LEGISLATIVE COUNCIL

Wednesday 28 May 2003

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 27th report of the committee for 2002-03.

DE ROSE HILL APPEAL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to the De Rose Hill Appeal made on this day (Wednesday 28 May) in another place by my colleague the Attorney-General (Hon. Michael Atkinson).

SIGNIFICANT TREES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a copy of a ministerial statement relating to significant tree controls made earlier today in another place by my colleague the Minister for Urban Development and Planning.

QUESTION TIME

PRISON PROGRAMS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prison programs.

Leave granted.

The Hon. R.D. LAWSON: During the estimates committee hearing last year, the minister indicated that the Department for Correctional Services was cutting funding previously provided for two psychologists at the University of South Australia and also the chair in forensic psychology at that university. In relation to that matter, the minister said:

> The department will now explore alternative methods of delivering services to address the mental health requirements of offenders.

The minister also announced at that time that the Operation Challenge program at Cadell Training Centre was being closed and, in relation to that program, he said:

> It had been directed to predominantly younger first-time offenders and is also aimed at preventing young offenders from reoffending. With the closure of this program, corrections will examine what alternatives are available to service this group of offenders.

My questions are:

1. Given his assurance last year that the department would undertake alternative methods of delivering psychological services to address the mental health requirements of offenders, will the minister indicate what alternative methods of delivering those services have been developed and implemented by the department?

2. Given the minister's commitment that the department would examine alternatives for young first-time offenders, what steps has the department taken to implement measures to (in his words) 'service this group of offenders'?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his question and his continuing interest in correctional services rehabilitation and servicing programs. I have indicated to the council that there are more people with mental health problems appearing before the courts and finding themselves in the correctional services institutions since the program of deinstitutionalisation of mental health services was introduced.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Well, I am just saying that the issue of how we deal with mental health patients is something that we have to take a fresh look at. I think the issues that face more people as they find their way into the correctional services system is building up the need for more services within correctional services, as it relates to mental health. In the broader community, there are also more people, potentially, suffering from mental health problems due to increases in alcohol and drug abuse. That is something else that the government and the community will have to face in dealing with the problems of extended use and acceptance of drug experimentation and addiction within the community.

The issue as it relates to correctional services is that services are provided in the correctional services system to mental health patients, but the particular program about which the honourable member speaks was discontinued. The information provided to me in relation to the department and its use of mental health servicing within the system is that the department currently employs 11 psychologists in prisons to provide psychological services to prisoners. There is an increasing focus in the work on addressing offending behaviours.

The South Australian Prison Health Service and the South Australian Forensic Mental Health Service provide the department with further psychological as well as psychiatric services. So, it is not as though there are no mental health services operating within the correctional services system. The facilities provided by Adelaide University in cooperation with correctional services were discontinued. Notwithstanding resource limitations, the department endeavours to thoroughly assess the needs of all sentenced prisoners at the time of entry into the prison system. Whilst the department focuses on addressing behaviour change, the Prison Health Service and the Forensic Mental Health Service have responsibility for delivering specialist mental health services to prisoners.

That is the official position of the department. The budget, which will be handed down tomorrow, will contain the rehabilitation programs that are being run inside the prison. I am not at liberty to disclose the government's position in relation to that, but I hope the honourable member will be pleased with the outcomes that the budget delivers.

The Hon. R.D. LAWSON: What program has replaced Operation Challenge, as promised by the minister during the last estimates committee?

The Hon. T.G. ROBERTS: There is no program replacing Operation Challenge in the prison system at Cadell.

ROCK LOBSTER FISHERY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the rock lobster fishing effort.

Leave granted.

The Hon. CAROLINE SCHAEFER: The previous Liberal government reached an agreement with both recreational and professional rock lobster fishers that, once the recreational catch exceeded 4.5 per cent of the commercial catch, the government would purchase any further effort from the commercial fishers at commercial rates. This solution has been lauded both nationally and internationally as a model for resource sharing. Members of both the commercial fishery and the government have been asked to speak at various conferences providing this model, as I say, both nationally and internationally.

