LEGISLATIVE COUNCIL

Tuesday 2 April 1996

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Regulations under the following Act—
Succession Duties Act 1929—Principal

By the Attorney-General (Hon. K.T. Griffin)—

Regulations under the following Acts—
Occupational Health, Safety and Welfare Act 1986—
Powered Mobile Plant
Transitional Provisions
Security and Investigation Agents Act 1995—Principal
Workers Rehabilitation and Compensation Act 1986—
Medical Certificate

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulations under the following Act—
Liquor Licensing Act 1985—Dry Areas—Renmark

By the Minister for Transport (Hon. Diana Laidlaw)—

Regulations under the following Acts—
Prevention of Cruelty to Animals Act 1985—Barking Dogs
South Australian Housing Trust Act 1936—Water Limits
District Council By-laws—Central Yorke Peninsula—
No. 1—Permits and Penalties
No. 2—Council Land
No. 3—Garbage Disposal
No. 4—Creatures
No. 5—STED Scheme.

QUESTION TIME

TEACHERS' DISPUTE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the teachers' industrial dispute.

Leave granted.

The Hon. CAROLYN PICKLES: There are many questions about the way in which the Government has handled the current industrial dispute with the teachers. The frustration of teachers resulted in the first Statewide stoppage since 1981. The Opposition has received copies of minutes sent out by the Chief Executive of the Department for Education and Children's Services that raise serious questions about how the Government has attempted to use the single bargaining centre. These include a memo sent out by the CEO after 4 p.m. on Friday 16 February for a meeting called on Monday 19 February, another document which presumes to set out the role of the single bargaining centre, and a third document in which the CEO advises that he is the Chair of the single bargaining centre. My questions to the Minister are:

1. What departmental and interdepartmental structures exist for handling the dispute?

2. Is the dispute being managed by DECS, the Department for Industrial Affairs or the Attorney-General's Department?

3. Which Minister is running the dispute?

4. What role does the Chief Executive of DECS have; and is the Chief Executive the Chairperson of the single bargaining centre?

The Hon. R.I. LUCAS: The substantial problem with the operation of the single bargaining centre, which is operated within the Department for Education and Children's Services, has been the refusal of the Institute of Teachers to be a willing participant in the enterprise bargaining processes within the department. Indeed, for the first nine to 12 months the Institute of Teachers refused even to attend meetings of the single bargaining centre where these issues of dispute could have been resolved at a very early stage by sensible discussion between teacher union representatives and departmental and governmental representatives.

The single bargaining centre was attended by all the other key players, including the Public Service Association (PSA) and one or two other unions, as well as the Employee Ombudsman, who is representing now more than 100 teachers who no longer want to be represented by the Institute of Teachers, and that number has been increasing over the past few months. So, all the key players have been prepared to attend meetings at the single bargaining centre over the period of the past nine to 12 months, with the exception of the biggest union, the South Australian Institute of Teachers—or the AEU (SA Branch)—whichever name it happens to be using at the time.

The second aspect is that the members of the Institute of Teachers—not the official representatives—have been attending meetings of the single bargaining centre intent on causing disruption to the centre's proceedings. All these people are wellknown members of the Institute of Teachers. They proclaim that they do not represent the Institute of Teachers but represent themselves, and have attended meetings of the bargaining centre intent on causing disruption. For example, at one meeting of the centre, when Dennis Ralph was CEO and Chairman of the single bargaining centre and stood to speak, some of these SAIT members grabbed microphones, sought to move motions—good old university politics stuff or South Terrace politics—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: At least with a few members of the Institute of Teachers, yes. They sought to disrupt the meeting in good old-fashioned union style. Many people who attended that meeting, who were genuinely trying to resolve these issues, were genuinely shocked to see such behaviour from members of the Institute of Teachers. That has been the problem: first, that the union has refused to attend for the bulk of the period and, secondly, that members of the union have been attending, intent on causing disruption to the proceedings of the single bargaining centre.

The answer to whether the Chief Executive Officer is the Chair of the single bargaining centre, certainly my advice is that that is the case. In relation to what are the processes for handling the dispute—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Well, he is the Chair of the single bargaining centre. That has been the case, as I understand it, in all the other single bargaining centres established in all other agencies where all the other enterprise bargains have been negotiated: that the CEO has been the single bargaining centre Chairperson, but one of these old-fashioned union

representatives proclaimed himself the self-proclaimed Chairperson of the centre. He called a meeting of the centre after management had left—which is contrary to legislation, as I understand it—and they amended the minutes of the previous meeting, which some had not attended—again some good old-fashioned tactics—

The Hon. T.G. Roberts: Corrected them.

The Hon. R.I. LUCAS: No, 'amended' was the word they used. They amended the minutes retrospectively.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: I think the Hon. Terry Cameron has been there and seen that from his days in the AWU. It was a good old-fashioned bunfight within the Institute of Teachers. All those tactics have been used with an intention to ensure that the Government is unable to sit down and try to resolve this issue with representatives of our employees, whether that be union representatives or, as I said, the Employee Ombudsman, who is representing over 100 teachers and staff now, or indeed some teachers and staff who wanted to represent themselves.

In terms of the process, the procedures that we are following are those which have been recommended by the Department for Industrial Affairs in relation to all enterprise bargaining by public sector agencies. The Department for Industrial Affairs substantially has the carriage for negotiations in relation to enterprise bargaining. However, of course, being a big agency as is the Department for Education and Children's Services, I have been working very closely with the Minister for Industrial Affairs, and my CEO has been working very closely with the CEO of the Department for Industrial Affairs with an intention of ignoring provocative acts being imposed upon the operations of the single bargaining centre by some of the people to whom I have referred.

COURT FEES

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about court fees.

Leave granted.

The Hon. R.R. ROBERTS: Pursuant to section 16 of the Supreme Court Act, the judges of the Supreme Court have reported on the affairs of the court in respect of the years 1994-95. Their report dated 27 February 1996 was tabled by the Attorney-General recently in this place. On page 7 of the judges' report, comment is made:

> The concept of 'user pays' cannot be applied to the courts. To apply it is to deny the State's obligation to provide for the administration of justice. The judges do not argue that court fees should be abolished. But they do express concern that they have reached a level at which they are a significant burden for many persons.

My questions to the Attorney-General are:

1. Does the Attorney-General agree that it is inappropriate for the concept of user pays to be applied to the courts system?

2. Does he agree that the court fees have reached a level at which they are a significant burden to many persons?

3. If he agrees with these comments to any extent, what action will he take, or does he propose that the Government will take, to address these issues?

The Hon. K.T. GRIFFIN: It is a great pity that the honourable member did not ask those questions of my predecessor, the Hon. Chris Sumner, because he actually set the scene for significant increases in Supreme Court and other court fees. In fact, as a member of the Labor Government he brought in a very substantial increase in the application fee; he brought in for the first time a very high daily hearing fee for trials in the Supreme Court and that has also applied to the District Court. The precedent has been established.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I express disappointment that the honourable member did not seek to raise this issue with my predecessor. Since we came into office court fees have been increased by no more than the CPI—may be marginally over or marginally under in some cases—but we have no intention of departing from the policy precedent which was set by the previous Government. I expect that the issue of court fees, and all other Government charges and fees, will be considered in the context of the increase in CPI.

The fact is that, whether one looks at court fees or the fees charged by legal practitioners, going to court is always expensive. It is one of the reasons why I have introduced a comprehensive Bill which deals with mediation and conciliation. There is no doubt that in the Supreme Court, the District Court and the Magistrates Court mediation, conciliation and arbitration are alternatives to going to court for a fully fledged battle at the trial stage.

We are very conscious of the cost of litigation. If parties want to go to court ultimately, then it is not for the Government to stop them, but they have to go into court knowing that a significant expense will be involved. In fact, in the small claims jurisdiction for amounts up to $5 000 there is no legal representation; mediation is in place but we are now providing a comprehensive framework within which it will operate. In those circumstances, I do not see that it is necessary for me or the Government to take any further action.

BUS AND COACH SAFETY

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement on the subject of safety initiatives for the bus and coach industry.

Leave granted.

The Hon. DIANA LAIDLAW: I am pleased to inform members of initiatives being undertaken by the bus and coach industry to improve passenger safety. Following major bus accidents in New South Wales about four years ago, new uniform safety standards for buses have been adopted on a national basis under the Australian Design Rules (ADR) 'Code of practice for buses'. These rules set standards dealing with bus occupant protection in such areas as aisle width, emergency exits, improved requirements for seat and anchorage strength and interior fittings of buses. As of July 1995 all new route service buses must be fitted with seat belts in all seats. That applies to all new route service buses. Eventually, all long distance coaches will be equipped with seat belts and other upgraded occupant protection.

Due to the long lead times and slow turnover of the coach fleet, it may be as long as 20 years before all coaches Australiawide are fitted with seat belts. While it is technically possibly to upgrade existing buses to the latest standards, in many cases this would be prohibitively expensive, putting most coach operators out of business. There is no legal requirement in South Australia for existing buses to be retrofitted and it is my understanding that no other State has a retrofit requirement, and it is considered unlikely that many bus operators will voluntarily risk substantial sums in retrofitting coaches unless customer behaviour changes.

However, these issues have been addressed by the National Road Transport Commission (NRTC), the Federal Office of Road Safety (FORS) and the Australian Bus and Coach Association (ABCA), which have jointly published 'Guidelines for the modification of existing buses and coaches to improve occupant protection'. These have been endorsed by South Australia.

Meanwhile, many other initiatives are being undertaken in South Australia to improve safety for passengers on route service buses and coaches. The new Passenger Transport Act has put a 25 year limit on the age of buses allowed in commercial services. The bus and coach industry, with my full support and in conjunction with the Passenger Transport Board, is now looking at a system to address overcrowding on buses. Bus industry representatives also sit on the Safety Standards Committee and screen applications for 'fit and proper' drivers. Under the terms of the Passenger Transport Act, the Passenger Transport Board and the Bus and Coach Association of South Australia have established a Bus Industry Advisory Panel. With my encouragement the Bus Industry Advisory Panel is considering a star rating system for buses that will improve customer relations and service and address coach standards and improved passenger comfort.

Recommendations are being prepared for consideration by the Passenger Transport Board. It is intended that the star ratings will be assessed at the same time as the annual compulsory inspection for all buses. The Bus Industry Advisory Panel is also considering the introduction of business plans for operator accreditation and the introduction of a levy for new business applications to create a research and development fund. These are important initiatives for the promotion of the bus industry generally in South Australia, and ones that promise improved customer service. In the meantime, there are annual inspections for all buses and coaches to meet roadworthiness standards and the requirements of the Bus Code. Even without seat belts and other improvements required in later vehicles, it is still very much safer to travel by bus or coach than by private car.

ASBESTOS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources and, possibly, the Minister for Housing, Urban Development and Local Government Relations a question about asbestos dumping.

Leave granted.

The Hon. T.G. ROBERTS: In the *News Review* Messenger of Wednesday 27 March there is an article headed 'Asbestos alert at Penfield'. The article, by Rebecca Tilly, states:

> Sheets of pure asbestos covering an area of about 50 square metres have been dumped and left exposed on a Penfield land parcel—an area earmarked for housing and recreation.
>
> Munno Para Council this week began securing the area and covering the asbestos with soil, until a major report into the area's contamination is completed.

That is probably the best short-term remedial way of handling the problem. The article further states:

> The UTLC asbestos and toxic waste liaison officer Jack Watkins said he was seriously concerned about the amount of asbestos on the land and wanted immediate clean-up measures taken.

Later, the article states:

> Housing Trust Tenants Association secretary Tony Ollivier said action to clean up the site was needed immediately to ensure no asbestos was 'blowing about Elizabeth'. 'I want a commitment to clean it up now,' he said. . .

This is not the first time the Opposition has had to raise the problem of asbestos removal and dumping breaches of the Environment Protection Act. I know that the environmental protection authorities cannot be everywhere at all times, but it seems to me that such occurrences are becoming more and more regular. The Government is in the process of reshaping the landfill sites in the metropolitan area, and the Opposition is grateful for that, but a better or more improved way of securing this very dangerous material needs to be put in place so that the community is protected from those cowboys who dump these dangerous materials in what are in many cases children's playgrounds. The photograph that accompanies the article has Tony Ollivier himself and Geoffrey, who I assume is his son, standing in front of the dump, which I am not sure is a good idea. I guess this is an educative photograph, showing people that it is a dangerous material, illustrated by the son wearing a mask. My questions are as follows:

1. Will the Minister investigate who is responsible for dumping the asbestos on the Penfield site; and will a prosecution be pursued?

2. What remedial action will be taken to clean up this site permanently?

3. What action will be taken to prevent asbestos dumping occurring in the State again?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

BOOT CAMPS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Attorney-General, representing Minister for Correctional Services, a question about boot camps.

Leave granted.

The Hon. SANDRA KANCK: I have been informed that the Minister for Correctional Services is considering transforming the Cadell Training Institute into an American style boot camp in which prisoners are subjected to strong, army-like discipline. A 'trends and issues' paper released last year by the Australian Institute of Criminology shows that these types of programs have consistently been unsuccessful in reducing recidivism in the prison system, and provides the following insights:

> Negative strategies are reportedly no longer used with military recruits, yet degradation, harassment and physical punishment are abiding features of modern correctional boot camps. Boot camps typically do not reduce recidivism, and rather than decrease prison populations, overcrowding and costs, they are more likely to increase them. Boot camp evaluations offer no evidence to indicate that future criminal behaviour is reduced through this type of intervention. The impact of the boot camp environment takes on added potency where juveniles are concerned. . . [who]. . . can become alienated, withdrawn, delinquent, rebellious and explosive when their needs for significance and power are unmet or frustrated. In particular, adjudicated juveniles usually resist authority and refuse to listen or learn in traditional classroom or treatment environments.

In conclusion, the Australian Institute of Criminology states:

> In seeking better outcomes for young offenders, governments should resist any temptation to channel much needed resources through the medium of boot camps.

My questions to the Minister are:

1. Is it true that the Minister intends to change the Cadell Training Institute into an American style boot camp?

2. Has the Minister read the relevant research on the lack of effectiveness of boot camps in reducing recidivism, in contrast to the positive effects of rehabilitation programs in the US prison system? If so, what is it that the Minister finds so attractive about boot camps?

3. How much taxpayers' money will be spent on changes to the Cadell Training Institute and what will be the ongoing cost to taxpayers of running the boot camps?

The Hon. K.T. GRIFFIN: Obviously I will have to refer those questions to my colleague in another place, which I will do, and I will bring back replies. I think the question is directed more to what might be involved in relation to Cadell rather than the somewhat emotive reference to boot camps. I will have the matter referred to the Minister and bring back replies.

YOUTH, EXPIATION OFFENCES

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Attorney-General a question about the Expiation of Offences Bill.

Leave granted.

The Hon. L.H. DAVIS: On Sunday 31 March the shadow Attorney-General, the member for Spence (Mr Atkinson), issued a press statement which, amongst other things, stated:

> The Brown Government has introduced legislation which completely cancels out laws applying to skateboarders under the age of 16.

He went on to say—

The Hon. A.J. Redford: This man wants to be Attorney, doesn't he?

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I think he is just a shadow, and probably will remain so—a very long shadow.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I am sorry, Mr President, my colleague diverted me. He went on to say that the Expiation of Offences Bill makes it illegal to issue expiation notices to anyone under the age of 16 years. He said—

The Hon. Carolyn Pickles interjecting:

The Hon. L.H. DAVIS: I think the Leader should be concerned about what her shadow colleague is saying. Mr Atkinson said:

> There is now no system of enforcement of those people who do not adhere to the laws. Those under 16 breaking the law will more than likely get off scot-free.

Is there any truth in the shadow Attorney-General's statement that people under 16 years can break the law in relation to skateboarding, cycling and wearing helmets and that they will not be punished, or are his claims completely mischievous, wrong and without foundation?

The Hon. K.T. GRIFFIN: What puzzled me about the statement which I read in the *Sunday Mail* was that Mr Atkinson could have actually made it because it was quite clearly wrong. The fact is that where an offence is created, if a person is over the age of 16 years, then there is an option, in many instances, between prosecuting—that is, going through the court processes—or issuing an expiation notice if an expiation fee is prescribed by the relevant legislation.

The fact is that, except for some offences under the old STA Act (which have been translated into the Passenger Transport Act), it is not possible at law to issue an expiation notice to anyone under the age of 16 years. The old STA Act sought some offences such as putting your feet on the seats and using bad language and set an expiation fee, and provided you were 15 years of age or over an expiation fee could be levied. That was introduced by the previous Labor Administration. But under the law since 1987, when the Expiation of Offences Act was enacted at the instigation of the previous Government, it has not been possible for an expiation notice to be issued to any person under the age of 16 years. What the Expiation of Offences Bill did was to carry that policy position forward. I remember the debate about it at the time. The policy position is that to have expiation notices given to young offenders for expiation fees which they cannot afford and which they are unable to pay—except their parents may pay it for them—will not be an effective means of providing redress to those against whom the offence has been committed or be a salutary lesson to those young offenders.

In relation to the new juvenile justice package, which came into effect in January 1994, there is still a very real possibility that, if a skateboarder who may be 14 years of age does not receive an informal caution, they receive a formal caution from the police; or, if it is a serious offence, for example, weaving in and out of traffic, or whatever, it may be that it will go to a family conference which involves parents, police and others; or, if it is exceptionally serious, it can go to the Youth Court.

So, there is a gradation of procedures that can be followed for anyone who commits an offence and who might happen to be under the age of 16. In those circumstances, it is blatantly wrong for Mr Atkinson, the shadow Attorney-General, to suggest that by passing the Expiation of Offences Bill, which puts a minimum age on expiation of offences we are changing the law or that young offenders will no longer be subject to punishment. The fact is that they will and that the policy level of 16 years of age below which you cannot issue an expiation notice was reflected in the previous Government's legislation of 1987 and which we have maintained.

TRANSPORT CONCESSIONS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about transport concessions for pensioners.

Leave granted.

The Hon. T.G. CAMERON: I have been approached by a couple who, while eligible for concession fares on public transport in South Australia, were refused concession fares in Victoria. I have done some research on the question of travel concessions and discover that, according to page 7 of the operational document 'Transport Concessions' (a copy of which is in every TransAdelaide depot in Adelaide), South Australia recognises Department of Social Security pensioner concession cards issued in other States. In other words, so long as they have their pensioner concession card with them, pensioners from around Australia travelling in South Australia are entitled to travel at the concessional holder rate on all scheduled bus, train and tram services operated by TransAdelaide.

As I have been advised, this is not the case for South Australian pensioners travelling in some Australian States. South Australian pensioners travelling on public transport in New South Wales would be obliged to pay the full adult fare; likewise if travelling on the bus in Queensland, although I understand that they would be entitled to a concession fare

on the metropolitan train network operated by the Queensland Government.

Interestingly, the Victorian Public Transport Corporation says that it does indeed give transport concessions to South Australian pensioners, although there is some doubt whether that is being enforced in the transport system. It seems slightly absurd that pensioners travelling with a Commonwealth pensioner concession card are not entitled to transport concessions on public transport throughout Australia. However, I am aware that the State, not the Commonwealth, pays the subsidy and, apparently, some States do not want to subsidise persons from outside their own State. My questions to the Minister are:

1. In view of the standardisation taking place throughout the transport industry, does the Minister agree that there should also be standardisation of concessions for pensioners carrying a pensioner concession card?

2. Will the Minister hold discussions with those States that currently do not allow travel concessions on public transport to South Australian pensioners travelling in their State with a view to reaching a reciprocal agreement on this matter?

The Hon. DIANA LAIDLAW: Yes, I agree that there should be a standardisation of concession arrangements or, if that is not possible, at least reciprocity between the States. I have argued that position in the past. As I recall, a former Transport Minister also argued that position at conferences of Transport Ministers. Of all the States, Victoria has been the most sympathetic in the past. New South Wales, Queensland and Western Australia have totally rejected or accepted grudgingly that they would look at the issue.

One of the sticking points—and the honourable member alluded to this—is the fact that the States pay the concessions, and the bigger States, with the exception of Victoria, have been loath to extend the concession payments scheme, believing that they will be attracting more visitors for a longer period (I refer, for instance, to Sydney) and therefore they will be up for more cost.

One of the issues proposed by New South Wales is that any South Australian concession holder, if travelling on the New South Wales' system, should then be subsidised by the South Australian Government and the New South Wales Government should be able to collect the difference from the South Australian Government. That is a very difficult and cumbersome system administratively.

Little progress has been made, although, as the honourable member asked, I will continue to argue for such an approach. Standardisation of all concession rates and systems may be more difficult to achieve in the short term and long term, but it is a goal that is worth pursuing. It would certainly help if we were able to obtain some Federal Government assistance, but I suspect that this current Federal Government will be no more sympathetic to that proposition than the Federal Labor Government was over the past 13 years.

It is like many public transport issues. For example, when the Federal Government tells all the States that they have to make their buses, trains and trams accessible to people in wheelchairs because of the requirement under the Commonwealth Disability Services Act, it provides no means to help the States achieve those objectives.

Certainly, in terms of encouraging a nationwide system of reciprocity for concession fares it has been less than sympathetic . As I recall, in South Australia concession fares last year alone cost the South Australian Government and taxpayers $26 million. It would be many tens of millions of dollars more in the bigger States, and there is some concern in those States about the impact of the extension of this policy.

