LEGISLATIVE COUNCIL

Monday 26 May 2003

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 57, 213, and 250.

EXPIATION OF OFFENCES

57. **The Hon. DIANA LAIDLAW:**

1. (a) How many applications, under the provision of the Expiation of Offences (Trifling Offences) Act 2001, have been lodged seeking a lower penalty; and
   (b) What are the categories of offences?
2. How many applications have been approved, rejected or are yet to be heard?
3. (a) Of the applications approved to date, what has been the reduction in penalty in each instance; and
   (b) For which offences?

The Hon. T.G. ROBERTS: The Minister for Police has provided the following information:

No formal applications (under the provisions of section 8A of the Expiation of Offences Act 1996) have been lodged with SAPOL for a review of a notice on the grounds that the offence to which the notice referred was trifling.

It should be noted that section 8A only allows for the unconditional withdrawal of an expiation notice, not for a reduction of penalty. An application for reduction of penalty can only be made to a court pursuant to the Criminal Law Sentencing Act.

BUDGET, MID YEAR REVIEW

213. **The Hon. R.I. LUCAS:** In relation to table 2.1 of the mid year budget review, will the Treasurer provide a detailed breakdown of the costings of cabinet decisions which impact on the forward estimates?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

Decisions taken by the government in cabinet are subject to the rules of cabinet confidentiality.

The financial impact of these decisions across the forward estimates is readily discernible from table 2.1 of the 2002-2003 mid year budget review.

SOUTHERN SUBURBS

250. **The Hon. CAROLINE SCHAEFER:**

1. Which specific government boards and/or committees under the portfolio of the southern suburbs is the minister intending to abolish?
2. How much money will be saved by axing these bodies?

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. There are no boards and committees established under the southern suburbs portfolio.
2. Nil.

WHEAT STREAK MOSAIC VIRUS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I would like to inform the council of the latest developments with regard to wheat streak mosaic virus (WSMV). As honourable members are aware, on 24 April 2003 Primary Industries and Resources South Australia received confirmation from CSIRO Plant Industries that a sample of wheat from an experimental planting at the Waite had tested positive for WSMV. Under the provisions of the Fruit and Plant Protection Act 1992, quarantine orders were established at the Waite site to assist in the containment. Hosts of WSMV (plants and plant material, including seed) have been required to remain on site. The area from which the positive sample was detected has been secured, and appropriate miticide treatment has been applied.

A national survey program of cereal breeding sites across Australia has been fast-tracked following the detection at the Waite. Sampling is also being undertaken at other sites within the state. This extensive sampling program will target those areas where the vector of the virus—the wheat curl mite—is expected to be present all year. The virus was subsequently detected at two additional sites: the University of Adelaide's Roseworthy campus and a farm in the South-East region at Bordertown. Both sites also had quarantine orders issued to minimise the chances of further spread while initial targeted national surveys were completed.

The National Consultative Committee on Wheat Streak Mosaic Virus met via teleconference on 20 May 2003. The committee considered the available results of further testing from across the country. Testing results from targeted surveys in South Australia over the past two weeks have now demonstrated the presence of WSMV across most of the cereal belt in South Australia, as well as at cereal breeding sites.

Besides being detected in trial plantings and volunteer cereals, the virus has been detected in roadside weeds. A total of eight sites, many unrelated, have been confirmed. A further five sites have returned positive readings and are awaiting confirmation. On the basis of the very widespread presence of the mite vector (the wheat curl mite) and the widely dispersed detection of WSMV across South Australia's cereal belt, the consultative committee agreed that the virus is established in South Australia and is not able to be eradicated. The current situation in other states still remains unclear as testing of samples is continuing. Victoria, however, has announced that the virus has been confirmed at nine sites and that seven of these are not associated with research establishments. Queensland had previously indicated that it does not believe the virus is eradicable at the Leslie Research Centre at Toowoomba.

To date, the virus has been confirmed in Queensland, New South Wales, Victoria and South Australia. Testing is continuing in Western Australia. The national management group, which is made up of commonwealth, state and territory chief executives, met to consider the situation on Friday 23 May 2003. However, it decided that the current quarantine measures will remain in effect. Although the NMG agreed that eradication of the disease is unlikely to be feasible, it deferred a decision on an eradication program pending further advice from ABARE on the costs and benefits of such an eradication program and an assessment of the potential economic impact on the Australian wheat industry. This advice has been sought within a week, during which time further surveys will be conducted.

In addition to the above, urgent work is being undertaken to develop protocols for the states and territories to manage the situation. These will include protocols for this season's wheat breeding programs and advice to growers. A range of questions remains to be answered in relation to WSMV, including: whether the virus is seed transmitted and, if so, what impact this may have; the susceptibility of wheat and other hosts to the virus; what impact the virus is likely to have; and the level of resistance to the virus in commercial

varieties within Australia. A nationally coordinated research approach will be required to work through these issues.

It is my intention to establish a task force to develop an appropriate state response. This task force will include representation from the major industry groups, including the South Australian Farmers Federation Grains Council and the Advisory Board of Agriculture. On the basis of the national management group decision, the quarantine orders that are currently in place on three initial detection sites in South Australia will remain, that is, at the Waite precinct, Roseworthy and a farm in the South-East. However, given the widespread distribution of WSMV across South Australia's cereal belt, it is not proposed to apply additional quarantine orders. At this stage the origin of the infections is still unknown.

SHOP TRADING HOURS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to shop trading hours reform made earlier today in another place by my colleague the Minister for Transport.

QUESTION TIME

ACCESS ECONOMICS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Treasurer a question about Access Economics.

Leave granted.

The Hon. R.I. LUCAS: Two weeks ago, Access Economics released its State and Territory Budget Monitor No. 56 Report, which (as the name suggests) is an assessment of the budget position of states and territories. My attention was drawn to the Executive Summary of the report (page 1), which looks at the 'South Australian budget position for the state sector medium-term projections (by state)'. I acknowledge that the state sector is a combination of the general government sector and the Public Non-Financial Corporations (PNFC) sector. For the state sector for the last budget of the Liberal government (2001-02), the actual result was a surplus of $5 million on the accrual measure of net borrowing. The report indicates that the government estimates an accrual deficit for this year of $32 million; Access Economics estimates (on the current policies of the new government) an accrual deficit of $157 million next year and $192 million in two years.

In summary, the last Liberal budget (according to Access Economics) had an accrual accounting surplus of $5 million (when one looks at the state sector), increasing under the new government to a $192 million accrual deficit. I am sure members would acknowledge that that is somewhat different from the claims that have been made by Treasurer Foley in relation to the alleged black hole left by the former government in the government's proposed programs in relation to the budget. I also understand that the Treasurer has sent copies of this Access Economics report to some journalists with a covering note indicating that, whilst he did not agree with everything, this is a pretty good indication of the state of the budget in South Australia. He recommended that some journalists, who were commenting on the state of the budget, ought to look at what Access Economics was saying about the states and their budgets. My questions are:

1. Does the Treasurer agree that, under the last Liberal government budget (2001-02), there was an accrual budget surplus of $5 million in the state sector and that under the Rann government's proposals there will be a significant increase in the accrual deficit over the next three years, as projected by Access Economics?

2. Has Treasury had any discussions with Access Economics as to the reasons why Access Economics believes that the state sector (as opposed to the general government sector) is the better measure of the performance of state and territory governments in relation to budget policy?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Treasurer. However, I make one comment: that, of course, towards the end—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No, I do not think that I will be in trouble at all, Mr Redford. On coming to office on 6 March 2002, the Rann government immediately took a number of steps to address the financial situation in which the state found itself. As I have recounted to this chamber on a number of occasions, there were many areas where the previous government had unfunded programs into the future, and many of those were dealt with in the first budget of the Rann government—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I think the honourable member should wait until the budget comes out this Thursday, and then we can have a much more enlightened debate on the financial situation facing this state.

ABORIGINAL LANDS STANDING COMMITTEE BILL

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the proposed standing committee bill.

Leave granted.

The Hon. R.D. LAWSON: The opposition has received a copy of a letter written by Dr Archie Barton AM, the administrator of the Maralinga Tjarutja people. The letter refers to a communication which he received by fax on 14 May from the minister's office concerning a proposed Aboriginal lands parliamentary standing committee bill, which the minister said he intended to introduce during this parliamentary sitting week. Dr Barton's letter to the minister says:

> This bill represents a potentially significant change in government direction regarding the nature of working relationships between Aboriginal communities, government and parliament. To date there has been no process for communicating and negotiating with Maralinga Tjarutja regarding these changes by you as minister or the government.
>
> It is essential that we be briefed, preferably in writing, of how this new approach will implement the government's platform of improving self-determination and self-management among Aboriginal peoples. Frankly it is likely it will be viewed by some as initiating a return to paternalism unless proper processes are followed. . . It will be necessary for the bill to be fully discussed in the community and as such it would not be possible to meet the deadline you have set in the letter for a response.

My questions are:

1. Did the minister meet with Dr Barton at the recent and much publicised visit of ministers to Ceduna and Oak Valley? Did he then speak to Dr Barton about the proposed bill?

2. Does the minister agree that the Maralinga Tjarutja people were not consulted in regard to this proposed bill?

3. Were any other Aboriginal communities and organisations consulted in relation to the bill and, if so, which bodies were consulted?

4. Is the minister prepared to commit to undertaking prior consultation with Aboriginal communities before introducing legislation of this kind?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important questions and, if I were shadow minister for Aboriginal affairs, I, too, would have concerns if the accusations were accurate. We did meet with Dr Barton in Ceduna when the community cabinet visited. We do have a proposed bill, which, before its introduction, we intend to discuss more widely with the affected bodies, that is, the Aboriginal Lands Trust, the Maralinga Tjarutja and the Anangu Pitjantjatjara people. We discussed with them a proposal to put through a bill which reignites the three committees. The Aboriginal Lands Trust committee is operating under statute. I understand that the other two committees have not met for some considerable time. Certainly, under the previous government—

An honourable member interjecting:

The Hon. T.G. ROBERTS: That is what we are doing now. I understand that the timetable for the sunset clause to be triggered is that we now have to either introduce separate bills to rekindle the two bills—that is, the Maralinga and Anangu Pitjantjatjara—or look at an alternative strategy. The government has considered and taken on board some of the criticism made to the previous government. Rather than have three individual committees to look after the three land-holding bodies and report to parliament, it is the considered opinion of the government that we have one committee to look after the three land-holding bodies, so that we have an understanding by a broader range of people, if you like, in both houses.

We intend to have a joint house committee comprising three members of the lower house, three members of the upper house and me as chair. That is the proposal. It does not undervalue or undermine the activities of any of the land-holding bodies as they stand. The land-holding bodies will remain intact, but, in partnership, it will allow for the parliament to have a connection with the land-holding bodies and for the land-holding bodies to report to parliament on their progress throughout a financial year. We have done that to ensure that the land-holding bodies themselves are responsible, too, to parliament because they are in receipt of public funding. We will be consulting more widely. I understand that Dr Archie Barton is opposed to that position. I am not sure of the date of the letter, whether it was before or after we met in Ceduna—

The Hon. R.D. Lawson: It was 23 May, last Friday.

The Hon. T.G. ROBERTS: That is quite recent. Since we have met, I take it that is the view of Dr Archie Barton. I am not sure on whose behalf he is speaking, but we will be talking more widely to a range of people about the proposal. In relation to other organisations to which we have spoken, we spoke to the AP people last week. They have agreed in principle to the proposal that we have put forward, but they are seeking their own separate legal advice. We agreed that that would be a course of action for them to take. They would have done that under their own steam anyway, but we have said, 'This is the proposal the government has. Have you any objections to the form of the bill in which we have put forward the proposal?' We have indicated a time frame. When dealing with Aboriginal communities in remote and regional areas, we have to make concessions, and that includes Dr Archie Barton and the people he represents.

We will take into account the isolation and the difficulty that people have in consulting with their legal representatives, and their advisers, but we will not move into a situation where we do not get broad agreement across the bodies in relation to those interests that have been set up. But we will be setting up a committee that will take into account those three considered bodies. We have consulted with the Aboriginal Lands Trust, and we have indicated our views to the ALT.

So those negotiations will go on. We would like the broad agreement of the groups as soon as possible. I think a parliamentary committee to oversee the act for the Maralinga Tjarutja people is responsible legislatively. Certainly, our visit to the areas over there shows that a stronger government interest in partnership is required because of the state of some of the communities over there. The situation is no different in the Maralinga Tjarutja lands than what we have found in the AP lands, and that is that a whole range of service provisioning within those communities has deteriorated over time. So, we will be following through on our responsibilities, but we will be discussing, broadly.

TRAMS

The Hon. DIANA LAIDLAW: I seek leave to make a short explanation prior to asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question on the subject of new trams.

Leave granted.

The Hon. DIANA LAIDLAW: Last Saturday the Premier and minister announced a government plan to purchase nine low-floor trams, to retain five of the heritage trams refurbished by the former Liberal government, to upgrade the track between Victoria Square and Glenelg, and to keep alive the option to extend the line at some time in the future. With one exception—that is, who funds and manages all the improvements—the government plan is identical to the statement I made as minister of transport on 10 June 2002, some 16½ months ago, foreshadowing advertisements calling for private sector companies to register an interest in working with TransAdelaide to upgrade Adelaide's tram services.

At the time I highlighted that the use of private sector capital would fast track the new investments and release precious state and taxpayer funds to other critical capital works projects such as schools and hospitals. It would also involve an operational structure modelled on the successful Transit Plus bus contract in the Adelaide Hills, a joint venture between TransAdelaide and Australian Transit Enterprises.

I understand that, following that call for expressions of interest, some 70 registrations of interest were received from the private sector. The government, however, chose to abort that process. But, as part of a package of mixed messages, it did not abandon the public/private partnership concept for the purchase of new trams. I note that the one and only project promoted by the South Australian government at its Private Public Partnerships Conference, on 17 and 18 April last year, was for the public/private partnership purchase of trams. I ask the minister the following questions:

1. When and why did the government abandon the public/private sector partnership investment model for the purchase of new trams and the upgrading of the track?

2. Will the minister table in the Legislative Council all papers prepared by the Department of Transport and Urban Planning and the Public Private Partnership Unit in the Department of Treasury and Finance, assessing the merits of purchasing trams on the capital budget, as opposed to a public/private partnership approach?

3. With the new trams, does the government intend to continue to employ conductors to check and sell tickets?

4. What work force will be engaged to operate and maintain the trams compared with the current work force levels?

5. Will the tenders for the trams and track work be called for and assessed by TransAdelaide; if not, why not?

6. Will the new trams and track work be owned, operated and maintained by TransAdelaide; if not, why not?

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

AQUACULTURE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the status of future aquaculture zones and the completion of scientific investigations and studies.

Leave granted.

The Hon. CARMEL ZOLLO: Planning for marine aquaculture and management of marine aquaculture in general is complex. Some years ago, the government recognised the need for greater emphasis on research and scientific investigation into how marine aquaculture zones were determined, and the knowledge required to provide government and community with confidence in the way management strategies were applied. Can the minister provide an update on the new status of management zones for aquaculture in the state?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): PIRSA aquaculture has recently completed comprehensive technical investigations to support reviews of aquaculture management policies throughout the Upper, Central and Lower Spencer Gulf, the Far West Coast, Gulf St Vincent (incorporating Lower Yorke Peninsula), and the South East. These investigations will now form the basis for decisions on the viability and environmental compatibility of aquaculture in a number of areas throughout the state. They will be an essential part of my department's review of aquaculture management plans previously established under the Fisheries Act.

In addition, the investigations will support the broader aquaculture policies that are required for the industry to grow in an orderly and sustainable manner. The investigations were undertaken in two phases. Phase 1, which consisted largely of a desktop review, gathered available information on biological, physical and socio-economic aspects in each of the regions. Phase 2 incorporated the results from phase 1, identifying 17 potentially suitable aquaculture areas to undergo more detailed site-specific investigations, including the collection of benthic data (which is that relating to the sea floor), carrying capacity estimates, water quality, currents, waves and environmental issues.

The policies and aquaculture management plans stemming from the investigations will determine the future availability of sites for sustainable aquacultural activities in the state. The release of additional sites will be critical in the achievement of full cost recovery and will provide confidence and certainty for future investment in marine aquaculture in the state. The information obtained from the technical investigations will be integrated into the marine planning process which is currently being undertaken by PIRSA and the Department for Environment and Heritage. In excess of $1.2 million has been committed by PIRSA for aquaculture over the past three years to conduct extensive investigations in support of the planning and zoning of aquaculture regions. Reviews of previous aquaculture management plans will be an ongoing commitment to ensure that the policies relating to zones remain relevant and allow for effective management.

The introduction of the Aquaculture Act in 2001 provided an opportunity to develop planning practices which better reflect management needs for the industry, the government and the community in South Australia. To this effect, management plans produced prior to the introduction of the Aquaculture Act should now be seen only as a guide to the type and level of aquaculture which was seen as appropriate to an area. These plans are to be phased out and progressively replaced with management policies which are established under the new Aquaculture Act.

AGRICULTURE, SINGLE DESK MARKETING

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the shadow minister for agriculture, the Hon. Caroline Schaefer, a question about single desk marketing.

Leave granted.

The Hon. IAN GILFILLAN: It has been interesting to see in South Australia what appears to have been a somersault by the Liberals, under the threat of curtailment of payments due from the national competition compliance regime, on shop trading hours. It has been circulated in rural sectors, that have communicated with me, that the Leader of the Opposition (Mr Rob Kerin) has indicated that the Liberals would not want to put at risk competition payments to the state if it meant holding to single desk marketing. I invite the shadow minister to allay the concern in the minds of wheat and barley growers in South Australia by assuring them that the Liberal Party will continue to back single desk marketing of both wheat and barley.

The Hon. CAROLINE SCHAEFER: As Mr Gilfillan knows full well, single desk marketing of wheat is controlled at a federal level by a privately listed company—that is, the Australian Wheat Board—with the concurrence of the federal government, and the decision of any state government will be immaterial when single desk marketing is applied to wheat. At this stage, the position of the state opposition is that it is still committed to single desk marketing. The honourable member would also be well aware that the Barley Act is under review by the competition policy body. Until I and my party see the results of that, we will not be changing our current position.

The PRESIDENT: I believe that that was the shadow minister's maiden question.

POWER SUBSIDIES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Government Enterprises a question about power subsidy for carers.

Leave granted.

The Hon. A.L. EVANS: The Carers Association of SA Inc. recently released findings of a survey it conducted last year. One hundred and three members responded to the survey. The survey was conducted to find out the extent to which members and their families would be negatively impacted by the deregulation of the electricity market. The results show overwhelmingly that carers and their families will hurt, and hurt significantly, as a result of full retail contestability. For instance, carers on a carer payment can expect to pay up to 12 per cent of their income on their electricity needs. Carers using both electricity and gas receive a double setback. They will expect their power bill to be 31 per cent more than the bill of the average electricity only carer household. Carers use power to maintain the health and wellbeing of the family member they are caring for. Carers' use of power is a necessity, not a luxury. My questions are:

1. Will the government increase the threshold eligibility for energy concessions for carers; if not, why not?

2. Will the minister recognise the carers' allowance as a basis for eligibility for concessions and subsidies for households; if not, why not?

3. Has the government discussed with the Carers Association of South Australia the development of a strategic framework of education on entitlements to concessions and subsidies; if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass those questions on to the Minister for Energy for his response.

ELECTRICITY SUBSIDY

The Hon. CAROLINE SCHAEFER: My question is addressed to the Minister for Primary Industries. Does the minister agree with the press release on Friday of SAFF which states, in part, that the $800 000 subsidy being offered for combination electricity tariffs would be 'better spent developing a more permanent buffer from exorbitant supply costs for rural and regional businesses'? Does he further agree with the words of Lew Owens who says that the worst affected farmers are those in the Adelaide Hills and the Riverland? Does he agree that those people are already financially embarrassed for a number of reasons? What representation has PIRSA made on behalf of those farmers to the Essential Services Commission?