The recently released survey of recreational rock lobster fishing in South Australia (2001-02) conservatively estimates the current catch size at 4.7 per cent of the commercial effort. Recreational potters, registered drop netters, and divers are estimated to have harvested 118 tonnes of rock lobsters in 2001-02. As I have said, this is 4.7 per cent by weight of the combined catch of commercial and recreational fishers in South Australia. This is a conservative estimate because it does not include unregistered pots, charter boat operators and fishers using other gear. My questions are: does the government intend to honour the commitment made by the previous government to purchase the commercial effort over 4.5 per cent at commercial prices; if so, what is the government doing about implementing this scheme and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): A number of issues impact on the rock lobster effort. We have two fishing zones in this state: the northern zone and the southern zone. At present, a committee headed by former judge Brebner is looking into allocation issues in that fishery, which is moving from being a fishery where catch levels were determined by effort to one where there is a total allowable catch, as is the case in the southern zone fishery. So, I think it is important to put into context the current status of the rock lobster fishing effort. It is my understanding that, at present, there are significantly less than the number of recreational pot licences than was agreed upon as the trigger point for where there would be some change to the catch.

I know that SARDI has recently been doing some work in relation to the catch effort. I have not yet seen the most recent catch effort figures for the rock lobster fishery but, if they have been finished, perhaps the honourable member has those available to her. I would expect that, as a result of those, when it comes to set quotas for the coming season those matters will be addressed as normal through the relevant fisheries management committee, which, in the case of rock lobster, involves both recreational and industry representatives. I will await the advice of that committee before I take a decision in relation to future allocation. I repeat that it was certainly my understanding that the number of recreational licences that were taken up in the rock lobster fishery has significantly declined since the system was changed some years ago. So, where there is a problem in relation to that I will consider the advice from the relevant fisheries management committee when it comes to me.

QUEEN'S THEATRE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation and also in his role as Minister assisting the Premier in the Arts, a question about the Queen's Theatre.

Leave granted.

The Hon. DIANA LAIDLAW: I have been alerted to the fact that, as part of the state budget negotiations, the government will transfer the ownership and management of the old Queen's Theatre, located at Playhouse Lane in the city, from Heritage SA to Arts SA. This is good news, and I should advise all members that it fulfils a Liberal Party arts policy commitment made at the last state election. In line with that same policy undertaking, I understand that Arts SA will also outsource the management of the theatre.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: I have not had much opportunity to fulfil all the promises, but we also got $500 000 for contemporary music, as the honourable member may reflect upon, so in opposition I think we have done particularly well in implementing Liberal arts policy, and this is another success. The Queen's Theatre, built in the 1840s, remains the oldest theatre in mainland Australia. It was rescued from demolition by the former Liberal government, with funding through Heritage SA gradually restoring the building through the 1990s as a large, open warehouse space. Increasingly over that period it has been used by theatre groups and is currently well booked in advance by such groups, in part due to the very big cost increases that all the arts and other hirers of the Festival Centre theatre area have experienced, due to the big rental increases at the Festival Centre over the past year. I ask the minister:

1. What level of funding will be transferred from Heritage SA's budget to Arts SA's budget next financial year and in forward estimates to accompany the transfer of the ownership, maintenance and management of the old Queen's Theatre between the two agencies?

2. Does the government intend to purchase retractable, flexible, tiered seating for the Queen's Theatre? If so, they would fully implement the Liberal Party's 2002 arts policy commitment. If so, when, and, if not, why not?

Related to the questions I have asked on the transfer of the Queen's Theatre, I have also been alerted to the fact that the minister is trying to transfer between his two agencies the old Adelaide Gaol to Arts SA, and therefore I ask: if this is correct, will he guarantee that the transfer will be progressed only if Arts SA is provided with all the funding required to upgrade and maintain the gaol, as identified in the recent building audit of the site? Will he also confirm the funding projections identified by that audit?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): It is good to see that the former minister for the arts is keeping the government honest and making sure that we keep her promises.

The Hon. Diana Laidlaw: At least you keep Liberal promises, if not Labor's!

The Hon. T.G. ROBERTS: I wonder how many promises you have broken in opposition! I will refer those important questions to the minister in another place and bring back a reply.

ABORIGINAL AFFAIRS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the document Doing It Right.

Leave granted.