The Hon. T.G. Cameron: But not $26 million between the States?

The Hon. DIANA LAIDLAW: No, $26 million in South Australia for South Australian people who are entitled to concessions on public transport.

TEACHERS' DISPUTE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Government offer to teachers.

Leave granted.

The Hon. CAROLYN PICKLES: On 20 February the Minister announced that the State Government had offered teachers a 12 per cent pay increase over two years at a cost of $94 million. What the Minister's announcement did not say was that the offer included two safety net adjustments of $8 per week already being paid to employees and had been paid for well over a year. The two further increases of 2 per cent in March 1997 and March 1998 absorb the third $8 per week safety net payment and any other safety net adjustments that the commission may award.

The Minister's media release under the headline 'State Government 12 per cent pay offer to teachers' could only be described as misleading. My question is: Is it true that the offer made to all DECS employees represents only a 5.7 per cent increase on existing award rates, and that the further 4 per cent to be paid later will also absorb safety net payments?

The Hon. R.I. LUCAS: The Government's offer right from the outset in all the public statements that I made indicated that the 12 per cent included the two safety net increases. I really do not know where the Leader of the Opposition is getting her information from at this stage. I can only suggest that, if she is relying on the Institute of Teachers leadership, she seeks alternative, impartial and independent advice, because it is just not correct to say that the Government has not indicated that the 12 per cent offer includes the two safety net increases. In fact, the Institute of Teachers' own 15 per cent claim includes the safety net increases.

It is a fact of life in terms of resolving enterprise bargaining arrangements that the safety net increases must be included in the total finalisation of any salaries deal, and anyone who has had any experience in relation to the enterprise bargaining system ought to be aware of that. As I said, the teachers union's own claim for 15 per cent includes the safety net increases. The Government's offer of 12 per cent includes the safety net increases. All the packages, such as the police package, etc., which have resolved other disputes in other areas, have included the safety net increases.

GOODWOOD ORPHANAGE

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Goodwood Orphanage site.

Leave granted.

The Hon. P. HOLLOWAY: Today's *Eastern Courier* Messenger carried an article entitled, 'Council squares off against Government in Orphanage sell off.' This article,

which quoted extensively from the Unley City Manager, Mr Ron Green, states:

> Mr Green said council was never offered a chance to buy the Tabor site even though it held leases over the area and should have been given 'first right of purchase. (Mr Lucas) never offered the sale of the whole thing to us,' he said.

The article continues:

> He said a joint agreement stipulated that council be given 12 months notice if the lease were terminated but Unley had received no such notice. The current lease gives Unley use of the recreation area until 2003 with a right of renewal for a further 21 years.

Mr Green is quoted as saying:

> It's pretty nasty stuff. I am a little disappointed in (Education Minister) Rob Lucas. I thought he was more of a straight shooter than that. I think there's a few shenanigans going on.

In view of that article, I ask the Minister the following questions:

1. Why did not the Government offer the land at the Goodwood Orphanage to the Unley council before selling the land to the House of Tabor?

2. When will ownership of the land be transferred to the House of Tabor, and is transfer subject to planning approval being granted?

3. When will the Unley council be served notice of the cancellation of its lease?

4. Who approached the Minister to sell the land to the House of Tabor and who negotiated the deal?

5. How much will the Government pay the House of Tabor to use the facilities to be built at the orphanage?

The Hon. R.I. LUCAS: Some of the detail of that I will have to take on notice and bring back a reply. I assure Mr Holloway that he should not read too much into the statements of Mr Green. He and I go back a long way. Our children play basketball together, and I count him as a personal friend of mine. I would not be too worried about the statements that he has made in the local *Eastern Courier*. Mr Green and I have had some frank discussions about this particular issue—

The Hon. Anne Levy: At the basketball?

The Hon. R.I. LUCAS: At a number of venues. He has a role to play as he sees it representing the city of Unley and its residents, and I have indicated to him freely and frankly, as is my way, and he has indicated his view, freely and frankly, as is his way, that we will just have to agree to disagree on a couple of issues. As I said, if I were the Hon. Mr Holloway, I would not get too worried about the reported statements in the Messenger. Mr Green is undertaking his roles and responsibilities as he sees them, and I am certainly doing the same.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: I think so. He disagrees with me on this particular issue. He cannot understand the Government's attitude, but I think essential things like friendships always see through these slight differences of opinion that might arise.

The Hon. P. Holloway: What about the lease?

The Hon. R.I. LUCAS: Again, Mr Green uses the word 'lease', and this is one of the areas in which I have had a disagreement with him. It is certainly the Government's view, and it is our legal advice, that it is not really a lease. It is a joint management agreement in effect to maintain the grounds there. The words that Mr Green and the Unley Council are using is that they have leased these premises to the next century and beyond. However, if one looks at the agreement, one sees that it is a joint management agreement where, from recollection, I understand that the Education Department pays all the power, water and a variety of other costs, and the Unley council agrees to mow the lawns and put the fertiliser on. That probably summarises it.

The agreement allows access for Education Department officers and employees, as well as children, and community access, but it is certainly not my view or my advice that this is a lease arrangement. It is a joint management agreement to look after the property, as we have with many other councils, not just the city of Unley, with school properties or properties where we have joint management arrangements.

In relation to why it was not offered to the city of Unley, the situation is that the Government has not declared the site surplus. The Government is engaging in a cooperative development of the orphanage. As I indicated earlier last week, the Government was confronted with a number of more radical solutions or options in relation to the orphanage, one of which was that the Government sell it. It is very high priced real estate, with the exception of the buildings there, and may well have generated a significant sum of money for the education budget and for expenditure on other school buildings. As I indicated previously, we rejected that more radical option and chose a more moderate option which was this cooperative development with Tabor College.

I would need to check the detail of this, but my recollection would be that probably Tabor College approached the department with a recommendation, asking whether the Government was interested in a cooperative development. We have not declared surplus the site. We have decided to provide extra facilities (lecture theatres and classrooms) for teachers and staff in South Australia for conferences—lecture theatres that we do not have at the orphanage. There is a current audience maximum, I think of the order of 200, that we can squeeze in comfortably for functions at the orphanage. Under the new lecture theatre arrangements, we might be able to squeeze in crowds of up to 400 or 500 for seminars at the orphanage.

The Government had two options, and I know the view was put to me at one stage by the member for Unley that these extra facilities are the sorts of things that perhaps we ought to look at. The Government, if it chose to provide those extra facilities, could have either developed the site itself, given that it was the Department for Education and Children's Services' site, and provided those extra lecture theatres by building on the premises, or entered this cooperative arrangement where we get use of the facilities, where we get $1.25 million which can be used for needed capital works in other schools. Also, as I indicated last week, the essential amenity of the orphanage is protected through the use of internationally renowned heritage architect Ron Danvers, whose work as I have said is well known in this area.

The Hon. M.J. Elliott: Who owns the orphanage?

Members interjecting:

The Hon. R.I. LUCAS: We are selling 33 per cent or 34 per cent of the site, so that portion it is purchasing will be owned by the House of Tabor. The Government will maintain ownership of approximately two-thirds of the site and will enter into a joint use agreement so that teachers and staff within the Education Department will be able to use some of the new facilities and House of Tabor will use some of the services, such as the terrific restaurant and other facilities available at the orphanage. That will increase the through put of those services.

As I said previously, extra car parking spaces and a range of additional benefits will accrue to the Education Depart-

ment and the local community through continued use of the recreation areas. The tennis courts will be upgraded at the expense of House of Tabor and be available for use by local community groups and residents. I may not have answered all parts of the honourable member's question, but I will be happy to include remaining answers in the more considered response I give on notice.

The Hon. P. HOLLOWAY: I have a supplementary question. Given the legal advice that the Minister has received, does that advice indicate that notice has to be given to Unley council? If so, does he intend to give such advice?

The Hon. R.I. LUCAS: That was one of the questions that I did not address. The answer is 'Yes', the Government has to give 12 months notice of termination of the agreement and the Government will be doing so in the very near future.

ENDANGERED SPECIES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Natural Resources a question about endangered species.

Leave granted.

The Hon. M.J. ELLIOTT: The issue of koalas caused quite a ruckus a few weeks ago but has now settled down. I note in both the *Sunday Mail* and *Advertiser* that there has been some talk of an agreement which has been reached in terms of improved habitat for koalas. Members of the conservation movement to whom I have spoken have been pleased to hear that. They have made the point that there are other species which are in far greater danger than the koala. An example given to me was the bilby, which was once so common in South Australia and in Adelaide that a part of Adelaide was named after it: Pinky Flat, an area adjacent to the Torrens River, was named after the bilbies which were known locally by the early settlers as 'pinkys' because of their large pink ears. They were so common that an area of Adelaide was named after them: they are now extinct throughout South Australia. I understand that there are now 10 of them at Monarto Open Range Zoo with twins just recently born, and three are about to be released at Yookamurra. The brush-trailed phascogales used to be found in the Adelaide Hills but have not been seen for several decades; there is a small breeding colony of the sticknest rat at Monarto Open Range Zoo but it is not now found on the mainland although it was once very common. There is an extensive list of species which have not been seen in South Australia for many years, some of which are totally extinct and some of which are found in isolated populations in other States.

An honourable member interjecting:

The PRESIDENT: Order! If members on my right want to have a conversation, they can do so in the lobby.

The Hon. M.J. ELLIOTT: Although members of the conservation movement are concerned about the small amount of money which is being spent on conservation generally and would like to see it increased, they also make the point that there is a desperate need for habitat restoration in relation to a large number of species in South Australia which are in far greater danger than the koala. The questions I am asking of the Minister are:

1. What funds are now being set aside as part of the agreement with the two newspapers in South Australia to assist in habitat restoration for koalas?

2. Could the Minister give an indication as to how much money is being spent in relation to locally endangered and extinct species in South Australia?

The Hon. DIANA LAIDLAW: I am sure that the Minister for the Environment and Natural Resources will be keen to answer the questions. Perhaps he may also do some research because I am not sure that the information provided by the honourable member about the naming of Pinky Flat is accurate.

The Hon. T.G. Roberts: The communists met there.

The Hon. DIANA LAIDLAW: No. My grandmother told me it was where many people went to meet to enjoy their pink gins on a Sunday.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: It was quite a social occasion and often associated with tennis over the road. The Hon. Legh Davis thinks that it was less social drinking and more salubrious drinking. So as with lawyers having various interpretations of the law, so it is with history and information generally, but I will seek advice on that matter as well.

SELECT COMMITTEE ON CONTRACTING OUT OF STATE GOVERNMENT INFORMATION TECHNOLOGY

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I bring up a special report of the select committee.

WATER SUPPLY

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Infrastructure some questions about future water supplies.

Leave granted.

The Hon. T. CROTHERS: Many recent world-wide reports have indicated that future supplies of potable water will be scarcer and scarcer. This is attributed to the ever increasing pace of world-wide population growth and the ever-increasing demand by industry and farmers for more water as the size of industry continues to grow. The report goes on to say that the shortfall problem will continue to grow with the ever-increasing demands that the world's quickly growing population will impose. It has often been said that South Australia is the driest State in the driest continent on earth. Given that backdrop which is by no means exhaustive in respect of other worldwide concerns about the future supply of potable water, I pose the following questions to the Minister:

1. What avenues, if any, is the Minister's department pursuing in respect of securing additional potable water supplies for South Australia?

2. How much funding has been set aside for research and development programs in this financial year and last financial year to research and prove up South Australia's additional coming needs for potable water?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Minister and bring back a reply.

COURT FACILITIES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General a question about court facilities.

Leave granted.

The Hon. ANNE LEVY: Last week the Attorney tabled the report of the judges of the Supreme Court, which I note states on page 5:

> It will soon be necessary to provide further criminal courtrooms, a matter under consideration by the authority.

The authority mentioned is the Courts Administration Authority, which has the task of allocating resources as best it can within the budget set by the Government, to achieve its aims of maintaining an efficient, fair and workable court system. Obviously, it is the Attorney (and the Government) who will ultimately determine how much the authority has available to spend in the interests of administering justice. My questions are:

1. Has the Attorney held discussions with the Courts Administration Authority and the judges in relation to the provision of further criminal courtrooms? If so, will he tell us at what stage these discussions are; and where further criminal courtrooms might be constructed or provided in Adelaide? Will he also consider the necessary but neglected question of child-care facilities for the courts while undertaking these discussions?

2. Will the Attorney use his best endeavours to have funds in the forthcoming State budget earmarked for capital expenditure necessary to provide further criminal courtrooms and child-care for the courts?

The Hon. K.T. GRIFFIN: There have been some discussions about the needs of the courts in relation to the criminal jurisdiction, to some extent brought about by the fact that the Committal Unit—which was established at the beginning of 1994 on a pilot basis and which has now been extended to encompass all the summary courts within the metropolitan area of Adelaide—has improved the rate of cases actually going to trial. Before that unit was established, many cases were withdrawn on the door of the trial court (whether the District Court or the Supreme Court) or for some other reason did not go ahead, and now the Committal Unit has the task, at a much earlier stage than previously the DPP was involved, of working through the cases that are likely to go for trial in the superior courts and determining whether there is sufficient evidence, whether there is a need to change the charge that has initially been laid by police, and a whole range of things.

As a result of that, a greater number of cases have actually gone to trial in the criminal jurisdictions of the Supreme and District Courts, which has put added pressure on the courts. Certainly, there has been some discussion about the need for additional facilities to deal with jury trials. One of the options is to make some changes within the fabric of the Sir Samuel Way building; another is to upgrade the courts in the old (and original) Supreme Court building. There has been no detailed planning at all. The honourable member's views in relation to child-care facilities have been noted on a previous occasion. She raised them after we had made a visit to the temporary Magistrates Court in the old tram barn, and I undertook to give consideration to that in the context of the new Magistrates Court building.

The new Magistrates Court building, which is now under way in Victoria Square, does have those facilities. So, the honourable member's concerns have been addressed at least in relation to that new building. In fact, I might say that they were already being considered at the time when the plans for the building were being developed, from about 1988 onwards. In terms of the additional criminal courts, I cannot pre-empt what will be in the budget, but I will be surprised if there would be any provision for capital works. There has not even been a feasibility study undertaken, although that is due to commence in relation to both the need and the likely location.

But if there is a decision taken finally to go ahead with additional criminal courts, quite obviously the interests of witnesses as well as defendants and those who may wish to attend will directly need to be catered for, and that includes issues such as child-care and other facilities. I cannot at this stage indicate when a final decision will be taken but, as I say, I would be surprised if it was in the forthcoming budget.

EDUCATION (TEACHING SERVICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1107.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contribution to the Bill. The issues have been crystallised to only one or two smaller issues, and I thank members for their general indications of support. The Hon. Carolyn Pickles raised a number of issues; one was in relation to classification review panels. I note that the Hon. Mr Elliott has on file an amendment to this provision, which would require giving 30 days notice. The Government does not have any problem with supporting that amendment or provision. My understanding is that it is similar to commitments or undertakings that officers might have given to the Institute of Teachers in relation to trying to seek a resolution of this issue, so the Government does not have a problem with this amendment being included in the legislation. I think that that addresses some aspects of the questions that the Hon. Leader of the Opposition has raised in her second reading speech, as to why the provision needs to be there.

Our advice was that the Public Sector Management Act contains similar provisions and the advice that was provided to and then by the department was that it was conceded that there was no record of the Institute of Teachers not having nominated someone to a panel. However, evidently in not too distant times there was an example of another public sector union refusing to nominate members to a panel and in that way preventing the operation of the panel. So, it was not the Institute of Teachers but another union operating in the public sector that had evidently refused to nominate a member of a panel, not in relation to education but in relation to other departments and agencies. This has therefore been included in the Public Sector Management Act and it is therefore a requirement for all other public sector agencies.

The legal view was that, to be consistent, that course of action ought also to be included in the Education Act. A whole series of discussions has occurred in relation to this sticking point. I understand that officers had given some guarantees in relation to consultation and the 30 day time period, but the Hon. Mr Elliott has this amendment on file, which I think will substantially resolve some of the issues. I am therefore prepared to support it. In relation to administrative instructions and guidelines, I am advised that officers of my department are working on the administrative instructions and guidelines (AIGs) of the Education Department. Of

course, those administrative instructions must operate within the purview of the Act and the regulations. Now that this amendment is being accepted it will provide guidance to officers in relation to those administration instructions and guidelines, hopefully to ensure that the Institute of Teachers and others will not have concerns about the draft guidelines. I do not think other issues were raised by other members; if any issues are raised, we can address them in the Committee stage of the debate.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Application to Director-General for reclassification.'

The Hon. M.J. ELLIOTT: I move:

Page 4, line 14 After 'invitation' insert '(which must be at least 30 days)'.

I think that this is fairly straightforward. It makes quite plain that the Institute of Teachers has up to 30 days within which it should choose nominees. It is only after that time that the Minister might intervene and seek to choose other persons.

The Hon. R.I. LUCAS: The Government supports this amendment, as I indicated in the second reading.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment. We raised this question in the second reading, and we are happy that the Minister has agreed to support the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (9 and 10) and title passed.

Bill read a third time and passed.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1 Clause 3, page 1, line 18—Leave out 'Complaints' and substitute 'Conduct'.

No. 2 Clause 13, page 3, lines 31 and 32—Leave out all words in these lines and substitute the following:

(a) who has become bankrupt or subject to a composition or deed of arrangement or assignment with or for the benefit of creditors; or.

No. 3 Clause 13, page 3, after line 36—Insert new subclause as follows:

(1a) Authority may be granted under this section on the application of a legal practitioner who is or is about to become bankrupt or subject to a composition or deed of arrangement or assignment with or for the benefit of creditors or who is or has been a director of an incorporated legal practitioner that is being or is about to be wound up for the benefit of creditors.

No. 4 Clause 16, page 4, line 13—Leave out 'Complaints' and substitute 'Conduct'.

No. 5 New Clause 29, page 8, after line 29—Insert new clause 29 as follows:

Amendment of s.95 Application of certain revenues

29. Section 95 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Treasurer must in each year pay to the Society, from the money paid by way of practising certificate fees—

(a) an amount approved by the Attorney-General towards the Society's costs in providing administrative assistance for the issue and renewal of practising certificates under this Act; and

(b) after deduction of the amount described in paragraph (a)—

(i) a prescribed proportion of the balance for the purpose of maintaining and improving the library of the Society;

(ii) a prescribed proportion of the balance to be credited by the Society to the guarantee fund.

No. 6 Clause 30, page 9, line 21—Insert ', or on the ground of legal professional privilege' after 'penalty'.

No. 7 Clause 30, page 9, after line 32—Insert new subclause as follows:

(3) If a person objects to answering a question or to producing a document on the ground of legal professional privilege, the answer or document will not be admissible in civil or criminal proceedings against the person who would, but for this subsection, have the benefit of the legal professional privilege.

No. 8 Schedule 1, page 10—Leave out the amendment relating to the heading to Division 1 of Part 6 and substitute the following:

Heading to Division 1 of Part 6

Strike out 'COMPLAINTS COMMITTEE' and substitute 'CONDUCT BOARD'.

The Hon. K.T. GRIFFIN: I move:

That the House of Assembly's amendments be agreed to.

These are a disparate group of amendments. For the benefit of the Committee and for the record, I ought to indicate the nature of the amendments and what they seek to do; it would seem to me that that is an efficient way of dealing with it. The first amendment refers to the name of what is presently the Legal Practitioners Complaints Committee which, under the Bill as it left the Legislative Council, was called the Legal Practitioners Complaints Board but which, as a result of representations made by the present Legal Practitioners Complaints Committee, the Government is prepared to further rename the Legal Practitioners Conduct Board. That has the concurrence of the Law Society. That second name change, to reflect conduct rather than complaints, is designed to reflect the greater emphasis on conciliating satisfactory outcomes to disputes between client and lawyer in addition to the other duties of the committee to seek out and vigorously investigate and prosecute instances of unprofessional conduct.

The second amendment reflects further refinement of the amendments in the Bill dealing with bankruptcy. Consultation has been undertaken with the President of the Law Society in relation to these provisions in order that they more effectively and accurately reflect the circumstances in which a bankruptcy occurs. The third amendment relates to the same matter. The fourth amendment is consequential on the change of the name of the Legal Practitioners Complaints Committee to the Legal Practitioners Conduct Board.

The next amendment to clause 30 deals with the issue of legal professional privilege. The Committee may remember that, when the Bill was first before us, I agreed to some changes in the provision which I sought to then include to satisfy the concerns that were expressed by several members. Since that time I have undertaken further work in relation to the question of legal professional privilege and there has been consultation with the Legal Practitioners Complaints Committee and the Legal Practitioners Disciplinary Tribunal. Very strong submissions have been received from both bodies for the retention of the original provisions, and that is based on case law and advice received from the Solicitor-General.

I am seeking merely to reinsert the provisions which I previously agreed should be deleted. The case law reflected, I think, a recent case in the United Kingdom, and I am satisfied that there are reasonable protections for the person whose privilege is under threat by the amendments which I will move. The last two amendments relate to the question of privilege and to the change of name to the Legal Practitioners Conduct Board. They are amendments which I suggest are uncontroversial but they follow up issues which have been raised subsequent to consideration initially in this Chamber.

The Hon. CAROLYN PICKLES: The Opposition supports the amendments from the House of Assembly.

Motion carried.