The Hon. P. HOLLOWAY (Minister for Correctional Services): I think it is a bit rich that members of the opposition should be complaining about high electricity prices. Everyone in this parliament knows exactly why electricity prices are as high as they are. The electricity industry in this state is no longer under the ownership of the government of South Australia. The industry has been privatised, against the wishes of members on this side of the council. In fact, during the debate members on this side of the chamber warned about exactly what the consequences of that action would be and, sadly, many of those predictions have proved to be true. I have not seen the press release that the honourable member is referring to and, as she asks me whether I agree with it, I would like to look at it in some detail before I pass judgment on it.

In relation to electricity prices as they affect the farm community and in relation to meter reading, I am well aware that my colleague the Minister for Energy has had significant negotiations in relation to that, and I understand that he has made some progress in relation to the charges for metering. I will check those out and bring back a response as to exactly what my colleague has achieved there. If there are any residual problems in relation to electricity prices, I think we all know the reasons why that is the case. It is not just the fact that the previous government privatised: it is the way in which it was done.

PRISONERS, REHABILITATION

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Correctional Services some questions about rehabilitation programs in the prison system.

Leave granted.

The Hon. J.F. STEFANI: Last Friday 23 May 2003 I attended a balanced justice seminar arranged by the Hon. Ian Gilfillan of the Australian Democrats. One of the keynote speakers was Ms Frances Nelson QC, chair of the South Australian Parole Board. In her presentation Ms Nelson indicated that the vast majority of the prison population was represented by offenders who were in prison for committing offences which carried a sentence of five years or less. The present legislation provides that these prisoners are automatically released without any involvement of the Parole Board. Ms Nelson went on to say that the bulk of these prisoners, who represent an enormous number of the prison population, become the trained murderers of the future, because there are no rehabilitation programs within our prison system that are designed to change prisoners' behaviour on release. Because the bulk of these prisoners are most likely to reoffend and their reoffending is often connected with more serious crimes and violence, my questions are:

1. Will the minister advise the council what programs have been initiated to address this serious problem?

2. How many prisoners who were sentenced for five years or less have been automatically released over the past 12 months?

3. How many of these prisoners have reoffended during this same period?

4. Will the minister give an undertaking that the Labor government will address the issue of prisoner rehabilitation, particularly because, under the Labor government's policy, a greatly increased number of people will be incarcerated?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his questions. Although I did not attend the gathering, I have heard some of the information from those who attended the meeting. The language which the honourable member used in relation to offenders reoffending and coming out as 'trained murderers' I think is a little bit over the top.

An honourable member interjecting:

The Hon. T.G. ROBERTS: You understand now. I think the situation in which this government found itself in relation to programs within prisons was that—

An honourable member interjecting:

The Hon. T.G. ROBERTS: The honourable member said that we cut them. The story being put around that we have been running no mental health services within the correc-

tional services system and that we do not have any rehabilitation programs is incorrect. There are a number of programs being run inside our prisons and the budget, when it hits the ground on Thursday, will provide further information regarding programs within prisons. I suspect the honourable member is alluding to mental health issues such as how to treat prisoners with violent behaviour. There are programs running in each prison (of which I am aware) which deal with anger management.

The Hon. A.J. Redford: A three-hour program. Well done!

The Hon. T.G. ROBERTS: Yes.

The Hon. A.J. Redford: I feel safe wandering around there because of your three-hour anger management program.

The Hon. T.G. ROBERTS: Well, the government's challenge is to build on those programs that are already there.

The Hon. T.G. Cameron: Three years wouldn't curb your anger.

The Hon. A.J. Redford: Not with this government, no.

The Hon. T.G. ROBERTS: Well, are there any volunteers to go in and run some programs? Regarding mental health programs for prisoners with psychological problems, the department already employs 11 psychologists in prisons to provide a psychological service for prisoners. Increasingly, the focus of this work is on addressing offending behaviours. The South Australian Prison Health Service and the South Australian Forensic Mental Health Service provide the department with further psychological and psychiatric services. Notwithstanding resource limitations, the department endeavours to thoroughly assess the needs of all sentenced prisoners at the time of entry into prison. While the department focuses on addressing behavioural change, the Prison Health Service and the Forensic Mental Health Service have responsibility for providing special mental health services to prisoners. These programs have limitations; there is no doubt that whatever programs you put in place in prisons you could always do more.

Many prisoners (according to the latest figures, about 70 per cent) have either drug or alcohol problems or psychological problems which should be picked up in the community before they get into the correctional services system. This problem exists not only in South Australia but in all states of Australia. A program of deinstitutionalisation is taking place and, unless the support services in the community are adequate to pick up a whole range of problems, people with mental health problems will find their way into the prison services system. The difficulties raised by Frances Nelson are real. Each prison system within Australia has to deal with those problems in the best way possible with the available funds. We are doing that: we are trying to turn some modest programs into programs that can make a difference—bearing in mind that we have been in government for only 12 months.

The Hon. Caroline Schaefer: What about a new gaol?

The Hon. T.G. ROBERTS: The honourable member says, 'What about a new gaol?' We are looking at the women's prison, which was handed to us in a perilous state. The women's prison needs to be replaced. Members on both sides of the council would understand that staffing levels in the prison system are inadequate; we have to build them up gradually. A lot of money is being spent on maintenance of the main men's prison at Yatala; that money could possibly be put into a new institution.

The government is managing a lot of problems at the moment in relation to custodial services, and we will deal with them as budgetary limitations allow. As the shadow spokesperson would know, there are a number of very good people putting a lot of voluntary hours into community corrections services in South Australia as well as a whole range of other services.

We are well serviced with a whole range of programming put together by a whole range of professionals within South Australia. However, I am the first to admit that the infrastructure we have is ageing and that we do need to run some special programs now because of the changed circumstances of the profiles of prisoners; that is, a wide range of prisoners—both male and female—commit drug related offences or they are under the influence of drugs or alcohol, and a whole range of people finding their way into correctional services institutions with mental health problems need special attention. We are trying to work our way through that with the budgets that states are able to make available to these services.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister admit that Ms Nelson QC (as the Chair of the Parole Board) is in a very good position to make the comments that she has made, particularly in relation to her claims that reoffending prisoners are the future murderers in our community?

The Hon. T.G. ROBERTS: I am not questioning the professional abilities of Frances Nelson QC. I am sure that she would be personally familiar with many of the prisoners on whom she does assessments through the Parole Board. The way in which she decides to lobby to achieve change may be different, but she has given 20 years of service to the parole system and obviously she has a good understanding and grasp of many of the issues facing prisoners on release. However, I certainly do not agree with her assessment that people go in and come out trained murderers. If members want to draw a long bow, people who go in for minor sentences such as housebreaking and pilfering may come out far more seasoned and far more professionally trained to commit other misdemeanours, but I do not think you train a person to be a murderer in gaol.

The Hon. A.J. REDFORD: I have a supplementary question. Given the comments of Frances Nelson QC, will the minister undertake and give this place an assurance that he will reappoint her to the board when her term expires, notwithstanding her outspoken comments?

The Hon. T.G. ROBERTS: I cannot give an undertaking—

The Hon. A.J. Redford: Criticise the government and you do not get reappointed.

The Hon. T.G. ROBERTS: It is not that. It is a matter for a whole range of people in relation to reappointments to the board. My view is only one view in relation to those assessments. One has to take into account the qualifications and interests of other people. We could have a wide range of people interested in that position. When appointments arise, as members well know, you consider a list of people and you also take into account a wide range of issues when making reappointments.

The Hon. A.J. REDFORD: I have a further supplementary. In relation to the review of parole conditions, will the minister give this place an assurance that all submissions to the Parole Board, including those by Frances Nelson QC, will be made public?

The Hon. T.G. ROBERTS: I cannot give that undertaking either—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: It is not a secret government. There are many issues which you would not like to make public when making those decisions. I did not reply to a number of questions asked by the Hon. Julian Stefani, but I give an undertaking to find out the number of prisoners who reoffend. I will also find out how many trained murderers will be released.

The Hon. A.J. REDFORD: I have a supplementary question. Will the minister correct the perception created by the Premier last week that the Parole Board does not take into account victims' concerns when making its decisions?

The Hon. T.G. ROBERTS: I think some issues need to be discussed in relation to—

The Hon. A.J. Redford: They do take into account victims' concerns, don't they?

The Hon. T.G. ROBERTS: I thank the honourable member for his direction, but I will take the question on notice and bring back a reply.

The Hon. NICK XENOPHON: I have a supplementary question. Given the government's promises on legislative change on law and order issues, has the minister's department undertaken an estimate of how many extra prisoners are expected to be incarcerated over the next three years; and how much will it cost in further resources for rehabilitation? If the minister has not undertaken such an estimate, when will he do so?

The Hon. T.G. ROBERTS: When budgets are drawn up those sorts of questions are taken into account. Governments have to project forward from best-educated estimates on a range of issues. Those issues are taken into account. The justice issues associated with corrections are normally worked out between the Attorney-General's Department and correctional services. I am not in receipt of any correspondence from the Department of Justice in relation to projections for law and order. If there are any, I will endeavour to bring them back in a reply to the honourable member at another time.

The Hon. NICK XENOPHON: I have a further supplementary question. Does the minister acknowledge that the government's policies will mean more prisoners in gaol; and, if so, is it not reasonable to undertake such estimates?

The Hon. T.G. ROBERTS: I do not think the policies necessarily mean that there will be more people in gaol.

The Hon. A.J. Redford: Why are you building a new prison? The Attorney-General says you will put more people into gaol. You should talk to him!

The Hon. T.G. ROBERTS: The length of sentencing might mean a possible increase, but the relationship between the numbers of people and a new prison system does not necessarily automatically equate.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: In relation to the women's prison, it must be built, regardless. There have to be changes to the women's prison.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: We have provided more beds for the women's prison on a temporary basis. Certainly, as minister I would like to see a new facility. That is being looked at and the budget process is the appropriate place for that to happen. It is the same with the men's prison. Yatala prison is an ageing prison. It is past its use-by date, just as the Adelaide Gaol was when that was shut down. We may be able to refurbish or extend, but all possibilities are being considered. In relation to the questions that have been asked, I will try to find out from the Attorney-General's office the projections that have been made and bring back a reply.

The Hon. A.J. REDFORD: I have a supplementary question. Given the minister's extensive knowledge of his own portfolio, will he confirm whether or not the Parole Board does take into account victims' concerns in making its recommendations or decisions?

The Hon. T.G. ROBERTS: I thought I indicated I would find out. If the honourable member wants to know the other terms of reference—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I would expect those issues to be brought into account when the Parole Board makes its decisions.

Members interjecting:

The Hon. T.G. ROBERTS: I would expect them to be taken into account.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I would expect those questions to be taken into account as a matter of course.

The Hon. A.J. Redford: Do they?

The Hon. T.G. ROBERTS: I don't sit on the board.

The Hon. A.J. Redford: You don't know!

The Hon. T.G. ROBERTS: I do not attend board meetings when assessments are being made on prisoners. How can I then give a guarantee of how much weight had been given—

The Hon. A.J. Redford: It is in the legislation.

The Hon. T.G. ROBERTS: I would expect them to take it into account.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I do not sit on the Parole Board. I will bring back a reply, and I would expect that reply to include the fact that those questions of the honourable member are taken into account. It may not be a statutory requirement—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: It may not be a statutory requirement; I do not know. That is what I am saying, and I do not want to mislead the parliament.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: It may not be a statutory requirement; it may be a statutory requirement. But I will return that answer—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Well, would you rather me answer it in a—

Members interjecting:

The Hon. T.G. ROBERTS: I will return a reply to you as soon as possible.

The Hon. IAN GILFILLAN: A supplementary question to the minister is: what extra abilities and qualifications does the Executive Council have when it overrides the decision of the Parole Board on the release of a prisoner?

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The minister will answer, not the Hon. Mr Redford.

The Hon. T.G. ROBERTS: The cabinet is a part of the process by which the parole system works and operates. Until there are changes to the law in relation to cabinet's role and responsibility, the cabinet will make the final determination.

The Hon. J.F. STEFANI: I have a further supplementary question. What special consideration has the cabinet given in terms of its responsibility to override the Parole Board, and what consideration and what other papers has it had put before it to make that decision?

The Hon. T.G. ROBERTS: Our cabinet has the exact same expertise as the previous cabinets have had, under the previous government.

ANANGU PITJANTJATJARA LANDS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking Minister for Aboriginal Affairs and Reconciliation a question about the Anangu Pitjantjatjara lands COAG trial.

Leave granted.

The Hon. R.K. SNEATH: I am aware that the minister attended meetings in the Anangu Pitjantjatjara lands last week related to the COAG trial in that region. The minister has informed this chamber on previous occasions about events taking place in that region of the state and its indigenous population. My question is: will the minister inform the council of the COAG trial and what this means to the Anangu Tjarutja and the state government plans?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The honourable member is right, and I thank him for his question. We did meet with the federal government in the AP lands last week. We met with the AP Executive, and the members of the COAG trial, the Hon. Kay Patterson and the Hon. Philip Ruddock and their support staff. We have had numerous meetings here in Adelaide in relation to building up a working relationship with the new AP Executive. We signed a partnership arrangement with them in January.

There were further meetings held in Alice Springs that included some 150 representatives who attended to endorse and discuss the resolutions that were made at the Adelaide seminar, and consequently we listed full recommendation to the federal government that the AP lands become part of the COAG trials. There was a program under the commonwealth government to include in a trial a number of communities that were experiencing difficulty or collapse, and where both federal and state agencies collaborated together to enable service delivery programs to be coordinated to a point where we could get the best possible return, while maximising the collaboration from the communities.

In relation to the COAG trial, at a state level the AP Lands Inter-Governmental Inter-Agency Collaboration Committee (known as Tier One) is part of that process. Tier One will be going to the lands, I understand, either in the first or second week of June and it will meet with the AP Executive to form those relationships. With the COAG collaboration we now have federal ministers Ruddock and Patterson and our own cross agencies working together to maximise the returns that, hopefully, we will get. There are other trials being announced—one in Cape York and one in Western Australia—and we hope to be able to broaden the understanding of commonwealth ministers and bureaucrats as to exactly what the problems are that our communities find themselves facing.

If you take the findings of the Coroner, Wayne Chivell, in relation to our own communities, he says:

> Petrol sniffing is endemic on the AP Lands. It has caused and continues to cause devastating harm to the community, including approximately 35 deaths in the last 20 years in a population of between 2 000 and 2 500 people. Serious disability, crime, cultural breakdown and general grief and misery are also consequences.

They are damning comments about communities that have been neglected and have been allowed to go backwards in relation to their own services, and it is up to this state government and the commonwealth to put together programs and to direct funding into those areas that clearly could make some change. The Coroner goes on to say:

> Clearly, socio-economic factors play a part in the general aetiology of petrol sniffing. Poverty, hunger, illness, low education levels, almost total unemployment, boredom and general feelings of hopelessness form the environment in which. . . self-destructive behaviour takes place.

There is substance abuse, and there needs to be education, training, employment, improvements in housing and health, and a whole range of other issues that need to be addressed. There are some causes for optimism. The governance is improving and there are improvements in some areas of people's lives in these distressed communities.

There is also some continued deterioration and we do not expect the circumstances of a lot of people to improve in the short term. But over the long term, hopefully with the confirmed participation of the commonwealth and the state cross-agency tier 1 and tier 2, we hope to be able to turn a lot of those problems around.

TORRENS ISLAND

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question concerning future development on Torrens Island.

Leave granted.

The Hon. SANDRA KANCK: My office has received correspondence from the group Butterfly Conservation South Australia expressing concern that proposed development on Torrens Island threatens remnant native vegetation and rare butterflies found on the island. Mr Roger Grund from Butterfly Conservation says:

> Natural habitat containing several rare butterflies that once occurred in suburban coastal Adelaide [is] now entirely restricted to Torrens Island.

And, further:

> This remnant is the last remaining habitat of its type, complete with much of its original fauna, to exist in the Adelaide area.

In particular, Mr Grund is concerned that TXU has an option to purchase and develop the southern half of Torrens Island and that Origin intends to put a gas pipeline through a wooded area on the northern end of the island. My questions are:

1. Will the minister commission an environmental impact statement to assess the environmental status of the remnant native vegetation on Torrens Island; if not, why not?

2. Do the privatised electricity companies have options to purchase the remaining land on Torrens Island? If so, what are the terms of those options?

3. How would such contractual rights affect the state government's ability to protect native vegetation on Torrens Island?

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

POLICE, MOTORCYCLE NUMBERPLATES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, questions about the attachment of numberplates to the front of police motorcycles.

Leave granted.

The Hon. T.G. CAMERON: I have received information from a concerned constituent regarding the possible illegal display of numberplates on the front of South Australia Police motorcycles. Under the Motor Vehicles Regulations 1996, regulation 12 provides:

> For the purposes of section 47(1)(a) of the act, the following provisions apply to the carriage of numberplates: in the case of a motorcycle or trailer—one numberplate at the rear.

I have in my possession a copy of a complaint made to a Mr Wainwright of the Police Complaints Authority regarding this matter. In his response, Mr Wainwright writes:

> I have recommended, pursuant to the legislation, that the stickers be removed from police motorcycles until such time as the law is changed (if indeed it is to be changed). Section 34(3) of the Police (Complaints and Disciplinary Proceedings) Act gives the Commissioner of Police two possible courses of action. He is obliged either to take all such steps as are necessary to give affect to the recommendation or to refer the matter to the minister (the Attorney-General) for his determination pursuant to subsection (4).

It is interesting to note that, when my office contacted the Department of Transport, Licensing and Registration, it was informed that the attachment of front numberplates to motorcycles is illegal and a $250 fine is applicable. As far as I am aware, the numberplate stickers are still attached to the front of police motorcycles. My questions are:

1. Considering the Police Complaints Authority's recommendation, can the minister inform the council whether the Attorney-General's Department received a request from South Australia Police for a determination of the legality of its actions on this matter and, if so, what was the determination? Are the police acting illegally?

2. Can the Attorney-General also inform the council whether the Registrar of Motor Vehicles provided advice to South Australia Police on the legality or otherwise of these numberplates and table that correspondence in the council?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I recall providing an answer to the honourable member who asked a similar question in relation to this subject some time back. I will refer the question again to the Minister for Police to see whether there is any follow-up information further to that earlier answer.

REPLIES TO QUESTIONS

EATING DISORDERS

In reply to **Hon. SANDRA KANCK** (28 April).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. Treatment for South Australians with eating disorders is provided by a range of care providers from GPs through to specialist mental health care providers and private psychiatrists. Treatment may consist of case management with a GP or a private psychiatrist or it may include specialist community based care.

A minority of South Australians with eating disorders receive part of their treatment in an inpatient setting.

Data relating to admitted hospital patients shows that during 2001-02, there were 119 separations relating to anorexia, bulimia and unspecified eating disorders at South Australian public hospitals, and 52 at private hospitals. The Flinders Medical Centre Weight Disorder Unit provides inpatient and outpatient treatment, and sees approximately 130 new patients with eating disorders each year. The number of patients treated in the private sector is unknown.

2. Patients who require admission for urgent medical treatment resulting from an eating disorder are admitted, with no waiting period, at any South Australian hospital. The waiting period for elective inpatient treatment at the FMC Weight Disorder Unit is variable, depending upon the urgency of the case, whether the person is already a patient of the Weight Disorder Unit, and the existing inpatient load.

3. The Eating Disorders Association (EDA) provides a range of services including a helpline and support groups for patients and their family and friends. EDA also refers patients to a variety of practitioners, including Women's Health Statewide, which provides counselling services. The FMC Weight Disorder Unit has two dedicated community nurses, and outpatients are also seen by medical and allied health staff.

4. It is clear that sufferers of anorexia are at risk from the severe physical complications bought about by malnutrition, and from dangerous weight loss strategies. Whilst results vary from study to study, one reports that about 40 per cent of patients make a good five-year recovery, 40 per cent remain symptomatic but function reasonably well, and 20 per cent remain severely symptomatic and are chronically disabled. (Gilchrist et al (1998) Eating disorders revisited. I: anorexia nervosa. Medical Journal of Australia; 169: 438-44).