The Hon. G.E. GAGO: I am aware that the government launched an Aboriginal affairs policy document, Doing It

Right, yesterday. Also launched was an indigenous employment strategy to renew the government's efforts to increase indigenous employment, particularly in the public sector. Will the minister inform the council about the details of the Doing It Right document and the government's indigenous employment program?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and ongoing interest in matters of Aboriginal affairs. There were two launches yesterday: one was reasonably well attended by the press, the other one was totally ignored. One was the reconciliation launch in Victoria Square, or Tarndanyangga. The other was the launch for the policy, across the road at the Hilton Hotel. I suspect that it may have had something to do with the weather. The Tarndanyangga launch was bitterly cold and the Hilton launch was in the confines of the very warm, centrally heated and cooled, Hilton Hotel.

The Hon. R.K. Sneath: Which one did you go to?

The Hon. T.G. ROBERTS: I went to both. The Indigenous Employment Strategy was launched yesterday and renews the government's efforts to increase indigenous employment in the public sector, so that indigenous people can be a part of the process that makes decisions impacting on indigenous people in this state. This was launched as part of the launch of the new policy framework Doing It Right to tackle Aboriginal disadvantage, and it signals a new era in Aboriginal affairs in South Australia. The Doing It Right Aboriginal affairs policy sets the agenda for change and tackles the entrenched problems facing indigenous South Australians.

The policy recognises that change begins with a collaborative approach, and this Labor government is committed to working with Aboriginal communities and individuals who are empowering communities on an equal footing and ensuring that we put in place programs that will achieve positive and lasting outcomes. We want to enable families, local groups and families to take responsibility for and contribute to their own advancement, in partnership with the government.

The policy also allows for the cooperative development and implementation of strategies that will: improve living conditions in Aboriginal communities; reduce the contact of Aboriginal people with the criminal justice system; improve health and education outcomes; and, as I said, support Aboriginal families. There is an urgent need to address the disadvantage, and the government has already taken the first steps to implement those changes.

Key actions underway include: the establishment of an indigenous advisory council, the Anangu Pitjantjatjara pilot initiative, which is a joint AP Executive and cross-agency approach to improving the wellbeing of the AP people; a strategy for employment and economic independence—and there was a dinner on the previous evening that was well attended by those Aboriginal people who were working in indigenous employment programs in cultural and heritage protection, and show and display, and those working in the tourism area, amongst others. There was a printing business and other businesses represented.

Key actions also include the re-naming of the Department of State Aboriginal Affairs, from DOSAA to the Department of Aboriginal Affairs and Reconciliation—which is symbolic but not overly important in relation to how it will impact on Aboriginal people. However, it does give the impression of a new start with new policies. If we can capture the enthusiasm of those people in communities who want to have change and bring about choice and opportunity within communities, and working with the commonwealth on the COAG trial, amongst other things, hopefully we can turn around the lives of many Aboriginal people within this state so that we can get into enterprise building and changing the circumstances of poverty which impact on the lives of many.

FAMILY AND YOUTH SERVICES

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question regarding resources for the Department of Family and Youth Services.

Leave granted.

The Hon. KATE REYNOLDS: I have previously asked questions of the minister about the ability of the Department of Family and Youth Services to meet its statutory obligations. FAYS staff and welfare advocacy organisations have called on both the previous government and this government for a significant injection of resources to the department and to other agencies who provide services to families and children at risk of sexual, physical or emotional abuse or neglect. On 21 March this year, a group of departmental supervisors wrote to all regional directors outlining their concerns about the department's inability to respond to reports of abuse or neglect and to provide a service that would protect children at risk.

This letter claimed that children coming into the system were at greater risk than if they were left in unsafe situations with their parents or carers and highlighted that this is because of a critical lack of resources available to the department. In fact, as recently as yesterday, I was notified that four children who are apparently under guardianship orders absconded in recent days from one of the government's two secure care units, alleging that they had been sexually abused whilst in care and were living on the streets. The department uses the term RPI (resource prevents intervention) to determine which reports will not be investigated or which children or families will not be provided with an intervention service because of a lack of human, physical or financial resources. My questions to the minister are:

1. How many children and young people are under guardianship orders and are, therefore, the responsibility of the minister, and how many of those were missing from their proper address as at yesterday?

2. How many of these children and young people do not, as at today, have a specific worker allocated to them to ensure that the state is meeting its child welfare responsibility?

3. As at today, how many tier 1 reports are on the waiting list for intervention services, and how many of these are classified as RPI?

4. As at today, how many tier 2 reports have not had an intervention service, and how many are classified as RPI?

5. As at today, how many tier 3 reports are on file, and as at today how many tier 3 reports have resulted in a letter sent to the parent, carer or guardian, and how many of these have not had follow-up action?

6. What action will the minister take to increase the number of qualified social workers, youth workers and financial counsellors to FAYS district offices to enable a timely service to be provided to all tier 1, 2 and 3 clients?

7. What action will the minister take to recruit, retain and support more foster carers to address unmet need?

8. Will the minister, in consultation with foster carers, increase the payments to foster carers to a realistic rate based on meeting the needs of the child?

9. Will the minister fund a mix of community-based and agency-based early intervention programs across every region in the state to address the causes of abuse and neglect of children and young people?

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

The Hon. R.D. LAWSON: As a supplementary question, will the minister either confirm or deny the suggestion that four young people absconded from an institution as mentioned in the honourable member's question?

The Hon. T.G. ROBERTS: I will also refer that question to the minister in another place and bring back a reply.

CHILDREN AT RISK

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about children at risk.

Leave granted.

The Hon. A.L. EVANS: The review into child protection in South Australia conducted by Robyn Layton is a massive document. Chapter 13 addresses the issue of adolescents at risk. On this matter the Noarlunga Adolescent and Family Team of Family and Youth Services reported to the review that, and quote:

> Known paedophiles target young people under the guardianship of the minister by placing themselves in accommodation near FAYS' residential accommodation.

They reported that there is no authority for police to act and young people become enmeshed in relationships with these paedophiles largely because of their vulnerability and authorities are unable to act.

Given that the law is clear that a child, while under the protection of the minister should not be placed in a situation where they are in danger and it provides protection for it, such as under section 76 of the Family and Community Services Act 1972, my questions to the minister are:

1. Why did the department refrain from acting to protect children when it became aware of paedophiles targeting children under the care of the minister in the instance cited by the review?

2. Can the minister give unqualified assurance that a child under the protection of the department is sufficiently protected from encountering a person that would seek to harm that child? If so, what measures are in place?

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

SOUTHERN SUBURBS, GAS PRICES

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for the Southern Suburbs, a question regarding gas prices in the southern suburbs.

Leave granted.

The Hon. T.J. STEPHENS: At a recent meeting I had in the southern suburbs, I was informed that the business community and residents in general were very concerned about the price differential between the price of gas supplied to the northern suburbs and the price of gas in the southern suburbs. The fact is that southern suburbs residents pay substantially higher prices for their gas than their northern counterparts. In fact, the differential costs are estimated to be inflated by approximately 270 per cent compared with the north-western zone costs, and 46 per cent compared with costs in the northern zone. Southern Partnership sent a submission to the independent pricing regulator stating its strong opposition to this discriminatory pricing structure.

Southern Partnership is made up of local government, federal parliamentarians such as Kingston Labor member David Cox and state Labor members such as the member for Reynell and the member for Kaurna, who is also the Minister for the Southern Suburbs. It is my understanding that several businesses in the southern suburbs also made similar representations, including Mitsubishi and Mobil, which has now been priced out of South Australia. I also noted that yesterday the minister stated that the Office of the Southern Suburbs was to work with local councils and that it has established good relations with business—this clearly does not include Mobil—to leverage maximum benefits for the people who live and work in the south. Therefore, my questions are:

1. Does the minister consider a 270 per cent gas price inflation a maximum benefit for the people of the southern suburbs?

2. If there are major discrepancies between northern and southern suburbs' gas prices, how do the businesses he alleges to have strong ties with feel about this?

3. Given his strong opposition to the pricing system previously, will the minister consider the introduction of a universal pricing system for the metropolitan area?

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

CONSTRUCTION INDUSTRY

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question on the topic of construction industry long service leave.

Leave granted.

The Hon. A.J. REDFORD: I recently came into possession of a document which sets out the current difficult and beleaguered position of the construction industry long service leave scheme. This scheme enables construction industry workers to become eligible for long service leave based on service to the industry rather than service to a single employer. A board administers the scheme. The scheme is funded through an employer levee and contributions are made to the fund.

I understand that a recent actuarial report received from the board indicates the scheme as at 30 June 2002 had a total scheme liability of $27 600 000 matched against an asset base of $24 900 000, which is a deficit of $2.7 million. That is a deficit of $2.7 million. That is to be compared with the unfunded liability of only $295 000 as at June 2002. So that members understand: during a Liberal government, unfunded

liability of $295 000 and now, I understand, under a Labor government, unfunded liability of $3.5 million. I understand—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member interjects and says that we set a pattern. We did; we set a pattern of less than unfunded liabilities. While the current Treasurer was wandering around talking about a AAA rating, we were doing something about it. Anyway, Mr President, I was unfairly distracted. I understand that it has been suggested by the board that the contributing factors to the current position are poor investment returns and wage growth within the industry, both of which, I would concede, are outside the board's control—an explanation, I must say, that was not accepted by the minister when it was provided to him by the board of WorkCover; and we all know that it is heading south at a million miles an hour.

In relation to this document, I have also been informed that the board is in the process of developing a package of legislative amendments for consideration by the government with an objective of reducing the scheme's liability. In light of that my questions are:

1. Will part of this legislative scheme give the minister more power and control similar to the additional power and control that he is seeking in relation to WorkCover?

2. Will the minister confirm that the scheme is under review and, if so, who is responsible for that review?

3. Has the minister given the board any direction during the $3.2 million decline under his stewardship?

4. What options is the government considering for reducing liabilities; and will the government release the board's suggestions when they are given to the minister?

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

FISHING COMPETITIONS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about fishing competitions.

Leave granted.

The Hon. R.K. SNEATH: There has been much recent speculation with the regard to the amount of fish taken in fishing competitions, such as the recent fishing competition held at Whyalla. Reports of several tonnes of fish being taken over one weekend by hordes of recreational anglers, and of quite large fish being thrown back into the water dead after being replaced by other, larger, fish have caused concerns about local stocks. Will the minister advise what action is being taken to manage the impact of major fishing competitions on local fishing stock?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): A number of major fishing competitions are held across South Australia each year, with the largest event being the Whyalla snapper competition, which is held around Easter time each year. This event attracts between 800 and 1 000 participants and is an important economic and social event on the City of Whyalla calendar. However, the focus on the snapper stocks in the Whyalla area can be cause for concern. Many of the fish taken are not kept but are returned to the water in the search for a larger fish, or because fishers have reached their bag or boat limit.

My department is working with the peak recreational fishing industry body, the South Australian Recreational Fishing Advisory Council (SARFAC), to develop a draft code of practice for these major fishing competitions to ensure that practices are sustainable and appropriate. The draft code will be distributed to local government and promoters of fishing competitions, to get their views on appropriate practices in fishing competitions, before it is adopted by the government.

The Hon. Diana Laidlaw: Is it a compulsory or voluntary code?

The Hon. P. HOLLOWAY: I am coming to that. It is not proposed at this stage that the code be regulated but, rather, that the code be adopted voluntarily by groups to remove any localised threat to fish stocks. I would be looking for the code to include such things as a written agreement to abide by the conditions of entering a fishing competition by all competitors; the removal of a prize for largest fish to reduce the incentive to high grade catch, especially with species such as snapper where discard mortality can be high; and restrictions on target catch to spread the effort across other fish species to reduce overall impact. I think I heard an interjection about kingfish. Given allegations about the high numbers of kingfish in the gulf—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Basically, it is the percentage that survive when a fish is put back, and snapper are specifically susceptible.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Let me explain it to the Hon. Angus Redford. When you throw snapper back, the research shows that a larger than average number of the fish that are thrown back die compared with other species. That is a concern for competitions, especially for competitions that target these species. Other states have moved recently to develop similar codes in respect of increased participation. Finally, it is anticipated that a draft code of practice will be available for my consideration by October this year.

MOUNT BARKER

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 Transport, a question about the need for an additional freeway exit and an express bus service for the township of Mount Barker.

Leave granted.

The Hon. SANDRA KANCK: In the recently released draft transport plan, which was released in April, the state government acknowledges that the movement of freight through Mount Barker has become a problem and proposes targeted investment in rural roads to reduce the amount of north-south freight passing through the town. This plan would address only part of the problem. Mount Barker is one of the fastest growing towns in South Australia. Also, there has been significant population growth in surrounding towns such as Nairne and Woodside. Further residential and industrial expansion is planned for the region.

The consequence of past and future growth is, and will be, more traffic travelling through Mount Barker en route to the South-Eastern Freeway. The state government's proposed measures will not reduce substantially this traffic. The Mount Barker council has made provision of land for a freeway interchange near the existing Bald Hills Road overpass. This would serve not only the Mount Barker township but also

Nairne. It is the only feasible long-term solution to traffic problems in Mount Barker.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Further, the public transport provided between Mount Barker and Adelaide is inadequate. Currently, the last complete express bus leaves Adelaide at 5.20 p.m., which is far too early for many commuters who are then forced to endure a much longer bus ride home. My questions are:

1. Will the minister fund a freeway interchange near the existing Bald Hills Road overpass; if not, why not?

2. Will the minister require an additional 6.00 p.m. complete express bus service to be scheduled from Adelaide to Mount Barker; if not, why not?

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

The Hon. DIANA LAIDLAW: I have a supplementary question. In addressing the honourable member's questions, will the minister also undertake to consider a funding contribution from the local council, recognising that the council established the industrial area, which is far from the freeway and which has given rise to the current problems?

The PRESIDENT: Order! I think there was an opinion from a former minister somewhere in that question.

The Hon. T.G. ROBERTS: I will definitely take that question post-haste to the minister and bring back a reply.

POLICE VEHICLES, SPEED CAMERA INFRINGEMENTS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question about police vehicles and speed camera infringement notices.

Leave granted.

The Hon. T.G. CAMERON: The rise in the number of speed cameras operating on Victoria's roads has tied up Victoria Police with internal investigations into police vehicles caught speeding. Last year, Victoria Police command launched almost 1 200 investigations into police vehicles captured speeding on the state's roads by speed cameras. While police operating speed guns once turned a blind eye to other police vehicles caught speeding, the increase in the use of fixed speed cameras now means that police vehicles caught on film need to be processed like any other vehicle. So, when a police or an emergency services vehicle is captured exceeding the limit by speed cameras, the driving officer's commanding officer is sent a 'please explain' letter by the Traffic Camera Office. The officer driving is then asked to explain.

Under rule 305 of the Victorian Road Rules Act, police and emergency vehicles are exempt from speed limits if they are engaged in situations such as the pursuit of a vehicle or attending urgent calls for assistance. In 2001, Victorian police vehicles were caught speeding 1 171 times by traffic cameras across the state. This is not laser guns; this is just speed cameras. After police investigation, not surprisingly, 1 051 were found to be legitimately covered by the legislation. In 120 of the incidents police were issued with infringement notices, and at least one officer had his licence suspended after exceeding the speed limit by more than 30 km/h. My questions to the minister are:

1. Are South Australian police subject to rules and processes similar to those which cover Victorian police with regard to speed camera infringement notices; and, if so, what are they?

2. During 2002, how many police vehicles were caught speeding by speed cameras; how many infringement notices were subsequently issued; and were any officers suspended as a result?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass those questions on to the Minister for Police and bring back a reply.

MOUNT GAMBIER HOSPITAL

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the minister representing the Minister for Trade and Regional Development a question about the Mount Gambier Hospital.

Leave granted.

The Hon. J.F. STEFANI: In an article in the *Border Watch* of 24 January 2002, the then independent member for Mount Gambier (now Minister for Trade and Regional Development) is quoted as saying:

> After five reports we have not clearly defined what the role and function and service profile of the hospital is.

He went on to say:

> Until you answer that question you can't even start the debate about what funding you need.

The member for Mount Gambier argued that the government must, first, define the hospital's role before determining the funding level. Now that the independent member for Mount Gambier has become a Labor government minister, my questions are:

1. Has the minister spoken to the Minister for Health to ensure that the Labor government has defined the role of the Mount Gambier Hospital?

2. Has the minister made any representations to the Treasurer regarding the allocation of funding for the Mount Gambier Hospital as well as other hospitals in his electorate?

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

PREMIER, SOLAR PANELS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the minister representing the Premier a question about electricity.

Leave granted.

The Hon. D.W. RIDGWAY: I refer to an article in the *Sunday Mail* last April which referred to the fact that the Premier (Hon. Mike Rann) had installed solar panels on his roof. The article states, in part:

> