—of growers going out of business in the last 12 months because this bill has not been proclaimed. I cannot for the life of me understand why the government, its bill having been passed and the opposition's amendments having been defeated, and having had the bill assented to on 24 July last year, failed to proclaim it.

If the government had proclaimed the bill, there would have been no further downside as far as the NCC was concerned, because as far as their actions are concerned the bill has been proclaimed. The action they have taken is no different from what they would have taken had the bill been proclaimed. They said they were going to halt competition payments to South Australia as a result of this, so there has been no gain to the South Australian government in that respect, but there has been a huge downside for growers because they have not had the protection that that bill would have given them for the last 12 months.

No-one can say for sure, but I will bet that there are some growers whose businesses have failed who might otherwise have still been in business today if they had been afforded the protection that the chicken meat act 2003 would have given them had it been proclaimed and they were able to enter into negotiations and formulate a new contract which would have kept them viable. Maybe they would have been able to trade themselves over the period of that contract into a more sound financial position. No-one knows the exact net effect, but I think it is fair to assume that they received no help from this government which, I repeat, had its legislation passed, defeated the opposition's amendments, and then failed to have it proclaimed.

In conclusion, I want to go back to one other point about national competition payments. Hopefully, the member for Enfield will pick this up and take it on board. The South Australian government has done a lot of chest beating over the last period about the NCC. It has all been directed at two industries: the chicken meat industry and the barley single desk. I fail to understand why those two industries have been picked on so mercilessly by this government when the majority of the competition payments which are threatened are not being threatened because of those industries.

I urge all members to go to the NCC web site and have a look at the summary of competition payment penalties for 2003-04 (note 9) where it states that, in respect of South Australia, the chicken meat industry has incurred a permanent deduction of 5 per cent ($2.9 million) and regulation of liquor sales, 5 per cent (another $2.9 million). The member for Enfield said that the AHA is starting to make some noises about this, but we have heard no threats from the government at all about the hotel sector or the retail liquor sales sector. Barley marketing arrangements, 5 per cent (another $2.9 million)—we have heard plenty about that—and outstanding legislation, review items, 15 per cent ($8.7 million). That is half of the total payments which have been threatened by the NCC to be withheld from South Australia, and we have not heard one word. I wonder why.

I refer to chapter 4 of the NCC web site (legislation review, page 4.19) where it is stated:

> The most significant areas of non-compliance for South Australia include:
>
> · legislation on poultry meat negotiations—

which is what we are talking about here—

> and taxis (moderated by liberal conditions for hire cars).

Those are the two big issues according to the NCC: chicken meat and taxis. I ask the minister: what is the government saying about taxis, because I have not heard one word from this government about the deregulation of the taxi industry in South Australia. Why is this current Labor government happy to pick a fight with two rural based industries, chicken meat and barley marketing, and say nothing about liquor retail sales or taxis?

I hope the member for Enfield will come back to the house with an explanation about that, because he seems to be the member of the government who has more to say about the NCC than anything else. I am sure the member for West Torrens might want to say something about taxis. It is probably his influence that is causing the government to say that it will accept the $8.7 million threat because of the taxi industry, yet they want to belt the barley growers and the chicken meat industry.

I have covered the areas I wanted to put on the record on behalf of the opposition. The member for Mawson asked the minister to take on board a question and to bring back an answer, and I have been assured by the minister that he will do that in his closing remarks on the second reading debate. I do not think we will need to go to a third reading debate on this matter. I will conclude my remarks and say that the opposition is quite happy to support the measure. We tried to have amendments to this bill (which are very similar) passed in the other place. I just invite the minister to comment on the matters that I have raised.

Mr GOLDSWORTHY (Kavel): My comments will be brief in view of the fact that, obviously, the opposition and the government want a fairly quick carriage of this legislation through the house. As the lead speaker, the member for MacKillop traversed the major points of this legislation.

An honourable member interjecting:

Mr GOLDSWORTHY: Indeed he is. He is very knowledgeable on the issue. Certainly, he canvassed the major points more than satisfactorily. However, I would like to raise a couple of issues which concern the previous legislation that was passed by both houses of the parliament 12 months ago. Time flies fairly quickly. It does not seem like 12 months ago but, in his contribution, the member for MacKillop alluded to the fact that the government's legislation was assented to in July 2003. Certainly, time does fly when you are having fun!

I was the lead speaker for the opposition last year when the legislation was proceeded with in this chamber, and the then minister for agriculture (the Hon. Paul Holloway in the other place) offered me a briefing with two senior officers from PIRSA. I accepted that offer. We met and, from memory, the briefing went for well over an hour, during which time we traversed quite a number of issues concerning the industry. I had an understanding of the industry and the problems it faced in view of the fact that a number of chicken meat growers are located in my electorate of Kavel.

I was assured by those senior PIRSA officers that the legislation that was before the parliament was the very best they could do. They had worked on this for months. I do not think I am stretching the situation at all by saying that they had been looking at this situation over a number of years. They were aware of the problem between the chicken meat growers and the processors and, with the rationalisation of the processors, they were looking at a monopoly situation; and

that, arguably, the growers could be pressured into a situation where their business was no longer viable.

I was assured by these government officers (obviously, with the direction of the minister) that this legislation was the very best they could do, and the opposition took that on face value. The member for MacKillop indicated that a number of amendments were moved in the upper house but that they were lost. We did not worry about moving those amendments in the lower house. We were aware that they would not receive the government's support, so we did not waste the time of the house in pursuing those amendments any further.

We are now 12 months down the track, but I would imagine that, a number of months ago (say, three months ago), the minister was well aware that there was a serious issue concerning the NCC. My question is: why was this problem not addressed 12 months ago? I would be staggered to think that the government was not aware when the legislation was first introduced into the house 12 months ago that there was not an issue. As I said, I was given a briefing by senior departmental officers, who said that this legislation was the absolute best—the ant's pants—they could draft for the chicken meat industry.

As I said, we took that on face value but, here we are, 12 months down the track and we have to go over the whole issue again concerning the National Competition Commission. I raise that issue because I do not know why this was not addressed nine months ago. Obviously, the minister would have been aware of this for some months. I think that the minister should question his department. I know that he was not the minister 12 months ago and I am not blaming him, but I think that he should go back to his department and ask the legitimate question: why did you not know about this?

The Hon. R.J. McEwen interjecting:

Mr GOLDSWORTHY: That is all right. It is all right to come in here 12 months down the track and justify a situation when it should have been addressed at that time. It should have been addressed 12 months ago.

The Hon. R.J. McEwen interjecting:

Mr GOLDSWORTHY: Well, the minister can have his turn when he concludes the second reading. Another point raised 12 months ago was that the growers, particularly in the electorates of Kavel and Heysen, have certain limitations on what they can and cannot do with their business. They find it terribly difficult to undertake any expansion of their business because the local council and the government have imposed limitations on them concerning the watershed area. Now, we all understand the limitations in the watershed. The member for Heysen has raised this point previously because, I understand, a grower is right on our electorate boundary at Mount George.

Mrs Redmond interjecting:

Mr GOLDSWORTHY: If he is on both sides of the road, he is in both electorates. He is a grower who wants to get out of the industry. He wants to divest himself of his business. He wants to shut down the sheds, pull them down, sell them off to whoever wants to buy them and then subdivide one additional block. He wants to subdivide that property to create one new title in order to get out of the industry—

Mrs Redmond interjecting:

Mr GOLDSWORTHY: —which is on the other side of the road in the member for Heysen's electorate—yet he cannot do it. Even if growers want to get out of the industry and try to get some sort of return on the asset they have had, after pulling down all their infrastructure, they cannot do so. I make that point and leave it to the house to think about. I will not take up time of the house. We will support the legislation. The industry and the growers understand that the NCC's requirements need to be taken into consideration.

I personally have not spoken to the growers in my electorate. I think they would have come to me if they had any concerns with this legislation: they have not. I presume that they accept it. As a result of talking to other members who have growers in their electorate, I understand that, in general terms, the industry and the growers do accept the legislation.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank all members for their contributions and support this afternoon. I acknowledge from the outset that, although we believed it was best endeavours at the time, in hindsight the original bill should have gone further. I am advised that the amendments, in hindsight, may have achieved that objective.

First, I will deal with some of the things that the member for Mawson said. I acknowledge his view about the national competition policy and Hilmer, and expressing a view that the national competition policy is only doing its job but it should be redirected. I am not sure what the honourable member means by 'redirected' but we can have that debate another day. A number of members wanted a debate not about chicken meat but, rather, about national competition policy.

The honourable member raised a specific question and I indicated that I would answer it now; and if I can answer it to the lead speaker's satisfaction we will not go into committee. That is the question about the true status of the NCC's communication in relation to whether or not there will be a penalty. The written communication stated that if we had not achieved this by 30 June we would be whacked. It was quite clear that we had to proceed to their satisfaction. It was obvious then—and I might add that a lot of work had been done and there had been movement on both sides—and it was indicated to us that we did not have to stick strictly to that deadline: that, if we kept on with the timetable we are now meeting today, another month or so would be okay. Certainly, my advice is that the written correspondence was quite clear: '2.94 if you have not got it through by 30 June'. The written word was quite clear but there was the ability to negotiate beyond that.

The member for MacKillop did make the point that the original bill failed. He felt that, if we had followed the advice of the opposition of the day, it may not have failed. We cannot rewrite history. I do not know the answer to that. The fact is that it did not work as we expected and that is why we are back here today.

The member for MacKillop made comments about some other sections of competition policy and penalties to the state. Certainly, I am dealing with two of them. Certainly, too, others relating to taxis and liquor involve valid questions that I think ought to be directed to the appropriate minister at the time. I am happy to let the ministers know that those two matters have been raised.

Of course, there is a raft of other minor matters, which are slowly being tidied up with a lot of toing-and-froing between state Treasury, federal Treasury and the NCC. He does make a valid point that these are only two; of the four big ones, they are only two, but there is a raft of other little bits. I acknowledge that. I think the house needs to be updated in relation to actions on a couple of the others.

I want to go back to the second reading speech in order to answer a couple of questions that may have been raised by the member for Kavel. It states:

> As part of the development of the original bill a broad program of consultation was undertaken with all parties. Negotiations with NCC officers during the early development of the original bill led South Australian government officers to believe that compliance was possible.

In other words, the original bill was proceeded with only because there was a belief that it was going to satisfy them. That is the only reason why we are doing the job, anyway. The act was proclaimed to come into operation on 21 August 2003 with suspensions—so it was proclaimed but then bits were suspended—of nearly all but the transition provisions initially, pending a decision by the NCC on the compliance of the act—and later on the outcome of the state's appeal to the federal Treasurer on the penalty imposed.

The indication beforehand was that it would just get over the line. Once we got it over the line, we were told it had not got over the line. There was no point in proceeding with those bits, other than the transition clauses, because it did not satisfy the original intent. We went back to the drawing board, so now we are back where we would have been. It is not as if nothing was done over the next nine months. I will not go through the whole time line again but certainly—

Mr Williams interjecting:

The Hon. R.J. McEWEN: A valid point is made that it did not give any succour to the producers. It points out that the South Australian government subsequently lodged an appeal to the federal Treasurer against the NCC assessment and was notified on 8 December that the appeal had been unsuccessful. We are now up to December. Then we start negotiating again. I get involved. We meet with NCC officers. Barry Windle, in particular, and his people worked through this to bring people very close together. In the first meeting we had there were pages and pages of difficulties and misunderstandings about what they believed it said and what we believed it said. However, we reached the stage where there were only two sticking points, and they have now been resolved.

I think the time line has been longer than it should have been. I acknowledge that there was certainly disquiet in the industry while this process was happening. I acknowledge and thank the opposition for its support. We now have this over the line. I think I have answered honourable members' questions. I have just pointed to my view, which was a little different from that of the member for Kavel in relation to the time line and the proclamation.

In closing, I again thank the opposition. I also thank Barry and his staff. I think this will be the last time we will see Barry in this house; he is moving on to other things. I think that his work on this matter has been just a small example of the professional manner in which he deals with many complex issues. He has done a fantastic amount of work for this state, and I think that to have this matter finished today (and, hopefully, it will now move swiftly through the other place) is a great final tribute to the work of Barry and his team. Equally, I acknowledge SAFF's chicken meat section and Laura Fell in terms of the work that they have done in having to explore complex issues with their members as we have moved them forward.

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

BEECHWOOD GARDEN

Adjourned debate on motion of Hon. J.D. Hill:

That for the purposes of section 14 of the Botanic Gardens and State Herbarium Act 1978, this house resolves that the Board of the Botanic Gardens and State Herbarium may dispose of any interest in, and be divested of any control of, any of the following land—

(a) Certificate of Title Register Book Volume 5862, Folio 262 (formerly Volume 4175, Folio 187); and

(b) Certificate of Title Register Book Volume 5133, Folio 747 (formerly Volume 4175, Folio 188).

(Continued from 2 June. Page 2412.)

Mrs REDMOND (Heysen): I move that this debate be adjourned. I do not do so on the basis that I intend to ultimately oppose the motion, but I have had several quite vocal representations from members of my electorate who are deeply upset about the government's proposal in relation to Beechwood Garden who feel aggrieved that, in their view, there has been an insufficient public consultation process on the part of the government. They are of the view that this has all been rushed through and dealt with in an underhand way. I am not inclined to agree with that view, but I have given an undertaking that I will move an adjournment on the basis that I would like my constituents to feel happy that there has been appropriate consultation about this matter.

It is not true to assert that there has been no consultation. The minister has consulted with me and, I understand, the Mayor of the Adelaide Hills Council. The matter was noted in the local newspaper in May, I think, and certainly in my autumn newsletter I had an article about it that went out to the whole electorate. Nevertheless, a significant number of people have come forward and indicated that they consider that they have not been notified of the proposal, and that they have not had time to consider it or to discuss with the government the potential for any other possible scenarios in relation to this garden.

This is a garden of considerable significance in the local area, and the local people have indicated a need for more consultation on this. I am not trying to unreasonably or unnecessarily delay the progress of the matter but, in my view, it has been on the agenda of the Botanic Gardens Board, at least, for about 10 years and, therefore, another eight weeks—

The ACTING SPEAKER (Ms Thompson): We are just reconsidering what is happening here. Does the member want this debate to be adjourned?

Mrs REDMOND: Yes.

The ACTING SPEAKER: That question needs to be put without debate.

Mrs REDMOND: I move:

That the debate be adjourned.

The ACTING SPEAKER: Is that motion seconded?

An honourable member: Yes, Madam Acting Speaker.

Mr HANNA: I rise on a point of order. I understand that even though the motion is moved the member still has the right to complete her remarks.

The ACTING SPEAKER: An adjournment motion may not be debated, so there is no point of order.

Mr HANNA: On a further point of order, Madam Acting Speaker, you invited the member to move a motion when in fact she was making her remarks about the issue. If she had completed—

Mrs Redmond: No, I was referring to the adjournment, not the issue.

Mr HANNA: Oh, right.

The ACTING SPEAKER: The honourable member was speaking to the adjournment at length.

Mr HANNA: As a point of order, would the most appropriate course of action for the member for Heysen be for her to direct her remarks to the motion moved by the minister, and then at the conclusion of her comments to move a motion to adjourn?

An honourable member: She can't move the adjournment once she has spoken.

The ACTING SPEAKER: That is right. Another member would have to move the adjournment. At first I thought that that was happening, but it is not. I understand that the member for Heysen wishes to reserve her right to speak on this matter at some other time.

Mrs REDMOND: That is correct. My intention is to move the adjournment of the motion, and I was intending at the moment to speak to the adjournment, not knowing that I was not able to do so. If I cannot speak to the adjournment, I am happy simply to move the adjournment, which I understand has been seconded, have that dealt with, and reserve my right to address the matter when it is debated, depending on the outcome of that adjournment debate.

The Hon. J.D. HILL: On a point of order, I understand what the member wants to do and I realise that she made her comments in error. However, we are now in the difficult position where the house has heard one side of the argument but not the other. I wish to place on the record my opposition to the comments that she made.

The ACTING SPEAKER: Order! The standing order relating to the adjournment of debate is as follows:

> The debate may be adjourned on the motion moved by a member who has not spoken, the motion, if duly seconded, being put without discussion.

When the member started speaking, I thought that it was her intention to have another member move the adjournment. That was not the case, as was clarified, so we need to put the adjournment question, even though the minister may feel that there has not been equal opportunity.

The Hon. J.D. Hill: It is a question of unfairness, Madam Acting Chair.

The ACTING SPEAKER: It was lack of clarity; I am sorry. So, the question is that the debate be adjourned. I put the question. Those in favour say aye; against no. The noes have it.

An honourable member: Divide!

The house divided on the motion:

AYES (19)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kotz, D. C.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M. (teller)
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Hill, J. D. (teller)
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.

NOES (cont.)

McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

PAIR(S)

Brown, D. C.	Geraghty, R.K.
Kerin, R. G.	O'Brien, M.F.

Majority of 3 for the noes.

The SPEAKER: Order! Honourable members might not know, but should know, that when a motion to adjourn a debate which is listed under Orders of the Day Government Business succeeds it is a motion of confidence in the government, and confidence is lost if that were to happen. It means that the government would, in the event of the ayes favouring such a motion, fall. In this case the ayes are 19, the noes are 22. No such dilemma confronts the chamber or the government and the motion to adjourn is therefore lost.

Motion thus negatived.

The SPEAKER: The question is that the motion be agreed to. Is the member for Heysen the lead speaker for the opposition?

Mrs REDMOND: Yes, sir, I am.

The SPEAKER: The honourable member would know that one of the elements of our standing orders provides that the lead speaker for the opposition party has unlimited time. It is important to establish that. That does not mean the honourable member for Heysen should talk until we have long since been carried out of here.

Mrs REDMOND: Thank you, sir, but I am feeling quite exhausted after my attempt to bring down the government this afternoon!

Members interjecting:

The SPEAKER: Order! The honourable member for Heysen.

Mrs REDMOND: Thank you, Mr Speaker. This is a motion brought by the government pursuant to section 14 of the Botanic Gardens and Herbariums Act to dispose of a property that was placed into the hands of the Botanic Gardens some 24 or 25 years ago. It is a property in the heart of Stirling which until then was in private ownership and my understanding of the events that transpired at that time is that this property, which comprises about 10 acres of a very beautiful local garden with fine specimens of all the things one expects to see around Stirling—rhododendrons, azaleas and a number of exotic trees and so on—was facing the possibility that it could be subdivided. The government of the day, to its credit, recognised that this was a garden of some historic and heritage significance, indeed it is a heritage item, and they decided to put it into the hands of the Botanic Gardens. It has been there under a somewhat unusual arrangement ever since that time.

The unusual arrangement is this. There was an indenture agreement entered into, originally I think with Marbury School, back in 1980, and subsequently with various private owners who own the house. The house sits in the middle of this beautiful 10 acre garden and is privately owned and has changed hands from time to time, from the local Marbury School to various private owners over that period of years. The Botanic Gardens has continued to own and manage the property. Governing that arrangement is an indenture agreement. The original indenture agreement was signed I

think in 1980 and there was a new indenture agreement entered into in 1991 between the then house owner and the gardens. That indenture agreement essentially provides for a number of things governing that relationship, including for instance that the house owner can traverse the gardens in order to access his or her property, have use of the conservatory which is on the property, and that the garden people will maintain the garden. However, it does not actually provide any detail as to the maintenance, but they will own the garden and maintain pathways. Indeed, the only specific provision as to the maintenance, as I recall it, is that there is a provision for the curtilage of lawn surrounding the house to be mown by the Botanic Gardens and for there to be potentially a fee paid in relation to that.

The indenture agreement governing this arrangement sets out a number of things about rights of way, rights of access, and so on. It provides that this garden is to be open to the public for up to six weeks each autumn and spring. It does not say that it will be open for six weeks but, by agreement between the parties to the management committee that enter into the arrangements under the indenture, it will be open for up to six weeks. Indeed, for some 24 years that has happened on a regular basis for varying amounts of time.

The matter that comes before us now largely comes about because the Botanic Gardens board, from about the mid-1990s, has been consistently putting the view that this garden should not be under the control of the Botanic Gardens. The Glenn report—I am not sure when it was commissioned, but it was brought down about 1995—indicates quite clearly that the Botanic Gardens should not have control of Beechwood Garden, because there is no actual botanic value in any of the specimens found in the garden. They recognise that this is a garden of some historic and heritage significance and, therefore, it should be looked after and maintained as a single entity and protected against the ravages of potential subdivision. However, in the view of the Botanic Gardens board, it should not be as a botanic garden because it is not in its view an appropriate thing for it to manage. That has been made clear over a period of years, because they have not really put the money into the garden that it requires for its proper and fulsome maintenance. I would imagine that, from the Botanic Gardens board's point of view, a garden that is only open for a limited time and that for the rest of the time is effectively held in private ownership and is there for the use of that owner of the house—

The SPEAKER: Order! Could I invite the honourable minister to acknowledge the chair and join those people whom he chooses to converse with in the gallery.

Mrs REDMOND: The garden is open for those few weeks each autumn and spring, but not generally available for the public during the rest of the year. To that end, I guess that there has been some rationale behind the Botanic Gardens' attitude that they do not want to spend the money that is allocated to them in their budget looking after this particular garden. The consequence of that is that, whilst there has been a reasonable level of maintenance, it has been limited and of considerable concern is the state of the conservatory. A beautiful heritage conservatory is located within the garden which was actually moved into the garden. It was located in Glen Osmond and was relocated up to Beechwood where it was fully refurbished and restored, from memory, about 22 years ago. I am going on memory from when I was a member of the Stirling Council. I remember going to the opening of the newly refurbished conservatory in that garden, because I stood with another local looking at the pine trees above the conservatory and contemplating that they were actually probably nearing the end of their lifetime and that it might have been a good idea to remove those pine trees before renovating the conservatory. Nevertheless, that conservatory was fully restored and a beautiful thing which was part of the gardens which people enjoyed when the gardens were originally opened for visitors all those years ago.

However, over the past few years, the conservatory has fallen into considerable disrepair. Just about every panel of glass would need to be reputtied; the door does not open and the floor is cracked. There are numerous things that need to be done to it. I understand that some years ago there was a dilapidation report in relation to the conservatory which resulted in no action but at least an indication that way back then it was going to be something like $85 000 to restore the conservatory once again. Nothing happened over a period of years and that price has obviously gone up to something in excess of $200 000 or $250 000 to date.

With that background, at the present time, the government is moving to divest the Botanic Gardens of this particular garden—Beechwood, in Stirling. To do so, it needs to comply with section 14 of the Botanic Gardens and State Herbarium Act, which states:

> The Board may not dispose of any interest in land vested in it, nor may it be divested of the control of any land placed under its control, except in pursuance of a resolution passed by both Houses of Parliament.

There must also be a notice of motion, and it must be on 14 days' notice as a minimum. Of course, the minister brought it in some time ago; so, to that extent, there is no difficulty with this matter proceeding at the present time. I do, however, make comment as to the adequacy of the consultation that has occurred in relation to this process. That was, in fact, the reason for my seeking to adjourn the debate, because a number of people in the vicinity of this garden have only recently become aware of the government's intention to divest itself of this heritage garden. They believe that there should have been a fuller consultation and a better understanding. I have had several conversations with groups of people in relation to it, and I certainly put an item about it in my newsletter which went out to the entire electorate in autumn.

In looking at what is the best thing for this garden, my primary concern has always been the best interests of the garden and the community. I have tried to stay away from some of the more emotional arguments that have been raised. The proposal is that this garden be sold into private ownership to the owner of the house and that, in order to secure its future, the garden be under a heritage agreement under the Heritage Act. That act provides for the heritage agreement to be registered onto the title so that not only the current owner but any future owner would be bound to the terms of that heritage agreement.

I thank the minister for being kind enough to show me a draft of that heritage agreement and to allow me to see you what is intended in that regard. I am satisfied that the heritage agreement represents a better outcome for the garden, because the schedules that form part of the agreement are quite specific as to how the garden is to be maintained. I am satisfied that it adequately secures the situation so that the garden not only cannot be subdivided but must be appropriately maintained. When I refer to the garden, I refer also to the conservatory within the garden.

Although I am satisfied that the garden will be maintained, the Heritage Act provides for a heritage agreement, even if

it is settled and agreed and registered on the title, to be changed by agreement between the owner of the house and the minister. Whilst I accept that the current minister has no intention of altering any heritage agreement that is placed on the property, to further secure the situation I have indicated that I will bring before the house a bill to make this particular heritage agreement subject to basically the same requirement applying under the Botanic Gardens and State Herbarium Act: that is, that the agreement must come back to both houses of parliament in order to be altered. In my view, that would overcome any suggestion that private ownership of the garden exposes it to the risk of future subdivision.

A number of people have complained that the owner of the house is a developer. There is no doubt that that is his occupation, but he has made a statement, which was published in *The Courier* in the Adelaide Hills last weekend, indicating that he has no intention of proceeding to a subdivision. In my view, we will be better off, because according to my reading of the draft heritage agreement he is obliged to undertake proper maintenance of this property. So, my agenda is to make sure that the property cannot be subdivided, and I indicate to the house that I believe that the government's proposal—particularly if it accepts my bill to allow the heritage agreement to be subject to the constraint of coming back to the parliament if it is to be altered—will be sufficient to ensure that it cannot be subdivided. It will also be sufficient to ensure that the garden is properly maintained.

The next matter that I wish to consider is public access. As I indicated earlier, the current indenture agreement allows the garden to be open to the public for up to six weeks during autumn and spring. The heritage agreement provides for the garden to be open under the Open Garden Scheme. This will mean that it will be open for a shorter period than under the current arrangement of autumn and spring, but it is likely to attract a higher number of visitors. I understand that current visitor numbers are about 700 or 800. My knowledge of the Open Garden Scheme and the numerous gardens in the hills that I have attended under that scheme leads me to believe that the garden will be seen and enjoyed by more rather than fewer people.

One of the objections raised by some of the local people regarding the Open Garden Scheme and the proposal to have public access secured via that mechanism is that the car park at the rear of the garden accommodates only 24 cars. I do not think that is an issue because, under the Open Garden Scheme, gardens are generally privately owned and have car parks for maybe two or three cars. So, we are probably 20 cars ahead with the car park arrangements that we have. It is located close to the local Stirling East Primary School at the end of a cul-de-sac. I have no doubt that the people who live in that cul-de-sac will experience some inconvenience whenever the garden is open (as do neighbours of any garden in the Open Garden Scheme), but the trade-off is that there is a beautiful garden on their doorstep which they will be able to enjoy.

As I said, the current owner indicated publicly in *The Courier* last Wednesday that he is more than happy to have groups (particularly local groups) access the garden and hold functions. This is not a perfect solution in that it relies on the generosity of the current owner. There is no obligation in the heritage agreement to require him to do that, he is able to change his mind at any time, and also it is not something that would be binding on any future owner. So, it is less than perfect. Nevertheless, access under the Open Garden Scheme is guaranteed under the heritage agreement. I believe the heritage agreement was to be amended to accommodate the possibility that the Open Garden Scheme itself might cease to operate. In that case, it would still be guaranteed that the garden would be open to the public even if it is not under that scheme.

I want to touch briefly on a couple of other issues raised during the course of discussions within the community regarding this matter. There has been a considerable amount of criticism in relation to the cost. The minister might confirm this in his response, but my understanding and recollection is that the cost is essentially $450 000, which is an extremely allow amount for acreage in Stirling. However, that figure has been reached on the basis that that is the Valuer-General's valuation of the property. That valuation is based on the fact that this property cannot be subdivided and that significant obligations are imposed on the owner which will have obvious and direct financial implications for the owner, and they must be met on an ongoing basis. On that basis, the Valuer-General has come to the conclusion that $450 000 is the appropriate amount.

On thinking about it, and knowing that the last time the house sold from one private owner to another, and if I add on the amount now proposed for the garden and contemplate that it would have been something just under $3 million for the house with the gardens attached (if it had all been included at the one time on that valuation), I suspect that, at that time, it probably would have been a relatively accurate valuation. However, there is also the question of the offset against that cost because, as I understand it, the owner of the house has indicated quite firmly that he is prepared to undertake the renovation of the conservatory within the property but that the gardens must contribute the cost of that because the cost has increased over a considerable period of time, as I indicated earlier, following dilapidation reports that were prepared some years ago.

Therefore, the actual money being paid over by the owner is reduced by a couple of hundred thousand dollars because he will forthwith attend to the restoration of that conservatory before it falls into any further disrepair. There is also the question of stamp duty. I understand that this has been declared to be a transaction that is to be exempt from stamp duty. That is not an aspect about which I am happy. The explanation provided to me is that a cabinet decision was made (I think in the late 1990s) in relation to the purchase of Gluepot Reserve, which provides a precedent for the concept that if there is to be a conservation outcome from the sale the purchaser will not be put to the payment of stamp duty.

I suspect that Gluepot Reserve could be pretty easily distinguished from this situation. Nevertheless, notwithstanding my misgivings about the idea that someone as wealthy as the owner (wealthy in the sense that he can afford to buy this house and afford to take on its maintenance, the garden's maintenance and the refurbishment of the conservatory), I can see no good reason why he should not pay stamp duty. I do not think that the whole arrangement should fall down over my misgivings about the stamp duty.

I also note that there is provision for there to be a continuation of gardening by the gardens' staff, that is, the botanic gardens' staff (and I would assume that they come from the Mount Lofty Botanic Gardens) for a period of some six months after this transaction is completed. Again, I have significant misgivings about that, although I understand that, at the time the arrangement was entered into, the government may well have considered that this was a way to engender

public confidence in the fact that the garden would continue to be maintained.

Nevertheless, since I squeeze out of my children enough board to pay gardeners to help look after my bit of garden in Stirling, I am discomfited by the idea that someone who has far more resources than I is getting a gardener for six months at public cost.

However, at the end of the day, the government intends to dispose of this asset because it does not see it as worthwhile in terms of the public expense it currently entails. To that end, the government seeks to divest itself of it and have no more public expense associated with it; but the arrangement it has entered into (and, of course, that arrangement is pending on this motion passing through both houses of the parliament) does require that a considerable amount of money be spent by the owner of the property and does require that the owner still provide some public access.

I think that, all in all, although I am not happy with every aspect of it, I am prepared to support the motion. I do, however, raise with the minister—and, again, perhaps he will comment in his response—the issue which I improperly started to address in moving the motion for the adjournment, that is, the issue of public consultation. As I indicated when I was making those comments earlier, a number of people consider that the public consultation process has been inadequate. Some of those people believe that that is part of a conspiracy. I do not hold to that view, but I do recognise that people do have a right to know and to understand what is going on in their community and, where appropriate, to have some input into it.

Even though I have lost the adjournment motion in this house, the matter must pass through both houses, and I say to the minister that if it is the case that this bill does not pass through the other place this week that means that the matter cannot be finally dealt with until September, when we come back, and I would therefore ask that there be some public consultation. I am happy to meet with the minister to see whether we can come to some sort of satisfactory arrangement as to how that public consultation might occur.

As I have indicated, I attended a public meeting on 6 July. I stood in the rain and the cold at Stirling with a fairly angry mob around me; and I think that they deserve the consideration of being given the right to have their concerns heard, addressed and answered; to be given the opportunity to speak with people from the botanic gardens as to why they say that they should be divested of this particular garden; and to look at whether any other options should or would or could have been available. My personal view is that not many other options were available. I think that we are either left with the status quo on the current indenture agreement or we move to the new proposal.

I do not think that there is a lot of room to move in between, because it seems to me that the indenture agreement requires that it remain there in perpetuity and that the only way, therefore, to get away from the indenture agreement is by the parties to that indenture agreement (that is, the current house owner and the current garden owner) coming to an agreement about that. I suspect that anything other than the current proposal would not have been acceptable to either party. However, if it was acceptable to even one of them that does not get us anywhere: we are left with the current situation.

I urge that we arrange for some public consultation to occur in the next little while, if this matter does not proceed through the other house. In the meantime, having made those comments about my reservations, at the end of the day I am satisfied that this new proposed arrangement will mean that the property cannot be subdivided. In fact, it will be subject to better maintenance than it has been over the past several years, and the conservatory, which is in an unusable state, will be restored to a state where it can be used so the public can enjoy it. The public will continue to have access, albeit for a lesser period of time, but there will still be public access and more people from the public are likely to access this garden under the new arrangement. With those comments I indicate my support for the motion.

Mr HANNA (Mitchell): I oppose the motion moved by the Minister for Environment and Conservation, which will allow the selling-off of Beechwood Garden at Stirling. I supported the motion to adjourn this debate because it has been clear from the correspondence I have received from Stirling residents that adequate community consultation has not taken place. When I first heard about the issue from local residents a little while ago, I wrote a letter marked 'urgent' to the minister; and this week I received his reply. In his letter the minister stated consultation has been undertaken with the local member of state parliament, the local member of federal parliament, the shadow state minister for environment and the mayor of the Adelaide Hills council.

I can understand that at times when things have to be rushed through it is possible only to consult with delegates or community leaders, but this matter has been on the drawing board since 1995. The minister also informed me that the Board of the Botanic Gardens and State Herbarium made a decision to divest Beechwood Garden following a review of the Botanic Gardens in 1995. It is astonishing that in all that time there has not been an appropriate community meeting whereby the government, whether it be Liberal or Labor, has sat down with people to explain the arguments for and against transferring this public asset to private property.

Privately, the minister has made clear to me that it is expensive to run the garden relative to the number of visitors. I am not in a position to check or challenge those facts and figures, and I am sure the minister will repeat those arguments today publicly. The fact that a public asset, such as a garden or some other form of open space, is expensive to maintain is not a reason in itself to dispose of it into private hands. That is the argument that Liberal governments have been employing and getting away with for too long. It is always a shame to hear the same sorts of arguments being put forward by a Labor government.

The first key issue is retaining open access to the public, and I am encouraged by the minister's argument that private ownership with an appropriate indenture agreement will mean more public visits to the garden, rather than less. The second key issue is maintenance of the garden, and the minister provides an assurance that the garden will be adequately maintained; again, through the indenture agreement entered into by the private owner. The third issue is the perpetuity, more or less, of the arrangement so that a future government cannot allow subdivision of the land should the private owner wish that to occur. These are all matters which could be addressed in direct dialogue with the local community. It is regrettable that has not happened. That is why I was very happy to second the motion to defer the debate on this topic. But in the absence of deferring, in the absence of that community consultation, I must oppose it. I know that I share with the Greens and many other members of this place a passion for open space, recreational space and natural space

for residents of Adelaide, and indeed all South Australians, to enjoy.

In relation to the issue of perpetuity, the minister no doubt will outline the effect of the agreement to be entered into with the proposed purchaser. I suspect the purchaser is getting a very good deal in terms of buying many acres of prime real estate in Stirling, whether it be for $450 000 or whatever. It is ironic that the purchaser, I am told, is associated with the development of Holdfast Shores at Glenelg.

The Hon. J.D. Hill interjecting:

Mr HANNA: The minister interjects, and he can tell me whether I am wrong. It is a pertinent point because I have raised the issue of perpetuity. I take a moment to recall those afternoon drives to Glenelg beach down Anzac Highway, looking at the sun beginning to set over the sea; and then coming to the space at Colley Reserve and the beachfront, a place all the public could enjoy—beautiful Glenelg beach. When I was a lad everyone believed it was going to be more or less like that forever for the public to enjoy, but, clearly, that has not happened. The residents of Stirling may find that future governments find a way, perhaps with Liberal and Labor getting together, as they did with the Holdfast Shores development, to allow the subdivision of this beautiful garden at Stirling. I do not want that to happen. Thus, I oppose the motion on behalf of the Greens.

The Hon. I.F. EVANS (Davenport): This motion, of course, represents a broken promise by the government, which put out a pledge card prior to the last election which said that there would be no further privatisation under this government, and here we have the sale of a public asset for the mere cost of about $70 000 a year, I think, in maintenance that it cannot afford. This is a government which can afford to have thinkers in residence from all over the world staying in South Australia but which cannot afford $70 000 for a public asset. It can afford an extra minister at a cost of about $1 million a year. That is not a personal criticism of that minister; it is just an observation of the government's priorities when it comes to meeting its election promise.

The first point I want to make is that, clearly, this is a broken election promise, and I guess it is a warning to all those who may have assets that they were thinking of transferring to government—whether by donation or public sale—about how you commit the government to maintain them in the long term. Clearly, this government has decided that, for whatever reason, it does not want to hold this property as a public asset.

There are lots of ways in which the government could have got around this matter without selling the asset. For instance, it could have leased the asset for 20 years, which would have helped to protect the in-perpetuity issue that the member for Mitchell raised. There could have been some review of the arrangements in 20 or 25 years time at the end of the lease, and at least the property would have remained in public ownership.

Another way to fix the matter would have been to simply make an amendment to the Botanic Gardens Act so that that board was responsible for botanic and historic gardens or botanic and significant gardens. The reason why the Botanic Gardens Board has made this recommendation is that it does not think it falls within the area of its act. It does not see it as a priority. If the act was changed so that it was botanic and historic gardens or gardens of significance, that would then cover this issue.

The reason why I raise that possible amendment is that it is my view that, over the next 50 years, more gardens will be offered to the Botanic Gardens and to government because, as water becomes more of an issue and the government increases water costs and prescribes more areas, more people will seek to off-load some of their larger and historic gardens—and there are some beautiful gardens in private ownership throughout South Australia. The only vehicle they will have through which to put those gardens into public administration is really through the Botanic Gardens Board.

What the government is doing here is abandoning that concept and philosophy for future donations or future public sales to the government. At the same time, it is introducing stricter water use criteria, and ultimately that will mean that there will be fewer historic and significant gardens in South Australia simply because the government is not prepared to spend the required funds.

As shadow minister, I have not had the pleasure of seeing the draft agreement, so I have no reason to doubt the member for Heysen's interpretation of it. I know that the member for Heysen has read the draft agreement and is comfortable with it. If as the local member she is comfortable with it, I am comfortable with that. I think the members of the Stirling community might be about to find out how the government consults—that is, it will hold a public meeting, give them a cup of tea and then ignore them. That is exactly what it will do on this issue. That is the way in which this government consults on these issues.

The member for Heysen raised the issue of stamp duty. I note that the government has exempted this person from stamp duty on this transaction, while at the same time it has the audacity to charge Greening Australia, which is a volunteer organisation that does excellent work throughout this state, payroll tax. So, the volunteers who are out there doing good environmental work are charged payroll tax, and a private citizen buying a public asset that was never going to be sold (if you believe this government) receives a stamp duty exemption. There seems to me to be an issue there about the priorities of the government. The private sector receives a stamp duty exemption; the volunteer sector, which is doing good environmental work, keeps paying payroll tax because the government refuses to deal with this issue.

The reality is that the government is going to off-load this garden; there is no doubt about that. We have lost the adjournment motion that was moved by the member for Heysen, which means that the government has the numbers in this house for this motion to be carried. Ultimately, we know that the garden will transfer to private ownership. The Liberal Party, through the member for Heysen, will be moving amendments which ensure that any heritage agreement entered into cannot be varied unless it comes back to both houses of parliament. One of the problems with this process about how we debate these motions is that we cannot ask any questions. When we have a bill before the house we can go through a committee stage and ask a series of questions. With these motions we do not have a committee stage and we cannot ask questions.

We would be seeking an undertaking from the government that, before it is signed in its final form, the heritage agreement is shown to the member for Heysen so that she is comfortable, as the local member, that it is in the terms that have been explained to her and to make sure that the proper safeguards are in place as explained to her. At the moment, the member for Heysen has seen a draft agreement, and that could well change between now and when the agreement is

signed. We would seek an undertaking that the final agreement will not be signed unless the member for Heysen agrees with the terms and conditions generally in regard to that agreement. We want to make sure that the agreement, combined with our legislative amendment (which now will not be dealt with until September), will mean that the heritage agreement cannot be changed by a minister unless it comes before the parliament.

I pick up on the member for Mitchell's point—and it is a fair point. Our amendment simply means that the parliament has to decide the future ownership of that land. That is true. The member for Mitchell is quite right: in the future, if the two houses of parliament so agree, the terms and conditions of that heritage agreement could change. I have put to the house that that would be a very public process. If there was going to be a negative impact on that particular piece of land then I would expect that there would be a large public outcry, and proper public scrutiny about that particular issue. I could not envisage a set of circumstances where the parliament would agree to those gardens being developed, but that would be for future parliaments to judge.

With those few comments, I congratulate the member for Heysen on her handling of a difficult issue in her electorate. I know she has met with the locals on a number of occasions and spoken to those who have come into her office or rung her about this issue. She attended the public meeting when others chose not to and confronted her constituents, and I congratulate her on the way in which she has handled this matter and the way that she has handled it in her community.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank members for their contributions to this debate. I will start by congratulating and acknowledging the contribution made by the member for Heysen. I think that it is an outstanding contribution and the electors of Heysen are very lucky to have her as their local member. She is incredibly gutsy, as demonstrated by her attendance at the public rally a couple of weeks ago. She stuck to her position and she told them what her position was, and she has repeated it in the house today, and I admire her for doing that. Many members would not have had the intestinal fortitude to do it, so even if this arrangement goes ahead, I hope her electors bear in mind the kind of member that they have. I will address some of the issues that have been raised by various members and also some of the issues that have been circulating in the community about this.

Firstly, the government of the day in 1980 bought the gardens for $185 000. A number of callers to talk-back radio and people who have been ringing my office and writing to me have alleged that this was a gift to the government and that we are now selling something that was given to the government. That is not the case. The government of the day purchased the freehold land to stop it being subdivided. It was in threat of subdivision and the government of the day purchased it to stop it from being subdivided. Now, 24 years later, we have worked out a way of making sure that it cannot be subdivided. So that has been achieved.

Second, in relation to public consultation, I point out to the house that this measure was brought before the house in March this year. Around the time that it was brought to the house I put out a press release which was covered in the local media, and I know that this matter was given quite some attention in the local newspaper. Until less than a month ago there were no comments, no phone calls, no letters to my office. We started getting public attention when one of the local residents, the neighbour to this property, decided to mount a campaign. He mounted that campaign because he was aggrieved that the government would not sell him a strip of land that formed part of the Beechwood Gardens, which was adjacent to his property. He wanted to extend his property into this parcel of land which was outside of the fence of Beechwood Gardens but still part of the gardens. It was part of the Beechwood Gardens because it provided a laneway to a site where water could be taken from a well. It is an essential part of the land. He was told that he was not allowed to buy that land because it was an essential part of the property and we would not agree to subdivision of the land. As a result of that knockback and heavy lobbying by him of members of the Labor Party, whom he was aware of, he decided to go feral and embark on a public relations campaign in opposition to the government. So, one person has stirred up a hornets nest in relation to that. There were no public problems about this right through March, April, May and for some part of June. I want to place on the record that point.

In 1996 and 1997, or thereabouts, the former government entertained the sale of this property to the former owner and there was a process of public consultation undertaken. I am informed that it was a public meeting that was a part of the proposed sale to the Fletcher family which owned the house—that was part of the Stirling council meeting held some time in 1997-98. As a result of that very ugly meeting, the owner felt vilified, I am informed, and either the former government or the former owner decided not to pursue the sale. So, the idea of consultation which turns into a lynch mob mentality is not the sort of process that I would want to put anybody through. If this measure is deferred in the other house, and I sincerely hope that it is not, I am prepared to talk to the local member about a way that we can inform the local community about what is proposed but in a way that does not produce that—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: I point out to the member for Davenport that he is interjecting out of his place and that his remarks are inane as usual. We would talk to the local member about how to do this if it is deferred. Visitor numbers have been put to the house by the member for Heysen and there are less than 2 000 a year, and it is opened for 12 weekends a year. The number of visitors has been questioned by some members of the local community. My information is that we have number counters on each of the gates so we are well aware of how many visitors come into the gardens, and the numbers are accurate. There are less than 2 000 visitors and I am informed that the cost of each visitor is in the order of $40 to $70. That is about 10 times the amount that applies to the Mount Lofty Gardens, and 40 or so times the amount that applies to visitors to the Botanic Gardens.

It is true that the government will be better off and the Botanic Gardens will be better off if this sale goes ahead. If you look over a 10 year period we will save $700 000 in the cost of maintaining the gardens, and we will receive from the owner around about $237 000, by memory. We will not have to spend the $300 000 or so on works that are required. So, over the course of 10 years we will be about $1.2 million or $1.3 million better off. That is money that can be spent on the Mount Lofty Gardens and the Adelaide Botanic Gardens. This is not money that will disappear from the garden system. This is a resource that can be put into the other gardens. In fact, I am told that when the gardens were created and the responsibility was given to the Botanic Gardens in 1980 there

was no extra appropriation to maintain these gardens. The funds came out of the Mount Lofty Gardens, and, as a result of that, those gardens have had that amount of money taken away from them during that period of time. So there was a detriment to the Mount Lofty Gardens as a result of that.

The issue of stamp duty was raised and I think the member for Heysen actually answered that question herself. It did relate to a cabinet decision of 1995 that such properties should be exempted. It is a discretion that the Treasurer has and we will need to work that through with the Treasurer. The member also referred to the six month phase-in of gardeners. I guess that is a part of the arrangement we have with the owners in terms of the sale. This is a package of measures which we agreed to with the owner. We think the government is actually getting a good deal out of this. This is a property which is closed to the public for about 80 per cent of the time and the private owner is getting 80 per cent of the value of that expenditure.

That is certainly a view that the Botanic Gardens board has held for some time. They had a resolution passed in 1992 saying that the garden should be divested. In March 2000 they repeated that, and repeated it again in May 2002, and again in 30 August 2002. Finally on 20 October 2003 the board passed a resolution to divest Beechwood Gardens. So this matter has been considered over a very long period of time. The commonsense thing to do is divest it, give the ownership to the adjacent home owner and give that family the responsibility of looking after it.

The member for Mitchell said the costs were not a reason to dispose of this. He was, I guess, attacking the Labor party for selling off a public asset. In fact, we are selling off 20 per cent of the asset. The 80 per cent is already in private ownership. As I have indicated that is money that could be better used on gardens which are open 100 per cent of the time, not 20 per cent of the time. The member for Mitchell talked about open space. This will stay as open space. The arrangements put in place guarantee it stays as open space. That is why the cost of $450 000 was struck, as the member for Heysen pointed out. If it was sold as development land, of course, it probably would have sold for millions of dollars. We do not want it developed. We want it to stay as open space. The member for Mitchell also said the developer gets a good deal as this is prime real estate. It is not prime real estate. It is a piece of land which cannot be developed. It is a piece of land which has to stay substantially in the same state.

The member for Davenport raised a number of issues about this, and his speech as usual was political and point scoring in its nature. It did not have the same kind of maturity that the member for Heysen's contribution had. He said that this was an example of a broken promise. It was an example of a privatisation. On two counts that is wrong. Firstly, it is not a broken promise. It is a promise I made as the opposition spokesperson about four or five years ago. I said that in government we would attempt to sell this property. I was very clear about it. The opposite was never promised. It is not a privatisation. The property is already 80 per cent privatised and subsidised by the taxpayers. To me that is a bad deal and it is a bad deal we are getting out of after a long time. It is a bad deal that the Liberal government tried to get out of too, on at least one occasion that I am aware of.

The member talked about whether future owners of the property would consider whether or not they would donate or sell land to the government. This was sold so that we could stop it being developed. It was not donated to the government at all, and I have already addressed that issue. The member also raised the issue of the heritage agreement. I am certainly prepared to show the member for Heysen the heritage agreement before it is finalised and I would also indicate to the house and to the member for Heysen my support for the proposition that she moved today which would require any heritage agreement change to be passed by both houses of parliament. In offering that general support I indicate I have not yet had advice in relation to her bill. I would want to do that. We may seek an amendment to that. I support the principle that she is trying to achieve, but we may just want to ensure that the words are properly constructed. With those words, I thank my officers who have helped me, particularly Mr Schutz from the Botanic Gardens and other officers, and I thank the opposition for indicating its support of this measure.

Motion carried.

[Sitting suspended from 6 to 7.30 p.m.]

NATURAL RESOURCES MANAGEMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 19 July. Page 2723.)

The Hon. J.D. HILL: I move:

That the Legislative Council's amendments be agreed to.

These amendments were moved in the other place, most by agreement with the government. One or two were imposed upon us against our wishes, but they do not unduly affect the legislation. The government is happy to accept all the amendments. This has been a very long parliamentary process. However, this was a very important piece of legislation, which brought together three existing pieces of legislation and established a new regime, and it was appropriate that both houses spent a fair amount of time dealing with it. I think it involved close to 50 hours of debate and discussion across the two houses. I do not know if it is a record, but it is certainly a record for me. I am happy to support all the amendments.

The Hon. I.F. EVANS: The opposition supports the amendments. The Hon. Caroline Schaefer in another place handled the bill there and did an excellent job. I place on the record my thanks to her and her staff for their efforts during this whole debate. It is interesting to reflect how the government was out there for 18 months with this consultation process, saying that it was a good consultation process and very inclusive. However, I raised concerns, as did others, during the second reading debate that it was consulting with its own committee members and officers. I gave some examples of that, where something like 60 out of the 70 people attending the public consultation meetings were already members of the committees or officers of the government, so we ended up with a bill that took 50 hours to debate through the two chambers, mainly because we had to move successfully something like 300 amendments to one piece of legislation. You would have to ask yourself whether the process was so right that it ends up with the opposition successfully moving something like 300 amendments to the whole process.

We acknowledge that the bill is now complete. The parliament has had its say. We still have major concerns with

the legislation and the way in which it is being forced from the top down rather than the bottom up. All those concerns that we expressed during the second reading about community volunteers and their skill set being taken out of the process still stand. The opposition is pleased that it has been able to put in more appeal processes, more protections, and more rights for landholders and, certainly, a more administrative role for the parliament, with far greater oversight of the powers of the boards. The opposition is pleased that it has introduced those reforms to the bill. We will be waiting with interest on the government's announcements of its second stage, because this is the first stage. The government will now bring in amendments to the Native Vegetation Act, the Coastal Protection Act and other associated matters.

There is a second stage to this reform. The government is on the record as saying that it will consider bringing all those other acts under this regime. It will be interesting to see exactly what the community thinks of this and where we are in a couple of years' time: whether this process has delivered what it has promised or whether all we have done is reshuffle the bureaucracy and not really delivered a better community service. I hope that, for the sake of South Australia, we have produced a better service. I guess the proof of the pudding will be in the eating.

Motion carried.

STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 19 July. Page 2764.)

The Hon. J.D. HILL: I move:

That the Legislative Council's amendments be agreed to.

The Hon. I.F. EVANS: Will the minister explain the amendments to the committee?

The Hon. J.D. HILL: I refer the member to the second reading explanation inserted in *Hansard* in the other place. I do not have those notes with me, but the amendments relate to permits. That issue was complicated in this place, and I said that I would get that sorted out, and that happened in the other place. Section 70A relates to failure to comply with an authority. The amendment of section 71 (duplicate) replaces the words 'the minister' with 'a relevant authority'. From memory, the member for Stuart was keen to have those two amendments included in the bill. If I have that wrong, I will correct it.

The Hon. I.F. EVANS: That is all well and good, but members should not have to be directed to the second reading explanation inserted in *Hansard* in the other place to understand what these amendments are about. As I understand it, these amendments relate directly to questions raised by the opposition during the debate in this house. The minister was so confused during that debate that he had to withdraw that amendment so that he could take advice in between the houses. He did that and amendments were moved in the other place. We asked one simple question: what do the amendments mean? The response is to go and look in the *Hansard* of the other place. It might be all right to treat the opposition like that, but there are Independent members and National Party members, who are not involved with the major parties and who have a right to have the amendments explained to them in this place.

I did not put the minister through that process with the NRM amendments, of which there were 113. They were not explained to this house, but we passed them. We specifically asked questions about the powers of the boards that run co-managed parks to issue or not issue permits. Specifically, what powers would they have? What sort of permits would they be able to distribute or not distribute? I think the committee deserves an explanation, clause by clause, of what the actual amendments do.

The Hon. J.D. HILL: The government's proposed amendment regarding section 69 permits under the National Parks and Wildlife Act 1972 was withdrawn in the House of Assembly pending clarification of the member for Davenport's queries regarding the nature of the permits. The member also queried what activities the board could prevent in the Unnamed Conservation Park by not issuing a permit. The proposed amendment to section 69 is necessary because, as it currently stands, the act does not contemplate permits being granted by a co-management board. The bill, however, contemplates certain permits being issued by a co-management board for a park. The amendment reflects this.

Section 69 provides the framework for granting permits. The permits which may be granted by the board will be established by regulation. It is intended that a board of a co-managed park would have similar powers to those granted to the director by the current regulations. For example, they will provide for the grant of permission for activities such as the use of chainsaws in the park, camping in areas other than those set aside for camping, and the use of certain vehicles in the park. The power to grant other permits (for example, permits for the harvesting of animals or plants, take-from-the-wild permits and scientific permits) remains with the minister and is not affected by the bill.

Motion carried.

TOBACCO PRODUCTS REGULATION (FURTHER RESTRICTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 2310.)

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I am delighted to speak to the bill, for which we have been waiting for a long time, and I would like to touch briefly on its history. The previous Liberal government introduced a ban on smoking in eating areas in South Australia. I think a number of people criticised us for that, but its introduction was widely accepted and applauded, not just by people who do not smoke but also by people who do. In fact, we found a high level of support amongst that group of people.

So, we set the direction in terms of the states of Australia, because we were the first state (other than the ACT, which is a territory government) to ban smoking in eating places. Having accepted that leadership role but making sure that change was brought about, the former Liberal government then set about bringing in further bans which would ultimately lead to a ban on smoking in all enclosed areas.

At the time of the change of government to the Rann Labor government, a considerable amount of work had been done. We had set up an anti-tobacco task force (chaired by Diana Hill), which brought together a number of people who had a strong commitment to this area. They consulted with a number of different groups in the community including those representing the retail and hotel industries.

They were reasonably close to formulating a series of recommendations that would have been dealt with by the government about mid 2002. However, with the change of government all of that momentum seemed to have been lost, and that was a great shame. This present Rann government set up a committee which finally reported in April 2003 and which was about six months later than expected. After that report was released the Cancer Council, the Heart Foundation and a number of other groups came together to form a coalition to have the ban on smoking and the use of tobacco products in enclosed areas brought forward, and that group pushed very strongly to have the ban operating from March 2004.

Certainly, from within my own electorate, as well as in other areas, I know that there was very strong support for that ban to apply from March 2004. After the report had been released by the government in April 2003, everyone expected the legislation to be introduced in September 2003, but we waited for another nine months until we saw the legislation at the very end of May 2004. Just a few weeks ago I met with some groups who feel very passionately about this matter. They had assumed that the legislation would be through by the end of this parliamentary session.

Clearly, that will not happen. It might get through the House of Assembly but, certainly, it will not get through the Legislative Council. It will therefore be deferred until the next session of Parliament—a further delay. In fact, it would appear that this legislation is likely to pass only a matter of days prior to a number of the bans coming into effect, and I will take up that issue shortly. That is how poor the planning has been; that is how weak the government has been in trying to push this issue.

I come then to the details of the legislation itself, but before doing that can I say that I have always campaigned very strongly to ban smoking in enclosed areas, and I know that many members agreed. I was delighted to be the minister at the time the actual ban on smoking in eating places took effect in South Australia. I was not the minister when the legislation passed; that was former minister the Hon. Michael Armitage, and I congratulate him on his stance. I was delighted to be present and to see the accolades poured on South Australia for taking such leadership.

We need to appreciate that huge moral issues are involved in allowing people to smoke in front of other people, including employees. There is now very compelling evidence throughout the world on the impact of passive smoking on non-smokers. Evidence indicates that the more one is exposed to passive smoking there is quite a significant risk of contracting cancers (and not just lung cancer but other forms of cancer), and heart disease and other respiratory diseases increase quite substantially. A combined review of the studies was carried out by the Australian Health and Medical Research Council, which highlighted compelling evidence that passive smoking is a health risk to all people involved. I have looked at the research of someone who brought together the studies from across the world (there was an enormous number of studies), and even very small amounts of passive smoking can increase the risk of contracting those diseases.

In fact, one area of real concern is the impact of passive smoking on children, and that is why the former government took such a strong stance against smoking in enclosed cars in which there are children or other non-smokers, but particularly children. Children do not have a choice and, as they sit there as passengers, they are forced to inhale the cigarette smoke of people as they drive along. Invariably it is someone's own children, and perhaps they do not understand the impact on their children's health and the impact that it will have in their later years.

I am therefore a strong supporter of banning smoking in enclosed areas. Few people would understand the huge impact people giving up smoking would have on the health budget but, more importantly, on the health of people within our community. When I was minister we set out with a specific campaign to reduce smoking by 20 per cent over a five-year period. I was delighted that, at the end of 2½ years, we had achieved almost the 10 per cent mark. I am disappointed to hear that, in the final 2½ years (I think because of the pressure being taken off in this area), the achievement has been less than what was achieved in the first 2½ years.

I understand that it might have been a fairly small increase in the second 2½ years. That is why it is important that we carry out a day by day campaign to push this issue time after time, because it is the constant reminder to people, first, that they should give up smoking; secondly, that they should not smoke in front of other people; and, thirdly, that non-smokers should be very careful about inhaling passive smoke. They are the factors that we must get to. I come to the legislation that has been introduced.

I appreciated the briefing that I received from the minister's department, although, I must say, I noticed some discrepancies between the sheet given to me as part of that briefing and what is contained in the bill and in the minister's second reading explanation. Therefore, I urge the minister to look at some of those discrepancies, because we would not want people to be believing that one law is about to apply when, in fact, it will be some variation of that.

The legislation provides that, effectively, from 31 October this year there will be a complete ban on smoking in all work places, except—and I say 'except'—in hotels and the casino. I will come to that later. We will ban smoking in all shopping malls, so they will be completely free. We will ban smoking in all restaurants and cafes, including those that have smoking areas provided under special exemption. We will ban smoking within one metre of all service areas in hotels (in other words, the bars), although I acknowledge that the minister will introduce an amendment to that and the parliament will be considering it. The minister wants to prescribe what should occur within those hotels. As from 31 October, the sale of herbal cigarettes will be limited to retailers with a licence—and I strongly support that.

The legislation puts the obligation for selling cigarettes to children back onto the employer and makes the employer liable for the actions of their employees. In addition, there will be restrictions on the mobile sale of cigarettes, including the banning of mobile trays and toy cigarettes. I do not go into too many nightclubs, but I understand that in many nightclubs, in the early hours of the morning, people are wandering around selling cigarettes, and certainly that has an impact on the sale of cigarettes from those areas.

I highlight the fact that from 31 March next year other restrictions kick in. For example, cigarette machines will become employer operated, or can only operate in gaming rooms where there is an age restriction. In addition, a tobacco merchant's licence will be required for each and every retail outlet. I do not object to that at all. That means that Woolworths will have to have one for each store and Coles will have to have one for each of its stores. Why should they not, because every other small delicatessen is required to have a tobacco licence?

Also, from 31 March the bill provides for tobacco sale displays and advertising to be out of the public view, although I do notice there is an amendment from the minister on that; in fact, I believe it completely deletes that provision. Also, from 31 March next year each licensed retail outlet can have only one tobacco point of sale.

I stress the fact that, effectively, we have had a complete ban on smoking in all enclosed places and all work places, including a car if another employee is in that car. It even bans smoking, as I understand it, in a work car, even though you may be the only person in the work car, if other people then use that work car and drive it on another occasion. So we have this very broad ban on smoking, except for the hotels and the casino. One would have to ask why those areas should be exempted.

Mr Hanna: Money!

The Hon. DEAN BROWN: Exactly. This is all about the government trying to preserve its revenue from poker machines. It is as greedy and as disgraceful as that. It is prepared to expose people who frequent hotels and the casino or who work there, and it is prepared to sacrifice their health for the sake of the government's own revenue from poker machines. Therefore, I will support the earlier introduction of the complete ban, including at licensed premises or hotels and the casino. We cannot be so hypocritical as to say, 'We will ban smoking everywhere in the community, even in a work car when no other people are in the work car and another employee may drive the car.' If we take that high standard and apply it across the community, then why not do it for those poor people who have to work in the hotel industry? I am not saying that they are unfortunate in so doing, but they are poor in terms of the substandard health conditions to which they are being exposed as a result of this proposed legislation—and equally the patrons.

If we have the courage to ban smoking, why not have the courage to ban it in hotels as well? We did when we were in government, in terms of banning smoking in all dining areas, and it was widely accepted, including by smokers. Therefore, we should apply exactly the same standard. There should not be discrimination in favour of hotels and the casino against the rest of the community, in terms of giving them favoured treatment on tobacco smoking. I find that discrimination and that hypocrisy of huge proportion in terms of the way in which this bill has been drafted and put forward by the government. I would love to hear some members opposite stand up and try to defend why workers in hotels can be sacrificed by allowing smoking in those hotels for another three years.

The Hon. L. Stevens: Why didn't you do it when you were minister, Dean? Why didn't you take up the cudgels—

The Hon. DEAN BROWN: I have already been through the history of this. Why are they prepared to sacrifice workers in the hotels while taking such a stand—and a stand that is to be applauded—in terms of other workplaces? That is the crux of this legislation, and that is the issue that has to be exposed and dealt with in terms of amendments. It comes down to the greed for money by this government, and it is putting that greed for money ahead of the health of both the public and the workers within the hotel industry. I want to deal with some of the other aspects—

Members interjecting:

The Hon. DEAN BROWN: I am delighted that we are combining all the speeches together tonight, because that will mean we can go home earlier. Mr Speaker, I presume all the interjections will be regarded as time off from speeches that are given subsequently and, therefore, that will shorten the second reading debate.

The SPEAKER: It will not be taken into account by the tally man at the pearly gates, however attractive it may be!

The Hon. DEAN BROWN: I now come to this proposal of the one metre rule within bars. That is an absolute farce. As of 31 October this year, people will not be able to smoke, according to the legislation, within one metre of the service area; in other words, of the bar. There are some pretty long bars—and I think of the hotel at Gladstone that has a long, thin bar and about, I guess, 1.2 or 1.4 metres between the bar and the wall of the hotel. One can just imagine all these smokers jammed up against the wall with their heads thrown back trying to smoke cigarettes.

Ms Thompson: Have a look at the amendment.

The Hon. DEAN BROWN: I will come to that, but we are in the second reading debate stage and we are dealing with the legislation as presented to this parliament. The honourable member knows that. One can just imagine this farcical situation. But, more importantly, the smoke they exhale must not mix with the rest of the air around the bar. One can just imagine this long hotel bar with smoke in one portion but no smoke in the other part. That was absolutely ridiculous. It just shows the extent to which this government is willing to try to appease the hotel industry to preserve the poker machine legislation.

If one goes into a poker machine room from 31 October this year, 75 per cent of the area can be a smoking area and 25 per cent a non-smoking area; 75 per cent of the machines can be in the smoking area and 25 per cent of the machines must be in the non-smoking area. But, in a year's time, our conscience really cuts in and, having cut in, we have said, 'No, you cannot have more than 50 per cent of the gaming area with smoking, and 50 per cent of the area must be smoke-free.'

How that will affect the amount of smoke, and how it will stop people in the rest of the room dying from cancer and heart disease is beyond my imagination. But that is what they imagine. Then, for the next two years, we will have this situation where one can smoke in half the room but not the other half; one can play poker machines where half the machines are so-called smoking machines and the other half are non-smoking machines. Yet there is just one big room and one ventilation system for the entire place. One can just imagine what will occur. That shows how farcical this legislation is, and that is the extent to which this government has tried to make out that it was doing something to protect the health of the workers in the hotel industry and the casino, but it really did not want to affect the revenue coming into its own pockets.

I am not convinced that there would be a significant drop in revenue if today the government introduced a ban on smoking in gaming rooms. However, I think that it would have a huge impact on compulsive gamblers, and I think we would see the social impact from gambling decline significantly within this state. We would see the number of compulsive gamblers drop as a result of it, because they would be forced to leave and go outside if they wanted to have a cigarette. There is clear evidence that people with a gambling addiction have a higher propensity to want to smoke than the rest of the population.

We have these farcical so-called restrictions being applied for a three-year period and there is this slight adjustment to those farcical restrictions after one year, operating from 31 October 2005, just to keep the conscience of the Minister

for Health that much clearer and to allow her to sleep at night. I would say that it will have no impact at all. Stopping smoking in 25 per cent of a gaming area or 25 per cent of a bar, because one end of the bar you might have to have smoke-free and the other 75 per cent, or not being able to smoke within one metre of the bar will have no real impact on the health of people who are frequenting these places, because exactly the same amount of passive smoke will be taken in by the other patrons who are not smoking.

I hope this house understands how hypocritical this legislation is in some respects. In other areas I applaud it, and I applaud it very strongly indeed, because it is taking a hard line: it is banning smoking in shopping centres, workplaces and other enclosed areas where the public or other workers might be.

Another area that I want to touch on is the issue of bingo and bingo venues. This is an issue that I raised just before the legislation was introduced into the house. I asked the minister, in late May, to look at the situation of the non-licensed, or non-hotel bingo operations. There are a number of significant bingo operations around, and Novita Children's Services, formerly Crippled Children's Association, for instance, raises about $400 000 a year from bingo and they believe that cutting off smoking in those areas would have a significant impact on their revenue. In fact, they surveyed their patrons and the results showed that they would lose an estimated $140 000 a year, and as they pointed out to me and other members of parliament, and I discussed it with them, this would have a significant impact on the services that they provided to children with disabilities. They said that they would have to cut their services by about $140 000. They formed a group called Charities SA. There are other people like Anglicare from the minister's own electorate—

The Hon. L. Stevens: No; United Way.

The Hon. DEAN BROWN: It is under the Anglican—

The Hon. L. Stevens: You've got that wrong. It is United Way.

The Hon. DEAN BROWN: United Way was another one. I got a letter from someone, and I would like to read it in part—I will not reveal his name. He said:

> I am a professional bingo coordinator and I have called for 17 years and I have worked for organisations such as Crippled Children's Association, Bedford Industries, Glenelg Football Club, and the Greek Orthodox community. I feel that banning smoking in bingo halls immediately in October 2004 will affect the monies raised significantly for organisations such as these. When Bedford tried to introduce non-smoking years ago, it lost all five bingo sessions a week and hence much needed money. Whilst we would all like to see smoking rates declining, allowing it in hotels but not community halls or charities will affect those organisations' bottom line significantly. Olympic House bingo which has been running bingo for over 35 years in South Australia raises money for the Greek Orthodox community in South Australia which helps provide funds for childcare facilities, aged care, schools, and other vital services. I am urging the government and the opposition to take action to prevent legislation from being introduced which would discriminate some places consenting smoking against some that do not, allowing a transition period of three to five years to occur to give people time and to make it the same for everyone across the board.

My view is that if it was made the same for everyone that is the first important step, and if we do that then we can ban it sooner rather than later because you will not suddenly see a shift from those charities going off into hotels spending the bingo money and trying to get the alternative entertainment in a poker machine room, as opposed to bingo and raising money for a worthy cause.

That letter was sent to me after I raised this matter publicly. It was interesting because I asked the question about some compensation—this is in late May of the minister—and the minister wrote back to me and did not say that she was going to give them any concessions at all, but in fact said that they should be out there arguing very strongly amongst their patrons that giving up smoking would be good for them.

The Hon. L. Stevens: Yes. They should be.

The Hon. DEAN BROWN: That might be the case but it was not until I went to the *Sunday Mail*, it was not until I went out to the media and highlighted the hypocrisy of the minister when it comes to smoking and bingo sessions, that hotels are allowed to have smoking and bingo for three years but not the charities, who are the most worthy cause of all. It was rather interesting to see that once I put the heat on out there in the community suddenly the minister buckled and saw the wisdom of it—and I am delighted that she did—and decided to therefore go along with the proposal that they should be put on exactly the same basis as I have proposed. In saying that, I qualify it, because I am of the view that bingo evenings across the state including non-hotel and hotel bingo evenings should not be allowed to operate with smoking for the next three years. I am of the view that we ought to be imposing the ban sooner than 31 October 2007 and I think that the majority of people in the community would recognise that.

I noticed in the detailed letter that I received from Glenn Rappensberg from Novita Children's Services (a copy of what he sent to the minister was also sent to all members of parliament) that all he asked for was the same provision as hotels, but said that he agreed that perhaps one other option was that, instead of extending it out to the end of 2007 for non-hotels, an earlier date could be brought in to ban it for all venues. I certainly again would support that, provided that they are on an equal footing in between. I am delighted that Novita Children's Services took up this issue, raised it with the members of parliament, put the pressure on, and I was delighted to receive the support of the media, to be out there to raise the inconsistency and the discrimination that has occurred. I am delighted to see that the government has bowed to that pressure as of yesterday and has agreed now suddenly to introduce an amendment, and I support that amendment, of course, having raised the matter publicly.

I come to another issue and that is the display of tobacco products. We know that if we can discourage the display of tobacco products then we might start to discourage people from buying cigarettes, particularly younger people. That is the hope, and certainly I am one of those who is willing to support that. The government has put in a proposal that as of 31 March 2005 there can be no display of tobacco products and no tobacco advertising. I support that but there has to be the practical application of it.

Certainly, what is the point for instance of having a specialist tobacco shop which only smokers might go into—and certainly where people under age could be banned from going into such shops—if when you walk inside all you see is four blank walls because you cannot have any display of any product? I understand why the government has introduced an amendment, but now that complete area has been removed from the bill. I think that is unfortunate. It shows that the work was not done and the thought was not given to the bill before it was introduced into this parliament. Certainly, it is an issue I raised with the department when I went through the briefing just over a week ago. I also noticed that cigarette machines will now be allowed in the casino as a result of amendments that have been proposed. There was some inconsistency again where you could have a cigarette

machine in a hotel, even if you had to use a token but you could not have a cigarette machine in the casino. The casino objected to that and they came and saw me and discussed that point with me and asked for an amendment and I support that amendment.

However, I come back to the point. I am still very strongly of the view—and this is the most important part of this legislation—that we cannot afford to sit back and wait for another three years and a few months before we ban tobacco smoking in all enclosed places within South Australia and all workplaces. I find it absolutely unbelievable that you can have a situation there where say 95 per cent of the state shall be absolutely pure where there is an enclosed area and yet the other 5 per cent, if that is what hotels and the casino represent, will in fact be allowed to have smoking for another three years. My firm belief is that if a hard line is taken the hotels will not lose revenue. In fact, to protect people and to protect the interests of the hotels, I was willing to see a special smoking room installed in hotels and the casino, and in that special smoking room there could be no services provided. In other words, there would be no employees in the room and there would be no non-smokers in the room. Only the smokers would go into the room.

I was willing to do that as a concession because it has been tried in Western Australia and I think it has worked there as an interim step, but only if we have a much earlier cut off point in terms of banning smoking in all other public areas of hotels and casinos. I believe that is a far better solution indeed—have an earlier cut off, such as 31 October 2005—in all other areas of hotels and the casino, but allow them for the next two years after that to have a special smoking room where there are no services, no employees and no non-smoking members of the public. You therefore eliminate any passive smoking at all except for those who are smokers. People would only go in there in the conscious effort that they do not have to go out and sit in the street to smoke as an alternative to going into this room. We might find that the cases of pneumonia and flu actually drop within our community, if we do not send them out onto the streets.

There are a couple of other matters I want to raise. One is my concern about the entrance to these enclosed areas. You go into some of the buildings at present and as you walk into those building you walk through a barrage of smoke because all the smokers who have been forced out of the enclosed area are standing within a few metres of the entrance of the building smoking. I have had numerous objections raised with people about that issue. I believe that we ought to be looking at something that makes sure that there is a perimeter of a few metres, say five or ten metres, immediately outside the entrance of any public building so that people who wish to go outside and smoke can go outside and smoke, but they are not forcing people entering or leaving that building to inhale that smoke. Of course, if you go into these large shopping centres, or into many modern buildings, the door opens and on certain days a gush of air comes in which carries much of that smoke into the building and into the airconditioning system, which I again think is unsatisfactory.

The other issue I want to highlight here is that you are going to have to have a computer-like memory to understand what you are allowed to do, when you are allowed to do it, where you are allowed to do it and where you are not allowed to do it. I just highlight that there are certain laws that come in on 31 October 2004. They ban smoking in certain areas. In some cases, as I have pointed out already, in 25 per cent of the area smoking will be banned but permitted in the other 75 per cent. In certain areas, in hotels, you are going to be able to smoke up close to a bar or up to within a metre of the bar.

We still do not know, I might add, what the minister is going to do with her amendment, where she is going to do that by prescription. She is going to prescribe what areas in a hotel. We have no idea of what the outcome is. So we are being asked here to sign a blank cheque. She might suddenly reduce that one metre down to half a metre, or she might actually try to take it out to two or three metres from the bar. She might come up with some other ridiculous formula which will have just as much token effect as much else of her legislation here. Here we have certain things introduced on 31 October 2004; we have other changes occurring on 31 May 2005; we have other changes occurring on 31 October 2005; and we have further changes occurring on 31 October 2007.

I can imagine what it will be like: it will be bedlam in these hotels, clubs and some other areas. We will have smoke police everywhere saying, 'I am sorry. Here is the green light, you can smoke here; but here is a big red light, and you cannot smoke there.' How will we be able to differentiate? How will someone know whether or not they are breaking the law? How will hoteliers be able to keep from informing their patrons, 'I am sorry. You cannot smoke there. Would you please move 6 inches this way or a foot that way, even though you might be blowing your smoke in the same direction. You can stand over there, but you cannot stand here. You can play that poker machine there, but you cannot play this one which is about a metre away, because that is in a non-smoking area.'? It is going to be a farcical situation indeed. That is why I support the earlier introduction.

Let us get rid of this mockery. Let us put people's health as the first priority and stop worrying about government revenue coming from poker machines. Let us be principled for once, and let us make sure that there is early introduction of the smoking ban, at least by 31 October 2005, across all enclosed areas, including the casino and hotels, so that we can then say that South Australia truly is committed to cleaning up the health problem created by smoking within our community. We can really send ourselves out there as examples for other states of Australia and do what many other countries in the world have already done, including some states of Australia. When are we going to have the courage to stand behind our statements that we put the health of our population first rather than the revenue coming in to government? I support the second reading. I support it in committee, but it needs amending.

Dr McFETRIDGE (Morphett): I rise to support the intent of this bill. I have never smoked. I do not know why people smoke. In fact, at dinner time tonight I went to Ward 6C of the Royal Adelaide Hospital to visit a very dear friend of mine who has terminal small cell lung cancer from smoking. Have a look at some of the statistics in the minister's second reading speech here which states:

> Tobacco smoking is the single biggest cause of premature death, disease and disability in Australia. This imposes substantial economic and social costs on the South Australian community.
>
> Smoking is the single largest preventable cause of death in Australia and tobacco use has been estimated to cost Australia $21 billion a year in health care, lost productive life and other social costs.

The biggest addicts of tobacco are governments for their revenue. If tobacco is so bad, ban it. They will never do

that—we know that—because it brings in too much money. The minister's second reading speech continues:

> Thirty South Australians die each week from diseases caused by smoking tobacco, and smoking related diseases account for 75 000 hospital bed days in the State each year.

I emphasise that: 30 South Australians die each week from diseases caused by smoking tobacco and smoking related diseases. If those figures were road accident figures, we would not be driving at 50 kilometres per hour: we would have a bloke with a red flag walking in front of us. Thirty people a week die from tobacco, yet it is a legal product. Gambling in South Australia is quite legal, but if you smoke or gamble you are a pariah. If it is so bad, ban it. We can wind back the clock—we are the parliament. Nobody will do that because there is too much money coming in—over $1 million a day in gambling. I do not know what is coming in to the federal government in tobacco excise, but it is millions of dollars.

However, this bill does something that I think should happen, and that is to try to eliminate smoking. It is doing it in a measured way. We are going to cut it out in the workplace straightaway; that is fine, not a problem at all, but we hear of a tax on the hotel owners. The hotel owners are the big bad bogeys. They are the pokie barons, unlike the fine barons of the Barossa. These are the pokie barons. They are the bad guys. What have they done? They are pouring $1 million a day into this state in gambling taxes. They are providing social outlets for hundreds of thousands of South Australians. They have invested millions of dollars in South Australia. They provide part-time, full-time and casual employment. They are a huge industry in South Australia; yet, some people here just want to try to penalise them all the time. I am pleased to see that in this bill there is some commonsense.

Smoking is a legal entity. You can light up a cigarette, cigar or a pipe, as disgusting as I think they are personally. Second-hand smoke is very dangerous. Have no doubt about that. We must not become the nanny state telling everybody how to run their lives. When do you stop being responsible for your own actions? When do you stop deciding what is right and what is wrong? I will tell you. I think that smoking is terribly wrong because you are killing yourself. I object to paying my Medicare levy to subsidise somebody who is trying to kill themselves with smoking. That is their prerogative to do that whilst it is a legal product.

Here we have a bill that will introduce a reduction in the availability of premises for people to smoke, and I applaud that in the measured way. There are some problems that I will speak about briefly. At least we are giving business and hotel owners the opportunity to implement measures which they are willing to do. They have huge investments—millions of dollars in investments in hotels. We are getting them to bring in their reforms in a measured way.

The Hotels Association has spoken to me about it, as well as to many other members. They are cooperating in a responsible way, and I applaud them for that. I applaud the way this bill will bring in the necessary changes in a gradual fashion. Some members of this place will stand up in here tonight and say, 'Stop it tomorrow.' That will not happen; that is an impossible dream. Although tobacco is legal, that will not happen. Attitudes to smoking have changed dramatically. When I was in grade 3 in primary school I won the darts competition at the school fete, and the prize was a packet of Craven A 10s. I think I had smoked all of them by the time I got home. I lit them up and puffed a bit, I did not really smoke them, but I was very sick.

Ms Breuer: You didn't inhale.

Dr McFETRIDGE: I think I tried to inhale. I have never found smoking pleasurable. I went to the rugby the other night, the Wallabies versus the islanders. It was a fantastic night, but I was staggered when a bloke two seats up from me lit up and all the sidestream smoke was coming my way. My son was ready to rip the head off this bloke, because we both do not like smoking. It is a legal pursuit, but I thought it was banned there; I am glad it is at Footy Park. Our attitudes have changed and they are still changing. This bill will make people more aware of where they can and cannot smoke and the potential hazards of smoking. The figure of 30 people a week dying from smoking in South Australia is staggering.

I have a query about enclosed areas. A while ago I negotiated with the minister to allow dogs into outdoor eating areas. Some people thought they would catch a dreaded disease from a dog. I give the minister her due: she acted very quickly to change the regulations, and commonsense prevailed. That is what we need here, because outdoor areas are open to different interpretation and definition. We now have vergolas that open and shut, sail cloth and plastic PVC blinds. There are 106 restaurants and cafes at the bay, 84 of which are licensed, and most of them are now moving to having outdoor dining areas, some of which are closed in and some just out on the footpath. Some of them are close to buildings. There is one that has tables on the footpath, but a maximum of two or three metres away there is a bar. So, whether they are one metre back from the bar or not, it is going to be an interesting mix.

I hope this bill will go down the right path and not be draconian in its implementation. It should be more a matter of education than beratement, but we have to include penalties to enforce these pieces of legislation, as some people out there will push the limits. The aim of the bill, as it should be, is to reduce the amount of smoking. If I had my way, nobody would smoke. There is nothing wrong with having a glass of red, because it is good for your health. Alcohol in moderation is good for your health, but you cannot have one cigarette without doing yourself serious damage. This bill goes a long way towards improving the health of South Australians and innocent bystanders, as it should. I look forward to seeing the bill passed by the house.

The Hon. K.O. FOLEY (Deputy Premier): This bill is the result of significant consultation by the government and, in particular, by my colleague the Minister for Health in trying to strike a balance between the interests of all of us in terms of the health of our society but equally in terms of the ramifications involved when it comes to the commercial consequences of significantly changing what has been an accepted behaviour by the wider community. My colleague and I have been at the forefront of trying to negotiate an acceptable position for all interest groups. We all have a personal view, but ultimately I hope we will reach a position that will be the result of reasonable compromise.

Some members—and I am not at all critical of them—think that we should ban smoking immediately. We respect those views. Many of my own colleagues and members opposite would like to suggest that we ban smoking in venues forthwith, but the government has a responsibility wider than the view of single individuals to find an appropriate way to phase in quite significant reform as it relates to smoking.

The hotel industry in our state has suffered a degree of reform in recent years. I am sure that the Hotels Association would agree that I have been perhaps the reason for their being a little anxious, because we have required some compliance from the hotel industry that they would rather not have had to deal with in respect of taxation and, as we will debate later this week or perhaps in the next session, the rather significant reform of poker machine numbers in this state.

We also have to manage a region of change in hotels. The government bill provides a decent balance, but after we have debated it we will have to consider how to implement it. My colleague the Minister for Health has arrived at what I think is a very good package of reforms. I know that we have annoyed most interest groups. The Heart Foundation and the Cancer Council would want us to do this earlier and quicker.

Mr Brindal interjecting:

The ACTING SPEAKER (Mr Goldsworthy): Order!

The Hon. K.O. FOLEY: I think the member for Unley and I are in a queue. I am not sure who is at the head of it, but we are battling for that honour. Ultimately, most reform means that the government of the day will upset most people or will not give most groups what they want, as has happened with this bill.

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, if you upset everyone you have probably got it about right. I was approached by Sky City Casino. My friend John Lewis of the AHA might like to hear this. Sky City Casino came to see me and said, 'Treasurer, we don't like the idea of having a one metre ban from our gaming tables.' They also said, 'We think that if you have a one metre distance in terms of the bar you should not apply that to gaming tables where you can serve alcohol. This will cost us $16 million a year.' I said, 'Well, I reckon that you have got something that a lot of people in the hotel industry would like.'

Mr Brindal interjecting:

The Hon. K.O. FOLEY: No, a monopoly. The casino has more poker machines than the top 20 hotels in Adelaide. I said to Sky City Casino, 'I just reckon that you're pushing your luck if you think that we would offer a concession to a casino that has a monopoly.' I said, 'Look, maybe we could give you what you want:, you could agree to open up casino licensing and we could have another casino in Adelaide. Do we have two casinos or do you want the one metre ban on your gaming tables?' They took the one metre ban. At the end of the day, this bill will require all interest groups to take a degree of pain.

Ms Bedford: My blood pressure is going up; I heard 'second casino'.

The Hon. K.O. FOLEY: I am not advocating a second casino, member for Florey. Why would I want a second casino?

Ms Bedford: Don't even mention it.

The Hon. K.O. FOLEY: Why would I want a second casino? I can think of all that revenue but that would not be sufficient motivation.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: I am caring and sharing.

The ACTING SPEAKER: Order!

The Hon. K.O. FOLEY: Yes, a bit of order in the house. Ultimately, this is a good package of reform, and I hope that the shadow minister for health will agree to support it. I know that some members want these measures brought in earlier. Some members want these measures in by 2005 but, in fairness to the industry and the Australian Hotels Association—which has taken a bit of a buffeting from this government and this parliament (and it will take more)—we must get a decent balance. I hope that all members will support the government and the Minister for Health in what I believe is a balanced and considered package of measures which, ultimately, will deliver some of the most significant reform to smoking in this state.

Whilst the shadow minister for health is about to take his seat, I just cannot allow the moment to pass without saying that this is a hell of a lot more than the shadow minister for health was prepared to do when he was the premier of this state. I remember when the shadow minister for health had a majority of 37-10. From memory he had a bigger majority in this house than Lee Kuan Yew had in Singapore, but I could be corrected. They were so timid. They could not reform. Notwithstanding the efforts of the then member for Bragg, they could not make any significant reforms, and they were a very timid first term government.

This government, with a minority status, is prepared to bring forward some of the most significant social and economic reform this state has seen. When the shadow minister (the member for Finniss) was the premier of this state it was a pretty weak and wobbly government. So, if the Deputy Leader of the Opposition stands up tonight and lectures us on what we should be doing, and that we should be bringing this forward—

Mr Brindal: He already has.

The Hon. K.O. FOLEY: He already has? I came in too late.

The ACTING SPEAKER: Order!

An honourable member interjecting:

The Hon. K.O. FOLEY: I was somewhere far more enjoyable than debating in this place. I can say that the great thing about the Deputy Leader of the Opposition is that, unlike the member for Heysen and a few members opposite, he had the opportunity to make reform and he squibbed it because he presided over a weak and wobbly government. We say that we are a courageous but fair government, and we are looking for the balance. This is the balance, and I urge all members to support the government in these very important measures.

Mrs REDMOND (Heysen): I want to make a brief contribution on this matter largely because I am not a smoker and I am very keen to see smoking banned in as many places as we can reasonably ban it. I recognise that, as the minister said in her second reading explanation and as the member for Morphett indicated in his contribution, it does cost our health system a lot and I, too, become quite resentful at times paying taxes that end up being swallowed up by our health system having to fund the care of people who have not cared appropriately for themselves.

I am more than happy to support some aspects of the bill and, indeed, I think that it is reasonable to bring in these changes on a gradual basis rather than forcing them absolutely and instantly. I think that a number of hoteliers might be surprised by the outcome of changing our tobacco smoking habits. People thought that when we banned smoking in restaurants there would be all sorts of difficulties about it. We have all got used to people not smoking in restaurants, and I am sure that, as a result, we find them much more pleasant places. I think that, generally, it is a good thing, but I do want to indicate to the house that there are some aspects of the bill of which I am quite in favour.

However, there are other aspects of the bill that I simply find puzzling or silly, and I am therefore hoping that we will go into committee and vote on the various clauses because I am not planning to support all the provisions of the bill. I am, for instance, more than happy to see enclosed shopping malls become smoke free, and I note that that will come into effect from 31 October this year, as well as bans on smoking in all workplaces. As a non-smoker, I have a real difficulty with office people who go outside and smoke in front of buildings.

I decline to employ anyone in my office who is a smoker on the basis that they do not have to work as many hours as the other people who work in the office. As there is no law against my being prejudiced in that way, I intend to maintain that prejudice because, quite frankly, they smell. They come to interviews with me and they smell of cigarettes, and—

An honourable member interjecting:

Mrs REDMOND: They do. I am not going to have that around my office, so I do not employ smokers and I will not employ a smoker. It counts against them. It is the first question at interview, not that I need to ask it.

An honourable member interjecting:

Mrs REDMOND: I think you can. There is legislation to stop my being biased about gender, sexual preferences and all sorts of things, but not about the smoking. For as long as that remains the case that will remain my position.

Restaurants and cafes have had five years in which to become smoke free, but they will have remaining exemptions removed. I would appreciate the minister's clarification on that. I used to act for the former owner of Rigoni's restaurant in Leigh Street. That restaurant used to have a laneway beside it. The street was bought by a company called IPO Pty Ltd, which did up the street, and the laneway was incorporated into the restaurant and became what was known as Rigoni's cigar bar. That is an exceptionally well-ventilated, specially constructed, separate area within the restaurant. It is no longer under the same ownership and I have no idea whether it is still used in the same way. In order to give some idea of how well ventilated it was as a cigar bar, I have been into it and could detect no trace of it. I am a person who absolutely abhors the smell of cigar smoke. I can walk through Rundle Mall five minutes after a cigar-smoking person and I can tell that I am following someone who has smoked a cigar. I hate the things. But I could not smell it in the cigar bar. I am interested in whether the minister can comment on whether there will be provision for something like that, because I could not pick it up in the legislation when I had a quick look at it.

I am more than happy with the idea that employers remain vicariously liable—and I think they always should have been—for the sale and supply of tobacco by their employees, if the employees sell to children under the age of 18. Generally, it has been a common law basis that employers are vicariously responsible for the activities of their employees in the course of their employment. I am not sure whether it changes the law, but I am more than happy to support that.

A couple of things come in from 31 October this year with which I have some difficulty. I am not sure whether the government is proceeding with the idea of trying to ban smoking in any circumstances within one metre of a particular point. Until we can train smoke not to traverse that imagined line, I think that will be a nonsense. It appears to me that we will require people selling ordinary cigarettes to have a tobacco merchant's licence for every retail outlet from 31 March next year, but if they are selling herbal cigarettes they have to have a licence from 31 October this year. I am puzzled as to the rationale for that distinction. I am not altogether unhappy with the idea that people might have to have a licence, but I am puzzled as to why they have to have a licence from 31 October for herbal cigarettes, but a tobacco merchant's licence for ordinary tobacco will be from March next year.

One of the strange provisions in this legislation is that which bans the sale of products designed to resemble tobacco products. I have never been a smoker, but I remember my friends and I having great fun with those toy cigarettes which we used to call 'fags'. I do not understand why we would ever include in our legislation a provision to ban what is essentially a harmless toy. My dentist might not think it is harmless, but it is a lolly. Why are we including it in legislation about tobacco products? New section 36 provides:

> A person must not sell by retail any product (other than a tobacco product) that is designed to resemble a tobacco product.

There is a maximum penalty of $5 000, which strikes me as extraordinary for selling a lolly. It seems to be a little odd.

The other main provision with which I have some difficulty is the idea of putting tobacco sales displays out of public view. I am all in favour of stopping kids from purchasing tobacco but, as the member for Morphett said, this is a legal product. I have not yet seen anything which persuades me that we will change people's habits by putting a legal product out of view. If it is legal it should be available and on display—and allowed to be on display. I do not see why we are thinking that is an appropriate way to go.

The other issue is that of bingo venues. I am sure all members received a letter from Novita Children's Services (formerly the Crippled Children's Association) in relation to the unfairness of what is proposed. Bingo nights at unlicensed premises will have smoking prohibited, but if the bingo night is held in licensed premises there is a gradual introduction. That is likely to cost these charitable organisations a lot of money.

I want to mention that I have some difficulty with the idea of this 'enclosed area'. As previous speakers have indicated, there is the problem of enclosing areas, which are normally outdoor or verandah areas, and putting in PVC blinds, and so on. I think we will have a situation where it becomes a little difficult. I was bemused when I started reading the bill and saw that it refers to things such as the 'total notional ceiling and wall area'. It sounds like such a highly complex mathematical formula for what should be fairly simple. I am agreed that we should be heading towards keeping smoking outside, because once people are inside a building we get passive smoking. I live with a smoker, but I am pleased to say that since we have had children he has never smoked in the house or the cars; so I do not feel that I am exposed to passive smoking, notwithstanding that I live with a smoker.

I am more than happy about our heading towards and gradually introducing the sorts of restrictions that this bill seeks to impose, but I have a little difficulty with our going into the nuts and bolts and coming up with a formula for how much ceiling, floor and wall area there is. It seems to me that there must be a simpler way to address those issues.

There are a number of aspects of this bill that I am happy to support. I think there are a few that are a little odd and a bit of a granny-state almost. I think we need to be cautious about going down that path. My view is that, when people complain about being over-governed, it is not because we have three levels of government: it is because the levels of government we have are impinging more and more onto areas

where they do not belong. As the member for Morphett said, people need to take some responsibility for their own health and wellbeing. I indicate to the house that I will support large parts of this bill, but there are some parts that I will oppose and, therefore, I hope that we go into committee in due course so that I can indicate my opposition to those items.

The Hon. M.R. BUCKBY (Light): I rise, as did the member for Heysen, to support the majority of this bill. Discussion about smoking takes me back quite a few years. When I was about four or five years old I used to go into Wasleys with my parents to the local store, and they would find me picking up cigarettes butts in the gutter and putting them into a match box and then making out—

Ms Bedford: Tidy child!

The Hon. M.R. BUCKBY: Very tidy. KESAB must have been in my mind then. But I move on from that. I can vividly remember (and I can still see the pictures) my mother showing me a picture in *Post* magazine of a little boy who had smoked. The first photograph showed him puffing away and having a great time; the second photograph showed him feeling a bit sick; and in the third photograph he was around the corner throwing up. That cured me of smoking for about 15 years, I reckon. I did not like the feeling that that might be the overall effect. However, as you enter your latter teens and everyone else is experimenting, naturally you also tend to experiment. So, I tried it again, but I really did not like it at all. I remember being up in the paddock one day and we got a flat tyre on our ute. We took out the jack, and I had a packet of Fiesta cigarettes stuck behind the seat of the ute (because that was the car that I used to go out in). My father saw them and said, 'Oh, you've taken up smoking, have you?' I said, 'You know, just having a bit of a dabble.' He said, 'Well, it's up to you, of course, but I'm not paying you to put it up in smoke. If you want to continue smoking I'll reduce your wages.' That also was a pretty good incentive to stop!

On a more serious note, like the member for Morphett, I attended the Australia versus the Pacific Islands rugby match the other night, and I was standing in the causeway between the Chappell Stands (as I think they are now known) up towards the scoreboard. We were standing right on the edge of the footpath and, about halfway through the match, three blokes came up in front of us. They were standing there for a while, and that was okay, but then two of them decided to get out a cigarette and light it up. I think that spoilt the rugby match for me for about the next 20 minutes, because they chain smoked two or three cigarettes. I did not want to move, because we had a very good position where we could see the game, but it certainly diminished my enjoyment of the game. Thankfully, a shower of rain came along and they moved elsewhere.

There is a real cost to this community in terms of smoking, and I think we should do anything we can to ban it in places where we, as non-smokers, are in attendance, as well as staff, in particular, who have no choice, basically—and I refer to hotel and restaurant staff, people who work in the hospitality industry, or people in offices who are working with smokers. The best thing that we can do for their health is to make it more difficult for people to smoke in enclosed areas. I certainly support that part of the bill.

I remember when we as a government introduced the ban on smoking in restaurants. At the time, representatives of the restaurant trade said that this would cause a downturn in trade and that people would not come to the restaurants but would go elsewhere. The exact opposite has occurred, and more people are going to restaurants because they can enjoy a smoke-free environment. They can enjoy their meal without people from the table next door wafting smoke across their steak as they are eating it: they can enjoy a clean air situation.

Although certain areas of the industry have said that this will be a huge cost to them, I believe that that will not be the case. I think people will still frequent those areas. If they want to smoke, they can go outside and have their cigarette. I think a lot of people do not go to bars just for the sake of having a cigarette; they go there for some friendship and mateship with other people while they are having a drink.

I currently deliver for Meals On Wheels every other Friday. We deliver to one particular lady and her husband and, each time we go there (that is, when she is at home and not in hospital), she is linked up to the plastic tubing and the oxygen bottle. She obviously suffers from emphysema. I would say that 50 per cent of the time when we deliver a meal she is in hospital, and I wonder what the cost is to the community of her being in and out of hospital. She told me that it is due to smoking. And the interesting part about it is that she still smokes. Here she is breathing in oxygen, going into hospital about every other week, and she is still smoking. As I said, the cost to the health budget of any government is just enormous.

I will provide another example to illustrate the cost with respect to people's health and the sad side of smoking. I visited some constituents in Munno Para a few weeks ago. The husband, who has lung cancer, was in bed, and he has about three months to live. He said to me, 'Do you smoke? and I said, 'No, I don't.' He said, 'That's very good. That's the only reason why I'm lying here.' He was in his early 70s. It is a very interesting story, because he and his wife knew each other when they were young and both went off and married other partners. The partners had died and these two people got back together. They had been married for five years and now his life—and also their happiness—was to be cut short because of lung cancer.

The other side of this, and I agree with the member for Heysen's comments, is the economic cost. I must admit that I do not go to the point of not hiring people because they might be a smoker, although none of my staff is and I did not ask them whether or not they smoked. When I was minister for education it was very interesting to see the number of people hanging around the education building in Flinders Street having a smoke. We had cabinet meetings in the State Administration Centre, we moved from one building to the other quite often for Executive Council or whatever, and we went out to other appointments during the day, as I am sure the current minister does, and it was amazing the number of familiar faces that we would see out there each time. I used to add it all up and think, 'How much productive work are we getting done here?' Sometimes I would see the same person outside maybe five or six times during the day when I moved in and out of the building. I used to think that was interesting because the person who is not smoking is on the job, doing the work, yet we give licence to the smoker to take a break and take ten minutes off.

Ms Thompson: They are supposed to make it up.

The Hon. M.R. BUCKBY: They are supposed to make it up, as the member for Reynell says, and I wonder whether that ever happens because I would see these same people leaving the building at 5 o'clock in the afternoon, as well. It would be a very interesting exercise to add up the amount of work that is completed by non-smokers versus the work that is completed by smokers during the course of a day. So I

think there is an economic cost to government and to all businesses.

I support the banning of smoking in enclosed areas. I do not think that any of us who are non-smokers should have to put up with a person smoking in an area where we do not have a choice to move away. I think that move is very good. I often drive down the road and see people smoking away with children in their cars, and I think, 'You poor kids. You don't have a choice. Your parents have decided to smoke.' All windows are up or else there is a very small gap in the window which is letting the smoke out on a very restricted basis. Those children are passively smoking and I wonder what is going to happen to their health.

Ms Bedford: They become smokers, too.

The Hon. M.R. BUCKBY: They may well become smokers, as the member for Florey says, and become addicted at an earlier age. I think that the banning of smoking in places such as shopping malls, cafes and those sort of areas is very good. Again it means that the staff who work there and the people who shop and move through those areas can do so in a clean environment—one where we do not have to put up with smoke being blown in our faces or, as you walking along in the mall, following someone who is smoking and having to breathe it in as well. Members might be able to tell that I am not too keen on breathing in smoke.

One question that I raise, and I know that the minister has filed an amendment regarding this, concerns the one-metre rule in bars or such areas. The minister is seeking to amend the meaning of a prescribed area, and I will be interested to see what that definition is when the amendment is presented, because, like the member for Heysen, I do not see much sense in a one-metre ban. I know what she is trying to achieve, namely, a distance between the smoker and the staff behind the bar to try and ensure that they are not affected by passive smoking, but at no stage of my life have I ever seen smoke get to the level of one metre and say 'Whoops. Can't go any further. I better turn back.' I think that needs some work and I will be interested to see what the minister defines as a prescribed area.

Each outlet should have a tobacco licence. If you are going to sell tobacco there is no reason why each premise should not have a licence. My question is: why not introduce this as at the end of October this year? If we say that it is a good idea to introduce it in 2005, what is the problem with introducing it now?

The Hon. L. Stevens: Administration.

The Hon. M.R. BUCKBY: Administration, the minister says. I suggest a.s.a.p. for that particular measure. I am always fascinated by the casino. When we talk about a reduction in the number of gaming machines, the casino is exempt. When we talk about smoking, we find that the casino is also not going to have the same sort of restrictions as other places, even though it is an enclosed area. With the smoking issue, I feel that really devalues the people who work there because we are saying, 'Because you work in the casino, that means we do not take passive smoking as seriously as we do if you work in an enclosed shop or elsewhere.' That really needs to be tightened up to make sure that those workers are treated in exactly the same way as somebody in any other situation.

Ms Thompson: Which bit do you mean?

The Hon. M.R. BUCKBY: Where you are talking about 25 per cent and 75 per cent—

The Hon. L. Stevens: That is only in skinny bars.

The Hon. M.R. BUCKBY: I will be interested to hear what the minister says about the treatment of the casino when she wraps up the debate because I think it seems to operate under a different set of rules to everybody else.

When I was in Singapore airport—and the shadow minister also highlighted this—I noticed special smoking rooms, and those people who have passed through Singapore airport would have seen the rooms that are set aside for smokers. I cannot imagine any worse place to go. I do not think that you would even have to light up in there: you could walk through the door, breathe in and get the same effect. It is an option that should be considered. If somebody wants to smoke and there is a designated room that staff do not have to enter to service, apart from when they kick everybody out and go in to clean it up, that is a real option that should be considered by government. That is one way to say, 'If you want to smoke, you can go into this room. You are not going to affect anybody else. You do not have go outside of the building.' That to me is one solution that could well work.

As I said, I find that I can support the majority of this bill. There are some areas, such as the one metre area and the prescribed area in the amendment that the minister will put forward, where I am interested to see the explanations and how that would be controlled, so we will see what happens from there. I think any legislation that enables staff and patrons to breathe clean air rather than having to inhale smoke, albeit as the victim of passive smoking, is a step in the right direction.

Ms THOMPSON (Reynell): I had the honour of chairing the Hospitality Smoke-free Taskforce which played a role in the eventual shape of this bill, even though for a number of circumstances our recommendations were not finally adopted. As such, I think it is important to acknowledge the ground work that was undertaken during the time of that taskforce and the co-operation that developed among parties who had quite different interests in this matter.

I think their goodwill, their hard work and their commitment to bringing social improvements to South Australia and considerable improvements in our health have been very important in enabling us to, what I hope will be tonight, take a step that will put South Australia once again at the leading edge of smoking reform in Australia, and one of the leaders in the world.

I would just like to mention the members of the Hospitality Smoke-free Taskforce: Louisa Bowes, policy officer from Passive Smoking Workcover Corporation; Mark Butler, Secretary of Liquor Hospitality and Miscellaneous Workers' Union; Jim Dadd, then representative of the National Expert Advisory Committee on Tobacco in the Department of Human Services; Michael Keenan, Executive Director, Licensed Clubs Association of South Australia; John Lewis, General Manager, Australian Hotels Association; Trudy McGowan, General Manager, SkyCity Adelaide Casino; Brett Matthews, Vice-President, Australian Hotels Association; Caroline Miller, Manager, Tobacco Control Research and Evaluation; Sally Neville, Business Development Manager, Restaurant and Catering Association; and Della Rowley, Manager, Tobacco Control Unit, Department Human Services.

When the Smoke-free Hospitality Taskforce was announced, I had a number of people contacting me telling me that this was impossible to do. So far tonight we have heard the Deputy Leader talking about how we should be just doing it. I did notice that when he became minister for human

services South Australia was leading Australia and that, when he finished being minister for human services, South Australia was lagging in just about every area. He might have had lots of good thoughts, hopes and intentions but he did not actually do anything. That was maybe a reflection of the fact that I was told very clearly by a number of former people in this house that if we ever banned smoking in front bars we would lose government and I should not even consider doing anything else. There was no question that we would lose government.

I had a number of local hoteliers telling me that all the information that would be produced by the Anti-Cancer Council and the Heart Council was all totally inaccurate, because all their regular patrons in the front bar smoked. The only people who did not smoke were blow-ins who did not really belong to the front bar culture.

I had a number of people telling me that we were attacking the last bastion of the working man's safety and respite in Australia, and that they could not go home and smoke. The only place that they could go was the front bar and have a beer and a fag, and that is how they relaxed at the end of the day. I think it is quite remarkable that in less than two years we have come to the stage where there is general agreement among the interested parties on a reform process.

The health organisations indicate that they would clearly like this to have been happening more quickly. However, they recognise that lasting reforms are based on firm foundations and that a process that enjoys the support of the major stakeholders who are going to be feeling the impact of the reform is likely to be more effective. I thank those health organisations for their letters of support for the proposals put before members tonight.

The hoteliers, the clubs and their unions have also indicated that this is the process that they think will work. The hoteliers and the club people know that they will lose revenue. Nevertheless, they have committed themselves to a process that they believe will work. We have had some criticism tonight of some aspects of that process that others find difficult to comprehend, and I will talk about that in my contribution tonight.

It is important to remember that the total ban in 2007 will as far as we know at the moment lead Australia. When we look interstate and see some of the measures that were introduced in haste and how they have faltered, I think we can expect that other jurisdictions are likely to follow our lead rather than move ahead. Indeed, in Ireland there was a move to ban cigarette smoking in all bars and restaurants, and that measure had to be delayed by six months because people simply were not ready for it. The officials were concerned that the sky was about to fall in.

I would like to take up some of the issues raised by the Deputy Leader in his contribution. Some of them were picked up by others, most of them were not, but it is good for me to get my perspective of them on the record because this is based on considerable research that was undertaken as part of the task force processes.

On the issue of licensing, the Deputy Leader indicated that he thought it was appropriate for there to be a licence for each store. I think it is also important to note for anyone outside who thinks that this is onerous, because this did not come up, that when one is dealing with a dangerous good (which tobacco is) the licence requirements that have existed—that the former minister allowed to exist—are incredibly lax. The licence for the service of alcohol requires considerable demonstration of responsible service, considerable training of staff and regular accountability. Similar are the provisions relating to gaming (which is also a dangerous product) that are far more restrictive than the licence required in relation to tobacco. So, if anybody out there is thinking of complaining, I think that the message is a bit like that given by the Treasurer to the casino, 'You are extremely lucky to be getting away with what you are getting.'

The next issue raised was the one metre rule, which has confused many people. They may not be aware that in New South Wales the one metre rule is the only measure that has been taken in pubs and clubs to restrict smoking in any way, and in the ACT it was the first measure to be followed by a program, but I do not recall the details of it at the moment. When I was chairing the task force I visited New South Wales and spoke with representatives of pubs and clubs. They were very proud of the introduction of the one metre rule. They recognised that smoke could not see a blue line on the floor. I found that in New South Wales they did not know about the blue honour line. In South Australia our community recognition of the blue honour line will be an advantage in this area, I feel; but smoke does not know that, even if all Christmas pageant attenders do. They reported that the requirement to move away from staff was having an impact. It was reported that a few people were being silly and testing the staff, getting a bit drunk and inebriated and really trying to pick a fight, but they were all confident that that would go away.

Recently, the Hackham Community Sports and Social Club in the south decided that it would introduce the one metre rule in advance of the requirements, and it knows about the blue honour line, so they ceremoniously painted a blue honour line on the carpet and made it clear to everybody that they were undertaking this measure before the introduction of the bans, because they believed that it would contribute to the comfort of staff. They reported that the staff indicated very quickly that it did contribute to their comfort. It was never thought that it would contribute to their health and the safety of staff: it was a comfort measure and an educative measure. It made it quite clear to people using those facilities that they had to start considering the impact of their behaviour on the staff. It could be said that other patrons could go elsewhere, but the staff deserve that consideration. That was very much the thinking in New South Wales and the ACT. Page 18 of the task force report states:

> . . .it is not intended to be an occupational or public health measure. The task force noted that this provision aims to increase the comfort of employees, heighten patrons' awareness of the negative effect that indoor smoking has upon staff and other patrons, and continues the cultural shift away from indoor smoking.

This was all it was designed to achieve. The evidence from New South Wales and the ACT is that it does indeed achieve those aims. The hoteliers see it as an important measure. The staff represented by their union see it as an important measure, even though when the public response to the task force report came in it was clear that this was something that confused many members of the public who had not had the benefit of reading the full debate in the task force report and being aware of what was happening elsewhere. About three quarters of them said, 'Smoke does not know about one metre.' However, the other quarter recognised that it was an educative measure and one that was an important symbolic first stage in a staged and planned package of smoking reforms.

The other issue that was mentioned in terms of areas by the Deputy Leader was the staged introduction and the issue

of enforcement of arrangements. Who does enforce the one metre rule? Who enforces the 25 per cent smoke-free area or the 50 per cent smoke-free area? The unions, hoteliers and club owners together have indicated that they will. They recognise that it needs training of staff, tolerance, a bit of understanding and good humour. I think that staff of hotels are well known for their tolerance, understanding and good humour. As with New South Wales, once people have made their initial protests, they will get sick of everybody telling them to cut it out, not to be so silly, and they will all behave.

We already see smokers complying with no smoking signs in all sorts of venues. The majority of smokers go outside to smoke. People who smoke in hotels tell me that they are not allowed to smoke at home, as I have already mentioned. They obey the signs and some of them welcome the restrictions.

Another issue that emerged in relation to the delay in the staged implementation of this program was the matter of jobs. The Liquor, Hospitality and Miscellaneous Workers Union undertook a survey of its members working in hotels and clubs and found that, whilst there was very strong support for a smoke-free environment, they were also worried about their jobs. This survey was taken before the impact of smoking bans in gaming areas in Victoria was known. The action that was taken in Victoria goes a long way towards explaining the delay in the implementation of the program and why the task force's recommendations were not adopted.

It was clear that in Victoria there was much fear about jobs in the hospitality industry. The way in which smoking bans were implemented in Victoria actually resulted in a concentration of smoking around bar areas, so much so that the union representing workers in the casino indicated that staff were having more problems since the introduction of smoking bans than they were before, because they had been done so badly. We will not do that in South Australia; we know what we are in for.

In Western Australia there was a ban on smoking in one bar. That resulted in silly things happening such as walls being bashed down so that there were not multiple bars in a hotel, only one. If you had more than one bar, one of them must be smoke-free, so they made sure they only had one bar. This program will be implemented in South Australia in such a way that that temptation will not be there for people who are just trying to make out that smoking bans are not going to happen. By requiring that if there is only one bar part of it must be smoke-free you remove the temptation to knock down walls. Again, this is something that we have learnt from experiences interstate.

I understand that the issue of smoking rooms is still open for consideration at some time in the future, but my personal opinion is that they simply cannot work. The evidence presented to the committee indicated that it was not possible to ventilate to the point where there no smoke escaped into adjoining areas. There were issues about the lack of passive smoking supervision that occurs in hotels. How will bar staff be able to ensure that they are complying with the Liquor Licensing Act? I am sure hoteliers will be able to work that out, but that was an issue.

There was also the issue of the impact on cleaners who had to clean these rooms after hours. It is not possible for the smoke to be dissipated from such a concentrated smoking area, as I experienced during visits to the Western Australian casino. Even the next morning after considerable efforts in terms of ventilation and cleaning, smoking areas smelt dreadful. If you can smell smoke, it is doing you harm, and that is not fair on cleaners.

The other issue to be considered is the impact on emergency workers. We know that people who smoke are far more at risk of heart disease than the rest of us. It is not fair on emergency workers to have to go into smoking rooms in the event that people require treatment.

The member for Heysen raised the issue of the formula for determining what is an enclosed area. The task force recognised that this was quite difficult. We put forward a suggestion and asked members of the community to submit other definitions, because we were really looking for some practical guidance. We thought through many situations, and I went around the streets of Adelaide and the suburbs (and interstate) trying to assess what impact various definitions might have on outdoor areas. We were willing to recognise that this was a tough area, but not one person gave us an alternative definition. So, I think we must have got it sort of right if no-one could come up with anything better.

In conclusion, I ask all members to support the package. The changes that I understand the minister is introducing in relation to the one metre rule are to accommodate skinny bars. It picks up the original recommendation of the task force on what to do in skinny bars, which was somehow overlooked in the process.

This is a complex bill which has been negotiated many times. It has been consulted over extensively and sometimes these things happen. So, the amendment proposed by the minister will bring that issue back to the task force's original recommendation.

I hope people support the minister's package, recognising that everybody would have liked something different. The AHA would have liked this measure not to be implemented until 2010. I think they deserve congratulations and commendations for recognising that there is now a move to the earlier banning of smoking in public areas. They have worked out how they can do it. It is not completely in accordance with the best interests of public health, but it is certainly a long way further than we have been over the hundreds and hundreds of years in which pubs and smoking have existed side by side. We need to recognise that this is an historic event.

Mr SCALZI (Hartley): I, too, wish to make a contribution on this important bill. I say at the outset that I have been consistent in bringing forward measures to restrict smoking and ultimately, I hope, ban smoking altogether. There is no question that this bill will reduce the harm caused by tobacco in South Australia. We know that approximately 1 500 deaths per annum (which is 10 times the annual road toll) are due to tobacco-related illnesses. That is the figure for deaths which does not take into account actual disabilities caused by smoking. We know in Australia that more than 19 000 deaths are due to smoking tobacco. I understand that this bill is heading us in the right direction, but I do not believe it goes far enough.

I remember when I was a school teacher in the 1980s going into a staff room where people were able to smoke. Restrictions were introduced and we had special rooms for smokers. Slowly, people who smoked felt ostracised.

Ms Bedford interjecting:

Mr SCALZI: As the member for Florey says, they were encouraged—

Ms Bedford: They were encouraged not to smoke; they were not ostracised.

Mr SCALZI: Well, they felt like that but, in reality, there is overwhelming evidence to indicate that passive smoking

does cause the same problems faced by smokers. This is not just a matter of my individual rights: it is about how my behaviour impacts on the rights of others, and that is in question. I have no doubt that there will be problems with the introduction of these measures. There is no question that businesses will have to adjust. South Australia led the way when it introduced legislation under the Hon. Michael Armitage.

I think that South Australia was the leader in the nation in terms of dealing with tobacco. There was an outcry that restaurants would become bankrupt, and that people would not go out because they could not smoke. We then had arguments about making smoking and non-smoking sections but, at the end of the day, these are all half measures. We know that smoking and passive smoking cause death, and the writing should have been on the wall for a lot of businesses when the first case for damages as a result of passive smoking occurred.

Let us be honest: many of these reforms are driven by the economic reality that, sooner or later, it will impact on one's profits. Cases will emerge in which it can be proven that the health or death of someone is related to smoking. We have an obligation to provide safe workplaces. There is discrimination in this bill, but it depends from which end you start. A restaurant, gaming room and casino are treated differently. One could argue that the impact of smoking will be different, but we should ask: what is the impact on the worker? What is the impact on the patron?

The prime motive for changing laws should be based not on how it will impact on businesses but on how it will impact on workers and patrons. If tobacco is a harmful product—and the proof is overwhelming that it is—it must be dealt with, and some hard decisions must be made. I can understand that the position today is better than it was five years ago, and that the position five years ago was better than 10 years ago, and so on. Also, we know that, as a result of this bill, the position will be better in 2007, although there will still be discrimination because the casino will be advantaged compared to other venues. We are not being fair to the patrons and the workers who will be affected by passive smoking.

This legislation will impose complete bans on smoking in all workplaces by October 2004, except in the hospitality and gaming industry. One could ask: why would a worker in a restaurant be treated differently from a worker in a gaming venue? I know that one can make out different cases for this. I welcome that enclosed shopping malls will be smoke free. Restaurants and cafes will have five years to become smoke free and will have remaining exemptions removed. So, we are getting tough there. I understand that the minister will bring in an amendment to deal with the banning of smoking within one metre of all service areas in hospitality and gaming venues. Then we go on to the sale of herbal cigarettes being limited to retailers with a licence, and there will be licence restrictions—but, again, there are variations.

I believe that we have to bite the bullet. We led the nation in reform and, although it will hurt some, ultimately, if it is right that we should protect the health of workers, then let us protect all workers, not just those in some industries or those in one area of a workplace. That does not make sense. Also, I agree that we should have licences for all premises. I listened carefully to the member for Reynell who said, if I remember correctly, that there are differences in the way we deal with what can be harmful products such as alcohol and cigarettes. There is no question that the same restrictions have not been placed on the sale of cigarettes but, as I said, there are lots of contradictions. The casino will still have an advantage over hotels, and that seems unjust. If we are concerned about workers, we have to deal with workers in all places where they can be affected by passive smoking. I do not know why we do not just deal with the problems from the point of view of the workers and the patrons.

Industry should have certainty. Phasing in these measures might appeal to us in the short term but, in the long run, no-one will thank us because, ultimately, they will have to deal with it. I will carefully look at the amendments proposed by the member for Mitchell. I believe that we should bring forward measures to deal with the harmful effects of smoking. A few weeks ago, I had my birthday and my son said to me—

An honourable member: Happy birthday!

Mr SCALZI: Thank you. My son said, 'What do you want, dad?' I said, 'Well, if you give up smoking you would give me the greatest gift.' I sincerely mean that. As a health education teacher, when I took some health classes at school I did my utmost to teach about the harmful effects of smoking. I have three children and two stepchildren, and I must confess that I failed with my son Luca: he still smokes.

An honourable member: He is a nice boy.

Mr SCALZI: He is a nice boy, but he smokes and he should give up that habit. I think we do everything possible to reduce the rate of smoking. I am concerned that a lot of young people still smoke and that young women, in particular, are taking up smoking. Perhaps we should look at the way in which we are dealing with advertising and smoking. Perhaps messages that smoking causes death, lung cancer and heart disease to someone in their teens and early 20s do not have an impact. Perhaps we should come up with warnings that are more effective for young people. If we do not we will pay for it later with the nation's health.

I have mentioned before in this place about going overseas. Let us not kid ourselves that businesses will go as far as they can to maintain their profits. If measures are introduced that affect demand for their products and reduce their profits then they will resist them. We know that. I have mentioned before that multinational companies overseas, which have to abide by restrictions on tobacco in places such as Australia, Canada and the United States, do not apply those same standards in every country. If we are really keen about free trade, we should promote ideas that protect workers and patrons and also reduce the harmful effects of smoking in those countries, and not just take the profit, because governments are too weak to take the tough measures overseas. I was appalled when I saw the Marlborough man alive and well in Moscow. I was appalled that there were gaming machines in a subway where people were waiting.

It is the responsibility of governments and parliaments to set the standards. We have an opportunity to bring forward those standards. I understand that that is the intention of the amendments of the member for Mitchell. They will bring forward the standards so we can protect all workers, not just those in certain industries and not just those in certain areas in business premises. I know that as the measures are phased in it will hurt some businesses. I can sympathise with that, but my sympathy lies more with those who are affected by the addiction of smoking—because it is an addiction and they are afflicted with that addiction. We should have understanding and programs to assist those people who are affected by those habits and by that addiction. We should do everything possible to reduce the rate of smoking. We have succeeded and we have come a long way.

I was amazed by the Cancer Council's agreeing to the phasing in of exemptions to 2007, because I believe that, if smoking is a problem and we can bring it in earlier and save a few more lives—and that is what we will do—what is the opportunity cost for two years if there are 1 500 tobacco related deaths a year from smoking? That does not take into account the loss of productivity or the effects on general health. If we can bring it forward two years, how many lives will we save? You cannot measure it exactly, but commonsense should tell you that bringing those measures forward to 2005 is going to have an impact and, if it saves a few lives, I think the antagonism that I and other members will get from some sectors of the community for not waiting until 2007 will be worthwhile. I can understand the hotels, because they are not treated the same as the casino. The casino, hotels and restaurants should be dealt with in the same fashion. Let us bring the ban forward to 2005.

The Hon. L. STEVENS (Minister for Health): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

Mr HANNA (Mitchell): I speak in favour of the bill. This is the second reading stage of deliberation in relation to this proposed law. That means it is an opportunity to consider the principles underpinning the legislation. It is a law regulating drug use, and gives us an opportunity to reflect upon the different treatment we give to different drugs in our society. How many members would put their hand up to support the ready availability of cannabis in supermarkets, petrol stations, the members' bar in Parliament House and so on? It is probably not something that would have a lot of support and yet we sit around here blithely accepting the inevitability of tobacco products being for sale in vending machines, delicatessens, supermarkets and this place. I am highlighting the extraordinarily breathtaking hypocrisy this parliament indulges in when we consider drug regulation.

The Greens take a fairly relaxed view about what people do in the privacy of their own space if they are not hurting anyone else. That includes consumption of drugs, whether it be alcohol, coffee, nicotine or whatever. However, the key issue for the Greens—and what I say should be the key issue for every member—is the health of our community. This bill places some further restrictions on tobacco advertising and use in the interests of public health. I am happy to support those further restrictions. However, the spirit of hypocrisy lives on even within the legislation when we consider that the government is to make a massive exception for a favoured industry in South Australia—and I refer to the hotel industry in particular.

It is breathtaking favouritism to say that tobacco smoking should be restricted in enclosed public places or workplaces and yet the hotel industry will have another three years to accommodate this restriction on smoking, and in that time, presumably, enjoy anticipated profits from patrons who want to smoke and drink alcohol or smoke and play the pokies at the same time, regardless of the health effects of the passive smoking inflicted upon other customers in those places. That is where, even with the relaxed attitude of the Greens, there is a line to be drawn, because there is a significant public health issue when innocent bystanders, so to speak, have passive smoking and the harmful health effects, so well documented now, inflicted upon them.

I will be moving amendments to level the playing field in respect of the hotel industry compared to the rest of the community and the rest of our commercial and industrial community. The reason, of course, is abundantly clear—perhaps there are two reasons. One is the apparent reliance of the government, whether it be Labor or Liberal, on the taxes drawn from poker machine revenue; and the second is the patronage of individual hoteliers when it comes to members of parliament in their political campaigns. It would be very naive for us to think that that would not encourage members to think very carefully about voting against any patronage they enjoy. Although I am very pleased to support the legislation in its public health approach to restricting smoking in a sensible way so that innocent non-smokers are not harmed by passive smoking, I must comment on the hypocrisy and favouritism enshrined in the bill as it is drafted.

Ms CHAPMAN (Bragg): The Tobacco Products Regulation Act 1997—not this bill—is the pioneering legislation that other speakers have referred to tonight. This bill has another mandate and another purpose. I wish to remind the minister that the legislation which was introduced in 1997, the Tobacco Products Regulation Act, which was legislation to regulate the sale, packing, importing, advertising and use of tobacco products, was based on the principle that this was a product that needed to be supervised in terms of those who produced and sold it, those who retailed it and those who were able to acquire it. Most importantly, it seems to me that within the protected area of consumption was the assurance that there was appropriate regulation for accessibility, or prevention of accessibility, by persons under the age of 18 years.

This is a product that has known health consequences. If the smoke is consumed or tobacco chewed (although that practice, fortunately, seems to have lost favour in recent years), children—that is, those under the age of 18 years—ought to be protected. In the course of that legislation, very clear instructions are outlined in relation to the prosecution of those who breach the regulatory procedure. They include controls in relation to the sale of tobacco products with respect to the youth of South Australia, that is, that persons are unable to sell those products to persons under the age of 18 years, or allow them to obtain the product, and various penalties apply.

Whilst the importance of protecting youth from taking up smoking is in this legislation, and that has been outlined by the minister in her contribution to the parliament, there is still a relatively high incidence of smoking. I ask the minister in her response to the house in this debate that she identify how many people have been prosecuted for the sale of product to persons under the age of 18 years since she has been minister. How many people have had their licence for sale suspended or revoked? That is the real test of this government, if they care a whit at all about whether young people are in fact protected by what is already there in regulation.

In fact, in her contribution on 31 May, the minister told us that since 1999 controlled purchase operations have been conducted in both metropolitan and rural areas. She told us that this involves supervised, trained young people, usually from 13 to 15 years of age (that is, within the prohibited category), attempting to purchase tobacco products from retailers. They are instructed not to lie about their age, and they will produce valid identification if asked. This process is really to set up the retailer, that is, to catch out those who

sell the product. So, we know this has been a practice since 1999.

The minister claims that, whilst there has been considerable publicity surrounding the process, one-fifth of retailers throughout the state are still selling cigarettes to minors. In 2002 (under her watch), 23 per cent of children reported having bought their last cigarette from a retailer. She told the house:

> It is unacceptable that children are able to purchase cigarettes easily, and this bill introduces a number of measures that will enforce compliance.

What a lot of rubbish! The bill is there and has been presented to this house. In effect, it adds nothing to what is already in the legislation to protect those children. There is a process actually to catch them and, if the minister were really serious about protecting youth in relation to the consumption of cigarettes either by inhalation or chewing the tobacco, she would have ensured that prosecutions would have happened in this state in the past two years, and she would have ensured that some licences had been revoked and that those who were relying on that income were put out of business. That would be being serious about an issue in relation to the health of the youth of this state.

The second reason—and the real reason—why the government, on coming into office, decided that it needed to do something about smoking in this state is the litigation issue. As is the government's usual practice, it said, 'We'll have a review.' So, it introduced the hospitality smoke free task force. Tonight, we heard from the member for Reynell, who chaired that task force and, I have no doubt, ably carried out her instruction to consult with all the stakeholders and to identify what needed to be done.

It is absolutely clear when reading the report of the task force, which was provided to the minister, apparently with a letter dated 25 February 2003, that there were opportunities for the government to remedy what was increasingly a potentially very expensive problem in relation to litigation arising out of people being involuntarily exposed to what we called environmental tobacco smoke, the ETS problem, at work and at play. So, it became more than an issue of those who might voluntarily decide to smoke; that might be their problem, but there was a serious and bigger public issue to ensure that those who were involuntarily exposed to ETS were protected. Indeed, they were flexing their muscles, because we know that the litigation history since the early 1980s is that we started to see trickle through actions against cigarette companies for exposure to smoke, when often the plaintive had never drawn on a cigarette themselves.

We have provided in the report a summary of significant litigation, both in this state and Australia wide, and obviously that needed to be listened to and acknowledged. I will provide a few examples. In the case of Sean Carroll and the Melbourne Transit Authority in 1990, he was awarded $65 000 in an out of court settlement. Sean Carroll worked for 35 years as a bus driver exposed to tobacco smoke from passengers on his bus and co-workers in the tea room. In the case of Sharp and Port Kembla RSL in 2001, the employee was awarded $466 000 by a New South Wales Supreme Court jury after contracting throat cancer after years of passive smoking in her work place. In Beasley v P&O Cruise Lines in the New South Wales local court, a passenger obtained a settlement of $3 500 for exacerbation of asthma as a result of exposure to ETS, where he was led to believe that smoking was restricted to certain areas of the ship only. Andrea Bowles v the Tien Tien Cafe Bar in 2002 got $7 000 compensation for her debilitating asthma attack resulting from exposure to ETS and, in the case of Meeuwissen v Hilton Hotels of Australia in 1997, the hotel was required to pay compensation of $2 000 and $500 for direct and indirect discrimination respectively, involving the hotel's failure to provide a smoke-free facility.

It was made quite clear by the task force in their recommendations that there needed to be some addressing of this issue because, clearly, there was already a history of litigation that was successful either in settlement or in judgment, and this was something that needed to be dealt with. They put forward a number of recommendations that would have the effect of restricting exposure to ETS by people in the workplace and at play. So, whether you attend a public venue for the purposes of pleasure or play or for the purposes of employment, you ought to be able to have a smoke-free environment and thereby minimise the opportunity of essentially taking the proprietor for a compensation payment. They did point out—and I note that this does not appear to have been attended to—that, in South Australia, the Workers Rehabilitation and Compensation Act 1986 overrides employees' common law rights to claim damages from their employer or business owners, but it still leaves open the risk for action to be pursued by contractors, patrons, occupiers or other visitors to the workplace. I would be interested to hear from the minister as to what she plans to do to ensure that this legislation is remedied, if she is genuinely and seriously keen to protect those in the workplace.

The single most stunning aspect of the contribution by the minister in relation to presenting this bill is that there appears to be an insistence that it was time for a complete ban on smoking in all workplaces. The minister pointed out the occupational health and safety aspect and the hazard and public health risk to those in the workplace and said that it was absolutely necessary that that issue be addressed. Whilst she says that there has been extensive consultation (and I have referred to the task force work they undertook and their recommendations), she told the house on 31 May that it would be necessary to have a phase in process. The minister said:

> It was considered the best way of balancing the competing forces of protecting workers and patrons from unwanted and unreasonable exposure to tobacco smoke—and protecting the financial viability of the hospitality industry and the jobs of hospitality workers.

This is where the real momentum is behind what we have ultimately been presented in this bill; that is, we are here to protect the workers and we are here to provide for the protection of those who are exposed to this risk, but we will exclude a very significant proportion of the very people we are attempting to protect, namely those who by dint of their employment work in the hotel hospitality or casino environment.

It seems that it is good enough for everyone else, but the government has decided that, if you work in that industry, 2007 is good enough, yet, if you work anywhere else, October 2004 will apply to you. I find an incredible inconsistency in that approach in respect of what purports to be an important and reasonable recognition of a liability issue and that a group of employees in the community need to be protected, yet in the same breath it casts aside the fact that the most significant proportion of workers in that industry will be exposed to tobacco smoke for another three years. What we have ended up with in relation to the smoke-free area provisions of this bill, quite frankly, is a dog's breakfast. We have a situation where we have the cut-off date of 31 October

2004 and all shopping malls, restaurants and cafes have to comply. However, the hospitality and gaming industry and the casino are exempt.

Then on 31 March next year another phase is introduced in relation to cigarette machines and their accessibility to under age patrons and the tobacco supply issue, which I will come back to later. Then we have 31 October 2007 when the protected group will no longer be exempt. The casino seems to have some other extraordinary provision. I find it completely incomprehensible that we have now ended up with a bill which is such a mess in a circumstance where the government is purportedly genuine about dealing with some equity. It purports to say that it is important that the jobs and financial viability of the hospitality industry are recognised—and I do not doubt that for one moment. The problem is that it seems that it does not give a fig about people in other industries, and it is not prepared to give any consideration to the commercial impact in relation to those businesses and their exposure to risk.

It is hypocritical, and it is inconsistent. It will be a mess to implement, and I shudder to think how the commissioners will implement it. I will be very interested to see whether there has been any referrals for prosecutions, or withdrawal or revocation of licences, or whether it will make a scrap of difference. You can have all the regulation in the world, but, if you do not have the courage to prosecute people and close them down if they are in breach, it is not worth a tinker's curse. I will briefly refer to some other aspects of this legislation which seem to come under the Johnny-come-lately category.

We seem to now have a situation where there is a push, some of which does not even show up in the recommendation of the task force, to—apart from the timing on the smoke free areas—have some extra restrictions. I will just briefly refer to some of those. One was the smoking ban within one metre of all service areas in hospitality and gaming venues. I do not know whether I am reliably informed or not, but I have briefly looked at the amendments that have been tabled and it seems as though the government realises that that is just a farcical mess if it goes down that track and it is going to withdraw it. So, I will be pleased if they do abandon it. That will be a good thing. If they are not, they should certainly reconsider and make sure that they do.

I also want to refer to the employers/carers liability for the sale and supply of tobacco by employees to children under the age of 18 years. This is supposed to be a tough new stand, a rewriting of the vicarious provisions in the current section 81 of the act, to ensure that we are going to be tough on those who have responsibility for the licence. We are going to do two things in relation to that. We are going to, according to the government, ensure that there is no longer a single licence fee available for multiple outlets, the effect of which will be that you have a separate licence for each of the franchise outlets. Supermarkets of course are the example that will be most caught in this area, the theory being that if you shift to a single tobacco merchant licence fee for each of the outlets then you remove the inequity in relation to the payment. It seems that the government is worried about the financial consequence there but not of other things.

Nevertheless, the claim is that it will ensure that the local manager, the person on the floor, the person who is in charge of the outlet, will actually be liable for the compliance. We will see, of course, whether there has been any prosecution in the past, anyway, and whether in fact it will make a scrap of difference. I read the proposed bill in relation to the toughening up of vicarious liability. It does not seem to enhance it at all. I hope that the minister will expand as to how that will make any difference in relation to liability, other than the fact that there will be more people who will be vulnerable to liability. I am at somewhat of a loss as to how the new stricter vicarious liability provision is going to make any difference and, as I have said, none of this will make any difference unless the government ensures that the legislation that we put through in this house is actually carried out and properly supervised to ensure that is enforced.

Then we come to the sale of herbal cigarettes and the restriction on mobile sales of cigarettes, including the banning of mobile trays and toy cigarettes. As I understand it, although herbal cigarettes do not have the same nicotine content there is a health aspect because they have a tar content and other contents which are equally damaging to health, and therefore they need to be included. I am not sure how many people smoke herbal cigarettes, in particular how many people under the age of 18 years, because the only people who are going to be affected by this are those who smoke herbal cigarettes. But if there is a high incidence of it I would like to hear from the minister what that high incidence is and whether that is going to make a scrap of difference.

Then we have the restriction on the mobile sales. This is to stop the person walking around with a tray dressed up in the uniform for the cigarette company and flogging off, usually as samples, to impress upon a youthful audience, free cigarettes, which can then expose them to the introduction of and continuation of a smoking habit. Again, I do not know what the incidence of that is, or the access that young people have to it, but it seems to me that it is important that if you have a rule you have got to have somebody who is prepared to have the courage to enforce it. Again, I would be interested to hear from the minister as to the incidence of this and the exposure and, furthermore, the prosecution.

The Hon. R.B. SUCH (Fisher): I will be extremely brief. I support this bill. I just want to draw attention to one particular aspect because members have canvassed the key points. I indicate that during committee I will be moving to try and address the issue of minors having tobacco in their possession in essentially a public place. The reason for that is that at the moment there is a deficiency in our approach to trying to reduce tobacco consumption. If you walk around shopping centres, Rundle Mall and elsewhere you will see minors smoking and, basically, there is nothing that can be done about it. I am proposing that a minor who has tobacco products in their possession would forfeit those products and would have to hand them over to an authorised person, including a member of the police force and others, such as a teacher at a school. There are two other categories which, essentially, would include people authorised under the Local Government Act, namely, a council inspector, or an authorised officer as determined by the minister.

Some members say that it is difficult to enforce. The penalty for not complying with the hand-over of the tobacco products is a modest expiation fee of $30 and a maximum penalty of $75, because the purpose is not to be draconian and it is not to involve children in the criminal system: it is really intended as an educative process and to remove the situation where young people act as inappropriate role models by smoking in public places in front of other young people. During committee I will be moving to introduce that particular amendment. I think it is a deficiency at the moment which

needs to be addressed, and I trust that members will support that when it comes to the committee stage.

In respect of the other aspects of the bill, I support them. I know that some members want to bring forward the time by which hotels and other licensed premises have to conform with these smoking measures. On balance, whilst personally I would like the time to be brought forward, I think that there has been an arrangement negotiated which is a package and I am prepared to support that, given that it will be a big advance in terms of trying to reduce the consumption of tobacco. I think that, realising that the industry has been consulted and all the key parties have agreed to this package, it is fair and reasonable that this house treat it as a package and not seek to change what has been agreed by all the key players.

Mr RAU (Enfield): There is a Chinese proverb which says something along the lines of, 'The journey of a thousand miles begins with one step.' I believe that in this legislation we have taken not just the first step: we have taken a number of steps in the right direction. Of course, we need to recognise that these are but steps in the right direction and that more remains to be done; however, I congratulate the minister, the task force and the industry representatives who have been involved in the matter, who have been able to come together, in effect, in a package, and I congratulate the opposition members who have been endorsing the proposal as it has come forward. This is a substantial advance on the current situation, and I think all those involved deserve to be congratulated.

Speaking for myself, I hearken back to that Chinese proverb, and I can see many, many miles to go. I look forward to the time when we can review the question of point-of-sale material and obvious availability of these products, particularly in supermarkets. That is a matter that concerns me greatly, because if there was ever something that we needed to focus our attention on it is the fact that all and sundry who go to Coles and Woollies to buy their provisions are subjected to the full allure and display of this material, and that is profoundly different from them walking into a tobacconist's shop, for example, where they would not be expecting to find milk and vegetables. But that is a debate for another day.

In making that comment, I simply wish to underline the point that we do have a long way to go. As I said initially, we have taken some very important steps in the correct direction, and I refer to all of the individuals who have been associated with this, in particular the minister and the task force, who have put this together, and the industry to the extent that there has been cooperation and discussion there in a positive way. They all deserve congratulation. I wish this legislation a speedy passage through this place and the other place. I look forward to the time when we can move on to the rest of those steps for the balance of the thousand miles we need to travel.

Mr MEIER (Goyder): I am pleased to have the opportunity to speak to this bill tonight. On previous occasions in this house I have alluded to the fact that I was a smoker in my early days, and I recognise how much harm it did to me. I will do anything I can to endeavour to limit smoking, because I can see that it has had such an enormous effect on people, many of whom have died, and many of us who are still alive, in some cases fortunate to be alive. There is no doubt it is interesting that the Minister for Health handles this particular bill, because she would know that millions of dollars are spent every year to try to heal some of the injuries caused by smoking. If we could all but eliminate that in our society she would have many millions of extra dollars available to put into our hospitals and we would have much fitter people too. It is certainly a step in the right direction without any question at all. I have a feeling that most of what is being put forward will be passed. For this side it is a conscience issue. I believe that may not be the case with the government, and so be it.

The issues have been canvassed and I do not want to repeat them to any great extent, but it is interesting that the government distinguishes specifically between banning smoking in all workplaces over and against banning smoking in the hospitality and gaming industry. As far as I am concerned it would be simpler and more straight forward to ban it in all areas at once, and I believe that an amendment may be moved to that effect. I will be happy to support that amendment. Certainly I support the enclosed shopping malls being smoke-free. I believe that a lot of them already would be smoke-free, but I guess it depends on the particular operators. I fully support that and, likewise, I support the continued ban in restaurants and cafes, which the previous government commenced, but there are some smoke-free criteria there. I remember the furore caused by the proposed bans at that time, but people have accepted them and I virtually have not heard anyone complain in recent times. I do not think that restaurants have been unduly affected either. They possibly were immediately, but people have adapted to that as well. A few comments have been made about banning the sale of toy cigarettes. I was one who did partake of toy cigarettes when I was a wee lad.

The Hon. W.A. Matthew: And then became a smoker.

Mr MEIER: And I then became a smoker, as the honourable member interjects. Thinking back, there is no doubt that the eating of toy cigarettes and having it hang out of your mouth was cool. I don't know that we used the word cool back then, but it sort of showed that you were almost tough, I suppose, to be able to do that. I believe that there was a very strong relationship between that association with toy cigarettes and my eventual taking up of smoking. I think I was about age eight or nine at the time, maybe 10, and certainly by the age of 12 I was smoking a considerable number of cigarettes. Members will understand how that affected my health considerably in later years. I thank the doctor who, when I was in my late twenties after I had had about my fourth respiratory tract infection for the year, advised me to give up cigarettes. However, it took me some years before I was able to give them up completely. Thankfully, that did occur, otherwise I doubt whether I would be here today.

There are a few aspects of this measure which are causing me a bit of a problem. A tobacco licence will be required for each and every retail outlet. In theory, that sounds good, but I wonder whether companies such as Woolworths would need to have one licence or whether they already have a licence at each and every retail outlet.

The Hon. L. Stevens: They don't.

Mr MEIER: The minister indicates that they don't.

The Hon. L. Stevens: They have one.

Mr MEIER: I wonder whether this is partly a revenue-raising ploy, but I don't know how much a licence costs.

The Hon. L. Stevens: It's $12.

Mr MEIER: Well then, it's not a revenue-raising ploy.

The Hon. L. Stevens: It's not very much. They might raise it.

Mr MEIER: I can see some commonsense in that. They won't raise too many dollars from that, so it makes sense. There are also restrictions on the advertising of tobacco. We have already gone a long way down that track. Over the past 10 or 20 years restrictions have been imposed on advertising, and this bill seeks to impose further restrictions. That can only be a positive move. I realise that it is not easy for a government to determine the restrictions when some places are pure smoke marts. I realise that that issue has been dealt with, and we will see what happens in committee.

I note that in gaming areas complete bans are to apply from 1 November 2007. I, for one, would like to see complete bans applied immediately. I said that when I spoke to the member for Mitchell's bill either earlier this year or last year. I cannot see any difficulty in applying smoking bans from perhaps 1 April next year. It could be earlier, but by the time the legislation is passed and the regulations are promulgated, it will be early next year, which is only two and a bit years ahead of what the government wants anyway. Why not start with gaming areas. I think it would tie in very well with the government's proposal to reduce the number of poker machines. I hope we can bring in smoking bans at the same time, because I think that would do more for problem gamblers than cutting the number of poker machines. The opportunity might arise for me to comment further on that in committee.

I will be interested to see what happens in the committee stage. I will weigh up the various amendments that have already been proposed and, as I have indicated, I will support some of them that I believe will make smoking more restrictive than what is encompassed in the bill as a whole. At least this bill is taking a significant step forward in the restriction of smoking in this state.

The Hon. W.A. MATTHEW (Bright): I rise to support this bill. In so doing, I commend the minister for bringing the bill forward to this place. I am no supporter of cigarette smoking in our community. Those of my colleagues and friends who indulge in this habit will be aware of my criticism of it. I am particularly concerned about the take-up rate of smoking by young people. Smoking is the single largest cause of preventable death in our nation, and it is beholden upon governments and parliamentarians to ensure that we do everything within our power to prevent its spread within the community.

It is a lamentable fact that money appropriated by this parliament and other parliaments around the country for our health system is often used to treat those who have indulged in this vile habit and inflicted upon themselves an illness which could have been avoided. If the passage of this legislation in any way reduces the numbers so inflicted, it is a worthy bill indeed. I have listened with interest to other contributions to the debate tonight. I recognise that there are flaws in this bill, as there are in many bills, the bill is not perfect, but it is a step in the right direction.

A number of my colleagues in this place have indicated that they will bring forward amendments. I will be looking at those amendments with interest and voting not only in a way that I believe is appropriate but also in a way that will restrict, as fast as is possible, the spread of smoking in our community.

In my view, if the bill is to be criticised, the fundamental criticism ought be that the time frame over which the bans on smoking are to be phased is too great. By way of example, I mention that, through this bill, cigarette machines will become employer operated or placed in gaming rooms where there is an age restriction. I support that measure, but that worthwhile endeavour will not occur until 31 March 2005. As the father of teenage children, I am well aware of how easily their friends are able to obtain cigarettes from vending machines, and I see no reason why such a ban on portable vending machines ought not take effect immediately on the proclamation of legislation. I do not believe that we need to wait until March 2005 to allow still more minors to obtain access to cigarettes.

When one looks at the phase-in period, it is interesting to note that from 31 October this year, commendably, we will see complete bans on smoking in all workplaces (except initially in the hospitality and gaming industry), and enclosed shopping malls will be smoke free. Restaurants and cafes (which, let us face it, have had five years to become smoke free) will have their remaining provisions removed, with the exception of licensed premises, which are covered by other provisions in this bill. Curiously, we will see a smoking ban within one metre of all service areas at hospitality and gaming venues, a matter to which I will return in a minute.

Employers will be vicariously liable for the sale and supply of tobacco by their employees to children under the age of 18. The sale of herbal cigarettes will be limited to retailers with a licence, and restrictions on mobile sales of cigarettes, including banning of mobile trays and toy cigarettes, will come into place.

I have no problem with any of those things, with the exception of the rather unusual smoking ban of one metre within a service area at a hospitality and gaming venue. That reminds me of the time when smoking was permitted on aircraft. I always asked for a no-smoking seat on an aircraft. However, if you were particularly unlucky and were within one to four rows of the areas where smoking was permitted, people who travelled in aircraft in those days knew full well that you might as well have been in the smoking section. Regrettably, it is not possible to restrict the movement of smoke by a matter of mere centimetres. In fact, smoke does drift by metres.

To ban smoke in a one metre area simply will not work. The fact is that cigarette smoke will drift over that area. I see the clause as pointless, even more so when I look to arguments that have been put forward by the Australian Hotels Association. The association detailed several hundred hotels around the state that have quite narrow bar areas and bar areas that may be only a few metres wide. A one metre ban on a three metre bar leaves two metres for smoking and one metre for no smoking; and, in that confined space, the one metre rule has no value at all. I put to the minister that I would rather see it either banned or not banned, because I do not believe it serves much purpose.

From 31 March 2005, a series of other bans will be implemented. As I indicated, cigarette machines will become employer operated or placed in gaming rooms where there is an age restriction. That is a commendable move, but I would prefer to see that happen, at the very latest, by 31 October 2004 in the first round, if not earlier.

A tobacco merchant's licence will be required for each and every retail outlet selling tobacco. I was particularly concerned to hear the minister indicate that, at this stage, such a licence costs only $12 and that a large retailer, such as Woolworths or Coles-Myer, may be required to have only one such licence. Certainly, it seems to me that this provision is unreasonable, and I put to the minister there may in fact be very strong support within this place for the licence amount

to be significantly greater. Perhaps it is not unreasonable for such a licence to be in the thousands of dollars rather than the low amount at present. If that then discourages venues selling cigarettes, I put to the minister that that, in itself, is not a bad thing.

We will also see tobacco sales, displays and advertising taken out of public view, and each licensed retail outlet will have only one point of sale for tobacco. I put to the minister that all of those things could also occur from 31 October this year. As I indicated, I am prepared to see as many of these things as possible come into effect immediately. I think the minister has been very generous in the time frame that has been allocated for what in the main I believe are very worthwhile endeavours.

Interestingly, these measures apply to establishments other than the casino, and I heard the member for Mitchell earlier express his concern about one rule for one place and another rule for another place. But, other than in the casino, in an establishment with multiple separate bars, separate bars or lounge areas may be designated as smoking areas if the area is within one metre of any service area. It is excluded if at least one of the separate bars is not a designated smoking area and no more than one of the designated smoking areas consists of or includes a dining area. It starts to get fairly complex and, again, if amendments are put forward that are far more wide-reaching, I am certainly prepared to look upon such amendments very favourably.

Again, I believe that the minister perhaps has tried to be all things to all people in being generous with compromise but, as I indicated at the start of my address, in view of the insidious nature of cigarette smoking and the appalling effect it has on our health system, I do not believe that any measure in relation to cigarette smoking can be regarded as too draconian, and I do not believe that a short time frame can be regarded as unreasonable.

Also, until 31 October 2007 (again, other than in the casino), in licensed premises with a single separate bar an area of the bar can be designated as a smoking area if the area within one metre of any service area is excluded and the designated area is not more than 50 per cent of the bar and does not take up more than 50 per cent of the drinks service counter. We will have a lot of people out with their measuring tapes and, again, it becomes very complex. Again, I understand that the minister has tried to be all things to all people, but it may be that she has been a little too generous. I continue to come back to the fact that cigarette smoking is an insidious habit, a death-causing habit and an illness-causing habit and, as the minister by now ought to be well aware, it adds significantly to the state and national health bill.

In the casino the bars and lounges can be designated as smoking areas, but that is if the area within one metre of any service area is excluded, no more than half the bars are designated as smoking areas, and no more than one of the designated smoking areas consists of or includes a dining area. There are also separate bans in relation to gaming areas and the percentages involved.

Once all of that was wrapped together I was intrigued by some of the lobbying that has occurred, and all members in this house, sir, including yourself, would have been lobbied by a variety of groups. The usual groups feature, including the tobacco industry and hotels (and we would argue that they are the last refuge of the smoker). They are all putting up their hands and pleading for leniency. However, I will say, to the credit of the Australian Hotels Association, that in its very first approach to me it conceded that such a bill is an inevitability and a necessity, and I was heartened by its frank admission, particularly in so far as its own employees are concerned, that this bill has to happen. Its main plea was for a phasing in over time.

That in itself is a monumental leap forward. Even the industry that would regard itself as the last refuge of the smoker acknowledges that the day has come when such legislation is necessary. That is a big leap forward from where we were when legislation was first put through this place by a Liberal government, by my former colleague Dr Michael Armitage MP, who departed this house at the last state election. Dr Armitage, as well as being a medical practitioner, is a passionate advocate against smoking. He fought very hard not only within the Liberal Party but also the parliament for what I believe was groundbreaking legislation.

It is a shock to go to other places around Australia and the world and to go into a restaurant to find that people are smoking. Once you have become accustomed to the benefits of smoke-free dining that are offered in South Australia it is a shock to go to other places, which, I would argue, have a more backward attitude towards health matters. I confess that I will not eat in a place where there is smoking because it spoils the appetite. I do not like inhaling other people's exhaled smoke. That is a shock.

I was speaking to my teenage children about this recently, and they were horrified that there was once smoking in picture theatres, on the train and the bus, and on aeroplane flights. They could not fathom that people could smoke there. They could not believe you could go into a shop and smoke. Because they are teenagers, they have grown up with smoke-free dining and they find it horrifying to think they would have to sit down to eat a meal with smoke around them. I find it refreshing that youngsters—they are 16 and 18—are now living in a world where their attitude is such that they have an expectation that smoking will not be around them. That demonstrates a pleasing change in attitude in our society that gradually will occur as more and more youngsters become teenagers and take it for granted there will not be smoking all around them; just as the amendments being debated in this house tonight in a decade's time will be accepted as part of the public norm.

Also, amongst those who have approached me are the usual groups such as the Australian Medical Association, Cancer Council, Heart Foundation and Asthma SA. All those groups have combined their efforts to demonstrate that they support this legislation and are looking forward to the passage of this bill as another positive step forward. I was fairly surprised when some charity groups, including Novita Children's Services (formerly the Crippled Children's Association), expressed concern about the effect on their bingo nights by the prohibition of smoking. Also, a number of smaller groups hold bingo in various bingo halls. One group that comes to mind indicated that bingo was something that low income earners could afford to attend; they were smokers and, if the environment became smoke free, they would cease to be able to enjoy this activity.

I pointed out to the group that I was somewhat surprised by their letter. If the people attending bingo were low income earners, they should be promoting how much they could save by not smoking and, therefore, have a greater disposable income for the necessities of life—

An honourable member: More bingo!

The Hon. W.A. MATTHEW: —and because smoking was affecting their health they could point out the extra cost to their health. Even with government medical coverage,

medicines still cost. Importantly, as one of my colleagues interjected, they could also argue they could have more money for bingo if they are not smoking. I did find that surprising, although I acknowledge that those groups have a point: there is something disparate about the hotels being able to hold such nights with smoking and they not. I put to the minister that there may be a desire by the parliament to ensure, equally, that what is occurring in the bingo venues also occurs at the hotels and broaden the ban. I am not in favour of softening the smoking stance at bingo venues. I would rather see it toughened at others.

I look forward to seeing this bill pass through the house. As I indicated, it is not perfect, but neither are many other pieces of legislation that come before this house; that is why the house often revisits them. There will be amendments, and all my votes in relation to amendments will be about, I would hope, commonsense and, importantly, where appropriate, to further restrict and shorten the time frame, because I look forward to a South Australia that is enjoying the smoke-free benefits offered by this legislation.

The Hon. L. STEVENS (Minister for Health): It has been quite a long second reading debate, and I thank all members for their contributions. I would like to spend a few minutes summing up the main points that I have tried to note as the debate has gone through. I am sure we will have more opportunity to talk about those things as we proceed through the committee stage. The detrimental effects of tobacco smoking are well known. Tobacco smoking is still the biggest cause of premature death, disease and disability in the state. Each week 30 South Australians die prematurely from diseases caused by smoking tobacco, and smoking-related diseases account for 75 000 hospital bed days in the state every year. The national cost to Australia in terms of health care, lost productive life and other social costs from smoking is estimated at $21 billion a year. Certainly, as the member for Goyder mentioned, a lot of money—$21 billion a year—could be saved in Australia, and 75 000 hospital bed days in this state alone every year could also be saved.

In our relationship with tobacco over the years, we certainly have a tiger to tangle with. With this legislation the government has brought in a package of measures with three main aims. The first protects workers and members of the public from passive smoking. The second is to reduce the recruitment of young people to smoking, and the third is to prevent relapse by former smokers. They are the three objectives of the bill. The bill contains a range of measures from large and very broad environmental tobacco smoke measures right down to the issue of toy cigarettes, which is a very small measure and all part of the one broad package.

In relation to the toy cigarettes, I noted that the member for Heysen did not see the relevance of that. But, of course, that is very much part of the issue of preventing the recruitment of young people to smoking. It relates to the whole issue of playing with cigarettes and tobacco products being a part of lifestyle. It is something which kids grow up with and which we believe could encourage them to see smoking as a normal part of the games they play in childhood, modelling what grown-ups do and what they see around them. Even that very small measure is part of the very comprehensive package.

I would like to make a few general points before going to some specific comments of members. The bill is not designed to penalise adults who choose to smoke, although we prefer they did not, and we encourage them not to and support them in giving up. It is not designed to penalise adults who choose to smoke: it is about protecting non-smokers, children and workers from the harmful effects of tobacco and tobacco smoke. The bill takes a balanced approach to reducing the harm caused by tobacco, and it will bring South Australia into line with other states and territories in Australia.

With regard to the deputy leader's comments about when he was premier and the groundbreaking legislation brought in by the Hon. Dr Michael Armitage in 1995, at that time we probably momentarily led the nation. However, I am afraid that, by the time the deputy leader left the position of human services minister, we had dropped almost to the bottom. What we need is not just to momentarily lead the country and to be right out in the forefront; we need to have a long-term, sustainable commitment to progress in this matter, and that is what this bill does. We know that these measures have the support of the majority of the community, with almost all South Australians—99 per cent—saying in a 2002 health omnibus survey that they would prefer smoking restrictions at work.

Smoking bans do not ban the smoker, just their smoke. One could say that people may have a legal right to operate a chainsaw, but try waving it around in a pub and see what happens. More than 80 per cent of smokers surveyed said that they would like to quit. This may be the extra incentive that they need. Some 22 per cent of smokers interviewed about changes within this bill stated that the total smoking ban in hospitality venues would make them more likely to quit. Research indicates that total indoor bans especially encourage younger smokers to quit.

A number of members have asked whether the smoke-free hospitality legislation should be stronger and whether it should have been introduced earlier. As members know, the government went to a lot of trouble with major stakeholders in the hospitality task force to work through a process to reach a balanced position. We believe that the phase-in process is the best way to balance the competing forces, to protect workers and patrons from unwanted and unreasonable exposure to tobacco smoke and also to protect the financial viability of pubs and clubs and, most especially, the jobs of the workers. The member for Reynell mentioned the survey of the LHMW union in terms of its members and the fact that the survey definitely showed concerns about being smoke-free, and equal concerns by a large number in terms of the future of their jobs.

The decision about the phase-in process was reached after considering the recommendations of the Hospitality Smoke-free Task Force, the views of various stakeholders and extensive public comment. The phase-in approach will give businesses and the community adequate time to prepare for and accept these changes. I would like at this time to express my thanks to the hospitality task force. I think the way to achieve sustainable change and reform is to bring people on side and get them working together towards a common goal. I think that that was achieved. I want to particularly commend the member for Reynell for her leadership of the hospitality task force and also all the members: Mr Mark Butler, Secretary of the Liquor, Hospitality and Miscellaneous Workers Union; Mr John Lewis, General Manager, and Mr Brett Matthews, then vice president of the Australian Hotels Association; Ms Sally Neville, Business Development Manager of Restaurant and Catering; Mr Michael Keenan, Executive Director, Licensed Clubs Association; Ms Trudy McGowan, General Manager, Skycity Adelaide Casino; Ms Louisa Bowes, Policy Officer, Passive Smoking, from the

WorkCover Corporation; Ms Caroline Miller, Manager, Tobacco Control Research and Evaluation Unit; Mr Jim Dadds, representative on the National Expert Advisory Committee on Tobacco; and, finally, Ms Della Rowley, Manager of the Tobacco Control Unit of the Department of Human Services.

I would like to acknowledge the 474 organisations and individuals who provided comment on those recommendations. I am pleased with their efforts and the fact that they took the opportunity and went to the trouble to make their views known.

In his contribution, the deputy leader asked why we were waiting. Again, I say that the government has come up with a package that I believe achieves a balance between protecting the health of workers and ensuring that jobs are secure. As he mentioned, it seemed that, when we finished that process, everyone was unhappy, but perhaps we got it right in terms of balancing the competing demands. I think the most important thing we have achieved in South Australia is that we have drawn a line in the sand and that we have 31 October 2007 as the date when smoking is out. We are the first state in Australia to do this, and so far no other state has passed such legislation to come into operation before or after 2007.

The work we will do between the final passage of this bill and leading up to the full implementation of the smoking bans will be about education and support and helping people adjust, making sure people know about it and phasing it in in a reasonable and measured way. People have asked how this will happen and how it will be monitored. I have great faith that the stakeholders will cooperate with us in this process, as they have so far. They have shown their willingness to be part of this reform in the state, and they have shown their willingness to work together towards this goal. I have no doubt that that will continue.

The deputy leader made great play of his strong support. I am sure he is a great supporter of a ban on smoking, and he attests to that. However, it is unfortunate that when he was minister that support did not translate into taking the work of his predecessor, Michael Armitage, further in his term as health minister, but I am pleased that he is now on board. He also mentioned a discrepancy in the second reading explanation in relation to points of sale, and we will come to that issue at the committee stage. Wherever possible, and where it is feasible, we will try to restrict the point of sale of tobacco products, but there will be discretion for the minister to be able to be reasonable in terms of large complexes, where it is practicable to have more than one point of sale, and that will be part of the licence of a particular place.

The member for Reynell addressed the issue of the one metre rule very well in her contribution. This is one of the first measures to be implemented. Obviously, it is not health measure and nobody would see it as one, because it simply is not. Smoke moves freely in the atmosphere, but the one metre rule is about the comfort of bar staff and patrons, and certainly it is an educative measure that reminds patrons that things are changing and that this is the beginning of changes in smoking behaviour in licensed establishments. That is what this measure is about. The member for Reynell mentioned that an establishment in her electorate had already implemented the one metre rule, and I understand that some pubs have also done so ahead of when they need to, and that is pleasing.

The government has moved an amendment allowing bingo operators for charities who have smoking bingo to have the same phase-in period as the licensed establishments. We have done this in terms of consistency, and we have indicated to them accordingly. I certainly hope that they will consider doing things earlier than that because there are other charities, for example, Bedford Industries, which now run bingo that is non-smoking. It can be done, and it is being done. I hope that they will avail themselves of the support that is available from the Department of Health to assist in any move they might make towards going smoke free.

Regarding the issue of displays, people will note that the government is not proceeding with the full ban on the display of tobacco products at this stage, and I will say more about that in the committee stage. We have had a lot of representations from retailers of various sizes and shapes, and we have had suggestions of different combinations and lots of questions about time lines and costs. I have decided not to proceed with that clause at this time. We will have extensive discussions with them in the break, and we hope to come back with something to the Upper House when we return in the middle of September.

I was surprised to hear comments from the opposition in relation to unequal treatment between the casino and the pubs and clubs. I am not sure in what way people are seeing this, but in relation to the immediate measures there is one difference: in the casino, 50 per cent of bars have to be non-smoking, while clubs and pubs can have only one smoking bar. The casino has lost the high roller room issue and they must go smoke free like everyone else. Other than that, they are phased out in the same way as are pubs and clubs. Perhaps as we go through committee those with concerns about that matter can raise them then.

The issue of smoking rooms was raised by a couple of people. Smoking rooms do not work, and I am pleased that we are not going down that track. I think that we would find that people would spend a lot of money setting up these things, only to find that they are useless and that they have wasted their money. So, I am pleased that we are not going down that route.

I thank the member for Morphett for his comments supporting the intent of the bill. I heard him say that when he won a dance competition in grade three he got a packet of Craven A 10s as a prize. It is amazing how things have changed. That is horrifying for us today, but not so many years ago that is what happened.

Ms Thompson: In most war movies they gave a woman a smoke to calm her down.

The Hon. L. STEVENS: That is right. The member for Reynell talks about war movies. The Deputy Premier talked about a decent balance, a good package of reform, the fact that we were looking for the balance and that this is the balance.

The member for Heysen says that she will support most things but has concerns about some issues. I am sure that we will canvass those issues during the committee stage. We thank the member for Light for his support. He also mentioned the one metre rule, and I am sure that we can clarify any concerns that he has during the committee stage. I thank the member for Reynell for her contribution in particular because obviously she has had considerable experience and involvement in this whole process. She made some very good points about the hospitality smoke free task force and that through goodwill, hard work and commitment we had a concerted focus on improving the situation in this state. She mentioned that when she first started people said that it would be impossible to do this. It has not been impossible at all and it has shown that, if you do stick at something and work

together, you will get there, and we in this state have got there and we should be very proud. I thank her very much for that.

I thank the member for Hartley for his comments. I thank the member for Mitchell for his comments, even though I know that he will be moving amendments which the government will not be supporting. I accept the fact that he is concerned for people's health, but we have had to balance it with some other issues and we have come to a different conclusion, although in three years hopefully we will be smoke free.

The member for Bragg made an interesting contribution. She did say that this bill was nothing more than an embellishment of a much more superior bill of 1995. The member for Bragg talked about how the advertising bans were brought in, but I point out that, if she wants to check, she will notice that the advertising sections in the 1995 bill never had the regulations drafted, so the whole position became unclear. It was a pity, but that seemed to be an oversight of the previous minister. Anyway, we are fixing that, and that will be part of this bill.

We will be strengthening measures to protect children, which is where the liability of employers comes in. Of course, this bill builds on the previous bill—everything builds one on top of the other, which is how things progress. This bill will certainly strengthen provisions right across the board. Finally, I thank the member for Fisher and the member for Enfield.

In relation to the member for Enfield's comments about cigarette displays particularly in supermarkets, as I mentioned previously, we will be dealing with that issue in the break. He is correct that, when you walk into a supermarket, you are immediately hit with a mass of cigarette cartons and packets. It does not take long for mass displays to become advertisements, and cigarette companies have been very clever in playing the advertising game. We will be looking at that very carefully over the coming months.

I thank the member for Goyder and the member for Bright for their comments as well. All in all, I thank members for their comments. I look forward to the committee stage and seeing the bill pass through the rest of its stages.

Bill read a second time.

The SPEAKER: For the benefit of the record and as the member for Hammond I indicate that I am disappointed that we did not get this legislation earlier. The minister has alluded to that in the course of her remarks. I do not hold the minister responsible in my assessment and appraisal of it, but rather, since the time the first steps were taken, the issue should have been revisited more frequently than has been the case. As a parliament we began to understand the scientific research behind the wisdom of separating gaming machines into specific spaces so that people had to make deliberate choices to play gaming machines.

Likewise, now that the scientific evidence demonstrates that cigarette smoking is lethal to the vast majority of people and that the intensity of the activity or the rate of consumption of the activity is a serious and exponentially escalating risk to good health, in the main, it strikes me that what we need to do is to simply prevent the retailing of tobacco products in anything other than specifically licensed premises for that purpose, if we are to leave tobacco on the list of substances that can be lawfully purchased and consumed.

Those specially licensed shops should have, indeed most premise already do have, specially manufactured registration equipment which can collect digitised data and store it, thereby ensuring that appropriate taxes are paid, but more particularly that appropriate records are provided by a mechanism that I now wish to describe, and that is, to fit a microchip to our Medicare cards, such that if any of us choose to consume tobacco and smoke it, in one form or another, then the fact that we have done so ought to be recorded on our Medicare cards, and the marginal rate of tax paid on our incomes should be incrementally increased not only because we smoke but also be proportional to the rate of consumption of tobacco on a weekly or monthly basis, and make it unlawful to sell anyone tobacco unless they have the Medicare card with them. That would immediately eliminate sale to minors, because the card would record where the tobacco was purchased and on what date.

It is my belief, then, that not only should there be a higher marginal rate of levy imposed on people who engage in such practices as put their health at risk, for their personal enjoyment, but at the expense of the rest of the community, and tobacco smoking is one such activity—there are many others—but that they should also, should they seek private health insurance, disclose the fact and pay a higher premium accordingly. Otherwise, the billions of dollars, that everybody pays, the majority of whom are not smokers, are really subsidising the irresponsible conduct of those adults who choose to indulge themselves in that fashion.

Whilst I commend the government for going as far as it has, I also commend the opposition for pointing out that it could have gone further, and regret that it is necessary for me to remark that the opposition in government did not go as far as I would have wanted, with improvement in the position of the law and in relation to the ease of access to tobacco products for minors, and so on, to have been advanced more rapidly than was the case then. I do not see why it is necessary for me to make the remark, however, that I do not believe in a nanny state; I simply believe that every individual should exercise responsibility and accept that responsibility as a consequence of their actions, where they undertake those actions knowing what those consequences will be. In the case of consumption of tobacco there is no excuse for not knowing. You may choose to deny the scientific truth but it is available to you, it is on every package of tobacco product that is sold, and it is readily available in literature and through the press on a regular basis as to the consequences of consuming it.

Whilst I could go on, I think that to do so would be to reiterate remarks which most other honourable members have made about the desirability of heading in the direction of making it finally unlawful to smoke tobacco. To continue to do so does not enhance the nutritional plane in the body, it does not enhance performance in any particular. It is merely an indulgence of the senses which we know brings, in the main, an earlier death than would otherwise be the case. I thank the house for the opportunity to make these remarks.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

The Hon. DEAN BROWN: I wish to ask some questions about when certain parts of this bill are going to operate. The act comes into effect on the day fixed by proclamation; however, the briefing provided by the department a week ago refers to summary of new laws within three months of promulgation. What is the date of promulgation: is it, in fact, the date of proclamation? The draftsman could not tell me what was meant by promulgation. It is in the departmental

briefing notes, and I would like to know what is the date of promulgation.

The Hon. L. STEVENS: The departmental officers have advised me that they meant proclamation. Obviously, we will be working on the regulations as quickly as we can. We have a 31 October deadline that we wish to keep to for first tranche of environmental tobacco smoke issues, so as soon as there is proclamation the regulations will be completed as quickly as possible and the time lines will be outlined.

The Hon. DEAN BROWN: This is fairly important because, according to the briefing note given to me by the department, within three months of promulgation there is going to be a ban on smoking in all enclosed workplaces and public areas, including shopping centres, except licensed hospitality venues where bans will be phased in as outlined below. There are also bans on a number of other things, but this is the real substance of the ban out there on the community. The minister's second reading speech clearly says 31 October; however, the briefing note given to me says within three months of promulgation.

The Hon. L. STEVENS: I have clarified that.

The Hon. DEAN BROWN: There is a potential significant difference there; and therefore is the briefing note incorrect, and it will be 31 October?

The Hon. L. STEVENS: That is our intention.

Clause passed.

Clause 3 passed.

Clause 4.

Mr HANNA: I move:

Page 3, lines 16 to 19—Delete the definition of 'enclosed public place, workplace or shared area'.

This an amendment to a definition; it is a radical proposition; and, as the Speaker has just indicated, history may well take us in that direction eventually. It is a proposition to ban smoking in public places, and this is a convenient point to address the issue in the definition section of the bill. If this is lost, there is a subsequent amendment dealing with the issue which I will not persist with. The purpose of it is to highlight the hypocrisy of the position of every other member in this place. How many people here are putting up their hand for marijuana to be sold commercially, openly and legitimately and smoked in public places? I do not see anyone putting their hand up and yet everyone else here is going to put up their hand to say, 'Let's allow people to continue smoking tobacco wherever they want to—out in Rundle Mall, down at the beach, and so on.'

It really is so hypocritical when alcohol and tobacco, by any objective definition, are the two most dangerous drugs available in Australia. If you look at the statistics from our public hospitals and our fatalities, there is no question that tobacco is so much more harmful than a lot of the other drugs that are currently illegitimate. Yet, because there is money involved, there is a revenue to the government and a huge revenue to the corporations and the retailers involved that assist in allowing it to be lawful without adequate concern for public health or individual health. As I said before, for the individual, if they wish to poison themselves they are welcome to. The Greens do not want to inhibit people from doing that unduly but there are public health issues involved as well, partly because we pay for the illnesses that tobacco results in through the public hospital system, and partly through the effects of passive smoking. As I have said, I am glad that the bill introduces a measure of reform to somewhat limit passive smoking opportunities, but the hypocrisy remains.

Amendment negatived.

The Hon. I.F. EVANS: I am interested in the definition of 'advertise' which is being inserted into the act. The reason the word 'advertise' is being inserted into the interpretation section of the act is that it comes up under a later clause, clause 15, which is an amendment to section 40 where certain advertising will be prohibited. It states that a person must not advertise tobacco products in the course of a business or for any direct or indirect pecuniary benefit. If we go back to the definition of 'advertise'—and I speak out for all of those involved in a theatre, the television or film industry, because this definition of 'advertise' means that you cannot have a cigarette involved in any TV program, any theatre or play or, indeed, any film. You cannot even have one on your T-shirt, because the definition of 'advertise' in this bill is as follows:

'Advertise tobacco products' means take any action that is designed to publicise or promote tobacco products, smoking, or the sale of tobacco products, whether visual or auditory means are employed and whether tobacco products are directly depicted or referred to or symbolism of some kind is employed, and includes take any action of a kind prescribed by regulation.

So, if someone dares to have a cigarette on their T-shirt publicising a tobacco product, they are in breach of this bill. The Blackwood Community Theatre, the Stirling Community Theatre or any television program or film is now banned from advertising a tobacco product, because this definition of 'advertise' is so broad that it catches all those activities. I do not know whether these industries have been consulted. I would be surprised if the arts industry supported this measure, because that is clearly what the definition of 'advertise' states. If you combine it with a later clause, the reason for including this definition of 'advertise' is for the purposes of clause 15, which seeks to amend section 40 by deleting subsection (1) and inserting:

(1) A person must not advertise tobacco products in the course of a business or for any direct or indirect pecuniary benefit.
Maximum penalty: $5 000.

So, in my view the definition of 'advertise' will need to be changed, otherwise I think there will be problems for some community groups.

The Hon. L. STEVENS: I am advised that this definition relates only to publicising or promoting a tobacco product for a pecuniary benefit. It is not related to tobacco products that might be used as props for a dramatic production. The tobacco product is part of the dramatic production; it is not used to publicise or promote cigarettes or smoking. That is not classed as advertising.

The Hon. I.F. EVANS: We will explore that answer a little further. In the bill, the definition of 'advertise' is stated as '"advertise tobacco products" means take any action that is designed to publicise. . . '. If you are in a film and you have a cigarette, you are advertising. You are taking action to advertise. It is designed to advertise because the script says, 'The actor will smoke.' It is designed to publicise the tobacco product. That is the strict interpretation of what is written before us.

Ms Thompson interjecting:

The Hon. I.F. EVANS: I understand that it is the honourable member's report, and that is why so many people have problems with it. There are plenty of issues with it. Clearly, the way in which the definition of 'advertise' is written in this bill means any action that is designed to publicise a tobacco product. It does not have to be the core

intent of the activity as long as they are taking some action. 'Any action', in the words of the bill, to publicise or promote a tobacco product is caught under the definition of 'advertising'. Any film or TV program is designed to gain revenue.

You do not run a TV program not to bring revenue into the station, and you do not run a film not to bring revenue to the film maker. It is caught also under clause 15 with regard to tobacco products in the course of a business or for any direct or indirect pecuniary benefit. The actors are getting a direct or indirect pecuniary benefit for agreeing to smoke. Clauses in contracts for films say, 'The actor will smoke and they will get paid X.' Ultimately, that will be covered by the definition of advertising, combined with clause 15 which amends section 40.

The Hon. L. STEVENS: That is not correct. The key word in this definition is 'designed'. That is an intent to publicise or promote tobacco products. Its intention is to publicise. It is not the incidental showing of a cigarette for the purpose of a dramatic production. That is the answer to that question.

Clause passed.

Clause 5 passed.

Clause 6.

The Hon. DEAN BROWN: As it is drafted, subclause (2)(b) provides:

> a condition that restricts the points of sale of tobacco products within the place of which the holder of the licence may sell products under the licence.

In other words, the minister can include a condition of the licence that may restrict the number of points within any premises where cigarettes are sold. However, if one looks at the minister's second reading explanation one will see that the minister says, 'one', and therefore I believe that there is an inconsistency between paragraph (b), which allows the minister to bring in a restriction but does not specify what it will be, and the second reading explanation of the minister which does specify only one location.

The Hon. L. STEVENS: I tried to correct that error when I was responding to the second reading debate. The deputy leader said that what I was suggesting was not the case, but this is—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: This is it now.

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: This is the issue in relation to discrepancies. Yes, I admit that there is a discrepancy in the second reading explanation, which I will clarify because, of course, the legislation provides that there may be an opportunity for there to be more than one point of sale. The second reading explanation refers to clause 6 which allows the minister to impose tobacco retail licence conditions. The clause goes on to say that the conditions may include a requirement that the licensee restrict the number of points of sale. The government wants to ensure that tobacco retailers keep the number of points of sale to a minimum, which is what I mentioned earlier. The second reading explanation incorrectly suggests that the number of points of sale will be restricted to one in all cases: that is not the case, and I am pleased to correct that.

On the licence application form, business owners will be asked how many points of sale they require. Proprietors will be informed that the number of points of sale requested should be the minimum number required. For many places, that will mean reducing the number of points of sale to one. However, for large complexes or places that consist of multiple levels, this may not be possible and they may require more than one point of sale. That is something that officers from the department of health will discuss with them and provide advice about in relation to their application.

We expect that the administration of this process will be pretty straightforward. This is able to be varied in relation each establishment's licence. We have spoken about it with the AHA and it has indicated no problem.

The Hon. DEAN BROWN: I appreciate the clarification. That then puts a quite different light on this issue compared with what the minister said in the second reading debate, and I think this is a pretty important issue. I presume a cigarette dispensing machine will be considered as a point of sale. Is that correct?

The Hon. L. STEVENS: That is correct.

The Hon. DEAN BROWN: Therefore, a hotel might have ten different points of sale because it could have several different gambling areas and several bars, so a larger hotel could have up to 10 points of sale. However, a very substantial Woolworths supermarket will be allowed to have only one. There appears to me to be enormous variability there and discretion on behalf of the people involved. I think that is unfortunate, because the second reading explanation created the impression we were going to take a very tough stance and Mr Woolworths and Mr Coles can have one point of sale and there will only be one out in all the other venues. A large supermarket would sell much more in volume than, say, a hotel, but the hotels will have multiple points. Therefore, it would appear to me that, once again, we are bringing in legislation which is favouring significantly the hotel which could have up to 10 points of sale and disadvantaging non-hotel establishments such as a very large supermarket, which may have only one point of sale.

The Hon. L. STEVENS: I find it surprising that the deputy leader presumably only read the second reading explanation and did not check the legislation.

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: Okay, and the deputy leader knows, of course, that it is the actual legislation that carries the day. Anyway, I have clarified the matter for him. We are trying to be flexible and fair. The aim is to bring down the number of points of sale: that is the intent of the legislation. But we are enabling some flexibility on practical grounds where a case can be made that it is reasonable that there be more than one point of sale. Obviously, we will be attempting to restrict the points of sale to the greatest extent possible.

The Hon. DEAN BROWN: While I picked this up when reading the bill—and that is why I have raised it—I did not raise it in my second reading contribution because I intended to pick it up in the committee stage. I think I did identify it in the briefing with the department. The majority of the public who have looked at the legislation will go by the second reading speech. They will not have had the experience of identifying exactly what the position is. I highlight the fact that I think it is unfortunate because, when they have talked about this legislation, people have said to me, 'That's good; there will be only one point of sale for cigarettes now, regardless of how big the hotel is.' I identified this point, which showed it was not one: it could be numerous points. In fact, the minister has acknowledged it might be up to 10 for a large hotel.

The Hon. L. Stevens: No, excuse me. I did not acknowledge any number at all. That was the shadow minister.

The Hon. DEAN BROWN: We know that they can have dispensing machines, and they can have bars on the first

floor, second floor and ground floor and in poker machine rooms. It would not be beyond comprehension to believe that in a very large hotel complex there might be 10 points of sale. If we really want to stop the use of tobacco then there is a lot of value in saying, 'If you want to buy cigarettes you have to go to the one point of sale.' I support the minister in having one point of sale. This is the point. I am concerned that, once again, we have this huge discrimination. For the rest of the community it might be one, but we might find some hotels have up to 10. I will move an amendment. I move:

Page 5, line 18—
After 'licence' insert:
to one.

This amendment restricts the point of sale of tobacco products within the place at which the holder of the licence may sell tobacco products under this licence to one, so there can only be one. Therefore, I am reflecting what the minister said in her second reading speech.

The Hon. L. STEVENS: The government does not support that amendment.

The Hon. W.A. MATTHEW: I encourage the minister to reconsider the point of view she so hastily put to this chamber. I draw the minister's attention to her second reading speech. Surely, the minister must have intended at the time the speech was framed to restrict retail outlets to one sale outlet per retail establishment. The minister in her public statements, her address to this house and her second reading speech has taken this 'tough on cigarettes' stance and this restriction of points of sale. Now it has been revealed to the committee through this line of questioning that, while a supermarket may be restricted to one point of sale, a hotel may have six, eight or 10 points of sale.

The amendment moved by my colleague the member for Finniss is a simple amendment which actually reflects what the minister has been publicly advocating. I ask the minister to reconsider her hasty statement to this committee, to be consistent with her public statements, to show the intestinal fortitude that she has been claiming she has, to stand by the courage of her convictions and to support this amendment so that it can deliver what she said in her second reading speech that this legislation would deliver, but it has now been revealed in questioning in this committee that it will not.

The Hon. DEAN BROWN: To clarify that, the amendment I am proposing at the end of 'under the licence' is to add the words 'to one'.

Amendment negatived; clause passed.

Clauses 7 to 11 passed.

Clause 12.

The Hon. L. STEVENS: I move:

Page 6, line 14—After paragraph (b) insert:
or
(c) the machine is situated in a part of the casino in which the public are permitted to engage in gambling activities under the *Casino Act 1997*.

This simply means that the casino is consistently treated in the same way as pubs and clubs in relation to the placement of vending machines.

The Hon. DEAN BROWN: Can the minister give some indication of how many vending machines she would allow in each licensed premises? That is, could she give some indication of how many she would allow in the casino, and also how many she would allow in a hotel? Would she allow more than one vending machine per hotel?

The Hon. L. STEVENS: I cannot give that indication at the moment. That is something that would need to be discussed. In terms of a license application, it could vary quite markedly in terms of something like the casino versus a large city hotel, right through to a tiny power-ball club, so I cannot give that indication at this point.

The Hon. DEAN BROWN: Therefore, I am right in assuming, from what the minister has just said, that there could well be more than one vending machine per licensed premises?

The Hon. L. STEVENS: Yes, there could be.

The Hon. W.A. MATTHEW: Is the minister able to share with the committee any research to which she has access that would provide the committee with an understanding of the age profile of users of such vending machines? Anecdotally, it is certainly claimed that minors, in particular, often obtain their cigarettes from vending machines. Does the minister have at her ready disposal any information that she is able to share with the committee to give an indication as to what sort of age profile uses those machines?

The Hon. L. STEVENS: In relation to the number of vending machines that exist in pubs, I am informed that it is generally one. But that would be, as I said, a matter for licensing and for each licence on its own merits.

In relation to the question from the member for Bright, we do not have an age profile. However, what we do know, from South Australian research undertaken in 1999, is that nine out of 10 attempts by children to buy tobacco from a vending machine are successful, which is why this measure is contained in the bill. That is why we have been particularly concerned to have vending machines that are not placed in areas where it is an adult only area, for example, a gaming area or in the casino in an area where gambling is occurring—

Ms Thompson interjecting:

The Hon. L. STEVENS: Sorry; the bill ensures that any coin operated vending machine has to be placed in those areas. If a vending machine is placed in any other part of a licensed establishment, it has to be operated by a token. Of course, the token has to be purchased, so you have that extra ability of the staff member selling the token being able to ask for identification and you have that mechanism in place to prevent access of minors to vending machines. It has been done because of the success that children have had in obtaining tobacco from this source, as the research has shown.

Progress reported; committee to sit again.

STATUTES AMENDMENT (MISCELLANEOUS SUPERANNUATION MEASURES) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1—Clause 5, page 5, lines 1 to 3—Delete these lines and substitute:
(5) The factors to be applied in—
(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and
(b) the commutation of a pension,
will be determined by the Treasurer on the recommendation of an actuary.

No. 2—Clause 5, page 6, lines 37 to 39—Delete these lines and substitute:
(7) The factors to be applied in—
(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and
(b) the commutation of a pension,

will be determined by the Treasurer on the recommendation of an actuary.

No. 3—Clause 10, page 10, after line 23—Insert:

(4a) Section 40(1)(f)—delete "paragraph (e)" and substitute:

paragraph (d)(ii)

No. 4—Clause 14, page 13, lines 9 to 11—Delete these lines and substitute:

(5) The factors to be applied in—

(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and

(b) the commutation of a pension,

will be determined by the Treasurer on the recommendation of an actuary.

No. 5—Clause 14, page 15, lines 6 to 8—Delete these lines and substitute:

(7) The factors to be applied in—

(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and

(b) the commutation of a pension,

will be determined by the Treasurer on the recommendation of an actuary.

No. 6—Clause 18, page 18, lines 11 to 13—Delete these lines and substitute:

(5) The factors to be applied in—

(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and

(b) the commutation of a pension,

will be determined by the Treasurer on the recommendation of an actuary.

No. 7—Clause 18, page 20, lines 6 to 8—Delete these lines and substitute:

(7) The factors to be applied in—

(a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and

(b) the commutation of a pension,

will be determined by the Treasurer on the recommendation of an actuary.

No. 8—Clause 20, page 21, after line 27—Insert:

(4a) Section 45(1)(f)—delete "paragraph (e)" and substitute:

paragraph (d)(ii)

CONVEYANCERS (CORPORATE STRUCTURES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 11.56 p.m. the house adjourned until Wednesday 21 July at 2 p.m.