Another states that mortality in women with anorexia nervosa is 12 times greater than in age-matched normal women, and is often due to cardiac complications. (Vannacci et al, Anorexia Nervosa and the risk of sudden death, The American Journal of Medicine. Volume 112(4) March 2002 pp 327-328).

5. For patients who are waiting for inpatient hospital treatment, the EDA provides support groups, a helpline, and referrals to other services. Patients of the Weight Disorder Unit have outpatient appointments with medical and nursing staff, dietitians, social workers and occupational therapists.

6. The FMC Weight Disorder Unit has six dedicated beds, and access to beds in the Intensive Care Unit, paediatric and general medicine wards as required for acute cases.

The WCH has no dedicated beds for eating disorders, but accommodates one or two eating disorders patients in the adolescent ward at most times.

7. Hospitals decide on the allocation of inpatient beds to various patient types. They can elect to allocate more beds to eating disorders, but this must take into account the many competing priorities for health care. Patients in need of urgent treatment are admitted immediately at all South Australian hospitals.

Recent research indicates that existing treatments for eating disorders have little apparent effect. As such there does not seem an argument for increasing the capacity of inpatient programs. (Ben-Tovim, David I. Eating disorders: outcome, prevention and treatment of eating disorders. Current Opinion in Psychiatry, Volume 16(1) January 2003 pp 65-69).

8. The role of GPs in early detection of eating disorders is significant. GPs can access advice and referrals through the EDA.

To assist in broader education and early intervention, Parenting SA produces a widely available Parent Easy.

NATIONAL PARKS AND WILDLIFE SERVICE

In reply to **Hon. J.S.L. DAWKINS** (29 April).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. Last year the Department for Environment and Heritage announced details of internal organisational changes to reinforce the integrated nature of the Department's programs and activities to lead to an improved performance and efficiency. All of the National Parks and Wildlife functions have continued in the new structure. The new organisation structure ensures that all of the Department's directorates contribute to national parks and wildlife management and the broader conservation agenda.

The name 'National Parks and Wildlife SA' and the Sturt Desert Pea logo has been retained as the ongoing identity for South Australia's protected area system.'.

2. The actions which are currently being undertaken as a result of restructuring within the Department for Environment and Heritage will improve the Department's capacity to manage the State's Parks and support field managers to deliver National Parks and Wildlife Services. This action will result in a more efficient and effective delivery of services to park managers.

3. Friends of Parks and other volunteers are an integral part of park management in South Australia. The Friends Groups have made a significant contribution to park management in this State and are respected for their contribution. The success of Friends of Parks is based around their relationship with individual park programs and the specific administrative regions of the Department. The Department will continue to promote the close working relationships with Friends of Parks through appropriate back up and support services.

AUTISM SPECTRUM DISORDER

In reply to **Hon. A.L. EVANS** (28 April).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

The Disability Services Office of the Department of Human Services conducted the administrative review of services to people with Autism Spectrum Disorder.

The review focused on how Disability Services can best meet the needs of people with Autism Spectrum Disorder and their carers.

The review reported to the Director of Disability Services and made recommendations on needs, demands and preferred service models for people with Autism Spectrum Disorder and their carers.

The objectives of the review were to :

- develop a comprehensive overview of existing services for people with Autism Spectrum Disorder;
- make recommendations to improve the efficiency and effectiveness of services for people with Autism Spectrum Disorder; and
- identify the preferred service system model for people with Autism Spectrum Disorder.

The review has been completed and the report is currently being finalised.

Parents and carers of people with Autism Spectrum Disorder (including children) were consulted during the review, including:

- four parent groups affiliated with the Autism Association were approached;
- parents and families in a range of country regions were surveyed;
- two parents were on the review reference group and
- some additional parents approached the review team to be included in the consultation and this was accommodated.

In addition, the review team reviewed a number of letters to the Minister, which were largely written by families of people with Autism Spectrum Disorder.

FINES

In reply to **Hon. R.D. LAWSON** (31 March).

The Hon. T.G. ROBERTS: The Attorney-General has provided the following information:

1. After the Hon. R.D. Lawson asked this question on 31 March I read the discussion paper 'Rejuvenating Financial Penalties: Using the Tax System to Collect Fines'. The paper suggests that the Commonwealth collect State and Territory fines through the income tax system. The collection would be like HECS, with those earning a higher income paying more, those earning below the threshold paying nothing and those paying in full promptly earning a discount.

I referred the proposal to the Courts Administration Authority. The Authority says a proportion of unpaid fines are incurred by people who go to great lengths to avoid complying with any government procedures and regulations and it is not clear how the idea would catch such people.

I agree with the Authority. In my opinion, the changes to fine default introduced by the Liberal Government have worked well. It is true that some intractable offenders still avoid payment, but at the cost of being harassed and inconvenienced by the Fines Payment Unit, Motor Registration, police, sheriffs, and community corrections officers. The proposal about which the Hon. R.D. Lawson asks would give these intractable offenders benefit of clergy because they would never earn or receive enough money to incur an obligation to pay.

2. The government has not made a decision because the discussion paper suggests nothing more than an idea.

NURSES

In reply to **Hon. J.F. STEFANI** (3 April).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. All students irrespective of course, are entitled to withdraw from any field of study at anytime throughout their course. Continuing students are entitled to apply for admission into another field of study through the South Australian Tertiary Admissions Centre (SATAC), which processes application for the eight institutes of TAFE, and the three South Australian Universities. Admission into any course of study is based on academic merit. In 2002, 876 students initially undertook either the pre-registration Bachelor of Nursing or Midwifery course. Information provided by the two universities who undertake undergraduate nursing education (University of South Australia and the Flinders University of South Australia) indicates that the number of students completing first year who then seek admission to another course is very low. Neither university has systems that make exact numbers available.

2. Students are not required to provide a reason for course withdrawal, therefore it would be very difficult to conduct any inquiry. Students are counselled and provided with advice concerning their decision to either withdraw or transfer. For students to change their course they would normally need to have high level results, in order to be considered for intake into another course with a higher tertiary entrance requirement.

3. 'The Nurses' (South Australian Public Sector) Enterprise Agreement 2001' now enables third year nursing students to be employed within health units. This has provided welcome support at times of staff shortages in our public hospitals, as well as providing nursing students with valuable practical experience in the acute hospital and other healthcare settings. These nursing students work under direct supervision of the Registered Nurses.

JACOBS, Ms M.R., DEATH

In reply to **Hon SANDRA KANCK** (27 March).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

1. On the information available from both the Italian Benevolent Foundation (which is managing the facility on an interim basis) and the Commonwealth Department of Health and Ageing, it appears steps were taken by the village staff to correct this safety hazard following a previous fall. The use of bed rails as a safety device was offered to Ms Jacobs but in line with her wishes were not used. An electric bed was also purchased for Ms Jacobs to enable it to be lowered to a height which made it safer for her to transfer in and out. In addition to this, Ms Jacobs was also advised by staff to ring the 'call bell' at all times for assistance when transferring in and out of bed for safety reasons.

2. Advice from the Italian Benevolent Foundation indicates that Ms Jacobs was checked by night staff at 6.00 a.m. and again at approximately 7.00 a.m. when the day staff commenced their shift . At approximately 8.00 a.m. Ms Jacobs was found sitting on the floor and alert. Her vital signs were checked and there were no obvious signs of injury. It was not until later in the day that Ms Jacobs' condition began to deteriorate.

3. The Commonwealth Department of Health and Ageing have advised that the Aboriginal Elders Village is funded solely through the Commonwealth's Aboriginal Aged Care Strategy, which is administered through the Commonwealth Department of Health and Ageing. Given that the Aboriginal Elders Village operates under the Commonwealth Department of Health and Ageing, it is outside of the jurisdiction of the State. However, the Italian Benevolent Foundation and the Department have conducted their own investigations into this incident. Both investigations concluded that the level of care to Ms Jacob had not been compromised and that the overall standards of care within the facility and its existing policies and procedures were more than adequate.

MUNDULLA YELLOWS

In reply to **Hon. SANDRA KANCK** (26 March).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

There appears to be some confusion about Mundulla Yellows research contracts. The Minister's Department (the Department) has been involved in only one contract and funding partnership with Environment Australia, as announced on 17 February 2003. The Waite Institute was not previously awarded a contract for Mundulla Yellows research by the South Australian Government. The previous work conducted by the Waite Institute was funded by Environment Australia and the Rural Industries Research and Development Corporation. This work was completed in mid 2001.

1. The Department engaged the Department of Administrative & Information Service's Contract Services to provide external and independent procurement and probity advice to select the best research team available.

2. The tender evaluation team developed an objective, comprehensive and transparent evaluation plan with clear evaluation criteria to select from the tenders submitted. The process was overseen, advised and reported upon by DAIS.

3, The Institute for Horticultural Development was visited during the tender evaluation process as it was the only institute that met the initial criteria.

4. The Waite Institute's facilities and capabilities were inspected by Environment Australia's representative on the evaluation team during the review of stage 1 research outcomes in 2002. A further inspection was not considered necessary.

5. The rights to results of the previous research undertaken by the Waite Institute are subject to previous agreements between the University of Adelaide, Environment Australia and the Rural Industries Research and Development Corporation.

6. In relation to conflicts of interest, neither the Forest Science Centre nor the Arthur Rylah Institute was involved in decisions for this tender.

7. The Department has had no responsibility for acquiring any intellectual property from the first round of research.

8. The Waite Institute and the Institute for Horticultural Development, were both invited to provide expressions of interest simultaneous with a National advertisement.

9. The monies provided are additional to existing research funds available to Universities and should be recognised as significantly accelerating our understanding of the disease, its causes and options for prevention or treatment.

HEATH, Mr D.

In reply to **Hon. R.I. LUCAS** (27 March).

The Hon. T.G. ROBERTS: The Premier has provided the following information:

Every Ministerial contract contains an Interpretation clause (Clause 2) where the term Minister is defined. The definition is determined by me when approving the employment of a person pursuant to Section 69 of the Public Sector Management Act 1995.

All Media Advisers contracts define the Minister as the Honourable Michael David Rann, MA, JP, MP even though they may, from time to time, be assigned by me to work with other Ministers.

I also approve the employment of other Ministerial contract staff (e.g. Chiefs of Staff, Ministerial Advisers, Personal Assistants) that work in the offices of each Minister.

For those staff working in the office of the Minister for Aboriginal Affairs and Reconciliation the definition of Minister in their contracts is the Honourable Terance Gerald Roberts, MLC and therefore his permission would be required.

Mr Heath sought and was given permission by the Premier to appear on 5AA as an unpaid sporting guest during the last basketball season.

In reply to **Hon. A.J. REDFORD** (27 March).

The Hon. T.G. ROBERTS: The Premier has provided the following information:

Every Ministerial contract contains an Interpretation clause (Clause 2) where the term Minister is defined. The definition is determined by me when approving the employment of a person pursuant to Section 69 of the Public Sector Management Act 1995.

All Media Advisers contracts define the Minister as the Honourable Michael David Rann, MA, JP, MP even though they may, from time to time, be assigned by me to work with other Ministers.

I also approve the employment of other Ministerial contract staff (e.g. Chiefs of Staff, Ministerial Advisers, Personal Assistants) that work in the offices of each Minister.

For those staff working in the office of the Minister for Aboriginal Affairs and Reconciliation the definition of Minister in their contracts is the Honourable Terance Gerald Roberts, MLC and therefore his permission would be required.

Mr Heath sought and was given permission by the Premier to appear on 5AA as an unpaid sporting guest during the last basketball season.

CHILDREN AT RISK

In reply to **Hon. KATE REYNOLDS** (3 April).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

1. Will the minister acknowledge that the resources currently available do not allow FAYS to fulfil its obligations to children with high and complex needs, compounded by intellectual disability?

There are a small number of children and young people who have highly complex needs and who require a very significant level of attention and resources that the Department of Human Services (DHS) are endeavouring to assist, including:

- children with severe behaviour disorders (generally pre-adolescent)
- children and adolescents with severe disabilities who cannot be placed in foster care
- adolescents with multiple placement experiences and contact with the juvenile justice system and episodes of custody due to their offending and care/management issues.

Processes have been established within Family and Youth Services (FAYS) to coordinate case-management and resourcing requirements for these children. These processes connect with the DHS Exceptional Needs pathway, with the aim of bringing to bear coordinated planning and resourcing from the range of relevant DHS agencies to the individual situation.

In addition, the Intellectual Disability Services Council (IDSC) has an intensive intervention service designed to prevent family breakdown and out-of-home placement for children and adults with intellectual disability. It is a heavy investment and requires family commitment to the program with work being undertaken in the family home. The program is usually for an initial 6 month period and may be extended to 12 months if not completed. It is a high resource service and provides for approximately 24 families a year.

Demand in this area is very high and given the complexity of care will remain for sometime.

2. Will the minister make an urgent injection of funds available to FAYS officers to provide or purchase services tailored to meet the needs of these children?

This issue has been identified in a number of recent reviews, for example the Alternative Care Review, and the Layton Child Protection Review. The DHS is currently implementing recommendations of the Alternative Care Review, with a new round of contracts being put out to tender to increase the range of community-based alternative care options.

The government is currently considering the recommendations of the Layton Child Protection Review. Effective service responses to children, young people and their families who have such high levels of need is certainly a significant priority for DHS.

3. Will the minister acknowledge that siblings of children with high and complex needs, compounded by intellectual disability, are at risk of delayed development, social exclusion and peer isolation, poor education outcomes, and face an increased risk of also becoming a child in need of protection in this state?

This information has certainly emerged in recent research. IDSC are conducting information sessions and link families into Sibling Support Groups. The ‘Sibling Project’ addresses such issues for siblings of people with disability, mental health and high health needs, and is highly regarded. Information on Siblings Australia is available from the Adelaide Women's and Children's Hospital website (www.wch.sa.gov.au/sibling).

4. Will the minister make an urgent injection of funds to provide appropriate preventative and maintenance support to siblings at risk?

It is not possible to provide an injection of funds at this point of the budget cycle. However, the needs of this particular group of at-risk children will be considered within the parameters of the government's funding priorities. This government has stated its intention to strengthen and reorient resources towards prevention and primary care and significant reforms will emerge from the Child Protection Review.

McEWEN, Hon. R.J.

In reply to **Hon. J.F. STEFANI** (24 March).

The Hon. T.G. ROBERTS: The Minister for Trade and Regional Development has provided the following information:

1. The Minister will respond to all Parliamentary questions asked of him in the portfolio areas for which he has responsibility.

2. The Minister notes that this issue is being considered within the framework of the Constitutional Convention. The specific role and function of both Houses of Parliament, and the question whether the Houses are fulfilling their appropriate role and function are matters currently subject of deliberation and debate. In addition, the Minister notes that Members now have additional time to introduce and debate private Member's Bills and, where required, have the option of continuing to sit after the dinner break on Monday nights.

The Minister has indicated that Ministerial Statements will be used as the preferred means of providing information to Parliament relevant to his portfolio areas. However, the Minister is committed to providing specific answers to Members in relation to questions concerning matters specifically affecting their electorates.

PORT LINCOLN HEALTH SERVICE

In reply to **Hon. SANDRA KANCK** (20 February).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. Dr. Sue Baillie resigned from the position of Medical Adviser, Clinical of the Port Lincoln Health Service (PLHS) for personal reasons.

2. The board of PLHS requested that the Acting Chief Executive Officer (A/CEO) provide them with a recommendation regarding the position. At that time it was seen as important to clearly specify the duties required of the incumbent, so as to ensure that medical input into the decision-making process was available and ongoing. The A/CEO has been investigating the roles and responsibilities of similar positions in other key regional centres such as Port Augusta, Whyalla and Port Pirie.

The board of the PLHS, in considering this matter, has requested that the establishment of a clinical governance committee be explored. It is envisaged that such a committee would replace a Medical Director/Clinical Adviser position, whilst also increasing the medical input into the decision-making processes of the health service.

The board has requested that consultation with the Health Services Medical Staff Society (HSMSS) occur on this matter.

3. Following the resignation of Dr. Baillie, the A/CEO discussed the matter of ongoing medical input and advice with the Chair of the HSMSS. Three practitioners were identified and approached to assist with the provision of ongoing advice. As an interim measure, this has worked well. The three practitioners are:

- Dr. Richard Watts, General Practitioner and Chair of the Medical Staff Society;
- Dr David Mills, General Practitioner, Medical Nominee to the Regional Board, and Chair of the Regional Medical Privileges Committee;
- Dr. Ian Fletcher, Resident Specialist Surgeon and a previous Medical Director of the PLHS.

4. The Eyre Region Clinical Privileging Advisory Committee meets on a six monthly basis. Recent meetings of the committee have been held on 8 October 2002 and 1 April 2003.

5. The assistance and availability of the three local medical practitioners identified above have ensured that normal clinical governance issues have received attention. The privileging process has continued on its normal cycle during the period of vacancy.

TAFE FUNDING

In reply to **Hon. KATE REYNOLDS** (18 February).

The Hon. T.G. ROBERTS: The Minister for Employment, Further Education and Training has provided the following information:

1. Is the TAFE debt a result of the previous Liberal government's attempts to impose a Partnerships 21 type system upon the TAFE sector, or is it an ongoing issue of poor management and service duplication, as identified in the Kirby report?

The reasons for the overall debt are complex but arise partly from attempts by the former government to corporatise the State's TAFE service at the expense of education, sound financial management and good governance.

As the report into TAFE governance led by Mr Peter Kirby indicated, the ingredients of good governance were largely left to individual Institutes and given insufficient attention by the (former) Department.

There are a range of recommendations in Kirby, which will be implemented to improve the financial management and performance of the TAFE system as a whole. Importantly the government has already established a new department with a specific focus on vocational education and training and particularly the needs of the TAFE system.

2. What processes will be in put in place to ensure that the current crippling level of debt within the TAFE system does not occur again?

The Kirby findings and recommendations provide a basis for restoration of the TAFE system. In total, these recommendations provide a basis for improving the financial performance of the TAFE system and following the period for public comment, an implementation process will be worked through.

An important element of the new approach will be stronger financial leadership and support from the new Department of Employment, Further Education, Science and Technology.

3 and 4. What urgent action is the minister taking to inject additional funds into the TAFE system, as recommended by the Kirby report?

If these additional funds are not made available, what will be the immediate and longer-term impact to the TAFE system?

Funding for TAFE is being considered in the budget process for 2003-04.

5. Will the minister be negotiating an improved long-term funding arrangement with the federal government for the TAFE sector?

The Commonwealth does not provide funds specifically for TAFE. Funding for the VET sector is negotiated on a triennial basis. Negotiations over the next triennium (2004-06) will commence shortly and the government will negotiate for an improved allocation for SA.

6. What recommendations will the Minister be implementing to address the critical lack of leadership identified by the Kirby report?

The opportunity for public comment on the Kirby Report closed recently. It is inappropriate to answer such a specific question until all comments have been considered.

7. What is the minister doing to prevent the Regency Institute of TAFE from financial collapse?

The Department of Further Education, Employment, Science and Technology is working with the council and staff at Regency Institute to develop a full understanding of the financial position at the Institute and to formulate measures to improve it.

LOCAL GOVERNMENT

In reply to **Hon. J.F. STEFANI** (27 August 2002).

The Hon. T.G. ROBERTS: The Minister for Local Government has provided the following information:

1. In order to gain an understanding of the effectiveness of the communication strategies used by councils to explain rating policies as well as avenues for relief for individuals, the previous Minister for Local Government wrote to all councils on 21 August 2002 requesting copies of documents that provide information to ratepayers.

Councils were asked to provide the following documents and information:

Documents:

- Council's 2002-03 budget;
- Council's full Rating Policy and the abridged summary forwarded with rates notices as provided for by section 171 of the Local Government Act 1999;
- Any supplementary material that provides additional information on council's policy on relief from rates, including remissions, rebates, postponement and instalment arrangements.