WITNESS PROTECTION BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 1168.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contributions and indications of support. The background to the Bill and the necessity for its passage by this Parliament were outlined in the second reading explanation and I do not intend to repeat in this reply what is obvious to all. As the Leader of the Opposition has noted, I have some quite extensive amendments which I would like the Parliament to consider. While no-one doubts the need for witness protection in cases in which the safety of key people is or may be at risk, as ever the necessities of law enforcement must be tempered by the necessity that, under our system of justice, the accused is given a fair trial according to law.

The principal objective of the amendments which I will move is to preserve the integrity of the fair trial and the security of the witness program in a balanced and explicit manner. These amendments place a heavy responsibility in the hands of the Judiciary, with whom I have consulted about this Bill and these amendments in particular. I would like to emphasise that, when I speak of a fair trial in this instance, that is not code for the interests of the defendant. On the contrary, these amendments have been drafted to improve the position of both the prosecution and the defence, and the court, in the interests of a fair trial from all points of view.

The Leader of the Opposition has drawn to the attention of the Council the remarks made by the shadow Attorney-General in another place concerning clause 5 of the Bill. Clause 5 currently states:

> The inclusion of a witness in the program must not be done as a reward or as a means of persuading or encouraging the witness to give evidence or make a statement.

This clause merely repeats section 5 of the Commonwealth Act. The shadow Attorney-General in another place asked how it is contemplated that this clause would operate. Members will note that clause 5 is merely an injunction without a penalty attached to it. Its significance is wholly evidentiary, that is to say, it is designed to act as a pointer for the court of trial in relation to the admissibility of and weight to be given to evidence given by a witness who is or is about to be placed on a program. The principles of evidence involved are the normal rules of evidence in relation to credibility and probative value. I take the view that it has the potential to place police in a difficult if not impossible position in practice and foreshadow that I will be moving an amendment in relation to it.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. CAROLYN PICKLES: I will speak to the amendments generally at this stage. The Opposition is concerned not to hold up the Bill unduly. I remind members that under Commonwealth law the Commonwealth will not permit identity documents to be issued pursuant to a State witness protection program after 18 April 1996 unless the relevant State has enacted legislation complementary to the Commonwealth Witness Protection Act. We will not be opposing the amendments to be moved by the Attorney-General but we do have some further points of concern.

I take it that this legislation still will be considered complementary to the Commonwealth Act after the amendments have been included: the Attorney may wish to comment briefly on that. Secondly, I note that the Attorney has evidently considered the shadow Attorney's concerns about clause 5, and he has made some comments about that. As I said during my second reading speech, there is tension between the need for the police to be able to offer protection to witnesses whose evidence will expose them to danger and, on the other hand, the possibility of the supposed benefits of the witness protection program influencing the evidence that a prospective witness is likely to give. The amendment to clause 5 makes it clear that the police cannot provide witness protection program benefits to a person as a reward. The amendment will, however, allow the police to persuade or encourage witnesses to give evidence by outlining the possibilities of witness protection.

My understanding is that this would happen under the present regime, in any case. My impression is that when a serious crime is being investigated it will usually be readily apparent that the prospective witness fears the alleged offender—usually because of some pre-existing relationship between them—and, in most cases, it is at the discretion of senior investigating police to say, 'Look, if you are able to give evidence in this matter, we can arrange for you to be taken care of under the witness protection program that we have operating.' If that is what is happening, that seems a reasonable approach to me. There will always be a danger that investigating police could hold out the witness protection program as an inducement to manufacture evidence suitable to the prosecution case, but clause 5, as amended, will still guard against that situation. In the end, we are left to rely on the integrity of our investigating police officers and, ultimately, the Deputy Commissioner, who will make the key decisions about who is or is not to be offered assistance under the program. Having said that, I point out that I have no reason to doubt that the police will continue to act with integrity in relation to the witness protection program.

There is another point of concern in relation to which I invite the Attorney to comment. The amendments to clauses 22 and 23 provide that, where necessary, details of witnesses who are involved in the witness protection program must be disclosed to a judicial officer in chambers. In most cases this will mean a Crown prosecutor meeting with a judge privately to discuss the implications of a particular witness being in the witness protection program. It is understandable that this should not take place in open court, but is not a difficulty created by the fact that defence counsel are to be excluded from these discussions? I acknowledge the difficulties inherent in the situation, not the least of which is the fact that many witness protection program participants will be reluctant to give evidence if the alleged offender's lawyer was informed about the details of their circumstances.

On the other hand, justice must not only be done but must also be seen to be done. I suspect that many defence counsel, let alone accused people, would have grave concerns about the Crown prosecutor's speaking with the judge privately about a trial. I understand that the discussions will specifically be about a particular witness, but is there not a risk that the prosecutor will have to make to the judge remarks which will reflect on the accused person? For example, some details may be disclosed about the past relationship between the prospective witness and the accused—perhaps a violent relationship.

That is not to say that Crown prosecutors will set out to abuse the occasion of a private discussion with a trial judge or that judges or magistrates will be in any way prejudiced by these discussions. On the other hand, one can understand the concerns of defence counsel and accused people about the situation.

Has the Attorney invited comments from the Law Society and the Bar Association about these provisions and what response has there been, if any? Secondly, are these provisions, or any similar provisions, to be found in any comparable legislation around Australia? I hope that the Attorney can respond directly to my concerns so that we do not need to delay this Bill. If he cannot respond immediately, perhaps we can adjourn and deal with this Bill on another day or later in the day.

The Hon. K.T. GRIFFIN: The first question was whether the State Act is still regarded as complementary to the Commonwealth Act. As far as I am aware, that is the case, but it will be up to the Commonwealth. However, I would expect that, with the balance we have built into it, there will be no difficulty. If there is, we will have to return to the Parliament or negotiate with the new Federal Attorney-General and Minister for Justice. I do not expect there will be any difficulty, because this provides a much better framework than exists in the present Act for dealing with that tension between protection of the witness on the one hand and the interests of the administration of justice on the other.

In relation to clause 5, I recognise the concern for the honourable member. There is that constant tension. What we have sought to do is leave it to the ordinary common law rules of evidence—to credibility and those types of issues—to deal with that. In relation to clauses 22 and 23, there is a risk that the prosecutor may make a statement that may be prejudicial. We have tried to build into this at least an ethos that that will not occur and, whilst one recognises that defence counsel will not be present, at least the judge's associate will be present so that there will be an independent witness.

The Leader of the Opposition asked whether there has been any comment from the Law Society and the Bar Association. The proposals were sent to the Law Society and the Bar Association, I think by fax, about a week ago and we have not received any comment. We have done the best we can. Forwarding it by fax indicates a sense of urgency, and it was clear that they did have to be dealt with quickly. All I can say is that we have made a genuine attempt to get that resolved.

I also indicate that one of my officers spoke personally to both the President of the Law Society and the President of the Bar Association, and indicated to them that this information was being sent to them and that there was an urgency about its consideration. So, it is not that the fax has just been sent and nothing more has been done. At the time of sending the fax contact was made with the two people who are the Presidents of the two organisations to stress to them that there was urgency about it. I do not think there is anything more we can do about that but, if the Leader of the Opposition wishes to make any further observation, I would be happy to consider it.

The Leader of the Opposition asked whether there is any model interstate in similar form to this. New South Wales, as I understand it, is the only State which has enacted the complementary legislation. Discussions with the Crown Prosecutor in New South Wales indicated that the Crown Prosecutor had not been shown the Bill, and they were not aware that it had been passed. We at least have had discussions with a number of bodies about the difficulties with the legislation. New South Wales does not have provisions similar to those which we are proposing in the amendments but, quite obviously, once we enact this legislation, we will be informing the other States and the Commonwealth of the course we have taken in the interests of providing a better balance to the scheme which is being established. So, there is not yet any model interstate which reflects the changes we have made.

I indicate that the amendments have been discussed with the Director of Public Prosecutions, who is happy with them. It has also been discussed with a committee of Supreme Court judges, who are satisfied with the amendments, and they have been discussed with the Police Commissioner, who is happy with them. So, I suppose we could do some more consulting, but we have made a genuine effort to try to get to the people who may have a point of view on these to get a system which is likely to be workable and balance that tension which will exist obviously between a protected witness on the one hand and the interests of justice on the other.

The Hon. CAROLYN PICKLES: I thank the Attorney for his comments and appreciate his efforts to try to get some feedback. Perhaps it is timely to point out that the Opposition also has been frustrated in trying to expedite legislation because we have not had any feedback from people. I take the Attorney's point that he has made every genuine effort. However, we would prefer to go to clause 20 and report progress, and see if we have any more success than the Government does in getting some consultation going with the Bar Association and the Law Society—

The Hon. K.T. Griffin interjecting:

The Hon. CAROLYN PICKLES: The Attorney-General has indicated that, to try to expedite matters, the Opposition should contact the Law Society and the Bar Association and, if there are any difficulties, we would recommit at the end of the Committee stage. In those circumstances, we would be happy to accommodate that proposal.

The Hon. K.T. GRIFFIN: The Bill certainly has to go through both Houses by the end of next week and these amendments will have to go to the House of Assembly. I understand the sensitivity of it. I am prepared to agree with what the honourable Leader of the Opposition has suggested. We will deal with the Committee and endeavour to follow up those who should have responded by now but have not, and if the Leader of the Opposition wishes to have any discussions with my officers I am prepared to make my officers available for that purpose. This is not a political exercise, as the honourable member will recognise: it is a genuine attempt to get a framework which is certain and which will enable the competing interests of the protection of the witness and the interests of the administration of justice to be balanced as far as it is able to balance them.

Clause passed.

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 9—Insert the following definition:

'Deputy Commissioner' means the person for the time being holding, or acting in, the office of Deputy Commission of Police under the Police Act 1952;.

This is the first of a series of amendments designed to put within the structure of the Bill a mechanism by which a person who is given protection and assistance and who has

had that protection and assistance terminated under clause 15 of the Bill some avenue of appeal. An avenue of appeal exists in the Commonwealth Bill that forms the template legislation but had no equivalent in the original form of this Bill. The body of the appeal provisions is to be found in the proposed amendments to clause 15.

The Hon. CAROLYN PICKLES: We agree.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Inclusion in program not to be reward for giving evidence, etc.'

The Hon. K.T. GRIFFIN: I move:

Page 4, lines 2 and 3—Leave out 'or as a means of persuading or encouraging the witness to give evidence or make a statement'.

Clause 5, which also appears in the Commonwealth Bill, is more an expression of hope and expectation than a positive injunction. Members will note that it is a prohibition without a statutory penalty. The effect of a breach of the prohibition will only provide a basis, if any, on which it might be argued that the evidence of the protected person is tainted by inducement and should therefore be inadmissible in a court case or should be subject to a direction to a jury about its possible unreliability. The amendment leaves out the words, 'as a means', and so on, simply to reflect the reality that participation in a witness protection program may well be the only means of persuading or inducing a witness to come forward. That subject may still be explored in any consequent court case and be subject to the same judicial control, but the absolute prohibition is seen to be unrealistic and to set an impossible standard for the police to attain.

The Hon. CAROLYN PICKLES: We support it.

Amendment carried; clause as amended passed.

Clauses 6 to 9 passed.

Clause 10—'Memorandum of understanding.'

The Hon. K.T. GRIFFIN: I move:

Page 8, after line 14—'Insert the following subparagraph:

(iiia) allow a sample of his or her blood to be taken for DNA analysis; or.

The scheme of the legislation is that, as a precondition for entry onto the program, the Commissioner of Police can require that the prospective participant provide information about himself or herself, including physical and psychiatric examination. The current version of the Bill permits the Commissioner to require medical and other tests, but after the decision of the New South Wales Court of Appeal in Fernando (1995 78 Appeals, Criminal Reports 64) it is unclear whether that power will extend to the requirement for the provision of a blood sample for DNA analysis. This clause therefore adds that possibility so that the power to require is made explicit and is not left open to doubt.

The Hon. CAROLYN PICKLES: We support it.

Amendment carried; clause as amended passed.

Clauses 11 to 14 passed.

Clause 15—'Cessation of protection and assistance.'

The Hon. K.T. GRIFFIN: I will move all amendments to clause 15 together. I move:

Page 12—

Line 5—Leave out 'Commissioner' and substitute 'Deputy Commissioner'.

Line 8—Leave out 'Commissioner' and substitute 'Deputy Commissioner'.

Line 8—Leave out 'knowingly'.

Line 9—Leave out 'that is' and substitute 'knowing that it is'.

Line 11—Leave out 'Commissioner' and substitute 'Deputy Commissioner'.

Line 19—Leave out 'Commissioner' and substitute 'Deputy Commissioner'.

Line 21—Leave out 'Commissioner' and substitute 'Deputy Commissioner'.

Lines 23 to 26—Leave out subclause (2) and substitute the following subclauses:

(2) If the Deputy Commissioner makes a decision under subsection (1)*(b)* that protection and assistance provided under the Program to a participant be terminated, the Deputy Commissioner must—

(a) take reasonable steps to notify the participant of the decision; and

(b) notify the relevant approved authority (if any) of the decision.

(3) A participant may, within 28 days after receiving a notice under subsection (2), apply in writing to the Commissioner for a review of the decision of the Deputy Commissioner.

(4) If an application is made under subsection (3), the Commissioner must review the decision and may confirm, vary or reverse it.

(5) Before the Commissioner determines an application under subsection (3), the Commissioner must give the participant a reasonable opportunity to state his or her case.

(6) The Commissioner must inform the participant in writing of his or her decision on a review.

(7) Subject to subsection (8), a decision of a Deputy Commissioner under subsection (1)*(b)* takes effect—

(a) at the end of the period of 28 days after the participant receives notice of the decision; or

(b) if the participant's whereabouts are unknown and the Deputy Commissioner has taken reasonable steps to notify the participant of the decision but has been unable to do so—at the end of the period of 28 days after those steps were commenced.

(8) If the participant applies for a review of the decision of the Deputy Commissioner in accordance with subsection (3), the decision takes effect as follows:

(a) if the Commissioner notifies the participant that he or she has confirmed the decision—the decision takes effect when the Commissioner notifies the participant of the decision on the review;

(b) if the Commissioner notifies the participant that he or she has varied the decision—the decision takes effect on the day specified by the Commissioner in the notice;

(c) if the Commissioner notifies the participant that he or she has reversed the decision—the decision has no effect.

All amendments except the last are consequential on providing for the appeal mechanism. The last amendment contains the body of the appeal mechanism. In essence, it provides that where a deputy commissioner exercises a discretionary power to terminate protection or assistance the participant can appeal to the Commissioner. The bulk of the amendment is the procedural steps necessary to make; such an appeal process workable.

The Hon. CAROLYN PICKLES: We support it.

Amendments carried; clause as amended passed.

Clause 16 passed.

Clause 17—'Authorisation for establishment of new identity or restoration of former identity.'

The Hon. K.T. GRIFFIN: I move:

Page 13—

Line 13—Leave out 'An order under this section may only be made for the purpose of—' and substitute 'The Court may make such orders as it considers necessary for the purpose of—'.

Line 17—Leave out 'An order under this section may require' and substitute 'For example, the Court may make an order requiring'.

Line 19—Before 'issue' insert 'to'.

Line 25—Leave out 'the Program' and substitute 'the witness protection program'.

Lines 30 and 31—Leave out paragraph (b) and substitute the following paragraph:

(b) the witness has entered into a memorandum of understanding under section 10 or the corresponding provision of a complementary witness protection law; and

Page 14, lines 1 to 3—Leave out subclause (6) and substitute the following subclause:

(6) The court must not make an order for the purpose referred to in subsection 2(b) unless satisfied that protection and assistance to the witness under the relevant witness protection program has been terminated.

I will take the opportunity to move all the amendments together. The first amendment is the first of two amendments designed not to change the content of clause 17 but rather to respond to concerns expressed in consultation that the role of the court is not expressed in this clause with sufficient clarity. In short, this and the following amendment are for clarification purposes only. The third amendment corrects a typographical error, as does the fourth amendment. The fifth amendment, that is to page 13 lines 30 and 31, is designed to empower the court to make such orders as it sees necessary and desirable in accordance with the powers given under this section in relation to a participant in a witness program established in another jurisdiction. The existing clause makes reference only to the requirement contained in section 10 of the South Australian Act, and the final amendment to clause 17 is consequential on the provision of the appeal mechanism.

The Hon. CAROLYN PICKLES: The Opposition supports the amendments.

Amendments carried; clause as amended passed.

Clause 18—'Non-disclosure of former identity of participant.'

The Hon. K.T. GRIFFIN: I move:

Page 14—

Line 30—Leave out 'if' and substitute 'Subject to section 23, if'.

Line 33—After 'only identity' insert 'and to deny his or her participation in a witness protection program'.

There are two amendments to clause 18 and I have moved them together. The first is consequential on the amendments proposed to clause 23. Clause 23 is the most substantial amendment to the scheme proposed in the Bill. Because this amendment is consequential, it is important that I outline the amendments in clause 23 now rather than later.

I should emphasise in relation to clause 23 amendments that the whole is an attempt to balance the interests of justice, the essence of which is, as the High Court has repeatedly held, that an accused person must have a fair trial with the evident purposes of the Bill to provide security for and protection of witnesses against accused people who are or are perceived to be under threat if that testimony is forthcoming.

In general terms, the scheme proposed by the amendment is as follows: where a person who is a participant in the program is to be a witness in a criminal trial for an indictable offence or a summary offence punishable by imprisonment that person has an obligation to disclose the detail of participation, proposed participation or former participation to the DPP, and there is a corresponding obligation placed on the Commissioner of Police. This ensures that the DPP, as prosecuting authority, has full and complete information on the decision to prosecute and the likelihood of success. That is backed up by a power in the DPP to require further details from the prospective witness.

If the prosecution is to go ahead the DPP must make full and complete disclosure to a judge of the Supreme Court in Chambers, that is to say, in complete confidence. The judge is given a complete and full discretion to make such orders as are necessary in the light of this information to ensure that the accused has a fair trial. That discretion has explicitly referred to a need to ensure, so far as is practicable, given the need for a fair trial, the integrity of the witness protection program and the decision made by the judge is unappealable. That does not mean that the results of the decision are unappealable. Where the trial goes ahead and the witness gives evidence it remains open for any accused to appeal against conviction on the ground that he or she did not obtain in the result a fair trial or that the verdict is for any reason unsafe and unsatisfactory.

The second amendment to clause 18 resolves an ambiguity. The clause currently enables a participant to claim his or her new identity as their only identity. It might be felt that this implies the witness can therefore deny the old identity and therefore deny participation in the program, but it is thought that it is better that such a right be put beyond doubt by explicit words, and that is what this amendment does.

The Hon. CAROLYN PICKLES: The Opposition supports the amendments.

Amendments carried; clause as amended passed.

Clause 19 passed.

New clause 19A—'Payments under the program not able to be confiscated.'

The Hon. K.T. GRIFFIN: I move:

Page 15, after line 5—Insert new clause as follows:

19A (1) The Commissioner may certify in writing that an amount held by a participant represents payments made to the participant under the Program.

(2) An amount certified under subsection (1) cannot be forfeited or made subject to a restraining order under the *Crimes (Confiscation of Profits) Act 1986*.

This amendment reflects a provision which is contained in the template Commonwealth legislation. Again it is to make clear what might otherwise have been necessary to establish by implication, namely, that payments made and certified by a commissioner to a participant in the program cannot be regarded as the proceeds of crime and therefore be subject to confiscation under that legislation.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

New clause inserted.

Clause 20—'Offences.'

The Hon. K.T. GRIFFIN: I move:

Page 15—

Line 27—After 'with' insert ', or is authorised by,'.

Lines 28 to 33, and page 16, lines 1 and 2—Leave out subclause (4) and substitute the following subclause:

(4) A person must not, either directly or indirectly, make a record of, disclose or communicate to another person any information relating to action under section 17 to establish a new identity for a person or restore a person's former identity—

(a) unless authorised to do so by an order of the Supreme Court; or

(b) unless it is necessary to do so—

(i) for the purposes of this Act; or

(ii) for the purposes of an investigation by the Complaints Authority under Part 4 of the *Police (Complaints and Disciplinary Proceedings) Act 1985*; or

(iii) to comply with an order of the Court.

Maximum penalty: Imprisonment for 10 years.

Both amendments are consequential upon the major amendments to clauses 22 and 23 which follow.

The Hon. CAROLYN PICKLES: The Opposition supports the amendments.

Amendments carried; clause as amended passed.

Clause 21 passed.

Clause 22—'Commissioner and members not to be required to disclose information.'

The Hon. K.T. GRIFFIN: I move:

Page 17, lines 13 to 17—Leave out subclause (3) and substitute the following subclause:

(3) If it is essential to the determination of legal proceedings under or in relation to a law of this State that the judicial officer presiding over the proceedings be advised of—

(a) the fact that a person is a participant in a witness protection program; or

(b) the location and circumstances of a participant in a witness protection program.

a person referred to in subsection (1) or (2) must disclose the relevant information to the judicial officer in chambers, but the person must not disclose the information if any person other than the judicial officer and the judicial officer's associate or clerk is present.

The issue of the true identity of a participant in the witness protection program becomes crucial when that person becomes involved in some way with legal proceedings. The most obvious case in which that will be so is where the participant is to be a witness for the prosecution in a criminal prosecution and that situation is dealt with under clause 23. Clause 22, and in particular clause 22(3), deals with the other cases, cases in which the participant may become involved in civil litigation or where his or her existence may become relevant in criminal proceedings even if he or she is not to be called as a witness in that proceeding. It is these latter cases that are dealt with via clause 22.

Consultation on the clause with judges has resulted in the proposed amendment which makes essentially two changes. First, it enables the judicial officer to be advised of the fact that a person is a participant in a witness protection program as well as, as the current clause provides, their location and circumstances. Second, the clause is amended so that the judicial officer may have his or her associate or clerk present as a witness as to what happens in Chambers in what is otherwise an entirely confidential process. The latter amendment provides some protection for judicial officers, who are placed in an extremely difficult position in such circumstances.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 23—'Disclosure of information where participant becomes a witness in criminal proceedings.'

The Hon. K.T. GRIFFIN: I move:

Page 17—Leave out this clause and substitute new clause as follows:

Disclosure of information where participant becomes a witness in criminal proceedings

23. (1) If—

(a) a person is to be a witness in criminal proceedings for an indictable offence or a summary offence punishable by imprisonment ('the prospective witness'); and

(b) —

(i) the person is a participant in a witness protection program; or

(ii) the person is a former participant in a witness protection program and retains a new identity provided under the program; or

(iii) steps have been taken with a view to including the person in a witness protection program,

the information specified in subsection (2) must be disclosed to the Director of Public Prosecutions by the prospective witness and, if the Commissioner is aware of the matters referred to in paragraphs (a) and (b), by the Commissioner.

(2) The information required to be disclosed under subsection (1) is as follows:

(a) the fact that the prospective witness is a participant or former participant in a witness protection program or that steps have been taken with a view to including the prospective witness in a witness protection program; and

(b) if the prospective witness is a participant or former participant in a witness protection program—whether he or she has a new identity provided under the program; and

(c) if the prospective witness has a new identity provided under a witness protection program—whether he or she is to give evidence under his or her former identity or under the new identity; and

(d) if the prospective witness is to give evidence under a new identity and he or she has a criminal record under his or her former identity—details of that criminal record.

(3) If the Director of Public Prosecutions is provided with information under subsection (1) or otherwise becomes aware of the matters referred to in subsection (1)(a) and (b) in relation to the prospective witness, the Director may, by notice in writing given to the prospective witness, require him or her to disclose any further information as specified in the notice that the Director may reasonably require relating to the prospective witness and his or her participation or possible participation in the witness protection program that may be relevant to the prospective witness's credibility as a witness in the proceedings.

(4) If the prospective witness fails to comply with subsection (1) or a requirement of the Director of Public Prosecutions under subsection (3), he or she is guilty of an offence.

Maximum penalty: $5 000

(5) The Director of Public Prosecutions must disclose to the Supreme Court—

(a) the information provided to the Director under this section; and

(b) any other information within the knowledge of the Director relating to the prospective witness and his or her participation or possible participation in the witness protection program that may be relevant to—

(i) the prospective witness's credibility as a witness in the proceedings; or

(ii) the protection of the prospective witness's safety and the integrity of the witness protection program.

(6) If the Court requires any further information relevant to the matters referred to in subsection (5)(b), the Director of Public Prosecutions must institute any necessary enquiries and disclose the results of the enquiries to the Court.

(7) Any enquiries instituted by the Director of Public Prosecutions under subsection (6) may include enquiries directed to—

(a) the prospective witness by notice or further notice under subsection (3); or

(b) the Commissioner (and for that purpose the Director is to be afforded all reasonable assistance and co-operation by the Commissioner).

(8) The Court must be constituted of a judge in chambers for the purposes of this section and any disclosures under this section must be made to the judge in the absence of any person other than the judge and the judge's associate.

(9) If the Court is of the opinion that non-disclosure of any information provided by the Director of Public Prosecutions under this section might prejudice the fair trial of a defendant in the proceedings, the Court may make such orders relating to the disclosure of the information to the defendant or the defendant's legal representative and the use of the information as the Court considers necessary in the circumstances of the case, taking into account the need to protect the prospective witness's safety and the integrity of the witness protection program.

(10) No appeal lies against an order under this section or a decision of the Court not to make an order under this section.

I have already given the detailed reasons for the amendment.

Amendment carried; new clause inserted.

Clause 24—'Identity of participant not to be disclosed in court proceedings, etc.'

The Hon. K.T. GRIFFIN: I move:

Page 18, after line 10—Insert subclause as follows:

(2) In this section—

'participant' includes a person who—

(a) was provided with a new identity under a witness protection program; and

(b) is no longer a participant but retains that identity.

This amendment is consequential. The general definition of 'participant' in clause 3(1) of the Bill is not wide enough to

pick up the requirements imposed by the amendments to clauses 22 and 23.

The Hon. CAROLYN PICKLES: That is supported.

Amendment carried; clause as amended passed.

Remaining clauses (25 to 28), schedule and title passed.

Bill reported with amendments; Committee's report adopted.

WILLS (EFFECT OF TERMINATION OF MARRIAGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 1170.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. This Bill represents another welcome reform to the Wills Act. Many people in the community do not think about having a will until their own mortality stares them in the face, either due to old age or to some accident or illness. I am reliably informed that even many lawyers do not have wills, even though they should know about these things. But for those people who do have wills, many will be surprised to learn that their will is cancelled upon entering into a marriage. Similarly, many people with wills may not be aware that their will remains completely effective despite divorcing their spouse, who may be an executor or beneficiary of the will. Even testators aware of a will may not give consideration to revoking or changing their will at the time of divorce, which is often so turbulent and distressing; hence the rationale for this Bill.

To put it another way, the Bill as we see it is premised on the assumption that divorced parties will tend to disinherit their former spouses if only they put their mind to it. This seems a reasonable assumption and the Bill is supported on that basis. In practical terms, most wills with a spouse or children as beneficiaries have a provision catering specifically for the situation where a spouse dies before the testator. The beneficiaries next in line are usually the children of the marriage, although not necessarily. At least for most cases, the effect of new section 20A(1)(d) will simply be that the testator's property will pass the second preference beneficiaries in the event of the testator's death. Generally, this will be in accordance with the testator's testamentary wishes, except in the circumstances where the last will of the testator still counts a former spouse as a beneficiary. Accordingly, we support the second reading.

The Hon. J.C. IRWIN secured the adjournment of the debate.

EXPIATION OF OFFENCES BILL

Returned from the House of Assembly with the following amendment:

Clause 14, page 9, line 21—Leave out 'is subject to appeal' and insert 'of an enforcement order is not subject to appeal by the person liable under the order (but nothing in this section affects that person's right of appeal against the conviction of the offence or offences to which the order relates)'.

Consideration in Committee.

The Hon. K.T. GRIFFIN: I move:

That the House of Assembly's amendment be agreed to.

The amendment relates particularly to the issue of an appeal, which was the subject of an amendment in the Council but which was further amended in the House of Assembly. The amendment puts beyond doubt that there is an appeal in respect of a conviction but not necessarily of the enforcement order. I understand that that now makes it clear, so that it generally meets the concerns raised in this Chamber by both the Leader of the Opposition and the Australian Democrats.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment. As the Attorney has indicated, the Opposition agreed to the amendment suggested in the House of Assembly.

Motion carried.

STATUTES AMENDMENT AND REPEAL (COMMON EXPIATION SCHEME) BILL

Returned from the House of Assembly without amendment.

SUMMARY PROCEDURE (TIME FOR MAKING COMPLAINT) AMENDMENT BILL

Returned from the House of Assembly without amendment.

RAIL SAFETY BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1047.)

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. DIANA LAIDLAW (Minister for Transport): I thank members for contributing to the debate on this Rail Safety Bill. It is another important national initiative in rail and follows major reforms in rail over recent years. Members will recall the standardisation of the Adelaide-Melbourne railway line, the establishment of the National Rail Corporation and proposals for Track Australia, which would own major arterial interstate lines and allow for third party operators. It is proposed that Track Australia be based in Adelaide, a view held by the current Government and supported by the former Labor Government. The Rail Safety Bill is an important further step in this progression of initiatives, because it will allow Track Australia and other State rail authorities to adopt uniform procedures for rail safety measures in this State and, in the event of accidents, to make independent assessments. This matter has been commented upon by the Hon. Sandra Kanck and supported by both members who have spoken in this debate.

The Hon. Sandra Kanck also raised the issue of the Wolseley to Mount Gambier line. This has required a lot of my time in the past two years and no doubt will require more in the future. About 18 months ago Australian National decided to cease operating services. There are legal technicalities which are difficult to explain to local populations but which are particularly important if we are to make any progress in promoting South Australia's interests with the Federal Government. One of the legal technicalities is the fact that Australian National has not indicated that it wants to cease ownership of the line. The former Parliamentary Secretary for Transport did offer the line to the local community at one stage, although I understand that that was done without the authority or knowledge of the Federal Transport Minister. That initiative by Mr Neil O'Keefe

clouded some of the already complex issues involved with the ownership and operation of this line.

I know that in the past the Hon. Sandra Kanck has taken considerable interest in the fate of the line and that she will continue to do so. I can advise her that I have been in regular contact with the Hon. John Sharp, now Minister for Transport, when he was shadow Minister for Transport, and he has been kept well informed of the State Government's views about the importance we place on Federal obligations under the Commonwealth-State Rail Transfer Agreement. I understand that in the near future he will be making some major statements about rail operations in Australia which were foreshadowed in the Coalition transport policy. We will be keen to participate in those initiatives.

It is important to recognise that at the present time the Federal Government has two rail companies, Australian National and National Rail. I have spent considerable time, as I know have the unions, management and other members of Parliament, arguing with the former Government about what it perceived to be the future of Australian National. This concern arose after AN had lodged two business plans, neither of which were approved by the former Federal Government over its last 18 months, so AN's fate has been uncertain for some time. The fact that it owns the coal line from Leigh Creek to Port Augusta, that this is an important link to ETSA and that ETSA has sought tenders for future delivery of coal is another issue that has to be taken into account in determining the future of Australian National and National Rail.

I can assure the honourable member that this matter of the Wolseley-Mount Gambier line is high on the agenda. There will be a lot of activity in which, even if I did not encourage the honourable member, I have no doubt she will be involved and particularly interested, as will the Hon. Terry Cameron, within the next few months and possibly much longer as the Federal Government works through its rail responsibilities. We have to make sure that the State's interests are upheld under the terms of the rail transfer agreement and that the State's general freight interests are maintained.

In the meantime, the Hon. Sandra Kanck has raised some questions about the social cost of rail accidents in Australia. These were estimated by the Bureau of Transport and Communications Economics in its 1992 report, 'Social costs of transport accidents in Australia' and were also canvassed in a report entitled 'National approach to road safety regulation', which was prepared by an inter-government working group on rail safety in 1993. The Bureau of Transport and Communications Economics has since released a further estimate of the cost of rail accidents in Australia in 1993.

This further report identifies the cost at $69 million, a reduction in the order of 40 per cent in real terms from the estimate in 1988, which was the basis of its 1992 study. The updated figures released by the Bureau of Transport and Communications Economics are still subject to some debate in the community because of the different terms that they have used between the 1988 figures and the 1993 study. I am also able to advise the honourable member that, notwithstanding the discrepancy between those two figures for the years 1988 and 1993, in real terms, whether it is $100 million or $69 million, the cost is considerable and it is one of the matters to be addressed by this Rail Safety Bill.

The Bill embraces not only the major freight systems interstate and intrastate and our suburban passenger rail services but also cultural tourism services, steam services such as those operated by Steam Ranger or the Pichi-Richi rail services and the like. The Council of Historic Railways and Tramways of South Australia was sent a copy of the Bill by me. They have subsequently contacted the Hon. Sandra Kanck and indicated that they were awaiting a briefing from TransAdelaide. That briefing was conducted last week and Mr Bob Samson from the council has advised me, and I understand the Hon. Sandra Kanck, that he and the council have no difficulties with the Bill in principle. They welcome the participation of the historic railway associations in the consultation process. What is more important is that this consultation process will continue at a more thorough level than I believe has been the case to date, because the major concerns of the council are in respect of details about regulations relating to fees and charges. So they will be directly involved in those matters. In principle they support the Bill and I understand that that is the case with similar organisations in other States of Australia.

In conclusion, I thank honourable members for their prompt consideration of the Bill. Also, I would welcome their participation and advice during what I believe will be quite intense negotiations and debate over the next few months and possibly years in terms of rail infrastructure and operations in this State and in Australia in general.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. SANDRA KANCK: The Minister mentioned in her summing up speech the approach from CHRTSA (Council of Historic Railways and Tramways of South Australia). I should mention that when I gave my second reading speech I said that the Democrats did not have any problem with the Bill and then having had the approach from CHRTSA I spoke to the Minister and asked whether she would put the Bill on hold until CHRTSA had been able to have its briefing. I simply want to put on record my thanks to the Minister for being willing to hold up the Bill for a week.

Clause passed.

Remaining clauses (2 to 63), schedules and title passed.

Bill read a third time and passed.

ROAD TRAFFIC (DIRECTIONS AT LEVEL CROSSINGS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1093.)

The Hon. T.G. CAMERON: This Bill seeks to amend the Road Traffic Act to allow railway employees to protect level crossings. Currently, this function is supposed to be performed by members of the Police Force. The need for this amendment arose from the passing of the Passenger Transport Act 1994 and associated amendments to the Road Traffic Act. The sections of the Act being amended are section 80 (restrictions on entering level crossings) and section 89 (relating to the duty of pedestrians at level crossings).

The general operating and safe working rules regulate train services nationally, and incorporated within these safe working rules is a provision for allowing trains to operate over the opposing directional track. This legislation will assist in allowing train movements to operate safely during those times of essential track work, breakdown and emergencies on the opposing directional track. It will also ensure that

unnecessary obstructions and delays not only to public transport users but also to other road users are kept to a minimum.

The amendments contained in this Bill will give the railway authority employees legal authority to regulate traffic across level crossings without the attendance of a police officer. Members of the Police Force normally have not been available to attend level crossings for track work. The amendment to the Road Traffic Act in South Australia is in line with the current draft proposals for the Australian national road rules and is another step down the path towards the development of consistent and standard rules across Australia.

It is important that essential track work continues in the rail system in times of emergency or failure. This Bill will give the railway authority, presently TransAdelaide, the legal power to protect railway level crossings from danger to road users and the public. Once this Bill has been gazetted this work will be performed by railway employees.

I note in the legislation that this amendment will permit persons who work for and on behalf of the operator of the railway or tramway to exercise that power of direction. However, where such persons are used for this work they must be in uniform and they must produce the necessary evidence of their identity on request. The Opposition supports the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport): I thank the honourable member for his support and indicate that the Hon. Sandra Kanck has advised that she, too, supports the Bill. I know that the honourable member was interested why it had taken almost two years from the time the Passenger Transport Act was passed before this measure was introduced. This provision had been inadvertently omitted from the State Transport Authority Act when the Passenger Transport Bill was framed. TransAdelaide rail workers continued to operate as they had, assuming that they had the authority under the State Transport Authority Act—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes, I thought I had better come clean with this—and kept operating in emergency situations or at other times as seen fit under the general operating rules. It became apparent only after that dreadful accident on the Belair line recently that the officers from TransAdelaide, acting in good faith, did not have the legal authority to act as they were.

We first considered that we might be able to address this issue by immediately providing that they be authorised officers under the Passenger Transport Act, but legal advice was that that was not possible and, therefore, the matter had to be brought to the Parliament.

I thank honourable members for their prompt consideration of this Bill. I also acknowledge all the TransAdelaide drivers and other rail workers who, without authority but with the best of intentions, have been keeping our rail system safe and directing other traffic as the need arises at crossings. Now they will be able to continue with such duties but—

The Hon. T.G. Cameron: In uniform.

The Hon. DIANA LAIDLAW: In uniform, yes, and in a legal manner, and that is certainly in their interest and the public interest.

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

CIVIL AVIATION (CARRIERS' LIABILITY) (MANDATORY INSURANCE AND ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1150.)

The Hon. T.G. CAMERON: This Bill seeks to achieve two things: first, to increase the level of insurance passengers have when they board a domestic operator and, secondly, to tighten up the legislation to ensure that these policies are non-voidable and that, in all instances, air operators provide them. The legislation increases the liability of domestic and international operators who carry air passengers for hire or regard and make it compulsory for operators to be insured in respect of liability for death or injury to passengers.

The Bill was prompted by Commonwealth legislation, namely, the Transport Legislation Amendment Act No. 2 of 1995 and the Civil Aviation (Carriers Liability Regulations) Amendment Act, which went through on 20 July 1995 and took effect on 20 January.

The Commonwealth Government's motivation in introducing this legislation was a general awareness that existing liability limits were too low in relation to recent death and injury settlements, a concern expressed in the Federal Parliament after two regional airline crashes had occurred with a great deal of public discussion as well as discussion in Federal Parliament; and similar actions taken by foreign Governments not only to increase the passenger liability but also to tighten it up to ensure that companies were unable to avoid their legal responsibilities.

The Commonwealth Government was also concerned that domestic carriers be able to pay amounts for which they might be liable to passengers or their estates, and that insurers should have as little opportunity as possible to avoid payments of policies in respect of passengers who were injured in aircraft accidents.

All States and Territories have agreed that the application of air passenger liability and insurance requirements must be uniform. The Opposition supports that. That is so that passengers, when they board a scheduled or chartered air carrier of any size anywhere within Australia, will understand and have confidence that the carrier is insured for the minimum standard and that there is an adequate liability amount.

In order for these amendments to apply, it is necessary for the Bill before the Council to pass, and this Bill accomplishes that, and in addition will provide that the scheme be administered and enforced as if it were a Commonwealth Act. Similar action will be required by the other States, and it has been agreed that each of the States' amending legislation will come into operation on the same date. The Commonwealth Civil Aviation Authority will administer compliance with these insurance requirements and will be indemnified by the Commonwealth against any liability arising from the States' delegation.

Quite simply, this is an advance forward. It provides substantially increased protection to passengers on aircraft, and also significantly tightens up the rules or regulations, call them what you will, under which the aircraft carriers operate. It should ensure that, in the event of a death, adequate cover is in place and is there to protect those left behind and/or the estates of any persons who might be injured in the event of a plane crash. The Australian Labor Party supports the Bill in its entirety.

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

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 1166.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contributions during the debate. It has been a wide ranging debate, as you are probably aware, Mr Acting President—indeed, one of the wider ranging debates that we have had in recent times. Therefore, I do not intend to respond to all the detail of the issues raised by members. They have been matters of particular concern to those members, and their comments and views on these issues have obviously been duly noted by all other members who had the privilege to listen to the various contributions during the debate. I thank members for their contributions.

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

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 1172.)

The Hon. ANNE LEVY: I support the second reading of this Bill, although the Government has been very stupid to bring in such a Bill to this Parliament. If it wanted to achieve more money from poker machines, it could have done it without bringing the matter before Parliament. All those present in 1993, when the current legislation was passed, will recall that it was a highly emotive topic which aroused a lot of passion and that calm consideration is most unlikely. The Government can only cause itself trouble by tampering with the legislation. It appears that its aim was to raise more money for the State from poker machines and this could have been done without legislation. Talk about a Government shooting itself in the foot quite unnecessarily! But if it is disconcerted by the fuss that has been caused, it has certainly brought it on itself.

Before the legislation was prepared, the Government set up the inquiry into the impact of gaming machines in hotels and clubs in South Australia and its report was published in November last year. This is an extremely valuable report, even though it was undertaken when gaming machines had been in South Australia for only 15 months, when the numbers had not plateaued and when the full effect of gaming machines was therefore hard to determine. Nevertheless, it was a valuable inquiry which has been lost in the maelstrom of Government proposals, changed Government proposals, counter-proposals, negotiations, deals, backtracking, backstabbing and so on which have occurred since the report was released.

One matter which the Government has dealt with in its legislation and which is discussed in the inquiry report is the question of a turnover tax. At pages 30 and 31 of the report we can see that, apart from the Lotteries Commission and the TAB which are wholly owned by the Government, the gambling industry in this State is taxed on turnover. Bookmakers are taxed on turnover; a percentage of turnover of the on-course tote goes to the Government; there is a turnover tax on major lotteries, bingo and instant tickets. Gambling in this State pays its taxes on turnover.

Queensland, South Australia and the Northern Territory tax turnover on gaming machines. When the original legislation was before this Parliament, it was generally accepted that a tax on turnover was the fairest way of proceeding. For some reason, the Government has decided to change to a tax on net gaming revenue. This has enormous consequences which is clearly indicated to anyone who has read this report. It is very much related to the percentage of total revenue which is returned to the player, in other words how much goes back to the gambler or gamblers as winnings.

In the New South Wales clubs, currently 89.9 per cent is returned as winnings; in Victoria 90.6 per cent on average is returned to the player. This compares to South Australia which has an 87.6 per cent average return to the player. If we change from a turnover tax to a net gambling revenue, the amount of tax which will be received by the Government for its legitimate purposes will depend on how much is being returned in winnings to the gambler. With a turnover tax that figure is irrelevant. A proportion of the total amount which is gambled goes as a tax to the Government, so the amount returned as winnings is totally irrelevant.

If we move to net gaming revenue, the amount which will be returned to Government will depend considerably on how much is returned to the gamblers because the net gambling revenue is that percentage left after the gamblers have taken their winnings. If the proprietors of hotels or the managers of clubs decide to raise the proportion which is returned as winnings—as an incentive to get people to gamble on their machines—the amount of net gaming revenue will be correspondingly reduced, and so the return to Government will be reduced. It seems to me most unwise to base the tax on net gaming revenue and so have the amount returned to the State being largely determined by hotel proprietors and committees of licensed clubs.

A turnover tax removes that variability. Each hotel or club will determine what proportion is returned as winnings, but that decision would not affect the tax return to Government if the tax is based on turnover as opposed to net gambling revenue.

I feel that it is a backward step to have the tax based on net gaming revenue and I think the Government is ridiculous in bringing in such a measure, which has the potential to reduce the Government take from gaming machines and which leaves the decision regarding the amount going in tax outside the control of Government and in the hands of hotel proprietors and club committees. Another matter which is discussed in this report and which is relevant to the legislation before us is the question of problem gamblers, who were discussed in great detail when the original legislation was before the Parliament. A number of surveys have been done to determine just what is the frequency of problem gamblers. Several estimates have been made: one, that problem gamblers include about 1 per cent of the adult population. Surveys have been done in New South Wales, Victoria, New Zealand, Western Australia and Tasmania, and the most reliable figures come from the Australian Institute of Gambling Research, which suggests that 1.16 per cent of the adult population can be classed as problem gamblers. 'Problem gamblers' includes all types of gambling, not just gaming machines. It certainly includes people who are problem gamblers at the Casino, at the races, with lotteries, with Keno or with any other form of gambling that is available in the community. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 5, 9 to 24, 26 and 28 to 36 without amendment; and that it had disagreed to amendments Nos. 1, 6 to 8, 25 and 27.

Consideration in Committee.

The Hon. DIANA LAIDLAW: I move:

That the Legislative Council do not insist on its amendments.

The Hon. M.J. ELLIOTT: The Democrats believe that we should insist on the amendments. It was quite plain that when the Legislative Council debated this Bill on a previous occasion an enormous amount of compromise was made—in my view, far too much—and a great deal of protection that most people believed necessary was removed. For the Government to want to go further and remove the most basic of protections, the Democrats find totally unacceptable.

The Hon. T.G. ROBERTS: We will be insisting on our amendments. I have listened to the debate in another place and, although the Government has made some reference—I will not say 'concessions'—to some of the major issues, there is a closeness of opinion. We will try to get an agreed position through the conference process.

Motion negatived.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1213.)

The Hon. ANNE LEVY: I was discussing some of the findings of the report of the inquiry into the impact of gaming machines in hotels and clubs in South Australia and looking at the question of so-called problem gamblers, who have been estimated by the Australian Institute of Gambling Research as being 1.16 per cent of the adult population. This does of course beg the question of what is a problem gambler. Some people have suggested that, rather than talk about problem gamblers, one should talk about irresponsible gamblers and/or excess gambling behaviour, and it has been suggested that this type of behaviour is more likely to be associated with certain types of gambling such as gaming machines, betting and the Casino; a frequency of more than one gambling session per week; a session length of more than one hour; weekly losses in excess of $50; gambling-related debts; a variety of beliefs and behaviours that may be categorised as comprising impaired control; and motives of winning rather than playing for entertainment. Nevertheless, however one defines problem gambling, there is no doubt that some people have had their lives destroyed by their addiction to gambling. Even if it is hard to define such people, there is no doubt that they do exist.

One thing which emerges from the report is the question of the sex distribution amongst gaming machine gamblers and problem gamblers. In Queensland, a service known as the Queensland Break Even Service provides counselling and other services to problem gamblers and their families. This service applies to problem gamblers from all types of gambling and is not limited to gaming machine gamblers. In the last financial year, 42 per cent of the people who went to Break Even had problems with gaming machines, which meant that 58 per cent had problems concerning other types of gambling. They found that 32 per cent of their clients were female, which means that 68 per cent were male.

Concern has been expressed about the high level of females. I am not sure why; they are obviously only about a third, while two-thirds are male. While this may mean an increase in the proportion of women who have had problems with gambling, the fact that it is still well below that of men suggests to me that the concern with females who have problems is misplaced and that far more concern should be expressed about the men who have problems, given that there are far more of them. It is an inherent, old-fashioned, puritan attitude that gambling is bad and that women are supposed to be good and consequently will not gamble. For men to do so is just a little human foible which we may excuse on their part but, if women start gambling and having problems, that is really serious—far more than men having problems with gambling, even if twice as many men have these problems. That is a rather odd attitude, which I would not have expected to find at the end of the twentieth century.

Another interesting fact that comes from this report is that the Queensland Break Even Service looked at the level of debts of the problem gamblers who came to see them about their gambling problems. The men on average had debts of $33 158, whereas the women problem gamblers had average debts of $4 564. In other words, the women's debts were about one eighth those of the men. We know that the average income of women in this country is much less than that of men—they earn a lot less and are much more likely to be in the lower income brackets—but it is not in the eight-to-one ratio—not yet.

These figures suggest to me that when women have problems with gambling they are likely to seek assistance for it at a much earlier stage; when their gambling debts are in the region of $4 000 they will seek help. The men are much less likely to come forward until their gambling debts are very much larger indeed, over $33 000 on average. This is not commented on in the report, but I can think of no other reason why there should be this vast disparity in the average gambling debts of problem gamblers by sex. Perhaps women are more likely to admit that they have a problem and seek help earlier than are men. That would suggest that, if all people who had gambling debts of $4 000-odd and more did seek assistance, there would be far more men and that the proportion of women is in fact much less than the one-third, given that they seek help at an earlier stage.

The Hon. T.G. Roberts: Men have more access to disposable income; I would have thought you would use that argument.

The Hon. ANNE LEVY: Well, I did—but it is not eight times as much, which is the ratio mentioned here. A survey done for this report in South Australia showed that 42 per cent of the population have used gaming machines, and 40 per cent of South Australian adults have played gaming machines in the past 12 months, which means that 60 per cent are taking absolutely no notice of gaming machines at all. If we then look at the 40 per cent who have used gaming machines, we find that 6 per cent of South Australian adults play gaming machines at least once per week and that these 6 per cent who play at least weekly are contributing about 56 per cent of the total expenditure on gaming machines. It is not unreasonable to suggest that the problem gamblers will be found amongst the 6 per cent who play the gaming machines at least once a week. Of this 6 per cent who play at least weekly, 55 per cent are male and 45 per cent are female.

This is much closer to equality than those who have problems, but men still predominate.

Surveys for this report were also conducted on the level of gambling—how much was being gambled with gaming machines—particularly by region and by district in the metropolitan area. The average comes out at $18 per head in September, the month the survey was done, when gaming machines had been in this State for 15 months. If an average of $18 per head is being gambled on gaming machines, and remembering that that is only by 40 per cent of the population, given that 60 per cent of the population have had nothing at all to do with gaming machines, that indicates a considerable level for the month—about $45 per head—for those who are actually playing with gaming machines.

These expenditures seem very large to me, as they doubtless do to many other people. As I have said, the amount per capita varies across the metropolitan area, and I have heard comments that it is higher in the western metropolitan area than it is in the eastern metropolitan area. The highest per capita expenditure is in the region designated as the city and North Adelaide, where it reached the incredible sum of $119 per capita for the month of September last year. I am sure that this is due to the fact that the many people who play the pokies in the clubs and pubs in the central region do not live there, so that gaming machine use in the city and North Adelaide does not reflect the gaming tendencies of the population who reside in the city and North Adelaide. I do not think these people are very different from those who live anywhere else, certainly not to the extent of being seven or eight times greater gamblers.

Very serious studies have been conducted by the National Institute of Economic and Industry Research. Its study in Victoria suggested that for every $10 which is spent on gaming machines there is a reduction in an individual's savings of $9.40; that the money which is going into gaming machines is coming largely from savings. Certainly there has been a switch in expenditure from other areas of gambling, a reduction in expenditure particularly on other forms of entertainment and, interestingly, on overseas travel and some reduction in expenditure on household goods, but the major expenditure on gaming machines, certainly from the Victorian study, is coming from savings. The reduction in other forms of expenditure is trivial by comparison.

This should be a matter of concern for those who are concerned about the level of savings in the economy. For many years we have been told, particularly by the present Federal Government (which was then the Opposition), that the level of savings in this country is deplorable and that something should be done about it. Savings going into gaming machines must be of concern to those who manage the national economy.

There have been employment effects since gaming machines were introduced in South Australia. The AHA and the LCA have estimated that employment has risen by 2 870 in hotels and clubs. Interestingly, despite the many claims that gaming machines have affected retail trade since their introduction (which was covered by this inquiry), employment in the retail trade has risen overall, but only by a very small amount—about 1 500 jobs.

In terms of social cost, the number of bankruptcies is very much higher, and I am waiting for the Hon. Legh Davis to regale us about the great increase in bankruptcies in the past year or so in South Australia. We lead the nation in bankruptcies per capita, and the Hon. Legh Davis has in the past been very fond of attributing any change in bankruptcy numbers to Government policy. I hope that, for consistency, he will now blame the Brown Government for the high rise in bankruptcies which have occurred since it took office.

The Hon. R.R. Roberts: You are expecting that plaster to fall back up again!

The Hon. ANNE LEVY: I am sure the Hon. Legh Davis would wish to show consistency and comment on the incredible increase in bankruptcies in this State.

The Hon. R.R. Roberts: It hasn't bothered him in the past.

The Hon. ANNE LEVY: The Hon. Ron Roberts suggests that I should not hold my breath waiting for this evidence of consistency by the Hon. Legh Davis. The report also considers the effect of gaming machines on fundraising and looks at a number of major fundraising organisations, many of which previously relied on the sale of bingo tickets as a major part of their fundraising. There is no doubt that the sale of bingo tickets has dropped remarkably since the introduction of gaming machines, in many cases by as much as a third.

Some of the major organisations which have been severely affected by this include Surf Life Saving SA, United Way (North) (which is a community chest type organisation in the northern suburbs), the Red Cross, Spastic Centres, the Crippled Children's Association, the Multiple Sclerosis Society, Bedford Industries, the Whyalla Community Fundraising Association (which is a community chest type organisation and very important in Whyalla) and Wheelchair Sports.

McGregor Marketing surveyed members of the Fundraising Institute to ascertain what changes in fundraising income had occurred since the introduction of gaming machines in South Australia. It showed that, in terms of major lotteries conducted by these organisations, there had been an 8 per cent decline in income. However, in small lotteries there had been an 18.2 per cent increase in income; in eyes down bingo there had been a decrease of 6 per cent; bingo tickets had shown a decrease of 26 per cent; and, interestingly, in the same period, donations and sponsorships had risen by 37 per cent. Overall, the income of members of the Fundraising Institute had certainly declined, even though in some areas it had risen, and it is convinced that this is due to the introduction of gaming machines, with bingo tickets having suffered the greatest loss.

These comments are stated as facts, and careful figures have been produced to document them. The sporting clubs, through the South Australian Sports Federation, also claim that a number of sporting associations have been dramatically impacted (and I am paraphrasing; I would never use 'impact' as a verb) by the introduction of gaming machines. The federation argued that there had been a loss of membership, support from retailers and sponsors and fundraising ability through bingo tickets and small lottery raffles. Unfortunately, the sporting clubs were not able to provide any hard data to support their claims, but it is certainly in line with the detailed data from major organisations such as the Surf Life Saving Association, the Multiple Sclerosis Society, and so on.

This brings us to the question of hypothecation. It involves not what the Bill before us provides but the various amendments, which, I understand, will be moved by both the Government and other members of this Council as a result of all the wheeling and dealing that has been going on so frantically over the past couple of months or so. Hypothecation is unwise and, in many cases, quite futile. It is saying that

a certain proportion of Government money will be put into a certain pool and will be spent in a certain way.

However, Governments, in principle, should have the power to allocate their resources as they see fit. One may not agree with the way in which a Government allocates its resources, but that is not querying its right to determine the allocation of Government tax revenue as the Government sees fits. If we hypothecate a particular sum to go to a particular area, it is virtually meaningless, as the Government still has the flexibility to move all the rest of its revenues as it sees fit and can give less from the general pool to a particular area because hypothecation has occurred to that area. An example which one can quote, and which has been used many times, is the so-called hospitals' fund, where a certain proportion of revenue from certain types of tax is allocated to that fund. However, this does not mean that there is an increase to hospitals. Government will always determine how much money will go to hospitals. There is the hospitals' fund plus other moneys and, if the hospitals' fund is down, the other moneys will be up and vice versa. Therefore, hypothecation is meaningless in Government terms.

When the original legislation was passed there were numerous attempts to hypothecate the revenue from the gaming tax. The then Government certainly opposed this hypothecation, and at that time its arguments against hypothecation were accepted by the Parliament. In some ways, I am sorry that the current Parliament does not have as much sense as the previous one did, and obviously hypothecation will be a result of the introduction of this Bill to Parliament.

However, looking at the amendments from the Labor Party, I think it will have a positive result in this case. It will mean that through various hypothecations more money is likely to go to particular organisations than would have occurred without the hypothecation. The amount, for instance, that Family and Community Services is able to provide to welfare organisations has been drastically slashed in recent times, and the amount which will go into a fund to help such community organisations is probably a great deal more than FACS would have ever been able to distribute among them. Therefore, this hypothecation will result in a positive increase.

An example of the slashing which has been occurring—and it is only one of many such examples—is the Women's Community Centre, which has had its funds cut by this Government from $44 000 a year to $8 000 a year. It is in grave danger of closing, as are many other community organisations that have been so savagely treated by the Brown Government.

The same can be said for many sporting bodies. Hypothecation of money to them will probably mean that a greater amount of money will be distributed amongst them than would have occurred without hypothecation, because the sum hypothecated will be greater than this stingy Treasurer would have allowed to go to those organisations in the first place. So, while I disapprove very strongly of hypothecation in principle, we have before us an example of where hypothecation will result in greater resources going to where it is felt they are needed than would otherwise have been the case. For such hypothecation to have a positive effect can only occur when we have an extremely stingy and hard-hearted Government such as the one we have at the moment.

I have spoken of various aspects of the Bill before us and the amendments. I repeat that any problems being faced by the Government at this time certainly have been brought on itself. The Government could have achieved greater returns from gaming machines without coming to the Parliament and without having all this fuss.

I did support the introduction of gaming machines, unlike the current Treasurer, who is getting into such a froth about it at the moment. Whilst I very much regret that particular charities may be receiving less income as a result of people changing their gaming habits, from bingo tickets to gaming machines, I would strongly defend the right of every person to do so. Whether people choose to buy a bingo ticket or put their money into a pokie is entirely their business.

We need to be very careful, as we discuss this legislation, that we do not fall into the trap of applying value judgments and saying that people should behave in particular ways with their own money. Many people have little enough money to play with. How they choose to spend their money, and how they choose to fulfil their needs and gain the greatest satisfaction possible in their lives from the money that they do have is entirely their business, and we in this Parliament should not be passing judgment on people for making these perfectly legitimate choices on their own behalf. I support the second reading.

The Hon. CAROLINE SCHAEFER: I rise to speak briefly in support of this Bill. It arises purely because I suppose there has been a windfall, if you like, in the amount of moneys spent, or wasted—depending on one's point of view—on poker machines. After they had been working for a while, it became perfectly obvious that much more money than had been budgeted for was coming from poker machines, and certainly super profits were being made.

As most people know, prior to Christmas there was considerable lobbying, and a compromise was reached between the Hotels Association, clubs and the Government to change the method of collecting tax to what I consider to be a much fairer tax, a net tax. As a result, we have revisited, quite fairly, the question where that money is to be spent. That is not to say that the same sum of money, or even more, may not have gone to various charities and sporting clubs had the whole amount gone into general revenue.

The Hon. Anne Levy spoke at length about our stingy Treasurer, but history will show that we have a Treasurer who is fiscally sound and morally correct in what he does. He has a mandate to put this State back into some sort of fiscal sense and to get rid of some of the incredible debt that hangs around the neck of this Government. It always fascinates me that people imagine that we enjoy cutting back on expenditure. There is no pleasure in having to do some of the things that this Government and, in particular this Treasurer, have had to do, but we have inherited a debt which has been racked up by a Government that was not only irresponsible but also believed that the whole world could be saved by a bankcard mentality—

The Hon. Diana Laidlaw: And shown no remorse!

The Hon. CAROLINE SCHAEFER: —and it has shown no remorse. However, Mr President, you and I were discussing the current statistics on the business of gambling—and it certainly is a business—which show that in 1993-94, which seems to be the most recent that we can obtain, the takings were $480 billion, and estimated to be $600 billion in the last financial year. So, for anyone to consider that gambling is anything less than a business would be clearly ridiculous.

Since the inception of gaming machines, certainly some community groups have missed out. The Hon. Anne Levy mentioned the Combined Charities Club at Whyalla, of which

I have some knowledge and the takings of which were down by approximately $100 000 in the first six months after gaming machines were introduced into Whyalla. That money was spent on things such as the two aged people's homes in Whyalla.

So, there is a need to address some of these issues. In the Party room, the Government has looked at methods of doing this in a fair and equitable manner. Some would say that we have reached that goal, whereas others would consider that we have not done so. I believe that a great deal of compromise was reached behind the scenes before this Bill was introduced to this House. I believe that the amendments to be moved are a result of considerable consultation between the Labor Party, the Government and the Democrats, and perhaps that is as a democracy should work.

We hear a lot about parliamentary process and parliamentary performance. I suppose the best parliamentary result is usually gained by some very hard bargaining behind the scenes and some equitable compromise to which all agree. In this case, that compromise has been reached, and as such I am prepared to support the second reading of this Bill.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council Conference Room at 8 p.m. this day, at which it would be represented by the Hons M.J. Elliott, Diana Laidlaw, R.R. Roberts, T.G. Roberts and Caroline Schaefer.

[Sitting suspended from 6.3 to 7.45 p.m.]

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1216.)

The Hon. M.J. ELLIOTT: I support the second reading, although with a great deal of reservation. A press release was put out today by the Treasurer, the Hon. Stephen Baker, and I quote one sentence which states:

> The $25 million Community Development Fund and a new taxation regime is part of a package of measures proposed by the Government to deal with the impact of gaming machines.

He is saying that the $25 million fund is part of a package. It is an interesting package—$25 million—to tackle the impact of gaming, yet under the deal that has been negotiated with the Opposition spokesperson only $5.5 million is allocated to welfare agencies to help those people affected by gaming. The other $19.5 million will go to general revenue.

As a result of pressure from the public, an inquiry was established by the Government to examine the impact of gaming machines. Many people made significant contributions to that inquiry and, at the end of it, what the Government really does is gather more revenue through taxation—an extra $19.5 million dollars which, although ostensibly earmarked for education, health and welfare, is nothing more or less than general revenue; to suggest otherwise would be grossly dishonest.

The whole packaging of this legislation has been grossly dishonest: $25 million extra tax on the basis of an inquiry to look at victims of gaming and how much of it goes to the victims of gaming? Only $5.5 million. It is a fraud. The Government's original proposal was $1 million. The Opposition think it has done a great job: it is now up to $5.5 million. If the Government wants to raise extra tax, then do it, but do not dress up the $25 million tax as assistance for the victims of gaming.

It is well and truly on the record that I opposed the gaming machines legislation when it was first introduced. It was not on the basis that I am a wowser: it was on the basis that I had little doubt as to what would happen. I had little doubt that it would be a totally unrestrained industry. If the Government had been fair dinkum about allowing people to have a form of entertainment, it would have sought to put constraints on the industry to ensure that the chances of individuals being victimised would have been much less. There was only one provision in the original legislation which gave a limited amount of protection. As a consequence of an amendment made by the Hon. George Weatherill, the number of machines on any one site was limited to 40.

With the benefit of hindsight, I think it is a pity that number was not significantly smaller so that the benefits resulting from gaming machines would have been spread more evenly through the community and many more clubs would have received a slice of the action, rather than a greater concentration of these machines in hotels which are now falling increasingly into overseas hands with the profits being exported from the State. As far as I am concerned, the one good provision in the legislation concerning the limitation on the number of machines got it wrong, although with hindsight that is a little easier to say; I think it should have been a maximum of 20 machines, perhaps even a smaller number, so that more clubs might have got a slice of the action and the benefits would have been spread more evenly through the community. The amendment proposed by the Opposition allocates $2.5 million to clubs, and by the time that is spread around it will not go very far at all. It will be a trifling compensation for some of the pain that they have suffered.

There is no doubt that there has been a significant amount of pain in the community. First, the pain has been to individuals and their families who have overspent. It is an issue that has been discussed in this place during Question Time and in other debate since the original legislation was passed. Welfare agencies are now finding that they are unable to meet the demand that has been created by the impact of gaming machines. Charities' fundraising may be down by as much as $10 million; the racing industry believes that it has suffered a decline of about $8 million in revenue because of a shift of the gambling dollar; and small retailers have suffered heavily, some more than others. There is no doubt that those who have suffered the most are those in the food industry, particularly those whose businesses are near a hotel which offers significant discounts on meals—in fact, offering meals below cost.

Without going into great detail, I can say that there has been a wide range of victims and this legislation does not do much for any of them. The Government was proposing to give $1 million to the victims of gaming via welfare agencies, and the welfare agencies will tell you, quite plainly, that that amount will not nearly enable them to carry out the extra

work that has been created for them. The Opposition is proposing that about $2 million goes to that area.

In relation to charities, it is estimated that they have lost at least $10 million in fundraising. Eventually they will devise new ways of fundraising but it will take some years for them to get back on an even keel. In the short term, the Government is offering nothing: in the deal now negotiated with the Government, the Opposition is offering about $2 million as compensation for the $10 million that they have lost. In a proposal that I put to both the Treasurer and the Opposition, I suggested that charities should have been offered $5 million a year for five years. It should not go on in perpetuity, but they should be given a chance to look at their fundraising, readjust it and find other ways to replace what has evolved over quite a few years. I am sure that they can do it in the longer term, but I do not believe that they can do it in the short term.

The racing industry has lost about $8 million. The Government has certainly moved to change the structure of the racing industry and other legislation is proposed to look at that, but anybody who is honest will realise that the changes being made to the structure of the racing industry will not turn things around overnight. It will take a couple of years for the benefits to start flowing through. I have argued that there should have been an amount of about $5 million a year for five years to enable the racing industry to go through this period of readjustment, recognising that it must co-exist with the gaming machines in the longer term and the industry will have to restructure, as it is now beginning to do.

In relation to small retailers, it is extraordinarily difficult to be able to identify individuals who have suffered and compensate them, and I was not suggesting that. But, recognising that small retailers have a host of problems at this stage (and gaming machines have been just one of them), it seemed to me that a fund of $1 million could have been expended via both the Retail Traders Association and the Small Retailers Association to provide a whole range of business management services, which would have been to the long-term benefit of the industry and, in some way, a part compensation for the damage that poker machines have inflicted on many.

On the reading that I have done, whilst the Government in the short term is talking about raising in total about $146 million from gaming machines, it appears, looking at the patterns in other States, that it is likely that Government revenue will reach perhaps $200 million in today's dollars, before stabilising. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

A message was received from the House of Assembly agreeing to the time and place appointed by the Legislative Council for a conference.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1217.)

The Hon. M.J. ELLIOTT: I want to touch quickly on a couple of amendments that I will be moving during the Committee stage. It seems to me that no real attempt has been made to see whether we can do something to regulate the way poker machines are operated to limit the damage that they are doing. We are not talking about whether or not people should be allowed to play poker machines: it is a question whether or not there are things that we can do about the way they operate, simply to reduce the damage done. The Government in its Bill is proposing that poker machines cannot be operated during six hours a day, although any hotel can choose its particular six hours of closure. I am not aware of anyone who is playing poker machines for more than 18 hours a day now, so I am not quite sure how a six hour closure will help.

It is quite a nonsense sort of move if you think about it: nobody is playing poker machines for more than 18 hours a day but, if they were, because every hotel could use a different six hour closure, they could shift from hotel to hotel, anyway. It is one of the biggest loads of baloney that I have ever seen and cannot be counted as a serious attempt. Are there not other things that we can do to have an effect? I have spoken to a large number of hotel licensees and discussed the question of inducements that are being offered to people to come and play. We have below-cost meals, the giving away of tokens and the additional lotteries (the free entry lotteries with cars and other things given away).

The licensees say to me that they wish that it was not happening in the industry. They say that it is actually costing them a lot of money, but they also say that they cannot afford not to do it while others are doing it. So, I will be moving amendments that look at a prohibition on inducements to be involved in gaming. It seems to me that if people choose to be involved in gaming that is one thing but, when we recognise that some people have real problems with it, I do not believe the inducements should be allowed. It would also indirectly tackle the question of the provision of food and drink below cost and the impact that is having on small retail operators who are not in the position to cross-subsidise in the way in which clubs and pubs are. So, I am seeking to tackle two issues at once there.

There are also some things that we can do about the way gaming machines operate. In talking with licensees I have found that there is an increasing trend towards the 5¢ machines. On the face of it, that would suggest that we have many people who want to play on the cheap machines, therefore limiting their losses. The reality is that when you get on a 5¢ machine you are capable of making a bet that is 10 times the minimum amount on a single line, so you are capable of betting 50 cents on a line on the gaming machine and there can be five lines of figures displayed. So, even on a 5¢ machine, you find the minimum bet is in fact $2.50. You have a capacity on every spin, even on a 5¢ machine, to lose $2.50.

The other ploy they use on the machines is that your winnings are retained: it is no longer called money, it becomes credits and you have this number of credits sitting in the machine; it is no longer dollars. They are currently structured so that you can have a significant amount of winnings—or, perhaps, it might have been investment to start off with—sitting at the machine. It appears to me that we really should tackle the psychology of the machines and tackle the size of an individual bet. If you are on a 5¢ machine, if we reduce the size of the multiples then we

are, I think, making the machine a little more honest, in one sense, in that a small bet is a small bet. If you want to bet big, you go on to the bigger machines.

Also, the machines should not hold your winnings in terms of a substantial number of credits. I believe the machines should be encouraged to spit the money out and you should make a conscious decision to put the money back in again. In that way, I think the psychology of playing poker machines is a little more honest. If people are not aware of what I am talking about, they should go and play the 5¢ poker machines for a while and look at the way they work. The games are very intelligently designed to ensure that even the person who is going in to make the small bets gets drawn right in. A couple of simple changes that I propose there could have a substantial effect.

Importantly, what they do is slow down the rate at which you can lose money. When I made a submission to the inquiry, I said that we should look at the speed at which people can lose money on the machines. If you slow down the rate of loss, which can be done by reducing the multiples at which people bet, then you clearly slow down the potential for the overall loss. I have already touched on other questions in terms of allocation of moneys, but I repeat the point that I made earlier. I think that this Bill is terribly dishonest. It emerged from an inquiry that was looking at the victims of gaming machines. At the end of the day, the victims get $5.5 million—that is, some of the victims; many do not get any—and the Government gets $19.5 million. If that is not dishonest, I do not know what is.

The Hon. BERNICE PFITZNER: As you know, Mr President, I am also on record as not voting for these machines, but we have them now and we have to deal with them and their destructive impact on the community. Some members have chosen to speak of gambling and gambling addiction in scientific terms by discussing what is the definition of addiction and compulsive gamblers, stating that their prevalence is only 1 or 2 per cent—very small, they seem to say—and that gambling is not that bad. But, apart from the scientific point of view, let us look at the human face of gamblers in crisis. I will read from the newsletter of the Adelaide Central Mission of two such gamblers and show the human face of how they feel. The first one is as follows:

A young man, married with two children, is buying his own home and has two outstanding loans for furniture and a small car. He has been sacked from his secure job after auditors found several hundred dollars missing—criminal action is pending.

He had been playing gaming machines each lunch hour and lost the last three months' mortgage payments as well as the money he stole. He will find it difficult to obtain work. His wife is unwell and unable to return to her old job to supplement the Social Security payments. They may have to sell their house and car. Our counsellors [in the Adelaide Central Mission] are working closely with this family providing support in many ways with their relationship, food and budgeting on a limited income.

The other gambling crisis is described as follows:

A woman aged 62, lives alone and has recently retired. Except for an occasional X-Lotto entry, she has never gambled before. She went to her local hotel with friends and found the poker machines attractive, spending many hours each week trying for the big jackpot.

Like many gamblers, she was 'lucky' for a while and winning seemed easy. Inevitably she began to lose and found herself using her savings to try to recover her losses. Sometimes she won a prize, sometimes she won a reasonable jackpot, but nearly always went home with all available money gone. She has now used all her savings, feels ashamed and has even been lying to explain her absences from home.

She now attends Gamblers Anonymous meetings and receives support from her counsellors to help her find new interests to replace the time spent in front of the machines.

As the newsletter says, the need for that service has never been greater. So, we see the human face, with these two people. They may be only two in 100, but does that make the pain any less?

Now, on the Gaming Machines (Miscellaneous) Amendment Bill, it seems to me that it is with unseemly haste that others have targeted the millions of dollars in profit gained from the poker machines and determined where the profits ought to be dispersed. When we look at the original Bill it appears sensible and appropriate that $25 million be paid into the community development fund. I notice that this newest amendment provides that $2.5 million will go into the sport and recreation fund, $3 million into the charitable and social welfare fund and $19.5 million into the community development fund. This might possibly be satisfactory, given that the community development fund is distributed according to: (a) financial assistance for non-government welfare agencies; (b) financial assistance for community development; and (c) the provision of Government health, welfare and educational services.

We now have others wanting profit to go to sporting facilities and to small business, and I ask why not also to crime, drugs, domestic violence, child abuse and the environment? We are getting away from the issue of using the profits mainly to help the addictive or compulsive gamblers. As the fund is still being debated upon, I hope that the words used for the fund such as 'community development' will also include research into the aetiology of compulsive gambling and in that way help, if not to cure, perhaps to ameliorate the impact not only on the gambler but also on his or her immediate and extended family.

I now target the group of people and issues that we ought to be addressing, and in so doing would like to identify the difficulty that welfare services are facing, having to cope with those gamblers who have gone out of control, technically known as compulsive gamblers. Not much research on compulsive gambling has been done here in Australia, so I will have to refer to two major reports done recently. First, the report presented to the Minister for Community Services and Health in Tasmania in November 1992, entitled 'Inquiry into the social impact of the extension of video gaming machines beyond casinos in Tasmania' will be considered. In the executive summary we note the analysis of the nature of pokies as follows:

1. Video gaming machines are designed to maintain player interest for as long as possible. They do this by reinforcing those aspects of behaviour that lead to reward.

2. Video gaming machines are different from most other forms of gambling in that the time taken between stake and play is negligible.

3. Video gaming machines are a form of gambling which can be made accessible to a wide range of people both through its simplicity of use and its compact and transportable design.

4. Gaming machines are therefore a particularly addictive form of gambling.

We should note No. 4 in particular: that these machines are a particularly addictive form of gambling. The prevalence of compulsive gamblers varies; some research says it is 1.5 per cent, others up to 15 per cent. In chapter 6, entitled 'Social impact, effect on the gambler, the family and the wider community,' five areas are identified as being affected:

(1) personal health; (2) interpersonal relationships; (3) financial; (4) employment; and (5) legal.

I turn first to personal health. There is an increase in stress as gamblers attempt to recoup losses to cover up unpaid financial commitments and to continue to present a facade of normality to the outside world. Mental illness is present as evident in signs of depression and psychiatric disturbance, and there is therefore an increased demand for mental health services. There is a high rate of alcohol abuse, with all the attendant pathological effects. With respect to interpersonal relationships, 45 per cent of compulsive gamblers suffer a break-up in an important relationship. Further, domestic violence is a significant problem. With regard to employment, gamblers will often take time off work in order to gamble, and productivity is undermined; 60 per cent of compulsive gamblers report a loss of time at work due to gambling but only 9 per cent report the loss as a frequent occurrence; 41 per cent have changed jobs as a result of their gambling; and 22 per cent of gamblers have been sacked from a job because of their gambling.

With regard to financial difficulties, the statistics show that 72 per cent of compulsive gamblers spend more than they can afford, but the most disturbing pattern is the circular nature of the compulsive gambler in monetary difficulties continuing gambling as the only means of overcoming their financial difficulties. For 63 per cent of compulsive gamblers this is a common perception. Some 40 per cent of compulsive gamblers report borrowing money and not paying it back because of gambling. What the report labels 'legal difficulties' relates to criminal activity by compulsive gamblers in support of their addiction. This has yet to be evaluated. In conclusion, the Tasmanian report states:

> Taken singly, each of the abovementioned social impacts represents a powerful argument for Government's involvement in providing social service assistance to compulsive gamblers. Considered together the case its overwhelming.

This Bill will go some way towards providing this social assistance. The other report into pokies was commissioned in South Australia, tabled in November 1995 and entitled, 'Inquiry into the Impact of Gaming Machines in Hotels and Clubs in South Australia'. I detail sections in the report which are of interest. It states that gaming machines present particular concerns because they tend to produce the conditions which lead to problem gambling. Such conditions are:

· the high level of access;

· the opportunity to be exposed to machines in an environment where many people seek recreational opportunities;

· significant inducements (that is, cheap meals, drink and so on);

· focusing stimuli (the machine characteristics such as speed, lighting and so on);

· for some groups of people gaming machines act as a way of suspending their consciousness of troublesome, domestic and social situations;

· even for those on modest incomes the initial risk of noticeable personal loss from engaging in the activity is low.

This same tendency to become easily addicted to the pokies or gaming machine is also spelt out in the Tasmanian report. Further statistics of interest are that 6 per cent of the adult population who play weekly are more often likely to become problem gamblers. This 6 per cent accounts for 56 per cent of the total gaming machine expenditure. This 6 per cent will average $220 per month or $2 500 per annum. Of these people, 58 per cent have household incomes below $30 000 per annum and 81 per cent have personal incomes below this level. Further, 27 per cent of current gaming machine players have used EFTPOS facilities to access cash for playing the pokies. This Bill, therefore, has something to say with regard to the availability of EFTPOS machines.

Mr Vin Glenn of the Adelaide Central Mission presented evidence to the inquiry, and his evidence bears reiterating. The inquiry by the Adelaide Central Mission states that 60 per cent of problem gamblers were the result of pokie gambling and 40 per cent were related to the TAB and the Casino. With regard to pokie or gaming machine problem gamblers, the following information was provided.

(a) Gamblers by age/sex: clients have been 56 per cent females and 44 per cent males; 50 per cent of female gamblers are aged 45 years and 75 per cent of male gamblers are aged less than 45 years.

(b) Housing: 60 per cent of gamblers live in rental housing which is evenly divided between private and the Housing Trust.

(c) Family composition: 19 per cent were sole parents of which 14 per cent were receiving Social Security benefits; 46 per cent were single.

(d) Wage earners: 80 per cent were receiving less than $20 000 per year.

(e) Bankruptcy: 5 per cent of clients had petitioned for personal bankruptcy as a result of gambling debts.

(f) Pawnbrokers: 23 per cent of clients had used a pawnbroker in the past month and had an average of four items in pawn.

(g) Crime: 7 per cent of clients had been charged with offences and a further 10 per cent had obtained money from family and friends by illegal means, but no legal action will be involved.

Recently Mr Vin Glenn stated that this area of crime is of increasing concern and should be closely monitored.

(h) Social assistance that had been provided: clients sought the following assistance—food assistance, 34 per cent; utility accounts, 38 per cent; savings all used, 22 per cent; rent in arrears, 29 per cent; mortgage in arrears, 4 per cent; and other debts, 28 per cent.

Recently one client had committed suicide and three had made serious attempts to do so. The Tasmanian report was written under the auspices of the Tasmanian Council of Social Service Inc. and therefore tended to be rather biased towards identifying social impacts more dramatically. Whilst the South Australian report was produced by a committee whose background was mainly economic, I find the South Australian report rather vague and it seems to soft pedal the social impacts. My confidence lies with the small study done by Mr Vin Glenn from the Adelaide Central Mission. I feel that his report provides a snapshot of a disease that will grow. I hope that this Bill will provide the means to attempt to address this new and very destructive disease.

Some disturbing statistics were reported in January and February this year. In 1995 the turnover from pokies was $2.2 billion and the revenue was $276 million. Spending on poker machines is set to treble within three years, from $167 per adult per year to $450 per adult per year. South Australia at present has 8 047 pokies (since last December) and this figure will top 9 000 by June this year. In one year South Australia showed a player spending rate of $167 compared to Queensland, where there have been pokies for three years and the player rate is only $164. Last week the *Australian* quoted a former Victorian Public Advocate as follows:

Gambling is no longer a form of entertainment, but has become something pernicious.

A public inquiry entitled 'The People Together Project' agreed with this quotation. The project called on the Victorian Government and Opposition to place an immediate moratorium on further growth in the gambling industry until an independent social impact study could be conducted.

The committee concluded that gambling was contributing significantly to family breakdowns, homelessness and financial problems; that the introduction and advent of poker machines had resulted in a new group of people becoming problem gamblers; that advertising, locality of venue and Government promotion had encouraged gambling; that rural Victorian communities and businesses had been hit hard by the growth in poker machines; and that State finances were reliant on revenue generated from gambling.

It was claimed that in Victoria the opening of the casino and the advent of the pokies was too much too soon for the Victorian population. I feel that South Australia is in the same mode, but we seem to be continuing to install pokies, which will total 9 000 machines by June of this year. We seem determined to carry on inexorably until something breaks. In the meantime, we have this Bill which will provide some relief via tax on net gambling revenue.

I have mentioned the issues with regard to the Community Development Fund and the wrangling of the profits to other areas, mainly, I feel, for political purposes rather than for the care of the community.

The Bill also provides that gambling is prohibited on Christmas Day and Good Friday and during a continuous six hour period every 24 hours on all other days. But the question is: why do we not have fixed times? We can see that possibly adjacent clubs and pubs could collaborate to close and stagger times, and so provide gamblers, or problem gamblers, with an opportunity to continue to play by moving from club and pub to club and pub. Has the Hon. Mr Lucas considered that possibility?

I am also pleased to see that EFTPOS, automatic teller machines and other facilities are to be prohibited from being provided within the gaming areas. I support this Bill, although I find that it is all too little and too late.

The Hon. T.G. CAMERON secured the adjournment of the debate.

[Sitting suspended from 8.28 to 11.20 p.m.]

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

The following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council do not further insist on this amendment.

As to Amendment No. 6:

That the Legislative Council do not further insist on this amendment.

As to Amendment No. 7:

That the Legislative Council do not further insist on this amendment but make the following amendment in lieu thereof:

Page 6 (clause 6)—After line 9 insert new section as follows:

'Annual Report'

19CA. (1) The Council must on or before 30 September in each year prepare and deliver to the Minister a report on its operations during the preceding financial year.

(2) The Minister must within six sitting days after receiving a report cause copies of the report to be laid before both Houses of Parliament.

Page 8 (clause 6)—After line 12 insert new section as follows:

'Annual Report'

19JA. (1) A committee must on or before 30 September in each year prepare and deliver to the Minister a report on its operations during the preceding financial year.

(2) The Minister must within six sitting days after receiving a report cause copies of the report to be laid before both Houses of Parliament.

(3) Subsection (1) does not apply to a committee that is established on or after 1 July in a financial year and is dissolved before 30 June in the same year.

and that the House of Assembly agree thereto.

As to Amendment No. 8:

That the Legislative Council do not further insist on this amendment.

As to Amendment No. 25:

That the Legislative Council amend its amendment by leaving out 'second' and inserting 'fourth',

and that the House of Assembly agree thereto.

As to Amendment No. 27:

That the Legislative Council amend its amendment by leaving out subsection (2) and inserting the follow subsections:

(2) The Minister must by notice published in the *Gazette* set out conditions to which a permit granted under this Division in relation to animals of the species referred to in a regulation under subsection (1) will be subject.

(2a) The notice must be published in the same issue of the *Gazette* as the regulation.

(2b) Subsection (2) does not limit the imposition of other conditions under section 60C(6).

and that the House of Assembly agree thereto.

Consideration in Committee of the recommendations of the conference.

The Hon. DIANA LAIDLAW: I move:

That the recommendations of the conference be agreed to.

Members will recall that, when this Bill was last before this place, 36 amendments were made to the Bill, a number of which the other place cannot accommodate and we therefore went to a conference. I must add at this stage that in my view the House of Assembly was very accommodating of the views of the Legislative Council because, of those 36 amendments that we made to the Bill, the Minister and the other place were able to accept 30. So, when we went to conference we were left with six amendments to consider further.

Following extensive but amicable discussion, it is recommended that the Legislative Council do no longer insist on three of those amendments. They relate to, first, amendment No. 1, which relates to the objects of the Act. The Minister agreed—and members of the conference from this place in particular accepted his assurance—that he would meet with the Australian Democrats and the ALP, and together there would be an agreed position put forward to the consultative council in terms of the objects of this Act, and that in particular the new objects that would be proposed would relate to the whole ambit of the Bill rather than the restricted focus that it has been agreed is presented in the objects as they left this place, but also that they would embrace the issues of conservation and preservation. That is a position that all members accepted and I recommend that the Legislative Council do no longer further insist on our amendment in that respect.

Further, I recommend that Legislative Council do not further insist on its amendment No. 6, which relates, as does No. 7, to advice and the way in which that advice is received from the council to both the Minister and to wider sources. There was a great deal of debate about this matter in terms of the public interest and, in general, concern about the matters that may be debated by the advisory committee and how the

wider world would know what was being considered. The conference generally accepted that there was some merit in the Legislative Council arguments, but not in the form that we had moved the amendments. Therefore, it is recommended that the Legislative Council do not further insist on amendment No. 6, which relates to all advice being provided by the council to the Minister to be in writing, but that we also accept that there is a need for such advice.

The recommended approach is that there be two forms of annual reports. First, that the council must on or before 30 September of each year prepare and deliver to the Minister a report on its operations during the preceding year and that the Minister will within six days of receiving that report cause copies of that report to be tabled before both Houses of Parliament. Likewise, that a committee established under the terms of this Act, if it is established after 1 July but dissolved before 30 June, must also prepare such a report and, again, it must be provided to the Minister and the Minister, in turn, present it to both Houses of Parliament within six days of receiving that report. We believe that those recommended amendments to the earlier propositions before this place will accommodate our concerns.

Amendment No. 8 related to meetings to be held in public and it is recommended that the Legislative Council do not further insist on that amendment, believing that the annual report proposition that I have outlined will meet our concerns in that respect.

Amendment No. 25 addresses the issue of the taking of certain protected animals. The amendment that initially passed this place proposed that this section expire on the second anniversary of its commencement. The agreement reached at the conference is that it will expire on the fourth anniversary of its commencement.

The sixth amendment, No. 27, also generated some debate. A compromise proposal has been recommended to the Council that we continue with the regulatory proposal but not in the full form as it passed this place, and that we also agree that the conditions to be associated with the permit now be defined in the gazettal notice associated with the proclamation but not in the regulation. It is considered that this fine tuning of the issues that were of some concern before this place meets the objectives of the Legislative Council.

So, we now have a proposal that there be both gazettal notice accompanying the proclamation that sets out the conditions of the permit and that this must also be declared by regulation. However, that regulation will not define the conditions of the permit.

The Hon. M.J. ELLIOTT: I support the motion. By way of preliminary comment, I note that there has not been in this place any opposition to the underlying concepts of the Bill, those relating to commercialisation of our native wildlife or the recognition that there may be a need in some circumstances for culling of certain species. Whilst there has been no opposition to those propositions, it is fair to say that, in the community, there is some caution about some of those issues and a need for due care. What this place has done by way of its amendments—and I think it is still carrying through in the agreement of the conference—is to make sure that there are some checks and balances but not impediments in relation to those issues.

Recognising that this Bill for the first time has really looked in a significant way at commercialisation under the National Parks and Wildlife Act, although we have on a previous occasion entertained the question of the farming of emus as a particular species, I certainly saw a need for objects to be inserted in this Act to make quite plain that conservation and preservation of species and ecosystems is the prime role of this Act.

Whilst recognising that farming of native species and other things may occur, and that tourism would occur in national parks, there are other interests in relation to national parks and species as well. One does not have a National Parks and Wildlife Act in the first instance unless it is first to recognise the needs of conservation and preservation.

It is important that, as this Act becomes increasingly complex and starts taking account of a wide range of issues, not just the harvesting of animals but ultimately native title and a range of other things—and all these issues will become incorporated in this Act over time—there need to be objects to this Act. I believe that the Minister has recognised that need, and the conference has not insisted on objects being inserted on the understanding that the Minister will consult widely on this issue. I think there is a lively expectation that, in the relatively near future, we will see objects coming into this Act. If we do so, and if those objects are right, many of the fears that exist in the community will be allayed.

Regarding the amendments relating to the Council and to advisory committees, the agreement of the conference is that there be an annual report to Parliament of both the council and committees, or at least those committees that exist for more than a 12 month period. I cannot see the point in establishing committees if they are subject to the direction of the Minister, if the reports only go to the Minister, or if they have no role other than giving advice to the Minister himself. If that was the case, the Minister might as well set up committees himself, because they would have no other role.

If committees are to be set up legislatively to represent broad interests in relation to these parks, the public should benefit from it in some way. By way of an annual report to the Parliament, the public is receiving benefit from those committees and obtaining an understanding as to what those committees are doing. Otherwise, it is happening totally out of the view of the public eye. In my view, it would be totally pointless to incorporate it within the legislation.

I would have gone much further: I have been a long-term proponent of committees—whether parliamentary or otherwise—being open to the public because, in my view, the public distrusts groups that work behind closed doors and there is a great deal of suspicion about groups that do so. At this stage the resolution is that an annual report from these various groups that are established under the Act suffice, but it is an issue we may want to address at another time—not just in relation to this Act but other Acts as well.

Regarding amendment No. 25, which relates to the taking of protected animals, up until now there have been great limitations on taking protected animals and they have been expanded significantly. A sunset clause, which is four years away rather than two, has been inserted, and it gives the Government, the Minister and the National Parks and Wildlife Service a chance to demonstrate that this can be done in a responsible way and that the fears held by some members of the public are unfounded. If they are proved not to be unfounded, then beyond the sunset clause they would not be renewed. If everything works out, as people say it will, then there is nothing to fear. The original intention was a sunset clause of two years, but a compromise has been reached and a sunset clause of four years has been accepted.

Finally, I refer to amendment No. 27, which relates to trial farming. The Council has recognised in previous amendments the difficulties in having full management plans in place for

trial farming and the very lengthy consultation process which would be involved. As a minimum condition, the Legislative Council has insisted that before any species be trial farmed it should be proclaimed by regulation.

In my view, if the Minister in good faith has produced within permits a set of conditions that are reasonable, I do not think there will be any problems. I know that many people are concerned about giving a rubber stamp to the farming of native species because there are some potential downsides. They can be overcome with sensitive planning, and the existence of this clause will ensure that not only with the present Minister but also with future Ministers the trial farming stage will be handled sensitively. I support the resolutions of the conference. Although I have some reservations, the compromise at this stage seems reasonable.

The Hon. T.G. ROBERTS: In supporting the conference recommendations, the Opposition offers some congratulations to the conference, because there were two items about which there were major differences. However, we moved closer together as each objection was argued out, and the Minister's assurances were given around the table.

The first major one related to the objects. We are satisfied with the time frame that the Minister has set, namely, one or two sessions for the objects to be included. The Minister made that contribution in another place and was a little more descriptive about the objects that he would include. That will be the first challenge in negotiating those objects with the vested interest groups that have lobbied us all in relation to the presentation of the drafting of this Bill and finally through to the Committee stage and now through to the conference stage.

The legitimacy of the Government's position will be tested by the drawing up of those objects in the early stages of the consultation, and that is where the challenge for the Minister will be: to make sure that the preliminary stages of consultation through the committees (the consultative committee and the advisory committee) that he has put in place can be tested, and hopefully those objects will be subject to broad discussion.

The objects that we supported in the first instance were narrow, but the position that we held was that if there were to be amendments further down the track they could be the starting point for those objects. We accepted the Minister's negotiating skills and good sense and were able to come away with a guarantee that that would be carried out.

The whole purpose of the Bill was always going to be a subjective look at streamlining the process for encouraging investment in the commercialisation of our native species while protecting them and safeguarding community interests and, in particular, trying to reach a constructive position where the emotionalism surrounding the farming of native species would be taken out of the debate and the reality of commercialisation would be accepted.

I think that in the first instance the Government underestimated the potential for getting off on the wrong foot in such a radical move. Conservative Governments tend not to be seen to be radical, but this is a radical move in relation to how our national parks and the farming of our native species should be conducted. The previous Government would probably have brought in a Bill in similar form because no other State has put the debate into the public arena as we have in this State. We are a little further advanced. Others may say that we are dragging the chain, but I think that the Government has put the issue well in front of the public. The public now has an opportunity to make contributions and representations. Therefore, the challenge is now before the Government, with assistance from the Opposition and the Democrats, to make sure that the safeguards built into the Bill are advertised and supported.

I think that the other amendments on which we made compromises will be able to be implemented. The Government wanted us to consider using annual reports to advertise or alert members of Parliament about major developments taking place within the advisory committees. We accepted the Government's position on that, that it was not necessary for it to go to the ERD Committee, but did not rule out that if the ERD Committee did want to take on a brief emanating from the report it was quite within its responsibility and province to be able to do that and it did not tie the process down in unnecessary protocols that may have discouraged some investment strategists from taking any unnecessary risk, given that they may consider that another overlay of watchdog committees might lead to unnecessary interference in what they may regard as an investment strategy that needed a process for streamlining so that that investment was encouraged.

I still think that those people considering investing in this area need to take into account the safeguards that are inbuilt and would certainly not want to bypass the concerns put forward by the Democrats and the Opposition, because they would be putting their own investment at risk. The management plans and the amendments that we have put in relation to the regulations allow that to happen. The extension of the sunset clause, the amendments around the regulations and the conditions of the application for the permit provide those safeguards. I hope that the Minister takes up the challenge for the negotiations around the objects as soon as possible, and hope that we do not see the Bill back before us until the major changes to the national parks review occur.

Motion carried.

RACING (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That this Bill be now read a second time.

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

Leave granted.

The South Australian Racing industry is currently facing considerable difficulties and its long term viability as a significant employer and as a substantial contributor to the State's economy is in jeopardy.

At the outset, the Government would like to state that the intention of this legislation is not to take away the control of the racing from the industry. Instead, it is seeking to create a structure that will allow the industry to make major decisions in the knowledge that this Parliament has established a structure which will facilitate their effective implementation.

The Government believes the legislation should be viewed as an investment in the future of racing in this State.

There are several major structural changes that need to be made to overhaul the racing industry and put it back on a sound financial footing.

The first stage of a program of structural changes began with the amendments to the *Racing Act* in relation to the South Australian Totalisator Agency Board which were passed last week. There will be a new Board that will be comprised of members with wide business, commercial and legal experience. This Board will function in a more contemporary business manner with the goals of maximisation of profit, modernisation of the agency network and to develop a more relevant marketing profile for the TAB.

The Government believes that one of the keys to successfully revitalising this industry is increasing the amount of funds available to the three racing codes. There are, however, several other major structural changes that need to be made to overhaul the racing industry and put it back on a sound financial footing.

The introduction of this legislation is the next step in revitalising the industry.

The principal aim of this Bill is to see the South Australian racing industry returned to being the viable and thriving industry it has been.

The major structural change proposed is the establishment of the Racing Industry Development Authority. This Authority will be comprised of five members appointed by the Governor, with relevant commercial skills and experience and industry knowledge. The members will be independent of any racing industry statutory authority or race club committee.

In establishing this Authority the Minister will effectively be delegating certain powers and authority to a group of appropriately skilled and experienced individuals.

The three major functions of this new Authority will be the development of industry policy, the implementation of a system of financial accountability, including the distribution of funds, and the role currently undertaken by the Bookmakers Licensing Board. The key industry development areas to be addressed initially will be breeding, stakemoney subsidies, venue rationalisation, marketing and long term financial planning.

South Australia was once recognised as Australia's premier breeding State. However, over the last few years' the deterioration of the South Australian racing industry in relation to our interstate competitors has seen a significant and serious decline in the SA breeding industry. One of the major contributing factors has been the absence of an effective breeding scheme in South Australia while other States have successfully introduced schemes such as Victoria's VOBOS. These competitive schemes have seen many of South Australia's brood mares and bitches leave the State for servicing. Of particular concern to the horse racing codes, is the absence of any high quality stallions standing in the State. The breeding industry is an important and integral part of our racing industry and the new Authority will be looking at ways it can be stimulated.

Like the breeding industry, South Australia has fallen behind our major competitors in regard to minimum stakemoney. In Victoria the minimum stake paid for a metropolitan race is $34 000, in New South Wales it's $32 000, in Western Australia it's $25 000 whereas the South Australian stake is only $15 000. This imbalance is seeing a huge exodus interstate of South Australia's good horses.

Stakemoney in all codes needs to be increased. It is a widely held view in the industry that increasing stakemoney is imperative for the future survival of the South Australian racing industry and must be addressed as a matter of urgency.

The number and location of racing venues in both metropolitan and country South Australia also requires urgent attention. This Government realises that this is a difficult and sensitive issue but a coordinated and objective study must be undertaken regarding the future of many of our racecourses, an issue which the three codes have been largely unable to come to terms with.

The Government will ask RIDA to undertake the first stage of this study immediately with the intention of having a proposal for venue rationalisation available by December. This will enable the controlling authorities and race clubs to do some long term decision making.

The racing industry across Australia has progressively seen the benefit of actively marketing and promoting their product. In Victoria, the VRC has transformed the Melbourne Cup into the Spring Racing Carnival and in doing so made a good event into a extremely successful three week package. Western Australia, Queensland and New South Wales have all developed highly innovative marketing campaigns to promote their industry's products to varying degrees; these States are now seeing signs of a resurgence of interest in racing.

The profile of racing in South Australia must be increased otherwise we will fall further behind our competitors. It will be the brief of RIDA to research a new corporate image, provide assistance in the marketing and promotion of the industry and to develop a racing industry awareness campaign in conjunction with the industry and the TAB.

In addition, the new Authority will provide leadership and direction to the industry and will implement a system of improved financial accountability of both the controlling authorities and racing clubs. RIDA will work with the controlling authorities to develop and implement appropriate financial and business plans and strategies. One of the key issues RIDA will be requesting the industry to address is the viability of individual clubs. In the longer term, it is unsustainable that any club should continue to run at a loss, therefore any club in this situation will be asked by their controlling authority to provide a plan of how they intend to become profitable.

To enable it to carry out these tasks, RIDA will be empowered to request a controlling authority to furnish a yearly business plan, including a financial program on behalf of their sector of the industry. As well, it will be a requirement that the controlling authorities submit plans for the proposed distribution of funds to clubs within their codes for approval by RIDA.

TAB profits which in the past have been paid directly to the codes will now be paid to RIDA and distributed by that body to the controlling authorities. The existing distribution arrangements of 73.5% horse racing, 17.5% harness racing and 9% greyhound racing will be maintained.

Funds previously paid to the Racecourses Development Board will be paid into a RIDA Fund and applied at the discretion of RIDA. The application of this money will be for the benefit of the individual codes or for initiatives that will benefit the whole industry.

If the Government is going to put any new funds into the industry, it is going to need an assurance from the industry that proper accountability provisions have been put in place. It has been a constant concern to the Government that all three principal metropolitan clubs recorded significant losses in the last financial year and indications are that this trend is continuing. Having said this, there is no suggestion that there has been mismanagement on the part of the controlling authorities or the clubs, but the industry must take a more global approach, introduce stronger accountability measures and take on a more commercial focus if any additional funds are going to be put into the industry.

In order for RIDA to perform its functions, it will rely heavily on industry consultation. Therefore, it will be a requirement in the amended Act that RIDA consult with industry as well as providing an advisory function to the TAB on any of its non-core functions.

The legislation also includes a provision for a compulsory review of the role and functions of RIDA within five years of its establishment. This has been included to ensure that the body remains in existence for only as long as the functions it is performing are required. Should the industry have implemented the initiatives necessary to turn around their financial viability by putting in place appropriate accountability provisions and by substantially increasing their profitability and efficiency, the need for an authority like RIDA may no longer exist.

The second of the major structural changes will be the establishment of a new Thoroughbred Racing Authority to manage the horse racing code in the State. This Authority will be appointed by the South Australian Jockey Club and will be independent of the SAJC in its functions and responsibilities. The five members of this Authority will have relevant legal, marketing, financial, commercial and business skills and industry knowledge.

The new South Australian Thoroughbred Racing Authority (SATRA) will assume all the controlling authority functions in respect of regulating and controlling the horse racing code in this State.

The appointment of members to SATRA is by the Committee of the South Australian Jockey Club and not by the Governor as would usually be the case. The reason for this difference is due to the requirements of the Australian Rules of Racing which state, *inter alia*, that no Principal Club shall have on its Committee any person directly appointed or nominated by Government. The maintenance of'Principal Club Status' by the SAJC is extremely important as it allows the South Australian thoroughbred industry representation at a national level and enables it to participate in national racing agreements.

This change has the support of the SAJC Committee.

It is also proposed to change the names of the 'South Australian Harness Racing Board' and the 'South Australian Greyhound Racing Board' to the 'South Australian Harness Racing Authority' and the 'South Australian Greyhound Racing Authority' respectively. These name changes provide consistency in relation to the titles of all the industry related statutory authorities administered under the *Racing Act*.

In 1995, both the Harness Racing and the Greyhound Racing Boards commissioned reviews into the operations and management of their respective industries. A number of the recommendations of these reports were mutually inclusive.

One such recommendation was the need for independent Board representation to eliminate vested interest difficulties. This Bill proposes to implement this recommendation with the two authorities having independent representatives selected on the basis of relevant commercial skills and experience and industry knowledge.

Likewise, a further recommendation to allow both the Harness Racing Authority and the Greyhound Racing Authority to conduct race meetings and to operate a race course and its facilities has been included in the proposed legislation.

Both the SA Greyhound and Harness Racing Boards have indicated their support for these changes.

It is also proposed to abolish the Bookmakers Licensing Board and the Racecourses Development Board and transfer those powers and functions to RIDA. It is further proposed that staff from the above bodies together with staff from the Racing Division of the Office of Recreation, Sport and Racing be transferred to RIDA.

The amalgamation of the powers and functions of the Bookmakers Licensing Board and the Racecourses Development Board into RIDA rationalises the number of statutory authorities administered under the *Racing Act*. Furthermore, it also gives the responsibility currently vested in the Minister for Racing to the Authority.

The racing industry is a very important contributor to the South Australian economy and its value cannot be underestimated. The industry is a significant employer made up of a diverse group of interests, including owners, trainers and handlers, breeders, jockeys and drivers as well as race club members, race goers and, most importantly, punters. Without the punters, this industry cannot survive.

In order to maximise the potential of this industry, this Bill seeks to put in place structural changes that will ensure accountability for the expenditure of significant amounts of TAB generated funds. In conjunction, measures to increase operational efficiencies and accountability at all levels of industry will be implemented, including the TAB, the controlling authorities and the State's metropolitan and non-metropolitan race clubs. To enable this Bill to have immediate effect, provisions have been included to effect the vacation of offices of the current members of the remaining Boards on the commencement of the amending Act.

I commend this Bill to this Parliament and seek leave to have inserted in Hansard the detailed explanation of the clauses without my reading it.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

The amendments to section 5 are consequential on the other changes proposed to the principal Act, including the establishment of the Racing Industry Development Authority (RIDA), the acquisition by RIDA of the functions of the current Bookmakers Licensing Board and the Racecourses Development Board and the change of name of the controlling authorities. The controlling authority is—

- in respect of horse racing—the South Australian Thoroughbred Racing Authority (SATRA);
- in respect of harness racing—the South Australian Harness Racing Authority (SAHRA);
- in respect of greyhound racing—the South Australian Greyhound Racing Authority (SAGRA).

Clause 4: Substitution of Part 2

PART 1A: RACING INDUSTRY DEVELOPMENT AUTHORITY

6. Establishment of Racing Industry Development Authority

The *Racing Industry Development Authority* (RIDA) is established as a body corporate.

7. Constitution of RIDA

RIDA consists of five members appointed by the Governor on the recommendation of the Minister and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the horse racing, harness racing or greyhound racing industry.

A person is not eligible to hold office as a member if he or she is a member of a controlling authority, of a committee of a racing club or an officer or employee of a controlling authority or racing club.

8. Terms and conditions of office

A member is appointed for a term of office (not exceeding 3 years) on conditions determined by the Governor. This clause also provides for deputies to be appointed.

9. Remuneration, allowances and expenses

Members are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

10. Quorum, etc.

This clause provides for a quorum of 3 members and for other RIDA procedural matters.

11. Due execution of documents by RIDA

A document is duly executed by RIDA if it is sealed with the common seal of RIDA and signed by 2 members.

12. Validity of acts of RIDA and immunity of its members

An act or proceeding of RIDA is not invalid by reason only of a vacancy in its membership. No personal liability attaches to a member of RIDA for an act or omission under this Act by the member, or by RIDA, in good faith.

13. Disclosure of interest

A member who is in any way directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, RIDA must not fail to disclose the nature of his or her interest at a meeting of RIDA. A penalty of $5 000 may be imposed for contravention of this provision.

14. Functions and powers of RIDA

The functions of RIDA are—

- to assist and guide the development, promotion and marketing of the racing industry and the preparation and implementation of plans and strategies for the industry and its development, promotion and marketing;
- to manage the Funds established under proposed Part 1B and distribute the money in the Funds for the benefit of the racing industry in accordance with that proposed Part;
- to encourage and facilitate the development of the breeding industry for racing;
- to regulate and control betting within the State with bookmakers on races or approved events held within or outside Australia;
- at the request of the Minister or of its own initiative, to conduct inquiries into the racing industry or a part of the racing industry;
- to carry out or commission research and analysis in relation to the racing industry;
- any other function conferred on RIDA by this Act or any other Act or assigned to RIDA by the Minister.

RIDA must consult with relevant authorities and clubs in the racing industry in performing its functions.

Some of the functions given to RIDA include the current functions of the Bookmakers Licensing Board and the Racecourses Development Board. As will be seen from later amendments, it is proposed that these 2 Boards will cease to exist.

15. RIDA subject to general control and direction of Minister

RIDA is (except where it makes, or is required to make, a recommendation to the Minister) subject to the general control and direction of the Minister.

16. RIDA may require information from controlling authorities

RIDA may require a controlling authority to furnish it with information relating to the racing code for which it is the controlling authority (including financial information or business plans of any racing club within that code).

17. Delegation

RIDA may delegate to any member, officer or employee of RIDA any of its powers or functions.

18. Borrowing by RIDA

RIDA may borrow money from the Treasurer, or with the consent of the Treasurer, from any other person for the purpose of performing its functions under this Act. Such a liability is guaranteed by the Treasurer.

19. Investment by RIDA

RIDA may, with the approval of the Treasurer, invest any of its money that is not immediately required for purposes of this Act in such manner as may be approved by the Treasurer.

20. Accounts and audit

RIDA must cause proper accounts to be kept of its financial affairs and must in respect of each financial year prepare a

statement of accounts which must be audited by the Auditor-General.

21. Annual report

RIDA must, within 3 months after the end of each financial year, submit to the Minister a report on the conduct of the business of RIDA during that financial year, together with the audited statement of accounts of RIDA for that financial year which the Minister must cause to be laid before each House of Parliament within 12 sitting days.

22. Review of RIDA's operations

The Minister must, within 5 years after the commencement of this proposed section, cause a comprehensive review to be conducted of RIDA's operations and a report to be prepared and submitted on the results of the review.

PART 1B: FUNDS FOR RACING INDUSTRY

23. Establishment of Funds for racing industry

The RIDA Fund (established at the Treasury) is to consist of—

- the money derived from totalizator betting required to be paid to the Fund under Part 3;
- money paid to RIDA in repayment of a loan made by RIDA with money from the Fund;
- income from investment of money from the Fund;
- money paid to RIDA by a controlling authority for payment to the Fund;
- any other money received by RIDA that the Minister directs be paid into the Fund.

The SATRA Fund, SAHRA Fund and SAGRA Fund (also established at the Treasury) are each to consist of—

- the money derived from totalizator betting required to be paid to the Fund under Part 3 (in accordance with the percentages set out in section 69);
- income from investment of money from the Fund;
- any other money received by RIDA that the Minister directs be paid to the Fund.

24. Application of Funds

The RIDA Fund must be applied—

- towards its administrative costs;
- towards general racing industry initiatives determined by RIDA;
- otherwise for the benefit of the racing codes in accordance with plans from time to time prepared by the controlling authorities and approved by RIDA.

The SATRA Fund must be applied for the benefit of the horse racing code in accordance with plans prepared by SATRA and approved by RIDA. The SAHRA Fund must be applied for the benefit of the harness racing code in accordance with plans prepared by SAHRA and approved by RIDA and the SAGRA Fund must be applied for the benefit of the greyhound racing code in accordance with plans prepared by SAGRA and approved by RIDA.

PART 2: CONTROLLING AUTHORITIES

DIVISION 1—CONTROLLING AUTHORITY FOR HORSE RACING

25. Establishment of South Australian Thoroughbred Racing Authority

SATRA is established as a body corporate as the controlling authority for horse racing.

26. Constitution of SATRA

SATRA consists of 5 members appointed by the Committee of the South Australian Jockey Club Incorporated (SAJC Committee) and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the horse racing industry.

27. Terms and conditions of office

A member is appointed for a term of office (not exceeding 3 years) on conditions determined by the SAJC Committee. This clause also provides for deputies to be appointed.

28. Remuneration, allowances and expenses

The members are entitled to receive such remuneration, allowances and expenses as may be determined by the SAJC Committee and any such amount must be paid out of the funds of SATRA.

29. Quorum, etc.

This clause provides for a quorum of 3 members and for other SATRA procedural matters.

30. Due execution of documents by SATRA

A document is duly executed if it is sealed with the common seal of SATRA and signed by 2 members.

31. Validity of acts of SATRA and immunity of its members

An act or proceeding of SATRA is not invalid by reason only of a vacancy in its membership. No personal liability attaches to a member of SATRA for an act or omission under this Act by the member, or by SATRA, in good faith.

32. Functions and powers of SATRA

The functions of SATRA are—

- to regulate and control the horse racing code and the conduct of horse race meetings and horse races within the State; and
- to prepare and implement plans and strategies for the management of the financial affairs of the horse racing code and for the development, promotion and marketing of the code.

SATRA must, in performing its functions and exercising its powers, consult with RIDA.

33. Provision of information

If SATRA is required by RIDA to provide any information relating to the horse racing code, SATRA must comply with that requirement. A horse racing club must provide SATRA with such information as SATRA may require.

34. Delegation

SATRA may delegate to any member, officer or employee of SATRA any of its powers or functions under this Act.

35. Investment by SATRA

SATRA may, with the approval of the Treasurer, invest any of its money that is not immediately required in such manner as may be approved by the Treasurer.

36. Accounts and audit

SATRA must cause proper accounts to be kept of its financial affairs and must in respect of each financial year prepare a statement of accounts. The accounts and statement of accounts of SATRA must be audited by auditors appointed annually by SATRA. The Auditor-General may at any time audit the accounts.

37. Annual report

SATRA must, within 3 months after the end of each financial year, submit to the Minister a report on the conduct of the business of SATRA during that financial year, together with the audited statement of accounts of SATRA for that financial year which the Minister must cause to be laid before each House of Parliament.

38. Prohibition of certain race meetings

A person must not, except with the approval in writing of SATRA and in accordance with the conditions attached to such approval, hold a race meeting, or cause a race meeting to be held, at which a person licensed, or a horse registered, under the rules adopted or made by SATRA takes part in a horse race. The maximum penalty for such an offence is $5 000.

39. Rules of SATRA

SATRA may adopt (and make additions to) the *Australian Rules of Racing* as rules for the regulation, control and promotion of the sport of horse racing and the conduct of horse race meetings and horse races within the State.

DIVISION 2—CONTROLLING AUTHORITY FOR HARNESS RACING

40. Establishment of South Australian Harness Racing Authority

SAHRA is established as a body corporate as the controlling authority of harness racing.

40A. Constitution of SAHRA

SAHRA consists of 5 members appointed by the Governor on the recommendation of the Minister and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the harness racing industry.

40B. Terms and conditions of office

A member is appointed for a term of office (not exceeding 3 years) on conditions determined by the Governor. This clause also provides for deputies to be appointed.

40C. Remuneration, allowances and expenses

Members are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

40D. Quorum, etc.

40E. Due execution of documents by SAHRA
40F. Validity of acts of SAHRA and immunity of its members
40G. Functions and powers of SAHRA
40H. Provision of information
40I. Delegation
40J. Investment by SAHRA
40K. Accounts and audit
40L. Annual report
40M. Prohibition of certain race meetings

New sections 40D to 40M mirror the relevant provisions in respect of SATRA except that the new sections in respect of SAHRA relate to the harness racing industry.

40N. Rules of SAHRA

SAHRA may make rules for the regulation, control and promotion of the sport of harness racing and the conduct of harness race meetings and harness races within the State (including rules relating to the practice and procedure of harness race meetings, licensing and registration).

DIVISION 3—CONTROLLING AUTHORITY FOR GREYHOUND RACING

40O. Establishment of South Australian Greyhound Racing Authority

SAGRA is established as a body corporate as the controlling authority of greyhound racing.

40P. Constitution of SAGRA

SAGRA consists of 5 members appointed by the Governor on the recommendation of the Minister and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the greyhound racing industry.

40Q. Terms and conditions of office
40R. Remuneration, allowances and expenses
40S. Quorum, etc.
40T. Due execution of documents by SAGRA
40U. Validity of acts of SAGRA and immunity of its members
40V. Functions and powers of SAGRA
40W. Provision of information
40X. Delegation
40Y. Investment by SAGRA
40Z. Accounts and audit
40ZA. Annual report
40ZB. Prohibition of certain race meetings
41. Rules of SAGRA

New sections 40Q to 41 mirror the relevant provisions in respect of SAHRA except that the new sections in respect of SAGRA relate to the greyhound racing industry.

Clause 5: Amendment of s. 41A—Interpretation
Clause 6: Amendment of s. 41F—Registrar

These amendments are consequential on the establishment of RIDA as the authority with the responsibility of developing, promoting and marketing the racing industry as a whole in this State.

Clause 7: Amendment of s. 51—Functions and powers of TAB

The effect of this amendment is that the Totalizator Agency Board (TAB) must consult with RIDA with respect to any activity to be undertaken by TAB for the promotion or marketing of racing or the promotion or marketing of betting on racing.

Clause 8: Amendment of s. 63—Conduct of on-course totalizator betting by racing clubs
Clause 9: Amendment of s. 64—Conduct of on-course totalizator betting when race meeting not in progress
Clause 10: Amendment of s. 65—Revocation of right to conduct on-course totalizator betting

These amendments are consequential on the establishment of RIDA which was given functions in relation to the racing industry as a whole including the functions of the former Racecourses Development Board.

Clause 11: Amendment of s. 69—Application of amount deducted under s. 68
Clause 12: Amendment of s. 70—Application of percentage deductions
Clause 13: Amendment of s. 76—Application of fractions by TAB
Clause 14: Amendment of s. 77—Application of fractions by racing clubs
Clause 15: Amendment of s. 78—Unclaimed dividends

These amendments are consequential on the establishment of the RIDA, SATRA, SAHRA and SAGRA Funds.

Clause 16: Repeal of s. 79

This section is repealed as part of a general tidying up of the principal Act. A corresponding section prohibiting the conduct of totalizator betting on race results is enacted in the *Lottery and Gaming Act 1936* and prosecutions for such offences are proceeded with under that Act.

Clause 17: Amendment of s. 82A—Agreement with interstate totalizator authority—interstate authority conducts totalizator
Clause 18: Amendment of s. 83—Returns by authorised clubs

These amendments are consequential on the establishment of RIDA and the RIDA Fund.

Clause 19: Repeal of s. 84K

This section is repealed as part of a general tidying up of the principal Act. A corresponding section is enacted in the *Lottery and Gaming Act 1936* and prosecutions for such offences are proceeded with under that Act.

Clause 20: Amendment of heading to Part 4
Clause 21: Amendment of s. 85—Interpretation
Clause 22: Repeal of ss. 86 to 97

These amendments are consequential on the establishment of RIDA which was given functions in relation to the racing industry as a whole including the functions of the former Bookmakers Licensing Board.

Clause 23: Substitution of ss. 98 and 99

New section 98 has the same substantive effect as the repealed section 98 but is written in current terms. The repealed section 99 is obsolete. Stamp duties have not been payable on receipts for quite some time.

98. Financial provision

New section 98 provides that, except as otherwise provided by the principal Act, money received by RIDA under Part 4 must be paid to the Treasurer for the credit of the Consolidated Account.

Clause 24: Amendment of s. 100—Licences
Clause 25: Amendment of s. 101—Applications for licences
Clause 26: Amendment of s. 102—Conditions to licences
Clause 27: Amendment of s. 103—Terms of licences
Clause 28: Amendment of s. 104—Suspension and cancellation of licences
Clause 29: Amendment of s. 104A—Power to impose fines
Clause 30: Amendment of s. 105—Registration of betting premises at Port Pirie
Clause 31: Amendment of s. 106—Applications for registration of premises
Clause 32: Amendment of s. 107—Conditions to registration
Clause 33: Amendment of s. 109—Term of registration
Clause 34: Amendment of s. 110—Suspension and cancellation of registration
Clause 35: Amendment of s. 112—Permits for licensed bookmakers to bet on racecourses, at approved venues or in registered premises
Clause 36: Amendment of s. 112A—Grant of permit to group of bookmakers
Clause 37: Amendment of s. 112B—Revocation of permit
Clause 38: Amendment of s. 114—Payment to RIDA of percentage of money bet with bookmakers
Clause 39: Amendment of s. 116—Recovery of amounts payable by bookmakers
Clause 40: Amendment of s. 117—Licensed bookmakers required to hold permits
Clause 41: Amendment of s. 120—Board may give or authorise information as to betting
Clause 42: Amendment of s. 121—Unclaimed bets
Clause 43: Repeal of ss. 122 and 123
Clause 44: Amendment of s. 124—Rules relating to bookmakers

These amendments are consequential on the establishment of RIDA which was given functions in relation to the racing industry as a whole and, of particular relevance here, the functions of the former Bookmakers Licensing Board. Where a penalty is imposed for an offence provided for in this Part of the principal Act, the penalty has been increased and expressed in the current style.

Clause 45: Repeal of Part 5

Part 5 deals with the Racecourses Development Board. As a consequence of the establishment of RIDA, this Part is obsolete.

Clause 46: Amendment of s. 146A—Special conditions of appointment to bodies incorporated under Act

This amendment is consequential on the establishment of RIDA, SATRA, SAHRA and SAGRA.

SCHEDULE 1: FURTHER AMENDMENTS OF PRINCIPAL ACT

These amendments are of a statute law revision nature.

SCHEDULE 2: TRANSITIONAL PROVISIONS

The clauses in this schedule are of a transitional nature and deal with matters arising from the establishment of RIDA, SATRA, SAHRA and SAGRA.

Clauses 1 to 4 deal with the establishment of RIDA and the consequences in relation to assets, liabilities, staff, licences, rules, etc., of the former Bookmakers Licensing Board, the former Racecourses Development Board and the Office for Recreation, Sport and Racing.

Clause 5 deals with the establishment of SATRA and the consequences in relation to approvals granted and rules made by the SAJC Committee (the former controlling authority of the horse racing industry).

Clause 6 provides that SAHRA is the same body corporate as the South Australian Harness Racing Board.

Clause 7 provides that SAGRA is the same body corporate as the South Australian Greyhound Racing Board.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

PUBLIC AND ENVIRONMENTAL HEALTH (NOTIFICATION OF DISEASES) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this short Bill is to facilitate more rapid reporting of disease outbreaks. In his report into the death of Nikki Robinson, the Coroner was of the view that there was a need for a review of the provisions of Section 30 of the Public and Environmental Health Act. Section 30 currently provides that, where a medical practitioner becomes aware that a person is suffering from a notifiable disease or has died from a notifiable disease, the medical practitioner shall, as soon as practicable, and in any event, within five days of becoming so aware, report the existence of the disease to the South Australian Health Commission.

The Coroner indicated that there were several issues in relation to disease notification which needed to be reconsidered. The use of the expression 'is suffering from a notifiable disease' indicates that a definite diagnosis needs to have been made by the practitioner before there is a requirement to notify. In order to facilitate reports being made on a much earlier basis, it was recommended that notification be mandatory if the practitioner believes that the patient may be suffering from such an illness.

The maximum timeframe for reporting also came under review. The principal Act currently requires reporting as soon as practicable, but in any event, within five days of becoming aware that a person is suffering from or has died from a notifiable disease. It was the Coroner's view that this was too long in relation to infectious disease epidemics.

The Bill therefore makes reporting mandatory on suspicion of the relevant disease, that is, without waiting for laboratory confirmation, a second opinion or evolution to certain diagnosis. The report must still be made as soon as practicable, but the maximum timeframe is shortened to three, rather than five, days.

The Bill makes a further amendment designed to clarify reporting responsibilities. Currently, a medical practitioner is not required to report a notifiable disease to the Commission if the practitioner knows or reasonably believes that a report has already been made to the Commission. However, taking into account the Coroner's observations and in the interests of early reporting and clarity of reporting responsibilities, that exception is to be removed. This will mean that the Commission will have available to it both the doctor's notification and the advice from laboratories.

The Coroner also recommended that consideration be given to making HUS (haemolytic uraemic syndrome) and TTP (thrombotic thrombocytopaenic purpura) notifiable diseases. This matter is being considered by the Communicable Diseases Network of Australia and New Zealand, since it is obviously desirable that there be national uniformity of terminology and case definition if such action is to be taken. As Honourable Members may be aware, the mechanism for adding to the schedule of notifiable diseases is by regulation. Once the matter has been resolved by the Communicable Diseases Network, it may come before this House in the form of subordinate legislation.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 30—Notification

This clause amends section 30 of the principal Act. Section 30 currently provides that where a medical practitioner becomes aware that a person is suffering from, or has died from, a notifiable disease, the medical practitioner must report the existence of the disease to the South Australian Health Commission. The practitioner is required to do so as soon as is practicable and, in any event, within five days of becoming aware that the person is suffering from, or has died from, the disease. This amendment changes the requirement that the practitioner report the matter to the Commission where he or she becomes aware of the disease to a requirement to report where he or she suspects that the person is suffering from, or has died from, the relevant disease. That report must still be made as soon as practicable but must now be made within a maximum of three days rather than five days.

This clause also removes an exception to the reporting requirement. Currently, under subsection (4) of section 30, a medical practitioner is not required to report a notifiable disease to the Commission if the practitioner knows or reasonably believes that a report has already been made to the Commission. This amendment repeals that exception to the normal rule.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

SOUTH AUSTRALIAN MEAT CORPORATION (SALE OF ASSETS) BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill is to authorise and facilitate the sale or lease of the assets and undertaking of the South Australian Meat Corporation ('SAMCOR').

It is intended that this asset sale will be concluded in the next few months.

SAMCOR was established in 1934 as the Metropolitan and Export Abattoirs Board and changed its name to South Australian Meat Corporation in 1972.

SAMCOR operates an abattoirs at Gepps Cross where it conducts the business of slaughtering livestock for the production of meat and meat products for human consumption. It provides the slaughtering service for a fee for its customers. It does not itself own any of the livestock presented to the abattoirs for slaughter. SAMCOR also operates a by-products (rendering) plant.

SAMCOR slaughters cattle, sheep, pigs and goats. In 1994/95, SAMCOR slaughtered 96 439 cattle, 556 359 sheep and 138 987 pigs which represented a 55% utilisation of its capacity.

Due to under-utilisation, high fixed costs and the fact that SAMCOR is entirely dependent on its customers for throughput, SAMCOR has continued to record financial losses. SAMCOR's losses in 1992/93 were $2.494 million, in 1993/94 were $0.486 million and in 1994/95 were $3.273 million. These have been funded from SAMCOR's own cash reserves, however losses in the 1995/96 year are expected to exceed SAMCOR's remaining reserves.

This sale is important in that it will enable a continuing burden on the State's finances to be eliminated. It is no longer appropriate that Government operate an abattoirs. This service is adequately provided by the private sector. The Australian and South Australian

meat processing industry has and continues to suffer from over-capacity in slaughter facilities.

South Australia has seven export registered and seven domestic abattoirs in a relatively confined space. Existing capacity utilisation across the State is estimated at no more than 50%. South Australia is well supplied with abattoir services.

If at all possible, the Government is most anxious to sell the abattoirs as a going concern. This will not only maximise the price obtainable but should enable a significant number of the existing employees to continue to have employment.

In selecting a purchaser, the Government will not determine the matter on price alone. Although price is a key objective, it is a matter to consider along with the other objectives of:

- achieving economic benefits to South Australia;
- ensuring fair and equitable treatment of SAMCOR employees;
- ensuring, as far as it is possible to do so, the Government carries no residual responsibility for or liability from its prior ownership of the assets and business;
- ensuring a viable pro-competitive ownership structure for the business post-sale;
- maintenance of good relations with existing suppliers and customers; and
- achieving a timely sale.

Government has paid particular attention to the plight of SAMCOR's employees in the sale and is endeavouring to secure ongoing employment for as many employees as possible. Communication and negotiations with unions and employees has been ongoing. Government is proposing to offer a generous above-Award and above-industry standards redundancy package to apply to employees who do not receive job offers. Details of this package are still being finalised.

The Bill enables the Treasurer by agreement with a purchaser to sell the assets and undertaking of SAMCOR and, if necessary, to lease all or part of its land, buildings, fixtures and plant to a purchaser or other party.

In order to avoid continuing financial losses, the Treasurer is given power to close down the abattoirs if that is the only option available.

Small parts of the Gepps Cross land not required for the business are leased out to various bodies in general for purposes unassociated with the conduct of the abattoirs. Subject to their accommodation in the sale of the abattoirs, it is proposed that these parcels be divided from the main parcel and leases in respect of them continue with the bodies concerned or a separate sale of the subdivided parcels effected. Subclauses 14(2) and 14(3) have been included in the Bill to facilitate these lease arrangements.

Once the abattoirs is sold, there will be no need for SAMCOR to be managed by a board. It is proposed that at that stage SAMCOR will convert to a corporation constituted of the responsible Minister who will take over the conduct of the winding up and dissolution of the corporation.

I commend the Bill to Honourable Members.

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

Clause 4: Territorial application of this Act

This clause applies the Bill outside the State to the full extent of the extra-territorial legislative power of the State.

PART 2

SALE OF ASSETS

Clause 5: Sale of assets

This central clause authorises the Treasurer to enter into an agreement for the sale of assets of the SA Meat Corporation. The clause provides that any balance from the net proceeds of the sale, after discharging or recouping outstanding liabilities of the Corporation, must be used for retiring State debt.

Clause 6: Lease of land

This clause enables the Treasurer to lease Corporation land on behalf of the Corporation.

Clause 7: Transferred instruments

This clause allows the sale agreement to provide for the modification of instruments to enable the purchaser to succeed to rights and liabilities as a consequence of the sale.

Clause 8: Registering authorities to note transfer

This clause allows the Treasurer to require a registering authority to make relevant entries relating to a sale agreement.

PART 3

PREPARATION OF ASSETS FOR SALE

Clause 9: Preparation of assets for sale

This clause authorises relevant persons to prepare for the sale including by making relevant information available and providing assistance to prospective purchasers authorised by the Treasurer.

Clause 10: Authority to disclose and use information

This clause provides protection to persons involved in that process.

Clause 11: Evidence

This evidentiary provision allows matters relevant to preparation for a sale to be certified by the Treasurer.

PART 4

MISCELLANEOUS

Clause 12: Effect of things done, authorised or allowed under this Act

This clause protects the parties to a sale agreement from adverse consequences through entering the agreement and prevents a sale agreement from having unintended consequences.

Clause 13: Closure of Gepps Cross abattoirs

This clause enables the Treasurer to close the abattoirs to avoid continuing financial losses and provides for the winding up of the affairs of the abattoirs.

Clause 14: Interaction between this Act and other Acts

This clause provides that the *Land and Business (Sale and Conveyancing) Act 1994* and Part 4 of the *Development Act 1993* (and consequently the requirement for a Part 4 certificate under section 223ld of the *Real Property Act 1886*) do not apply to a sale.

Clause 15: Accounts and audit—95/96 financial year

This clause requires the current members of the Corporation to prepare accounts for 1995-1996 and to have the accounts audited.

Clause 16: Regulations

This clause provides general regulation making power.

SCHEDULE

Consequential Amendments to South Australian Meat Corporation Act 1936

The schedule amends the current Act, including by providing that the Corporation is constituted of the Minister and allowing the Corporation to be dissolved by proclamation.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

TRAVEL AGENTS (MISCELLANEOUS) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 11.56 p.m. the Council adjourned until Wednesday 3 April at 2.15 p.m.