Communication strategies:

- the method used to inform ratepayers of the existence of these documents;
  and
- the access, if any, offered to ratepayers as individuals to obtain relief from rates liabilities.

2. Councils were asked to respond by 20 September 2002. 67 of the 68 councils provided information in a timely manner and the remaining council responded to follow-up calls.

3. A summary analysis of the majority of councils showed little or no indication that councils use rating policies as a vehicle for explaining how the rates burden is intended to be distributed.

Most councils direct their pensioner ratepayers to the State concession scheme for relief from council rates liabilities, with little indication of any additional relief being provided by the council. Those few with well developed rate relief policies do not necessarily convey these policies in the material sent to ratepayers with their rates notice.

It appears that the 2002 problems arose due to pockets of rapidly increasing property values resulting in significant rate increases, particularly where those high valued properties were occupied by pensioners (and other low-income ratepayers). Problems have previously occurred where a council has changed the structure of its rates. Councils already have power to provide a rebate of rates to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to rapid changes in valuation.

From the returns provided by councils, some examples of good practice in rate relief options and communication strategies could be seen. An issues paper was developed as the basis for councils to engage in further work in this area with a view to implementing improved rating policies and practices for the 2003-04 rating year.

Amendments to the legislation were also introduced to provide councils with a more general power to grant a rebate of rates where appropriate to phase-in the impact of a redistribution of rates arising from a change in the basis or structure of the rating system, and to make it administratively simpler for councils to use the rate rebate powers for the purposes of rate relief.

Councils will be encouraged to promulgate better communication practices to ensure opportunities for relief are conveyed to those who need them.

A joint project of the Office of Local Government and the Local Government Association is being undertaken to:

- examine ways of enhancing councils' capacity for modelling rating impacts;
- identify any issues associated with information on property valuations;
- identify any difficulties councils are experiencing in applying the legislation;
- identify examples of good practice in:
  - consulting with communities on rating structures;
  - the setting of an equitable rates structure;
  - the use of relief mechanisms which are responsive to circumstances of individual hardship;
  - explaining the reasons behind rating decisions;
  - documenting rating policies and practices;
  - communicating these to local communities.
  - promote these examples with local government to enable councils to share their experiences.

4. Councils are responsible for setting the level of rates and are accountable to their communities for the decisions made. Councils have significant flexibility in designing a rating structure that distributes the rates burden according to local perceptions of fairness and equity and can tailor relief schemes to provide assistance to individuals.

However, as the Minister for Local Government I am responsible for the legislation, which provides the system of rating to councils. I look forward with keen interest to the results of the joint project and to considering any recommendations it may make for improvements to the legislation.

GLENSIDE HOSPITAL

In reply to **Hon. SANDRA KANCK** (15 July 2002).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. Under Part 8A of the Criminal Law Consolidation Act 1935 (CLCA), a successful defence results in a finding of not guilty due to incompetence and/or unfitness to plead. The Court may release a defendant unconditionally, or find the defendant liable to supervision for period of time commensurate with the penalty that would have been imposed if the defendant had been convicted of the offence. In deciding supervision orders the court must apply the principle that restriction on the defendant's freedom and personal autonomy should be kept to a minimum consistent with the safety of the community. Orders for supervision include either release into the community under licence conditions or detention in secure care. Glenside Campus provides inpatient services to defendants subject to both types of supervision orders. Clients who are assessed as high risk or who have been detained by the Court are housed in James Nash House or Grove Closed Ward on the Glenside Campus. Forty beds exist across these two sites. Clients assessed as moderate to low risk who require active psychiatric rehabilitation and/or who are required by the Court to reside at Glenside Campus are accommodated in open wards.

On average twenty beds in the open wards at Glenside are occupied by forensic clients who require supervision under the CLCA, this represented 4,851 bed days or 12.5 per cent of the total bed utilisation in 2001-02. Of these clients over 50 per cent are assessed as clinically well but they remain at Glenside due to Court order. Most of these clients are regarded to be low risk and more appropriately managed in community based supported accommodation however their transfer to the community is dependant on successful application to the Court to vary licence conditions.

2. In the immediate future James Nash House and Grove Closed Ward at Glenside Campus will continue to provide high security accommodation to high risk forensic clients.

The future of high secure and graded levels of secure care for forensic clients will be determined by development of a strategic framework for the reform of Forensic Mental Health Services which will include consideration of the optimal inpatient requirements as well as community based options. This is one of the government's key priorities in mental health.

The Department of Human Services (DHS) has been working collaboratively with key stakeholders across justice to identify and resolve the systemic tensions that have developed since the introduction of the Mental Impairment Provisions of the CLCA.

3. There are 20 intensive care beds and eleven closed rehabilitation beds at Glenside Campus. None of these beds are specifically designated for forensic patients.

4. For the period July 2001 to June 2002 there were 296 instances of absconding or absence from care on Glenside Campus, two being persons liable to supervision under the CLCA.

For the period July 2002 to December 2002 there were 123 instances of absconding or absence from care, five involved persons subject to supervision under the CLCA.

For the period January 2003 to March 2003 there were 84 instances of absconding or absence from care, three involving persons subject to supervision under the CLCA.

5. DHS has completed a review of circumstances that lead to the absconding between 12 July 2002 and 15 July 2002 of the four persons under CLCA supervision orders.

The review has indicated that there are 2 groups of absconders and absentees. These are:

Group 1: Patients whose illness has stabilised and whose condition of licence under the CLCA or treatment under the Mental Health Act 1993 is such that they are allowed a great deal of unrestricted movement as part of a rehabilitation program. This group of patients does not generally receive sufficiently vigorous rehabilitation strategies at Glenside Campus because rehabilitation is best provided in the more stimulating environment of a community setting. This group of patients is more likely to abscond because of boredom. Strategies are underway to improve the range of supported accommodation alternatives to in-patient care that would better meet their needs.

This is the vast majority of absconders and absentees from Glenside Campus.

Group 2: This group is people who require high security accommodation as the result of very restrictive custody orders determined by the Court. They represent a smaller group of absconders and absentees with only one person from this group absconded in each of the past two years.

Due to the high level of security this group of patients is generally at a lower risk of absconding although it is acknowledged that there is always some risk of this occurring. Improvements to the physical environment—in this case improved courtyard lighting—were undertaken immediately it was identified that staff supervision of clients in external areas was not optimal due to poor lighting.

Internal policies, procedures and staff training in relation to risk assessment, optimum supervision, response to and the reporting of client absences have been developed and implemented across Glenside Campus.

6. The government already provides services for people who require detoxification, including people with mental health issues who are under the influence of non-prescription drugs.

These services are provided through existing Drug and Alcohol Services Council programs and non-government organisations.

It is not the intention of the government to investigate the need for a further detoxification unit.

7. The government is committed to the reform of mental health services in South Australia. The reform process is addressing the key elements identified in the Brennan Report and is being progressively rolled out across all mental health services.

SEX EDUCATION

In reply to **Hon. A.L. EVANS** (1 May).

The Hon. P. HOLLOWAY: The Minister for Education and Children's Services has provided the following information:

1. The Sexual Health and Relationship Education [SHARE] program is being monitored and evaluated independently by La Trobe University. There will be opportunities for students, teachers and parents involved in the pilot program, to provide feedback on all aspects of the program. All feedback received about the pilot program and materials will be considered.

2. Monitoring and scrutiny of the program will occur through the evaluation process as well as the usual methods of monitoring, through parent, teacher and student feedback.

3. Shine uses a range of methods to consult and has long and established relationships with Aboriginal communities through indigenous health services. It is also practice to consult with a range of culturally and linguistically diverse communities and this practice was implemented in the development of these materials. The principles for sexual health education, Talking Sexual Health, approved by the Australian Council of State School Organisations and Australian Parents Council were used in the development of the share program and resources. These principles are diversity, social justice and supportive environments. In practice this means recognising the cultural and social diversity of society and examining and evaluating diverse values, beliefs and attitudes; concern for the welfare, rights and dignity of all people; recognising the home, school and community as settings for promoting health and being sensitive to personal and cultural beliefs.

4. Many programs introduced to schools and developed to the pilot stage include consultation with industry and professional associations, academics and allied professionals. As well as participation and consultation with teachers in State government officers in the Department of Education and Children's Services, Department of Human Services, the development of this program included participation from the Independent Schools Board, Centacare, La Trobe University and Don't Take Your Life—Celebrate it (a mental health program).

ABORIGINAL PORTRAIT PAINTINGS

In reply to **Hon. SANDRA KANCK** (1 May).

The Hon. P. HOLLOWAY: The Premier and Minister for the Arts has provided the following information:

1. The Minister for the Arts became aware that the Art Gallery of South Australia was seeking to purchase the watercolours by George French Angas on 1 May 2003, through the article that appeared in the Advertiser on that day, and to which the honourable member refers.

2. Since this question was asked, the art works referred to have been purchased by an undisclosed bidder, therefore the question is no longer relevant.

REGIONAL FACILITATION GROUPS

In reply to **Hon. J.S.L. DAWKINS** (1 May).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1 and 2. The six Regional Facilitation Groups namely, Eyre, Mid-North, Murraylands, Riverland, Spencer and South East are an intra-public service mechanism to improve regional cooperation and coordination across agencies and as such, meet at least quarterly or more frequently if the need arises.

3. The Regional Facilitation Groups report to the Senior Management Council quarterly and as required.

PLAYFORD CENTRE

In reply to **Hon. DIANA LAIDLAW** (29 April).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

In formation of the budget all bids are weighed up according to their merits and the priorities of the government of the day.

The results of this process will be revealed on budget day.

LOWER MURRAY IRRIGATION AREA

In reply to **Hon. D.W. RIDGWAY** (19 March).

The Hon. P. HOLLOWAY: The Minister for the River Murray has provided the following information:

South Australia's cap on extraction of water from the River Murray means, the only way that new irrigation can occur is by developers acquiring water from existing users. Over time, water trade allows water to move to the 'highest and best' use, with new high value uses of water gradually displacing lower value uses. This process is to the long-term benefit of the State's economy.

The effect on environmental flows of water sale from the Lower Murray will depend on the volumes traded and the locations where the traded water would be used in future.

The government is building on new and existing policies (River Murray Bill, 2003; River Murray Water Allocation Policy, 2002; River Murray Salinity Strategy, 2001) to better manage the impacts of water trade on salinity and environmental health.

It is anticipated that the new allocations will be formalised in late July or early August 2003.

GAMING MACHINES (EXTENSION OF FREEZE ON GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 2357.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will speak very briefly to this bill to put my views on the record. As members would recall, towards the end of 2000 and also in May 2001, when the original bill to place a freeze on the number of gaming machines was introduced, on both of those occasions I opposed that bill. Although, of course, on the second occasion we had a rather interesting situation. It was one of the rare times in this parliament where, although the bill was returned from the other place insisting on its amendments, it went through on the voices without being challenged. That showed the reluctance of members, including me, to challenge the wishes of the House of Assembly and then premier Olsen to enable this freeze to continue for a period of two years to allow the Independent Gambling Authority to complete its report. Of course, the bill before us—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, that is what I said. But at the end of the day it was allowed to go through on the voices.

An honourable member interjecting:

The Hon. P. HOLLOWAY: We did the first time, but when the motion came back from the house a division was not called. My view on this freeze has not changed. However, given that a freeze has been in place for two years for the purposes of the Independent Gambling Authority to complete its report, consistent with the action I took in not calling for a division on the voices, I will allow that process to continue for this work to be completed. The reservations I had on the freeze that I expressed at that time still apply. However, given that we made this decision to let this process go on for two years to enable this work to be done, having agreed to that, it is appropriate to let it be completed.

In concluding my remarks, I indicate that, when this report is finally brought down, I will give it due consideration.

However, it is not likely that the views I have held towards gaming machines in the long term will have changed. Given that I acquiesced by failing to call for a division in respect of the passage of this bill two years ago, I will allow that process to be completed.

The Hon. J.S.L. DAWKINS: I will also be brief. For a number of my earlier years in this chamber, I have consistently taken a similar stance to that taken by the Leader of the Government in his comments in opposing the cap on poker machines. However, on 7 September 2000, I indicated that I would support the amendment moved by the Hon. Angus Redford that provided the opportunity for all relevant sectors of the community to discuss the best way forward for gaming machines in South Australia. As a result of that approval by parliament of that legislation in an amended form, the task force was established. That included representatives of the heads of churches and the Australian Hotels Association, South Australian branch. As a result of the deliberations of that task force, a set of proposals was put forward. One of those proposals was a two year cap or freeze on the number of poker machines in this state.

On that occasion, I said—and I will say it again—that I was not convinced that a cap will achieve what many people in the community expect. However, some people in the community still seem to think that having a cap or a freeze—even if it is for only a short period—is the way to go in getting the balance right. While I am far from convinced that this will fix the problems we have in respect of gaming machines in the community, I am prepared to support the extension of the freeze for 12 months. In saying that, I must say that I am disappointed that the work of the Independent Gambling Authority was not completed in the two years provided.

We have in effect had that freeze for 2½ years. I think it would have been desirable if that report had come down in full and the complete impact been assessed by now. However, I am disappointed that that is not the case. I am prepared to support a further 12-month freeze, but I just hope that we are not back here in 12 months being told once again that they have not had enough time. I will support the legislation in those terms.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to speak to the second reading. Those who have been members in this chamber for some time will not be surprised to know my views in relation to this proposition. I cannot remember how many times this chamber has been asked to vote in one form or another, whether it be on government legislation or legislation introduced by my good friend and colleague the Hon. Mr Xenophon, in relation to freezes on gaming machine numbers. I think the last occasion on which we debated this was some 12 months ago, and the previous occasion would have been some two years prior to that. I think that the freeze was initially for a two-year period, and I spoke on that occasion in 2000 and indicated my opposition to that. It is fair to say that at that time my views were not in the majority in the Legislative Council and that on previous occasions my views were part of the majority view of the Legislative Council in opposing legislation on gaming machine freezes or caps. Last year, when we debated it again, I indicated my position opposing a continuation of the freeze on gaming numbers.

Whilst I can be and have been accused of almost everything by my friends, colleagues and even enemies on the issue of gaming machines, at least I think I have been consistent in the views that I have been prepared to put, both publicly and privately, to all sides of the gaming machine debate. I do so again. This issue is a conscience vote for members of the Liberal Party. Again, I think it is refreshing to see that, through all these difficult times in relation to gaming machine legislation, the Liberal Party has steadfastly defended the freedom and capacity of its members to vote according to their conscience on these issues. As my colleagues have done, on this occasion they will again explain their views on the legislation. I must say that it is disappointing that this government has not continued to reflect that position and allowed its members a conscience vote—on a number of issues, I might say, but on this occasion in relation to the gaming machine freeze legislation.

The Hon. Nick Xenophon: They do on this one.

The Hon. R.I. LUCAS: If this is a conscience vote, as the Hon. Mr Xenophon has indicated, it will be interesting to see the respective consciences of members, and that will need to be reflected in a division of one form or another at the conclusion of the debate. So, if the Hon. Mr Xenophon is correct and this is a conscience vote for individual members, a vote will reflect that individual conscience decision.

I will not go through all my reasons. I will simply summarise them by saying that I think cap or freeze legislation does not work. It fundamentally misunderstands the problems of problem gamblers. As I have indicated before on a number of occasions, in my view, the 1 or 2 per cent of South Australian gamblers who are problem gamblers would crawl over cut glass to get to a hotel or club to participate in a gambling opportunity if their problem happened to be gaming machines.

When one has approximately 15 000 gaming machines at a significant number of hotels and clubs throughout South Australia, the freezing legislation might make people feel good about being seen to be doing something in relation to problem gamblers, but I challenge anybody, in particular the Hon. Mr Xenophon, to stand up and produce a shred of evidence to indicate that a freeze on gaming machines in South Australia has reduced to any degree the extent of problem gambling in South Australia, or produce a shred of evidence that a continuation of the freeze over the next 12 months—or however long this parliament is prevailed upon to continue the freeze—will do anything to reduce the extent and severity of problem gambling in South Australia. That challenge has gone out before, and at the end of this debate I am sure it will not surprise members to see that not a shred of evidence has been produced, because it is impossible to produce a shred of evidence. The most comprehensive review that has been done in recent times (although I must admit that I am getting hold of a very interesting study that has been conducted recently by Access Economics in relation to poker machines)—

The Hon. Nick Xenophon: Who's paying for that study?

The Hon. R.I. LUCAS: I have no idea, but I assume the Hon. Mr Xenophon is implying that he suspects it is someone who does not share his views.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: The Hon Mr Xenophon indicates that it is Tattersall's. Ultimately, when studies come up with findings that disagree with their position, it is easy for their opponents to criticise the people or organisations who initially provide the funding. I might note that we are seeing the same debate in relation to a comprehensive international study (and again we will debate this) on passive smoking,

related I am sure to gaming machines. Because that study has come out with findings, the individual researchers are having their reputations besmirched at the moment. In that case, because tobacco companies or interests associated with tobacco have funded the research, the suggestion is that in some way those researchers have consciously given up all their professional ethics and have concocted findings that suit the funding body. I would hope that the Hon. Mr Xenophon is not suggesting that the researchers from Access Economics have given up all their professional ethics.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: I am pleased to see that the Hon. Mr Xenophon is not suggesting that and that, together with me, he will defend the professional ethics of Access Economics and agree that, although in this case he claims the study has been funded by Tattersall's, it will freely and fairly undertake their findings. We ought to be able to debate their findings without besmirching the professional ethics of the researchers because of their funding source.

I was leading on to say that I think the Hon. Mr Xenophon has defended the Productivity Commission, because in some cases the Productivity Commission had some useful findings from the point of view of the argument that the Hon. Mr Xenophon has supported over the years. Again, I will not go through the detail of the Productivity's Commission's findings, but they indicated pretty clearly that freezes on gaming machine numbers would really not resolve the issue for the 1 or 2 per cent of problem gamblers in the community. That is one of the more comprehensive pieces of analysis and research that have been done on the broader gaming machine issue in Australia in the past few years.

That summarises my view that, with 15 000 gaming machines, those 1 or 2 per cent of problem gamblers in the South Australian community will find an outlet for their distressing problem. I challenge the Hon. Mr Xenophon and others to produce the evidence that the notion that continuing this freeze for a further 12 months will do anything for that 1 or 2 per cent. That challenge has been issued before but we have not seen the evidence, and we will not see it this time.

A freeze makes people feel good. The media and the community will be on side with those who support the proposition that we ought to continue the freeze. As a politician, the warm inner glow that one gets from doing something which the media supports is always a good feeling. Having been in government on rare occasions when this has occurred, that feeling is certainly not to be sneezed at, but the challenge goes out to the media as well that, at some stage, someone will have to look at some of these propositions that we implement to determine their genuine impact on problem gamblers. My personal view remains that freezing the number of machines at 15 000 for a further 12 months will do nothing at all for those 1 or 2 per cent of problem gamblers. For those reasons, I maintain my opposition to the extension of the freeze.

The Hon. R.D. LAWSON: I rise to support this bill. When the Olsen government first proposed a temporary freeze on the number of gaming machines in 2000, I supported that proposal. I came to the view then that there was excessive gambling in the South Australian community because of the introduction of gaming machines and their very ready acceptance, and I was opposed to that. I believed that this change had distorted spending patterns and that gaming was taking an excessive proportion of disposable income, and I thought a freeze would enable us to ascertain specifically whether there was any statistical evidence to support that conclusion. I believe that adults should have reasonable access to gaming facilities according to their need or want; however, it was my belief at that time that the more machines there were in the community the more gambling would occur—a proposition of which, in the light of more recent research, I am not entirely convinced.

I also believed at that time when one looked at the position in South Australia compared with the adjoining state of Victoria and noted that, on a population basis, we had about one-third more gaming machines than Victoria, that that fact ought to give us some cause for pause. I also believed that it would be irresponsible to continue to license more machines because, if it was subsequently found that we should reduce the number of machines in this state, the cost of compensating operators who would lose machines would be so much higher. For those reasons (and others given at the time) I supported a freeze.

I acknowledged that many other members took the view that it is futile to impose a freeze because freezes do not reduce gambling or the number of so-called problem gamblers. I also accepted that a freeze would have the effect of increasing the value of existing licences and that any proposed new entrants into the market would face difficulties because they would have to acquire a business rather than apply for a gaming licence. It seemed to those prospective entrants—and I think I agree with this—that, for example, new community clubs would be at a disadvantage when entering the market. When one looks at the fact that, in this state, clubs still have a relatively small percentage of the total gaming machine market, that is a matter for some concern. However, I believe, as does the Australian Hotels Association on this occasion, that an extension of the cap for a further year is an appropriate course to take whilst the current IGA examination is being undertaken.

I think it is worth mentioning and putting on the record an interesting paper which was delivered by Gary Banks of the Productivity Commission at the 12th Annual Conference of the National Association for Gambling Studies conducted in Melbourne in November last year. This paper, which has been published by the Productivity Commission, is entitled 'The Productivity Commission's gambling inquiry three years on'. I commend this paper to members. Many members will have studied the results of the original Productivity Commission inquiry and the very substantial report that was produced as a result. Mr Banks' paper contains a number of interesting matters. One of the most interesting is that the Productivity Commission is still not able to identify with any accuracy the number of so-called problem gamblers, but it is noted that there has been a recent tapering off of growth that occurred in gambling expenditure in Australia.

Looking at these figures—which are presented in the paper in quite graphic form—one sees that the demand for lottery products has remained fairly static from 1991-92 to 2000-2001; gaming machines have markedly increased in expenditure terms over that period from a little over $2 billion to over $8 billion nationally; casino spending is now relatively static; and other forms of gaming (including racing and sports betting) have also reached a fairly static position. However, the graphs show a slight decline in recent times in gambling expenditure in terms of household disposable income, which has reduced to less than 3.5 per cent from about that amount in 1999. Of more particular interest are figures which show the position in South Australia where, once again, gaming machine expenditure is static at a level

of something under $500 million per annum. The same experience is shown in other Australian states.

A table shows that, at the end of 2001 in clubs, hotels and casinos in this state there were some 14 867 machines, as opposed to 12 912 in 1999. In my view, 14 867 is still a relatively large number when one looks at the state of Queensland which has a far larger population and which has 38 391 machines. Although, in that state, there are more machines in clubs than in hotels. In Victoria, there were 29 944 gaming machines, a little over twice the number in this state—and, as members will know, the population of Victoria is significantly more than twice the population of this state. New South Wales, of course our most populous state, also has the largest number in absolute terms of gaming machines and also the largest number per head of population. In that state, there are over 101 600 machines of which some 74 000 are located in clubs and 25 400 in hotels. Once again, a different balance to that which we have here.

The figures which have been provided to me by the Hon. Nick Xenophon indicate that in this state per capita gambling expenditure on gaming machines was some $473.41. In Queensland, it is $377.94; and in Victoria $647.26. That is not altogether surprising because there is a much smaller number of machines per head of population in that state than in ours. However, in New South Wales, the expenditure per machine is some $838.06. In the Australian Capital Territory it is $714.75.

The Hon. A.J. Redford: In Victoria they have fewer machines and spend more per head.

The Hon. R.D. LAWSON: Indeed, in answer to the Hon. Angus Redford, that is the position. The Australian average is $572.19. Therefore, at $473.41, South Australians are spending less than the national average on gambling expenditure. However, I do commend to the council the Productivity Commission's latest paper by Mr Banks (the chairman) as it is well worth reading. As other members do, I look forward to the report of the Independent Gambling Authority on this issue, and I support the extension of the freeze for one year to enable that report to be delivered and properly considered.

The Hon. D.W. RIDGWAY: I propose to be quite brief in my contribution, but I rise to speak against the freeze on poker machine numbers in this state. I am against the freeze because I believe it contradicts the fundamental principle of the freedom of choice upon which the Australian and South Australian economies have been based. I am quite concerned about some of the points that have been made, and therefore I will highlight some of the points that have been made previously. In South Australia, poker machines have produced over 4 400 jobs in hotels in the last four years; they have provided some $463 million for infrastructure upgrades on premises; and pokie revenue makes up the vast majority of the $9 million spent on philanthropic activities such as sporting clubs and charities.

While pokies do supply a large amount of tax revenue to the government, they also provide a substantial proportion of the hotel industry's contribution to local and community activities. It is rather interesting, when we talk about the freeze, that issues such as problem gambling, the number of machines in South Australia and the relationship between the number of machines per head of population and per capita spending are raised. I note that South Australia has one of the lowest per capita number of machines in the commonwealth. New South Wales and the ACT have over 20 machines per 1 000 people, while Queensland has 11.4 machines per 1 000 people.

South Australia has 10.7 machines per 1 000 people, yet if we look at Victoria, which has a rate of 7.7 machines per 1 000 people, the level of expenditure per machine is nearly double. Confirming what my colleague the Hon. Robert Lawson said, in fact New South Wales has nearly three times as many machines per capita as Victoria, but people in both states spend nearly the same amount per year on gambling—between $900 and $1 000 per head. We spend half of that in South Australia. The number of machines has no relation to the level of gambling.

I acknowledge, along with my colleague the Hon. Robert Lucas, that we do have a problem with problem gambling. However, these people represent a very small percentage of the population, and I do not believe that the number of poker machines will have any effect on problem gamblers. As my colleague the Hon. Robert Lucas said, these people will crawl across miles of broken glass to satisfy their need. When it comes to the Independent Gambling Authority, in my view, it has had almost two years to consider its deliberations, and by any stretch of the imagination that is adequate time in which to have done so. The freeze is something that I do not see in any way as being effective in combating problem gambling and therefore it should be abolished. It is on that basis that I do not support the freeze.

The Hon. NICK XENOPHON: I indicate my support for the bill and I refer members to my contribution in *Hansard* on 19 February 2003 when I introduced a private member's bill which is identical to the government's bill in relation to the freeze. For that reason, I do not propose to restate unnecessarily what I said on that occasion. I will address several issues very briefly. The Hon. Robert Lucas has said that there is no evidence that this freeze will reduce problem gambling. With respect, the Productivity Commission's finding was that the more accessible forms of electronic gambling are, the greater the risk of increasing the levels of problem gambling. I think it is worth bearing in mind the comments of the former premier—

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: The Hon. Robert Lucas said, 'Do they support a cap?' I do not have the reference in front of me, but the Productivity Commission did say, in effect, that caps are a blunt instrument in dealing with these issues. It would be fair to say that the Productivity Commission considered the issue of a cap as one of an arsenal of measures for dealing with problem gambling, but it indicated that a whole range of other measures should be considered as part of a package. For instance, machine modification, consumer warnings and a whole range of other measures, and that is what I—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: The Productivity Commission, in discussing the various options, did say that it was a blunt instrument—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: It did refer to community surveys and I think it said that approximately 90 per cent of those surveyed in their very extensive national survey thought that there should not be any more poker machines in the community. In relation to the issue of the freeze on 3 May 2001, the then premier (Hon. John Olsen) said:

There has been comment that this does not go far enough in winding back the number of poker machines. Nevertheless, this is

a first and important step forward in halting the proliferation. With a pause, we can reflect and look at strategies that can be put in place over a period of time, and retreat if that is the will of the parliament. I would argue to the parliament that that ought to be a course that is followed eventually, after due consideration has taken place.

For those reasons and the reasons I set out on 19 February, I support this freeze, but I do acknowledge that this ought to be seen as part of a package of measures that will reduce the level of problem gambling. I also draw members' attention to the very comprehensive report released in August 2001 by the South Australian Centre for Economic Studies. In deference to the Hon. Robert Lucas, I can say who paid for that: it was paid for by the Provincial Cities Association of South Australia, a local government group.

That report indicated, in terms of the study, that there were just over 23 000 problem gamblers as a result of poker machines in South Australia. It also commented on the Productivity Commission's finding that, on average, just over seven people are in some way affected by every problem gambler. That is a significant issue. Whatever our views on poker machines and their proliferation, I like to think that there is unanimity in this chamber. It is a serious issue, and I think the Leader of the Opposition said previously—and I am sure he meant it sincerely—that one problem gambler is one too many. It is an issue with which we need to deal.

According to the study of the South Australian Centre for Economic Studies, some 2 per cent of the adult population in the state are problem gamblers. That is a significant number of people whose lives have been disrupted. I urge members to support this bill, how ever imperfect it may be, and I do acknowledge that, in the context of the Productivity Commission's discussion—it seems axiomatic, and it follows from the conclusions about issues of access—at the very least having a freeze will have a bearing on the number of additional problem gamblers in the community. I think that is a factor that ought to be taken into account in supporting this freeze.

The Hon. A.J. REDFORD: I oppose this bill. This was a freeze that was only ever meant to be temporary while the Independent Gambling Authority went about its task, which was clearly identified at the time that legislative amendments were presented to this place and which was to present to South Australia a discussion paper either to justify or not justify a freeze. It has not produced anything such as a document or research paper which would justify a freeze. Indeed, well over $1 million has been expended upon the bureaucracy and others associated with the establishment and promulgation of the Independent Gambling Authority and, to date, all we have received is a discussion paper outlining the sorts of arguments that have been going on ad nauseam in this place since about 1994.

It would have to be one of the most expensive pieces of paper I have ever seen to tell everyone in this place what we already know. It has not produced any reason to support this freeze. In my view, there is no reason that a freeze can be justifiably supported other than for political or publicity reasons. Indeed, the Hon. Nick Xenophon, who has argued consistently for a freeze—unlike some members opposite who seem to change, depending on where they are directed (and I will come to that later)—has not identified one positive outcome that has occurred in the 2½ years we have had a freeze. I must say—

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: I stand corrected. The honourable member has not identified one positive outcome, other than fewer machines than might otherwise have been the case, that has flowed from the freeze we have had over the past 2½ years. I have not heard the Hon. Nick Xenophon come into this place—and I bow to his more focused attention on this issue—and say, 'Thank you very much Legislative Council and House of Assembly; this is a positive benefit that has come out of the freeze that we have had over the past 2½ years.'

The freeze was brought into existence to enable the Independent Gambling Authority to come up with a position to justify a freeze. It has failed to do so. Whether it has failed to do so on the basis that it is incapable of doing its job, or whether it has failed to do so because it is incapable of justifying a freeze, is a matter for some debate but, at the end of the day, as I stand here some 2½ years after the time that I first moved for the introduction of such a freeze, I have yet to see any positive benefit identified in so far as problem gambling or any other thing that has resulted as a consequence of that freeze.

Indeed, we are now starting to see some cracks. Last year we stopped the transfer of a licence from Whyalla to Angle Vale. On that occasion, support was given to an amendment or a bill moved by the Hon. Nick Xenophon on the basis that these people had only another year to wait. The debate took place in June last year. At the time the Independent Gambling Authority was in existence. I assume that these people would take a little time to read the debate that took place on that occasion. Indeed, on that occasion, the Hon. Mike Elliott referred to the fact that it was a temporary cap and said, 'These people can wait for the expiration of this temporary cap'. Indeed, last year I said:

In this respect, it is an agreement that expires 12 months hence in any event, and the applicants for this licence will be free to deal with their position following the appropriate legislative attention in the not too distant future.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member might say 'not a very reliable source', but it is only as reliable as the honourable member's conscience. The honourable member has stood up on many occasions in this place and, with one hand figuratively on the *Bible* and the other hand across his heart, said, 'My conscience leads me to oppose the establishment of a freeze.' But one small amendment or one small motion within cabinet or caucus has suddenly seen his conscience fly out the window.

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: The honourable member probably has not been without a white car for some time, but the honourable member underestimates the allure of a white car and the significant increase in superannuation. One would think that perhaps that might have some influence on his determination on whether he will stick with his conscience or with the party line. I am a betting man on this occasion, and I am prepared to bet my superannuation that he will not put his superannuation at risk by voting for the freeze.

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: The honourable member interjects to say that the Hon. Nick Xenophon says that it is a conscience vote for members opposite. If the Hon. Nick Xenophon cares to read the *Hansard* in another place, he will find that strong opponents, such as the Treasurer, to a freeze on poker machines voted with the government in support of the freeze. They did so on the basis that it was not a con-

science vote: caucus had come to a decision and it voted as a bloc. If something has changed between another place and here, and the Hon. Nick Xenophon can point that out to me, I will be grateful for that additional piece of advice.

In any event, I have digressed slightly as a result of the look on the Hon. Terry Robert's face and the fact that it is a conscience that changes from white car to white car. There are other issues. One thing we are seeing in this process is the advent of anomalies. We saw it with the application to transfer a poker machine licence from Whyalla to Angle Vale. We are now seeing another one, and I refer to the difficulty in which the North Adelaide Football Club has found itself as a result of endeavouring to enhance the earning capacity of its poker machines.

The Hon. Nick Xenophon has given me a piece of paper which states that it is on the record that this bill will be a conscience vote for members of the government. Therefore, I stand corrected—as I am always prepared to be—by the Hon. Nick Xenophon, but let us see how they vote!

Members interjecting:

The Hon. A.J. REDFORD: He can slip over and join us, and, if I can count the numbers correctly, that will almost tip the balance against the freeze. I am sure that he will walk into Premier Rann's office, and say, 'Look, Premier, I know you've lost your freeze, I know you are going to get a bad headline, but I know you: you don't mind the odd bad headline, and I know you will take the odd bad headline'—and we will just see how courageous the Hon. Terry Roberts and the Hon. Paul Holloway might be. We will see just how courageous they are in being consistent about their views on poker machine freezes that have been expressed before this parliament on so many prior occasions.

In any event, as I was saying, we are now starting to see cracks appear and difficulties arise over this rather crude instrument of a blanket freeze. We are now seeing it with North Adelaide. My understanding is that there are going to be difficulties with the Norwood Football Club and with the Sturt Football Club. Perhaps this is a fiendishly clever strategy to enable marginal Labor members in the lower house to look like Sir Galahad, such as we have seen over the last 48 hours, where the member for Adelaide has come charging in on her white horse and said, 'Whoa, I'm going to save North Adelaide!' And perhaps we will see the member for Norwood over the next six months come charging into this place on a white horse, in order to protect the Norwood Football Club. We will then start to see it all flowing through the system.

The serious point I am endeavouring to make here is that this is a very crude instrument that is simply not an appropriate instrument to be held in place for a period of three and a half years. The IGA and the government have had two and a half years to deal with this and they have failed to do so. Indeed, my understanding is that there are all sorts of other problems associated with country areas, small hotels, and the like, and, indeed, we are already starting to see the enrichment of substantial hoteliers with the attraction of additional goodwill to their hotels as a consequence of a freeze—in relation to which the Hon. Nick Xenophon cannot point to one single positive problem gambler outcome. That is what we have managed to achieve with this freeze so far, unfortunately.

We are here today because of the inactivity of the IGA. In that respect I outlined my concerns regarding the IGA less than two weeks ago. Whatever the reason, it has failed in its duty. Indeed, the height of arrogance of the IGA is there for us all to see. Indeed, despite having failed to negotiate or deal with or communicate with members of parliament, the IGA indicated that it was going to continue a public consultation process after 31 May, and that, I would suggest, is the height of arrogance. In the whole of the period that I have been in parliament I have never ever seen any other executive institution behave in such a manner. I have never seen an institution assume, particularly in the area of poker machines, that there would be a certain outcome in relation to a parliamentary process.

Is it any wonder that the IGA's standing in the eyes of many members of the parliament has been diminished and is continuing to be diminished by its arrogance. To assume a further 12 months is, in my view, the height of arrogance. We saw no discussion paper until March this year—no discussion paper, and, as I said, anyone could have produced the discussion paper that we saw. We have issues relating to clubs. Clubs are at a severe disadvantage. Clubs are endeavouring to look after their members and their communities and they are being hindered by this freeze. They are not able to move about in the marketplace with any degree of freedom because of the nature of this freeze, and we have seen an example of that with the North Adelaide Football Club. People who want to enter into the market are excluded unless they pay the very high premiums that are asked of them by substantial hoteliers. We have not seen anything that has meant that there is any decrease in problem gambling, or anything associated with problem gambling that might be attributed to the freeze that we have endured, or had inflicted upon us over the last two and a half years.

This is a serious issue, as the Hon. Nick Xenophon has suggested on many occasions. Indeed, I would hope that, whilst we have seen a series of stunts and political statements and rhetoric in relation to this issue of poker machines over the last seven or eight years, we can deal with this issue carefully and dispassionately. Indeed, I would hope that the Hon. Nick Xenophon, in his close attention to these issues over the next 12 months, will, like I have, in an endeavour to appear to be even-handed, draw the public's attention to the extraordinary deficiencies and hypocrisy of this government, particularly in relation to poker machines, and particularly in relation to the way in which these two successive gambling ministers have pushed the IGA to actually achieving something for the one and a half million dollars that the long suffering taxpayer appears to have spent on that organisation.

For those reasons and the fact that, to my mind, there has been no justification for the continuation of a freeze put to me, and no identified benefit arising from the freeze that we have endured over the last two and a half years, I oppose this bill.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am not sure whether I indicate my vote at this stage of the proceedings. I have to work out just whether my bank account could handle the swollen numbers of dollars that the honourable member has in his superannuation fund.

The Hon. A.J. Redford: This is a pretend conscience vote isn't it.

The Hon. T.G. ROBERTS: I would certainly hate to make him destitute. I know he has family responsibilities and other matters, and I would certainly hate to see him leave this place with nothing to rely on for his retirement. In response to the issues raised by the Hon. Angus Redford, and this is in respect of the general performance of the Independent

Gambling Authority and, more specifically, the progress of the inquiry into the management of gaming machine numbers in South Australia, I would like this council to note the following.

The Independent Gambling Authority was established on 1 October 2001. Since its establishment it has: implemented the voluntary barring system; undertaken the suitability inquiry of the licensee and approval of documentation with respect to the sale of the South Australian TAB; completed the Adelaide Casino Advertising and Responsible Gambling Codes of Practice; maintained an effective regulatory overview; and reviewed bookmaker licensing rules.

In addition, matters currently being addressed by the authority include: finalisation of the Lotteries Commission Advertising and Responsible Gambling Codes of Practice; commenced consultation on the Gaming Machines Advertising and Responsible Gambling Codes of Practice; commenced consultation on the Wagering, Advertising and Responsible Gambling Codes of Practice; establishment of a research program; development of an early intervention order scheme; inquiry into the link between problem gambling crime; and release of a draft discussion paper on its inquiry into the 'Management of Gaming Machine Numbers in South Australia'.

With respect to the specific issue of inquiring into the 'Management of Gaming Machine Numbers in South Australia', the Independent Gambling Authority received the terms of reference on 20 June 2002. No action was taken by the former government to commence this inquiry. Since that time the authority has: made the call for public submissions, on 11 July 2002; held the initial round of public consultations, on 22 August 2002; held the public hearing to receive evidence from government officials, on 14 November 2002; commissioned and received independent research into 'The Distribution of Electronic Gaming Machines (EGMs) and Gambling Related Harm in Metropolitan Adelaide', from September to December 2002; released its draft discussion paper on this inquiry in March 2003; and received written responses on this discussion paper, by 16 May 2003. The authority will hold further public hearings on 17 and 18 June 2003 with the report to be completed in September 2003. The Independent Gambling—

An honourable member interjecting:

The Hon. T.G. ROBERTS: I was hoping you would be playing for the press and I would bowl some steamrollers at you. The Independent Gambling Authority had a significant number of tasks to attend to following its establishment. It is noted that a new Presiding Member of the Independent Gambling Authority was appointed on 15 August 2002. The authority has quite an extensive workload, is independent and allocates its resources to tasks as necessary in light of competing priorities. In addition, it is required to consult widely and consider the views of all stakeholders in its recommendations. Those processes take time. With respect to the apparent lack of response to questions asked by the Hon. Nick Xenophon, I provide the following information:

- 3 July 2001—regarding a question about what was happening with the IGA, what its resources were and when it will come into effect: you will need to ask the former government's minister for gambling why a response to that question was not tabled.
- 7 May 2002—regarding questions about the proposed report in relation to the link between problem gambling and crime (a similar question was asked again recently, on 14 May 2003): answers are still to be brought back.
- 16 May 2002—regarding questions about Sky City Adelaide's latest promotion, The Party Pit, and any research the IGA may have on the link between smoking and gambling: the response to this question was tabled on 17 July 2002.
- 19 August 2002—regarding a question about the appointment of the new Presiding Member to the Independent Gambling Authority: the response to this question was tabled on 15 October 2002.
- 21 August 2002—regarding a question about the Independent Gambling Authority's inquiry into the link between gambling and crime, and the resources of the Independent Gambling Authority: the response to this question was tabled on 15 August 2002.
- 27 March 2003—regarding a question to the Minister for Correctional Services about gambling and crime: a response has not yet been tabled.

With respect to the issue of the Gamblers Rehabilitation Fund (GRF) being supervised and monitored by the IGA, that has never been the case. When the Independent Gambling Authority was created in October 2001 the government of the day kept the Gamblers Rehabilitation Fund within the Department of Human Services.

With respect to the budget issues raised by the Hon. Angus Redford, I inform the council that the budget for the IGA was increased by $1.1 million over four years in the 2002-03 budget to establish the research program of the IGA. This program was not funded by the former government. The IGA's budget in 2002-03 is $1.16 million. In the 2002-03 budget the government also announced an increase in funding to the GRF of $4 million over four years—

The Hon. NICK XENOPHON: I rise on a point of order, Mr President. If the minister could tell us how this is specifically relevant to the bill before the council I would be most grateful. I raise an issue of relevance.

The PRESIDENT: My understanding is that the minister is responding to the other various contributions put before the council.

The Hon. NICK XENOPHON: The matters the minister is discussing were not, according to my understanding, raised in the context of the debate on this bill.

The PRESIDENT: I am sure the minister will make specific reference to relevance when he concludes his remarks.

The Hon. T.G. ROBERTS: In relation to the Gamblers Rehabilitation Fund, referred to by the Hon. Angus Redford, on page 2.22 of Budget Paper 4, Volume 1 is the hotel and club gaming machines licensees' contribution to the Gamblers Rehabilitation Fund. This did not increase during 2002-03—it remains at $1.5 million per annum. They are the notes with which I have been supplied; I hope that they are relevant to the Gaming Machines (Extension of Freeze on Gaming Machines) Amendment Bill 2003.

The council divided on the second reading:

AYES (12)

Cameron, T. G.	Evans, A. L.
Gago, G. E.	Gazzola, J.
Gilfillan, I.	Lawson, R. D.
Reynolds, K.	Roberts, T. G. (teller)
Sneath, R. K.	Stefani, J. F.
Xenophon, N.	Zollo, C.

NOES (5)

Kanck, S. M.	Lucas, R. I.
Redford, A. J. (teller)	Ridgway, D. W.
Schaefer, C. V.	

PAIR(S)

Dawkins, J. S. L.	Laidlaw, D. V.
Holloway, P.	Stephens, T. J.

Majority of 7 for the ayes.

Second reading thus carried.

In committee.

Clause 1.

The Hon. R.I. LUCAS: It has been put on the public record, both by my colleague in this debate on the IGA and also publicly, that a number of gaming machines have been approved—I think that the number is about 600 or so—but not installed. Has the government received any advice as to how many of those machines that have been approved but not yet installed are likely to be installed within this 12-month period? For example, as I understand it, some of those 686 machines are unlikely to be installed within this extended freeze period of 12 months. Has the government received any advice from the commission—or, indeed, anyone else—as to the number of machines likely to be installed within this 12-month extended period we are debating?

The Hon. T.G. ROBERTS: The current figure relating to the number of machines approved in those 599 venues is 14 931. The number of machines actually installed is 14 865. So, just 66 machines are not installed.

The Hon. NICK XENOPHON: Further to the question asked by my colleague the Hon. Rob Lucas, I recollect asking a question of the previous government several years ago when the Hon. Rob Lucas had ministerial responsibility for gaming machines. My recollection is to the effect that in relation to machines not yet installed—and there was some concern over the delay in terms of people getting licences and then sitting on those licence approvals—the commissioner was going to write to licensees with a view to revoking approval. I want to emphasise that I am relying on my recollection in relation to this matter, but it is to the effect that the commissioner did have the power to act such that, if an approval had been given and the licensee had not acted in a timely manner, the approval would have been revoked. My questions to the minister are: to what extent were criteria set by the commissioner; and with respect to any criteria in relation to the installation or otherwise of machines, can the minister indicate that, in relation to the 66 machines in question, there is a question mark as to whether those machine approvals could well be revoked if they have not complied with conditions set by the commissioner?

The Hon. T.G. ROBERTS: The information given to me is that licences are pending for 40 machines, with licences not having been approved yet. There are 157 machines that have been suspended for misdemeanours or for reasons for the commissioner to make a suspension. Letters have gone to those applicants stating the reasons.

The Hon. R.I. LUCAS: Is that an overarching category? Does that refer just to the issue that the Hon. Mr Xenophon has referred to, that is, where someone has had approval but has not installed the machines, with the commissioner then having conducted an inquiry or revoked or suspended an authority, or is it a result of companies going into liquidation, or fires and a variety of other reasons which may well mean temporary suspension of licences?

The Hon. T.G. ROBERTS: The only machines that have not been installed are the pending ones, that is, the 40. One hundred and fifty-seven have been installed at some time but have been taken out of circulation.

The Hon. R.I. LUCAS: For what reason? Because of liquidation?

The Hon. T.G. ROBERTS: Possibly because of disciplinary action or the place may have closed down or not been able to transfer. Letters went to people who had those, and they were given reasons.

The Hon. R.I. LUCAS: By way of clarification, the minister is saying, on advice, that 157 machines that were installed have now been suspended. The question the Hon. Mr Xenophon has raised previously—and it has been repeated today—involves a different category, where they had an approval for them but have not yet installed those machines. The issue the Hon. Mr Xenophon has pursued previously—and he is pursuing it again today—is that they have had an approval but they have not installed them for a variety of reasons, for example, they have applied for 40 machines and installed only 10 or 20; they have been saving money to finance the remaining 20; or they are just storing up an approval.

As the Hon. Mr Xenophon said, the commissioner has previously indicated that, because he gives a time period in which the machines must be installed, if they have not been installed during that period he has the capacity to revoke (if that is the right legal term) or take away their approval. Have there been examples where that process is followed through, that is, they did have approval but because they did not install the machines the approval was revoked? I think there is expertise within this chamber, perhaps not sitting at the minister's left hand, which might be able to assist the minister on this issue. I do not know whether the minister can organise for that other knowledge base within this broader chamber to be closer to his left ear—

The Hon. T.G. Roberts: Have you got something against my adviser?

The Hon. R.I. LUCAS: No, not at all; I am suggesting that the minister might get another because, as eminently capable as the adviser is as a Treasury officer, this is not his area of expertise or knowledge. That currently resides within the commissioner's office. A well regarded member of the commissioner's office is present who might be able to assist me, the Hons Messrs Xenophon and Stefani and others who have some questions in relation to this part of the process.

The Hon. T.G. ROBERTS: The information given to me is that, yes, some machines out of those 60 were installed, and some were suspended.

The Hon. R.I. LUCAS: What 60?

The Hon. T.G. ROBERTS: Out of the 66. While my second adviser arrives, I indicate that a number of applications were made for machines in anticipation of the previous freeze, but the commissioner wrote to the applicants and withdrew the approvals.

The Hon. R.I. Lucas: How many?

The Hon. T.G. ROBERTS: We do not have the specific numbers.

The Hon. A.J. REDFORD: I understand exactly where my leader is coming from. I draw members' attention to the table I incorporated in *Hansard* two weeks ago which outlined the number of machines that were not installed, and this would have been in about December 2000. My reading of the document is that 686 machines had been approved but not installed. A further 172 machines were at venues that were under suspension. A further 180 machines at what I would call hotel venues had certificates granted pursuant to section 59. Applications were lodged in relation to 170 machines and, for premises described as non-live venues,

some 295 machines were outstanding. That would indicate that of the order of 1 300 machines were not operating at the time the freeze was legislated. I and I am sure the Hon. Robert Lucas would be interested in knowing the position in respect of each of those categories.

The Hon. T.G. ROBERTS: The figures that I have been given, working off the same sheets as the honourable member had in front of him, are that the number of machines approved in the venues was 14 931 and the number of machines actually installed was 14 865. That left 66 that were not installed. An application has been made and granted for 40 of those at Copper Cove at Wallaroo, and I would think they will be dutifully installed. For those which have not reached their final total of 40, some 26 machines are still to be installed, having been approved.

The Hon. A.J. REDFORD: Can you give us a list of licensees in respect of those?

The Hon. T.G. ROBERTS: That can be supplied on notice.

The Hon. R.I. LUCAS: I thank the minister for that, because that clarifies it. There have been some 14 931 approvals and 14 865 have been installed. My recollection is that at the time of the original debate the advice given to the council was that there would be slightly above 15 000 approvals. Are there any applications which did have approval, which were not installed and which the commissioner has revoked as a result of the process the Hon. Mr Xenophon has requested? That is, is there any example of someone who had approval and did not have them installed? They got approval for 40 or whatever the number happened to be, the commissioner went through the process and said, 'You're not serious; we are now taking away your approval for 40,' and either substituted another one or took it away completely. Are there any examples of that and, if there are, what is the total number of machines that have been removed through that process?

The Hon. T.G. ROBERTS: That scenario that the honourable member outlines did occur in some cases, but my advisers do not have the detail. That can be supplied.

The Hon. R.I. LUCAS: I am happy to accept that if we can get a list of the total number of machines that have been through that process and had their approvals revoked and the details of those applications. When this issue was first debated, a number of just over 15 000 was provided to members of parliament. Why is the total number of approvals now listed as 14 931?

The Hon. T.G. ROBERTS: The 14 931 are in existing venues; 157 have been suspended; and 40 form part of the pending application. That gives a total of 15 128, the figure that was given for installation in 610 venues.

The Hon. A.J. REDFORD: The minister can take these questions on notice, because in that way we will get the answers in a digestible form. Again I refer to the document which I had inserted in *Hansard* on 14 May 2003 (pages 2304 to 2306). First, of the 686 machines described in those statistics as venues that have not installed the total number of approved machines, will the minister advise how many were, in fact, installed? Secondly, in relation to gaming venues under suspension (there is a list of 172 machines), how many of those were reinstituted into the system and how many were lost from the system?

Thirdly, in relation to certificates granted under section 59 of the Liquor Licensing Act (of which there were said to be 180), how many of those were installed and how many lapsed? Fourthly, in relation to the item headed 'Proposed premises—application for liquor and gaming lodged' (of which there were said to be 170), how many of those were installed and how many lapsed? Fifthly, in relation to the category headed 'Non-live venues' (in respect of which there are said to be 295 machines installed), how many of those were installed and how many lapsed? I acknowledge that the minister will give me those figures down the track.

Further, the minister has indicated that there are 66 machines outstanding, 40 of which are approved for the Copper Cove Marina Resort. When is the Copper Cove Marina Resort required to install those machines before the approval lapses?

The Hon. T.G. ROBERTS: The honourable member's first five questions will be dutifully taken on notice and I will report back. The Copper Cove commencement date would be known by the commissioner, and a letter would have gone out. We do not have that information. The commissioner will have to be asked to supply that answer.

The Hon. A.J. REDFORD: In relation to the 26 machines, will the minister advise us of the licences in respect of each of those machines and when they are due to expire? Finally, since December 2000, what extensions have been granted regarding the installation of machines in respect of premises, the date on which the extension was granted, the date to which the extension was granted, and the reasons why each extension for the installation of machines was granted?

The Hon. T.G. ROBERTS: Those questions will also be taken on notice.

The Hon. NICK XENOPHON: My colleagues the Hon. Rob Lucas and the Hon. Angus Redford have asked a comprehensive series of questions on this issue. Hopefully without repeating their questions, I ask the minister: how many machines were outstanding in terms of those that were approved but not yet installed at the time a freeze was first put in place at the end of 2000? Members will recall that there was a freeze at the end of 2000 for six months and that it was subsequently extended for two years. We now have this bill for a further extension of one year.

I note the two-page answer given to me on 9 November 2000 by the then responsible minister (Hon. Rob Lucas) in relation to the venues for machines approved but not yet installed and a whole range of conditions. I further note the comprehensive tables to which the Hon. Angus Redford referred and which were inserted in *Hansard* on 14 May 2003. Will the minister say to what extent the conditions relating to the installation of machines (referred to on that occasion and on 9 November 2000) were complied with, or were they varied in some way?

For instance, if there was a condition that the machines had to be installed by a certain date, was that condition complied with or was it varied in some way to allow for the subsequent installation of those machines and, if so, what was the reason for that? This information will give us some understanding of how either those machines that were in limbo came into the community or the licence for those machines was revoked.

The Hon. T.G. ROBERTS: Those questions will have to be taken on notice as well, and I will bring back a reply. I am not quite sure whether the committee stage can continue while that information is obtained and supplied.

The Hon. NICK XENOPHON: I do not want it to be interpreted in any way that I want to delay the passage of this bill. These questions need to be answered in due course, although I note that my colleagues opposite might have a different view. These are legitimate questions that need to be

answered, but I do not want it to be misinterpreted by any of my colleagues that I will seek to unduly delay the passage of this bill. I look forward to the minister's response.

The Hon. R.I. LUCAS: I will not be diverted. I might warn the honourable member about parliamentary privilege and freedom of information legislation, but he will have the chance to address that issue when I raise it this week. I will clarify the two sets of numbers that we have on advice to the minister. First, the 14 931 existing approvals and 14 865 machines installed, which means that 66 were not installed. We understood that the breakdown of that was that 40 related to Copper Cove at Wallaroo and there were 26 others. Then I thought I understood the minister to say that, to get the 14 931 existing approvals up to 15 128, he added to the 157 suspended, and I thought he also added the 40 from Wallaroo. If that is the case, there seems to be some double counting in relation to the two numbers the minister (on advice) has provided to the committee. Can I clarify, first, that the first set of numbers is 14 931 approved, 14 865 installed and 66 not installed; and of those 66 not installed, 40 have been approved for Wallaroo and the other 26 relate to other licences?

The Hon. T.G. ROBERTS: The information provided to me to correct the figures given earlier is that we will have to add the 40 to the 66 to get the correct figure.

The Hon. R.I. LUCAS: You can do that, but your numbers will not work out if that is the case. The difference between the total existing approvals of 14 931 and 14 865 installed is 66. If the minister's advice is that there are 14 931 existing approvals and 14 865 are installed, then clearly 66 are not installed at the moment. Of those 66, we were previously advised that 40 of those 66 were for Wallaroo. On that basis, I am now asking: is that still the view of the ministers' advisers?

The Hon. T.G. ROBERTS: The figures given to me to round up the figures in relation to the question by the honourable member is that the number of machines approved is 14 931, the number of suspended machines is 157, and there are 40 pending applications, that is, the ones at Copper Cove—

The Hon. R.I. Lucas: Those for Wallaroo are not approved yet.

The Hon. T.G. ROBERTS: Pending application.

The Hon. R.I. LUCAS: Moving it up, that 14 931 then takes you to 15 128.

The Hon. T.G. ROBERTS: Yes.

The Hon. R.I. LUCAS: Can we work back down again; that is, 14 931 down to 14 865? I take it that the 66 we are talking about cannot include the 40 from Wallaroo. They must be something else.

The Hon. T.G. ROBERTS: To clarify the record, without complicating it any further, the 40 machines from Copper Cove are pending applications. You can include them because they will be installed, but you cannot include them in the figures. A number of machines are to be installed in other venues. Some will go ahead and others are suspended, but that would muddy the waters even more.

The Hon. R.I. LUCAS: I will put a simple question to the minister to clarify this. As I understand it from the toing-and-froing across the chamber, 66 are not installed—the difference between 14 865 and 14 931—and it does not include the 40 from Copper Cove.

The Hon. T.G. ROBERTS: That is right.

The Hon. R.I. LUCAS: I think that clarifies that. When we worked up from 14 931 existing approvals and we added the 157 suspended and the 40 pending from Copper Cove to reach 15 128, can I clarify that the 157 suspended are the ones for which there have been previous approvals and they went through the process, and the commissioner revoked or suspended—I am not sure what the correct legal phrase is—those particular licences? When the minister comes back with the number that has been through that process, will they be included in the 157 suspensions?

The Hon. T.G. ROBERTS: As an illustration, the Whyalla Hotel, for example, has a licence for 40 machines. Its licence is suspended. My understanding is that it was trying to transfer the machines to Angle Vale. Those machines are still included in the figure but they are not being operated.

The Hon. R.I. LUCAS: The minister has undertaken to bring back some information about the numbers that have been through this process of having an approval and then had it removed or suspended. Whatever that number is, will they be included in this 157?

The Hon. T.G. ROBERTS: Yes.

Clause passed.

Clause 2.

The Hon. R.I. LUCAS: What is the government's current intention in relation to assent for the bill?

The Hon. T.G. ROBERTS: The intention is to try to get an assent this Thursday.

Clause passed.

Clause 3 and title passed.

Bill reported without amendment; committee's report adopted.

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

That this bill be now read a third time.

The council divided on the third reading:

AYES (13)

Cameron, T. G.	Evans, A. L.
Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Lawson, R. D.	Reynolds, K.
Roberts, T. G. (teller)	Sneath, R. K.
Stefani, J. F.	Xenophon, N.
Zollo, C.	

NOES (6)

Kanck, S. M.	Lucas, R. I. (teller)
Redford, A. J.	Ridgway, D. W.
Schaefer, C. V.	Stephens, T. J.

PAIR(S)

Dawkins, J. S. L.	Laidlaw, D. V.

Majority of 7 for the ayes.

Bill thus read a third time and passed.

RIVER MURRAY BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 2134.)

The Hon. SANDRA KANCK: The Democrats welcome both this bill and the seriousness with which all politicians of all political parties now treat this subject. The River Murray has enormous economic and environmental importance to South Australia. A few weeks back, when I was beginning to prepare my thoughts on this bill, I went to my bookshelf at

home; I looked at the environment section and picked up the 1996 State of the Environment Report. That report states:

> Australia is the driest of all the world's inhabited continents. It has the lowest percentage of rainfall as run-off, the lowest amount of run-off, the least amount of water in rivers, and the smallest area of permanent wetlands.

That is where the Murray River fits in. The Murray River is not just a river: it is a river system. It includes dozens of rivers and streams from four states, such as the Condamine in Queensland, the Namoi in New South Wales and the Goulburn in Victoria, as well as those tributaries in South Australia, such as the Marne River, which lead into the Murray. It is a huge system. The Murray-Darling Basin covers more than one-seventh of Australia. It has a land surface greater than France and Spain combined. Although it might be one-seventh of the land mass of Australia, its impact is felt much more widely than the one-seventh.

Irrigation from the River Murray and the rest of that system is used for food production which, in turn, provides jobs and supports the economy through exports. It also supports human life. In South Australia, the pipeline from the River Murray provides potable water to sustain settlement in a number of communities, not the least of them Adelaide, and goes as far afield as Whyalla. Because the Murray is part of a system, dams built upstream, pesticides put on a crop in Queensland or treated sewage put into the water upstream in New South Wales, all have the potential for large impact on users in South Australia. While South Australia uses only 5 per cent of the water in this system, we cannot congratulate ourselves, for we in South Australia are profligate users of water.

Because Broken Hill is my home town, I manage to visit that city once or twice a year. When I was up there in March, I was able to acquaint myself with the system of water restrictions that were in place at that time. In September last year, Broken Hill people were put on restrictions and the locals were forced to hand water their gardens within a very restricted period of time. Hand watering, which was allowed only six hours per day, had to be done between five and eight in the morning and eight and 11 at night. By the time I was there in early March, there had been a reduction of 25 per cent in water usage from September to that time.

In the *Barrier Daily Truth* of 7 March the frontpage story headline was, 'Water outlook is "diabolical"'. That article really laid it on the line as far as the situation in Broken Hill is concerned if the drought did not break. Australian Inland, which is the company in Broken Hill that runs the water supply, revealed that it was looking at:

> . . . the possibility of more severe water restrictions, rising salinity levels and alternative treatment of water, including installation of a reverse osmosis plant, if the drought continues.
>
> Water trains are a final option and may be required by late 2003.

The increased water restrictions would have meant no watering of gardens at all, at any time, and as most people in Broken Hill in summertime use evaporative airconditioners, which use water, even the use of airconditioners was going to be limited. If Broken Hill had had to revert to using water trains—and I say 'revert' because it is what used to happen in Broken Hill a hundred years earlier—Australian Inland said it would cost $1 million to set up the trains option and $3 million per month to run it. That would have meant that, for each household in Broken Hill, they would be outlaying $300 a month for water, if the state government was unable to come to the party on that.

The local people were concerned that, as far as the Darling was concerned, any rain that was falling up in the Queensland catchment area might not even get down to the Menindie Lakes scheme and, in any event, it would take six months to get down to them, and that first lot of water would be very, very contaminated with carcasses and algae, and basically that water would be undrinkable.

In the subsequent letters to the editor that followed in the next week or two the anger from Broken Hill people was palpable. I remember reading one of them, where someone had been down to Adelaide and had seen median strips being watered and people's pop-up water sprinklers watering their lawns in the middle of rain storms. Certainly, the view in Broken Hill was that if they were already having water restrictions and these other options were there in the longer term if the drought didn't break, they could see no reason why we in Adelaide should be able to continue without water restrictions.

As I say, we are part of a much larger system and we need to be aware of where we fit in that. There was an article in the *Canberra Times*—I was there on 17 May—and the ACT Chief Minister had an article in the Saturday Forum. He was basically justifying Canberra being able to have a reasonable use of water. Canberra is in fact the largest urban centre in the Murray-Darling Basin. Adelaide is not actually in the Murray-Darling Basin—we draw from it. Jon Stanhope, the ACT Chief Minister, was pointing out that the ACT uses approximately 0.3 per cent of the water in the Murray-Darling system, and he said that the ACT was prepared to play its part in meeting the challenge that faces the whole of the Murray-Darling Basin, and in the article he says:

> At last week's Murray-Darling Basin Council meeting, I expressed my support for setting a water cap for the ACT, and my willingness to negotiate on an appropriate level.

He then goes on to argue about what that appropriate level ought to be. He said that the model proposed by the independent audit group had major failings. He said:

> First, there is no recognition in the model of the ACT's legal right to water as reflected in legislation to establish the territory and self-government. . .
>
> Any cap should allow Canberra to fulfil its role as the national capital, and as a model and inspirational city for all Australians, as well as acknowledging that we will continue to grow for many years. . .
>
> But caps alone will not stop the degradation of the Murray-Darling Basin. Our future depends on governments across the country adopting sustainable water use strategies and implementing better land and catchment management.

The reality is that, in all of the efforts to address what is happening in the Murray-Darling Basin Commission, any positive turnaround that is achieved will present the biggest gains for South Australia, and the Democrats believe that South Australians must therefore be prepared to make significant sacrifices.

In its natural state, the flood plains of the River Murray stretch many kilometres to both sides of the river, and seasonal flooding, historically, was able to sustain that natural environment through the hot summers and even occasional droughts. But human intervention has led to the construction of dams and weirs and locks so that artificial droughts have been created, and, whereas natural droughts occur approximately once every 20 years, increasing demands by increasing numbers of people for redistribution of that water for human demands has seen the creation of an effective drought three out of every five years. River red gums, which are well adapted to Australia's tough drought conditions, are now

under stress because of this unnatural situation, and we know that many of them may not recover. Irrigation has led to devastating and increasing salinity. Every day two and a half thousand tonnes of salt makes it way into the Lower Murray, and this is occurring despite extensive intervention with salt interception schemes.

I was one of the multi party group which drafted the communique which came out of the River Murray Forum that was held in the House of Assembly chamber back in February. It was a communique derived on a consensus model, and consensus does not always give the leadership that is required for something such as this, and, for my part, I was not comfortable with the reliance on 'a vibrant water market' to provide some of the solutions. Markets, for me, are unlikely to provide solutions because markets are amoral: they have no conscience. Markets in the end make decisions based on profit, and there is no guarantee that a water market will produce the best outcomes for anybody other than the market itself. I remember one of the speakers at the River Murray Forum said that irrigators will be required to upgrade their equipment if we are going to address the problems of the River Murray, but the question this speaker posed was: if there are no rewards for the irrigators why will they upgrade?

There are many competing demands on the River Murray, and some of them that I will list and then expand on are: mining, in particular mineral sands, agriculture, irrigation, sewage, supply of potable water and recreation—and these are not in any particular order of importance. I begin by mentioning the mineral sands industry. I have great concern about the mineral sands industry, particularly in relation to some of the history elsewhere. It is worthwhile noting that titanium, which is the main driver for the mineral sands industry, is the ninth most common mineral in the world, and, despite that, I was surprised to find that Australia leads the world in production of titanium from mineral sands.

In the Murray Darling Basin there are four projects in the New South Wales section and one in Victoria, and at the moment there is interest in the speculative or exploratory stage in South Australia somewhere down near Murray Bridge—I am not quite sure; I cannot find my notes at the moment. In NSW, and remembering that all this water does eventually flow across the border into our state, Murray Basin Titanium (MBT) has a project located east of the border in the Willandra Lakes world heritage area, with an estimated start up date in 2005. MBT has a project due to start in 2004 which is north of Euston in New South Wales on the south west boundary of the Willandra Lakes world heritage area. BeMaX has a project west of Pooncarie, 140km north of Mildura which is due to start up this year. BeMaX also has a project near Broken Hill due to start up this year. In Victoria there is one by Iluka Resources, but for some reason or other my computer has not printed out all the details so I cannot provide those. I believe these are cause for concern.

In Western Australia, in an area called Beenup, BHP has shut down its titanium sandmining project because of technical problems, and the reason given (and this is from an article in *The Guardian*) is as follows:

> A seepage of sulphuric acid into the nearby river systems could arise from the mine's tailings dam causing a catastrophic environmental problem. The tailings slurry produces sulphuric acid when exposed to air. At present the slurry is covered by water. BHP was committed to prepare an environmental plan for the rehabilitation of the area before the mine started operation but this was not done.

So there has not been a problem per se at Beenup but the technical problems were such that BHP decided it was better to close the project down. Whether or not similar things might happen in South Australia, for instance, and in these other parts depends on what exactly underlies the mineral sands deposits.

Information that I have from the Mineral Policy Institute, of which I am a member, raises concerns about the environmental impacts of sandmining in the Murray Darling Basin. It points out that the disposal and storage of highly saline waste water from sandmining can exacerbate salinity problems and contaminate the river system and high quality ground water resources. It also says that many endangered species live and feed within the areas proposed to be cleared, and that in itself is another problem—the clearing that is involved, and the mining—and inadequate information is available on the extent of this problem or the likely impacts. Protection of biodiversity is a crucial issue in the Murray Darling Basin, and mining cannot be allowed to impact upon that.

Several proposed mining projects also border the Willandra Lakes world heritage area and one proposal is embedded within extensions to Lake Mungo National Park. The hydrological impact of the excessive extraction of ground water, the impact on threatened species and the potential contamination of the ground water resources threaten the world heritage values of the region.

In light of those things, I would ask the minister what demands the mineral sands projects mooted for South Australia will make on the River Murray and I would like to know what communication has been occurring between the Department of Environment and the Department of Mines up to now and whether or not the Department of Environment has been providing any feedback on these applications. I stress that I am not asking these questions rhetorically. I very much want to hear a response from the government at the conclusion of the debate on the second reading.

Agriculture is another of those impacts or pressures that are occurring on the river. There is the issue of the small dams that many landholders need to keep themselves viable. We now have a quite critical situation in relation to the Marne River because of dam construction upstream. Many of the farmers downstream, who for many years have been able to use that river in a somewhat sustainable way—I use that word in inverted commas—are no longer able to access that water. There is also the issue of the use of pesticides and weedicides. I did just use the word sustainable in inverted commas.

I noted at the River Murray Forum that one of the participants defined sustainable agriculture in terms of her industry being able to continue. That is not what sustainability is. Sustainability is, and I do not have the exact definition, but a definition agreed by COAG probably twelve or thirteen years ago, defined it in terms of a resource being able to be used by future generations in the same way that we are able to use it now. So, simply being able to access the water so that your industry continues either to survive or thrive is not what sustainability is.

Sewage is another pressure. Treated sewage goes into the Murrumbidgee at Wagga Wagga and into the Murray at Albury. They are just a couple of examples. Although the sewage is treated, the problem is the increased phosphorus load that it puts into the river and, when the river is under stress in drought conditions, particularly with heat, it creates the potential for blue-green algae. If we are talking some form of sustainability for the agricultural and horticultural industry, or particularly for livestock, then that would place animals at risk of death.

Irrigation is yet another pressure and I want to go back to a little bit of history.

One of the more upsetting times for me in this parliament was the passage of a bill in 1997 called—and I remind members of this because it shows the thinking—Irrigation (Transfer of Surplus Water) Amendment Bill. That bill was put through-rushed through might I say-by an agreement of the government with the irrigators and with the support of the then Labor opposition. It involved irrigators who were not using 100 per cent of their entitlement being able to sell their surplus water. So if they were using only 60 per cent of their entitlement they could sell the other 40 per cent. I found that to be a very upsetting passage of legislation. The Hon. Rob Lucas might even remember my talking to him—no, he does not; he is shaking his head—at the back of the chamber in tears because I was so angry and frustrated that a bill like this came through with no time for public consultation.

In the last week of sitting, the bill was introduced in the House of Assembly on the Tuesday, and it was passed on the Wednesday. It arrived in this chamber at midnight on Wednesday, and the government wanted it passed on the Thursday. When I went to speak to the then minister (Hon. Graham Ingerson) I ended up in a shouting match with him outside his office on the first floor on the other side of this building. He basically told me that, if the Democrats held this up, he would put out a media release the next day absolutely kicking the Democrats in the guts. He told me that he had a whole media team behind him and that he would be able to beat me every time. That was the message given. So, this bill went through, despite the fact that there really was no such thing as a surplus. I regard this act as one of the travesties of this parliament in that year. I ask the minister—and I would like some response on this—given that we now know that we are in a parlous state with our water resources in this state, would the government consider repealing this act and, if not, why not?

The issue of potable water is another of the pressures on the River Murray. It raises some interesting questions; for example, why do we treat water from the River Murray to a drinkable quality and then use it to flush our toilets or water our gardens? Why do our planning laws make it so difficult for urban households to use grey water for those very same tasks, so that we are not further drawing on a limited resource? Why do we make it nigh on impossible to install composting toilets?

Recreation is another of my suggested prime pressures on the River Murray. I recall, in the time of the previous Liberal government—I cannot remember the year, but probably in 2000—that the *Advertiser* began a campaign to save the River Murray. The then government got behind that. I remember thinking somewhat facetiously that, if we are going to save the River Murray, we should have stopped John Olsen skiing on it. I say that somewhat facetiously because it is not as much of a joke as it sounds.

I visited Mannum just before Christmas and did a tour with a commercial company that does daily tours up and down the river. The tour guide pointed to a spot near the riverbank where a pipe takes the water from the River Murray at Mannum on its journey through to Adelaide. Given the number of houseboats, and water and jet skiers, I had a degree of concern about the quality of the water being pumped to Adelaide. I would appreciate some advice from the minister in his second reading response as to what levels are being measured with regard to hydrocarbons in the water at that point and what treatment needs to occur to deal with those hydrocarbons. Given all those pressures I have just mentioned, one can see that a lot of those pressures are part of our economic system. You have to ask what sort of an economic system requires the deterioration and possibly the destruction of our principal water resource.

There is one clause in the bill to which the Democrats take a huge amount of objection, that is, the setting up of a natural resources committee. I indicate that, when we get to the committee stage, we will vigorously oppose this clause. We will oppose it, first, on the basis of cost. This committee will pay $14 000 to the chair and $10 000 to the other members of the committee per annum. There will be not only a chair and members of this committee but also a secretary and a researcher. The one thing that it does not spell out—and one can only guess that this would be the case, given the payments proposed for the members of the committee—is the provision of a white car and a chauffer. Of course, there would be all the other costs involved in setting up a committee; for example, the assorted things such as computers, letterheads and so on. We are talking upwards of a quarter of a million dollars in the first year to get such a committee going. That quarter of a million dollars would be far better spent on buying up water licences. It is another example of more talk and less action, and we need the reverse on this issue.

Another of the things I find objectionable about this committee is that it is a lower house committee. Members in this chamber have been involved in joint committees. I have found over and again that, in those joint committees, when we are waiting for a quorum we are waiting not for Legislative Council members but House of Assembly members. As a good example of why it should not be just a House of Assembly committee, I point out that at present we have a select committee looking at the Pitjantjatjara Land Rights Act. When that act was drafted, it provided for a committee of the House of Assembly to oversee it and its application on the lands. That committee went out of existence. The House of Assembly was not interested enough to keep it going—yet another reason to oppose this House of Assembly-based natural resources committee.

Some time this year—although I am not holding my breath—we will have a Constitutional Convention. One of the things that has been recommended is that the Legislative Council's role should be as a committees house. However, we have a move to set up another committee and it will be formed in the House of Assembly, which is contrary to what all these people have been saying. Finally, we already have a resources committee in this parliament. We have the Environment, Resources and Development Committee. We do not need a natural resources committee to duplicate the functions of the Environment, Resources and Development Committee. As I said, this is one clause the Democrats will be opposing very vigorously.

I note the concerns the Hon. Diana Laidlaw raised in relation to planning issues. I indicate that the Democrats share those concerns. In relation to the functions and powers of the minister, clause 9(1) of the bill provides:

> That the functions of the minister under this act are—
> (c) to approve, or to provide advice with respect to the approval of, activities proposed to be undertaken within the Murray-Darling Basin that may have an impact on the River Murray;

That indicates to me that the minister will have the support to override the Minister for Planning. As did the Hon. Diana Laidlaw, I expressed my concern about that. South Australia has the best planning laws in the state. We have a one stop

shop; I do not think we should take the risk of altering that one stop shop.

The Hon. T.G. Roberts interjecting:

The Hon. SANDRA KANCK: Yes, the best in the nation, exactly; and I will certainly consider amending that clause to remove that power allowing the Minister for the River Murray to override anything that the minister for planning might be wanting to do. Both government and opposition from time to time argue for certainty. Putting in an extra layer like this will not give extra certainty. I guess the question we need to look at is whether there are solutions. I believe there may be, but it will take some very strong action by government and a willingness to look at all the questions. I note in that regard a copy of a letter I received from the Murray and Mallee Local Government Association to the minister, which states:

Dear Minister Hill

At the last meeting of the Murray and Mallee Local Government Association concern was expressed about the low level of the River Murray at this time. We are aware that you as minister and your parliamentary colleagues from all political persuasions also share that concern. The M&MLGA is firmly of the opinion that there has been a loss of at least 650 to 750 gigalitres of water within the Murray-Darling Basin in South Australia and action should be taken to assess where that loss might be occurring. I have attached a schedule providing brief comparative data that was discussed at the recent meeting.

I seek leave to insert that table.

Leave granted.

Comparative data—Water audit. Item 11—meet 4 April 2003

Theoretical		Actual	
	Gigalitre (GL)		Gigalitres
Entitlement flow	1,850	Entitlement flow	1,850
Less extraction (1)	-800	Environmental flow (3)	0
Less losses (2)	-800	Loss from drawdown of bottom pool (est. 25% of capacity of 2,050 GL)	500
Leaving environmental flow through the mouth	250	Total water—	2,350
		Less extraction (1)	-800
		Less losses (2)	-800
		Unknown loss	-750
		Water available—flow	Nil

NB—There has been no environmental flow with no water through the mouth as shown above. (3) Where is the loss of at least 650-750 GL occurring?

The Hon. SANDRA KANCK: The letter continues:

Consequently the M&MLGA asks that the state government conduct a water audit in the Murray-Darling Basin in South Australia to ascertain where that loss is occurring in an entitlement flow year.

I think that is probably a very sensible move that the government ought to take to find out if those losses are occurring and, if so, where the losses are from.

One of the things that concern me—and I declare an interest in the sense that I am the President of Sustainable Population Australia in this state—is the willingness of most politicians and political parties to ignore population issues. I have mentioned agriculture, sewage, potable water, mining and recreation as being the pressures on the river, but you have to consider that all those pressures are being created by people. They are not being created by kangaroos or wombats: they are being created by people. Logically, more people means that there will be more pressure. We have seen it over history: as more and more people put demands on the river, the more the river is stressed.

I think that, if both government and opposition are serious about addressing the problems associated with the Murray River, they must seriously reconsider their continued calls for an increase in population in South Australia. Certainly, until we can find ways to deal with the water situation in South Australia in a sustainable way, we must not have any increase in population in this state. The population we have is already using the water that we have in a way that is unsustainable. The Minister for the River Murray last week made an announcement of impending water restrictions next summer, and I understand that within the next few weeks we will have legislation in this place do deal with this, so at this point I will not make other observations about how we can reduce some of the pressures on the Murray River, and I will leave that to the forthcoming bill.

In closing, I acknowledge that all politicians, regardless of their political persuasion, are passionate about saving the Murray River, and I want to say how pleased I am to see that. It is not just the Murray River that is under threat; basically, every river and tributary in South Australia is. I hope that the new awareness that South Australian MPs now have about the Murray will be extended to these other rivers. This bill poses more questions than it provides answers, but it is a good start and the Democrats will be supporting its passage.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

TAFE FRAUD ALLEGATIONS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement relating to TAFE fraud allegations made earlier today in another place by my colleague the Minister for Employment, Training and Further Education.

PROHIBITION OF HUMAN CLONING BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 2359.)

The Hon. A.L. EVANS: We have two bills before us: the Prohibition of Human Cloning Bill and the Research

Involving Human Embryos Bill. Both bills are being debated, and I will deal with both bills. Family First supports the prohibition of human cloning. The bill simply carries on the prohibition which has applied up to now. A far more controversial bill is the Research Involving Human Embryos Bill. The crucial issue in this debate is whether an embryo can be regarded as a human being. If it is regarded as a human being, then it is unethical to destroy that life for the purpose of research, regardless of whether or not there is a possibility of medical breakthroughs.

This is a pure and simple case of the end definitely not justifying the means. May I suggest that every member of this chamber is obliged when considering this bill to ask themselves whether or not an embryo is a human life. This debate should not be about the potential benefits of embryo stem cell research or the breakthroughs that may have been promised. Once we have established that an embryo is a human being, then on ethical grounds we must necessarily disregard and treat as entirely irrelevant all arguments that this research could produce scientific breakthroughs.

Professor Alan Trounson, in an interview with radio presenter Tony Jones in Brisbane in August last year, made the following comment concerning the status of the human embryo:

> It is clearly human. We treat it with respect, but we have laws which say that we have to destroy it.

I stress that the main advocate for this type of research has acknowledged that an embryo is clearly human. What we are doing by this bill is defining a subgroup of the human family as laboratory material. As members of this parliament, do we want to be responsible for introducing a law that defines a member of the human race as material for science to consume? Professor Robert George of Princeton, New Jersey made some very interesting comments concerning this issue during an interview in July 2002. He stated:

> The adult human being who is now you or I is the same human being who was, at an earlier stage in his or her life, an adolescent, and before that a child, an infant, a foetus, and an embryo. The embryonic and foetal stages—no less than the infant, child and adolescent stages—are stages in the life of a whole living member of the species Homo sapiens who, by directing his or her own integral organic functions, matures from the embryonic stage through the foetal, infant, child and adolescent stages and into adulthood with his or her unity, determinateness and identity fully intact. Although you and I were never a sperm or ovum we were once embryos—just as we were foetuses, infants, children and adolescents.
>
> Sperm and ova are not human beings: they are genetically and functionally parts of the male and female human being whose sperm and ova they are. The combining of the egg and sperm generates what every authority in human embryology identifies as a new and distinct organism. Whether produced by fertilisation, cell nuclear transfer or some other cloning technique, the human embryo possesses all the genetic material needed to inform and organise its growth. Unless deprived of a suitable environment or prevented by accident or disease, the embryo will develop itself to full maturity. The direction of its growth is not extrinsically determined but is in accord with the genetic information within it. The human embryo is then a whole (though immature) and distinct human organism—a human being. That is why it is wrong to say that the human embryo is pre-human or merely a potential human being. The human embryo is already and fully a human being.
>
> It is true that in the embryonic stage of our development each of us has a great deal of maturing to do before we can perform higher human activities such as thinking, imagining and choosing. Indeed, we are lacking the capacity to perform such acts until several months after birth. However, it is fallacious to infer from this that we are not human beings. Any material entity (including a healthy adult human being) can be described abstractly in terms of its chemical make-up or as a blob of cells. In the debate over the moral status of the human embryo this is merely a technique of evading a biological fact that is attested to in every leading textbook in the field of human embryology: the human embryo is a human being in the earliest stages of his or her natural development.
>
> Religious leaders have been criticised for wanting to stop cloning because critics say that in a pluralist society we cannot legislate a moral view based on religious beliefs. However, the status of the developing embryo as a human being is an undeniable biological fact, not a contested religious dogma. Nothing would please me or other opponents of cloning and all forms of destructive research on human embryos more than to resolve this issue purely on the basis of the scientific facts as to when a new human being comes into existence. Of course, sophisticated proponents of embryo research do not want to do that because they realise there is no denying the fact that the human embryo is a human being. They find it necessary to claim that human beings in the earliest stages of development lack some attribute or quality—for example, brain function or self-awareness—by virtue of which more mature human beings have a measure of dignity that is incompatible with subjecting them to destructive experimentation for the benefit of others.

It would be outrageous to suggest that parliament would ever consider legislation that provides for someone to be killed so that another life could be saved. Arguments that it was justified on the likelihood of a medical breakthrough would fall on deaf ears, I am sure, yet that is exactly what is happening in this parliament with the introduction of this bill: we are being asked to consider a bill that will legalise the destruction of human life. From an ethical point of view, this is exactly the same issue as that of euthanasia. The protection of life, in whatever form, is an absolute; there should be no grey areas or exceptions.

This bill diminishes the worth and dignity of human life. A human embryo is not a commodity to be sold. The bill opens the door to dangerous possibilities. If experimentation on human embryos surplus to IVF programs is acceptable, why is it not acceptable on other human embryos anywhere, any time? Clinical harvesting of human cells is already being promoted. It may be only a matter of time before we see this introduced as a legislative measure. Clever scientists will tell us that surplus IVF embryos are not enough, and there will be promises of medical breakthroughs through therapeutic cloning. Given the level of acceptance of the present measure, this next step is likely to be accepted as a seemingly logical progression. Where will it all end?

I am not an opponent of stem cell research. The issue is purely where you get the stem cells from. There are many proven therapies using adult stem cells. Adult stem cells have been used on patients with breast cancer, Parkinson's disease, juvenile diabetes, heart disease, spinal paralysis, immune disease and blindness. On the other hand, there is a complete lack of evidence of success using controversial embryo stem cells.

From my understanding of information that has been provided to me, for technical reasons, embryos are quite dangerous in their use and their tumour forming potential. Professor Alan Trounson in an interview with Tony Jones made the following comment concerning embryo stem cell research: 'At this stage it would be unpredictable how much good it could do.' It is unpredictable because there are no indicators whatsoever of success using human embryos. Despite this fact, many members of this parliament are prepared to cross the ethical divide.

Family First believes that whether there are great signs of success for human embryo research or not, the one undeniable fact remains: an embryo is a life, and to destroy it for research purposes is ethically wrong. I do not accept the argument that these embryos were going to be destroyed any way, so let's use them. The Australian Family Association makes the point that frozen IVF embryos are human beings

whose lives are held below freezing in suspended development.

Just as the law permits the removal of life support in certain situations, so too it permits embryos that have no real prospect of further development to die naturally by removing the machinery of life support. This is not the same as deliberately destroying the embryos. An obvious area of concern is the current system of reproductive technology which produces so many surplus human embryos. If this area had been properly addressed, perhaps there would have been no need for this current debate.

The bill provides that in April 2005 the moratorium concerning pre-5 April 2002 embryos will be lifted. I am concerned that the lifting of the moratorium and other possible variations to the licensing requirements under the NHMRC can (and probably will) be varied without the necessity of reference to the parliament. Another concern I have is the nature of the process of agreement via the Council of Australian Governments, followed by federal legislation and then state legislation presented to us almost by way of a fait accompli. COAG does not have any constitutional status and is not directly empowered by the Australian people or our state parliament to make decisions of this kind. I do not agree with a process that fails to take into account the wishes of the South Australian parliament. I trust this does not become a more regular occurrence.

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

STATUTES AMENDMENT (GAS AND ELECTRICITY) BILL

Adjourned debate on second reading.

(Continued from 13 May. Page 2284.)

The Hon. R.I. LUCAS (Leader of the Opposition): The Liberal Party supports the second reading of this bill. Without going into the detail of what the bill seeks to do, put simply it extends the coverage of the commission to the gas industry; allows the convergence of electricity and gas regulatory frameworks; helps the implementation of full retail contestability for the gas industry; and seeks to provide some protection for gas consumers. As has been outlined by my colleague in another place, the Hon. Wayne Matthew, the Liberal Party broadly supports the legislation. Given the time, I seek to highlight a number of the issues that the Liberal Party will pursue in some greater detail in the committee stage of the legislation. I have raised some of these issues with government advisers, and I now formally raise them and others during my second reading contribution so that the minister's reply can be placed upon the public record.

Mr President, as I am sure you will understand, it is a necessary part of process that what the opposition might be advised about in informal briefing needs to be supplemented by the minister placing it on the public record during the second reading contributions. The major issue I want to address, and the minister's response which I would like to have placed on the public record, concerns the price regulation provisions of the legislation. Essentially it is clause 27 of the legislation amending section 33 of the parent act. I seek from the minister at the outset a detailed explanation of how this process of price regulation by determination of the commission is intended to operate. In the first instance, I seek advice as to how the first stage of this process will be activated in terms of the first determination of the commission.

As I will refer to later, the decision in terms of going live—that is, the date of activating full retail contestability for household gas consumers—has not yet been taken by the government, and I suspect the government's response in committee will be to indicate that it still has not taken a final decision as to when that date will be. Whatever the decision about going live, what is then the process for the commission in terms of the initial price regulation determination by the commission? I will give some broad examples and hypothetical examples. Should, for example, Origin (whenever the appropriate date is) apply to the commission for, let us say, a 10 per cent price increase for household consumers, will the minister explain what the commission's process will be upon receipt of that first application?

Will the minister explain, for example, if in the event that the commission were to agree with Origin that a 10 per cent increase was to be approved, what, if any, powers under section 33 he would have in those particular circumstances, that is, the circumstance where the commission has agreed with the quantum of increase asked by the gas retailer? If, for example, the gas retailer again asks for 10 per cent but the commission on that first hearing believes that it should be only 8 per cent, what powers under section 33 (or indeed any other provision) would the minister have to initiate action by the commission?

To clarify, the second example is where the commission says, for example, 'No, it should be 8 per cent'; and through some process it reaches an agreement with Origin in that case that 8 per cent is a reasonable increase and therefore there is an agreement between the commission and Origin at a level lower than the original application. The third example is in the case where Origin might seek a 10 per cent increase, but the commission says, 'No way. We think you merit only a 3 per cent increase,' and there is no agreement between the gas retail applicant and the commission as to what the process to be followed is then and, in particular, what role, if any, the minister has under section 33.

In all these examples, I am assuming it is meant to be relatively clear that, prior to this process, in any of these three examples that I have given—and there are many others—the minister under section 33(2) could activate that provision. That is, by notice published in the *Gazette*, direct the commission to take into account various factors such as, I am advised, the reimbursement of the cost of an ombudsman scheme, for example. At any stage, the minister could, in essence, indicate that, whenever the price determination process is activated, the commission shall take into account these additional factors. In those circumstances, it is clear (at least in part) how this process would operate. That is, the minister would have activated his powers under section 33, and whenever the commission commenced its process it would be quite clear to the commission that it had to take into account these particular factors.

The series of questions which I raise in my second reading contribution and which I will explore in greater detail at the committee stage is what happens if a process is already activated without the minister having activated section 33? At what stage can the minister activate section 33 through any of those hypothetical examples that I have highlighted? As I have said, time does not permit tonight but a range of other options could be raised by way of further hypothetical example. I am seeking a more detailed response from the minister as to exactly how this process of price determination,

or price regulation by determination of the commission, would operate and, in particular, how the first one will be activated and when that would be.

I also seek from the minister and his advisers whether it is possible to indicate the price increases that have been approved under the ministerial approval regime over the last three to four years. If the government would not mind providing the decisions of individual ministers—clearly both Liberal and Labor government ministers—and the dates of those determinations; obviously I am talking about the gas prices for household consumers. Mr President, I am sure it will not have escaped your eagle eye—and again time does not permit—but it will be an issue we can explore at the committee stage. We are talking about an interesting industry.

The current government has attacked the former government for the privatisation of the electricity industry. The gas industry is a living and working example of privatisation by a Labor government with the privatisation of the South Australian Gas Company, and privatisation through the key component of the gas industry activated by the Labor government of which Premier Rann and a number of other ministers and members were active participants. We have not heard much from the government in relation to the evils of privatisation of the gas industry. We were told often that essential utilities such as electricity should never be privatised. Now with the bringing together of regulation of the gas and electricity industries into one legislative amendment, we are seeing what consumers have known for many a year: that, to a large degree, gas and electricity are interchangeable fuels or options for household consumers and, in many cases, business consumers as well.

I will speak quickly and seek leave to conclude, but I indicate to the government's advisers that there are one or two other issues I will raise in the committee stage. I will be seeking considerable detail on the operations of REMCO, the market management company, and the reasons for the South Australian and Western Australian markets being brought together as part of the gas arrangements. Was that really the only option available to the government? Have independent directors to the company been appointed? What operations have ensued from REMCO to this stage? I will raise other questions during the committee stage.

In relation to when the government intends to go live, I am certainly looking for information that details exactly what else needs to be accomplished between now and the decision date for full retail contestability. What specific decisions need to be taken, and whose responsibility are they, prior to this decision to go live? Finally, for the second reading, anyway, I understand that the Technical Regulator may have been appointed in the past month. Is the government able to advise the name of the Technical Regulator and the background of that particular person?

Will the government also indicate, if that is the case, what has happened to the former Technical Regulator, Mr Cliff Fong? Did Mr Fong resign? Was he removed from his position by the minister or the government? How has he been removed from the position of Technical Regulator? Indeed, where is he now, assuming he is still within the portfolio of the minister responsible for the legislation? There were a number of other issues I intended to raise in the second reading debate but, with the concurrence of the minister, I will raise some of those issues for the first time in the committee stage.

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

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): 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 Labor Party went to the last election with a policy of self defence and defence of property. That policy was stated as follows:

THE CRIMINAL LAW

- Self defence—a clear right to defend your family and home.
- Labor will give people the right to defend themselves in their own home with a self-defence law that protects the householder, not the criminal.
- Labor will return to South Australian householders the right to use such force as they genuinely believe necessary against a burglar or other intruder in the home or their backyard. The self-defence law should protect the householder, not burglars.
- In 1991, the then Labor Government introduced a law giving people the right to defend themselves properly in their home but in 1997 the Liberal Government weakened this right.
- Labor will restore householders' rights, as recommended by a Parliamentary Select Committee.

This Bill implements that policy. It is necessary to explain the history of the controversy about self-defence and defence of property so that the origin and meaning of the Labor Government's policy and the resulting Bill can be understood.

The issue of the law on self-defence was an issue in 1990-1991. Then, as now, debate centred upon the extent of the legal right of an occupier of property to use force to defend himself, herself or the property against unlawful intruders. Then, as now, there were many who believed that the law is harder on those defending themselves than upon the intruders. As a result of a deal of public agitation, including petitions to Parliament containing more than 40 000 signatures, the House of Assembly set up a Select Committee on self-defence. The Committee made recommendations. Central to them was the recommendation that the law should, so far as is possible, be codified so that people could look it up and see what it actually said.

The Select Committee on Self-Defence recommended a Bill. It began in the following terms:

(1) A person does not commit an offence by using reasonable force in defence of himself, herself or another.

(2) A person does not commit an offence by using reasonable force, not amounting to the intentional or reckless infliction of death or grievous bodily harm, to protect property from unlawful appropriation, destruction, damage or interference.

(3) A person does not commit an offence by using reasonable force, not amounting to the intentional or reckless infliction of death or grievous bodily harm, to prevent the commission of a criminal trespass to any land or premises or to remove a person who has committed criminal trespass from any land or premises.

(4) (dealt with excessive self-defence in homicide cases)

(5) The question whether the force used by an accused person was reasonable or excessive must be determined by reference to the circumstances in which it was used as the accused genuinely believed them to be unless no evidence or no sufficient evidence of the accused's belief is available to the court in which case the question must be determined by reference to the circumstances as they actually existed.

It can be seen that the Bill as recommended by the Committee recommended a wholly subjective test as to the situation or facts—that is, the facts were to be as the accused believed them to be—but firmly required objectively reasonable force to be used as those perceived circumstances warranted.

As a result of this recommendation, the Parliament passed the *Criminal Law Consolidation (Self-Defence) Amendment Act* 1991. However, the Bill as introduced into Parliament differed from that

recommended by the Committee in a number of ways. It was subject to considerable debate in the Parliament and went to a Conference of Managers. The result was a complicated series of subsections. The general provisions stated:

(1) Subject to subsection (2)—

(a) a person does not commit an offence by using force against another if that person genuinely believes that the force is necessary and reasonable—

(i) to defend himself, herself or another; or

(ii) to prevent or terminate the unlawful imprisonment of himself, herself or another; and

(b) a person does not commit an offence if that person, without intending to cause death or being reckless as to whether death is caused, uses force against another genuinely believing that the force is necessary and reasonable—

(i) to protect property from unlawful appropriation, destruction, damage or interference;

(ii) to prevent criminal trespass to any land or premises, or to remove from any land or premises a person who is committing a criminal trespass; or

(iii) to effect or assist in the lawful arrest of an offender or alleged offender or a person unlawfully at large.

These were the core provisions. There followed definitional provisions and the section allowing for a verdict of voluntary manslaughter by excessive self-defence in cases of homicide. When called upon to analyse the core provisions, the courts treated them as a codification of the common law position which was (and still is, for common law jurisdictions) (a) what the defendant genuinely believed the situation to be and (b) what force was reasonable on the basis of that belief.

The core provisions on self-defence worked well. The provisions concerning the partial defence of excessive self-defence did not. In *Gillman* (1994) 62 SASR 460 at 466, Mohr J, giving judgment on behalf of the Court of Criminal Appeal, said:

> "In my opinion the section as drafted is completely unworkable and should be repealed and either redrafted in a way to make it clear what is intended or repealed to allow the common law principles set out in ss (2)*(a)* to operate.".

In *Bednikov* (1997) 193 LSJS 254, Matheson J referred to 'the notoriously ill-drafted s 15 of the *Criminal Law Consolidation Act*'.

In light of these criticisms, the Government of the day moved to redraft the code on self-defence. It did so by the *Criminal Law Consolidation (Self-Defence) Amendment Act 1997*. The intention of the Government at the time was that the law (and particularly the core provisions) should have the same content, but should be so drafted as to assist their practical application in the courts. The Labor Government is of the opinion that the 1997 Act moved away from the intent of the 1991 Act toward increasing the objectivity of the test. The Government's policy is that the intent of the 1991 Act be restored and, in particular, that innocent people should be given increased rights to protect themselves against home invaders.

"Home invasion", although not specifically called that, is part of the law on aggravated serious criminal trespass. The relevant sections are:

Serious criminal trespass

168. (1) For the purposes of this Act, a person commits a serious criminal trespass if the person enters or remains in a place (other than a place that is open to the public) as a trespasser with the intention of committing an offence to which this section applies.

. . . . . .

(4) A reference in this section to the occupier of a place extends to any person entitled to control access to the place.

. . . . . .

Serious criminal trespass—places of residence

170. (1) A person who commits a serious criminal trespass in a place of residence is guilty of an offence.

Maximum penalty: Imprisonment for 15 years.

(2) A person who commits a serious criminal trespass in a place of residence is guilty of an aggravated offence if—

(a) the person has, when committing the trespass, an offensive weapon in his or her possession; or

(b) the person commits the trespass in company with one or more other persons; or

(c) another person is lawfully present in the place and the person knows of the other's presence or is reckless about whether anyone is in the place.

Maximum penalty: Imprisonment for life.

(3) In this section—

"place of residence" means a building, structure, vehicle or vessel, or part of a building, structure, vehicle or vessel, used as a place of residence.

The Government believes that the law of self-defence should be changed to provide that, in a case where an innocent occupier genuinely believes that he or she is defending himself or herself from the commission of an offence of aggravated serious criminal trespass in a residential building occupied by them, then, as a general rule, he or she may use such force in defence of his or her person or property as he or she genuinely believe to be proportionate to the threat that they genuinely believe that they face.

There are to be some exceptions to that general principle. For example, the occupier is not entitled to the extended right if he or she is so intoxicated by self-induced intoxicants that his or her judgment is substantially impaired. The Government has consistently maintained its opposition to any form of the drunk's defence and will be pursuing that matter further in the future. In addition, the occupier is not entitled to the extended right if he or she was engaged in criminal misconduct that might have given rise to the threat or perceived threat. If, for example, the occupier was a thief in possession of a large quantity of stolen money and the home invader was after that stolen money, it would be incongruous to treat the thief in the same way as an innocent home owner protecting himself or herself.

In addition, The Government believes that the general law on self-defence should be amended to include a statement that the law does not prevent a person who carries out conduct in self-defence from using a higher level of force than that used by the person against whom the conduct in self-defence is carried out. This is not a new principle. As has been famously said, the law does not demand detached reflection in the face of an uplifted knife. But it is worth stating the principle in the codified version of the law so that people are clear on it.

This Bill implements the Government's election policy. It will enhance the legal rights of South Australian householders to protect themselves from intruders.

I commend the bill to the house.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clause are formal.

Part 2—Amendment of Criminal Law Consolidation Act 1935

Clause 4: Insertion of sections 15B and 15C

This clause inserts new sections 15B and 15C into the principal Act as follows:

15B.Reasonable proportionality

The defences available under section 15 (defence of life or safety) and 15A (defence of property) require that the force used in defence be (objectively) reasonably proportionate to the threat or perceived threat. This clause clarifies that requirement to make it clear that, even though the requirement is assessed objectively, it does not imply that the force used by a person in defence cannot exceed the force used against the person.

15C.Requirement of reasonable proportionality not to apply in case of an innocent defence against home invasion

Where a defendant satisfies all the requirements involved in claiming a defence under section 15(1) or section 15A(1) except the requirement of reasonable proportionality and the defendant can establish, on the balance of probabilities—

- that he or she was responding to what he or she genuinely believed to be a home invasion (ie. a serious criminal trespass in a place of residence); and
- that he or she had not been involved in any criminal misconduct (punishable by imprisonment) that might have given rise to the threat or perceived threat; and
- that his or her mental faculties were not substantially affected by the voluntary and non-therapeutic consumption of a drug at the time of the alleged offence,

then the defendant is entitled to the benefit of the relevant defence even though the defendant's conduct was not (objectively) reasonably proportionate to the perceived threat.

The Hon. R.D. LAWSON secured the adjournment of the debate.

ADJOURNMENT

At 6.29 p.m. the council adjourned until Tuesday 27 May at 2.15 p.m.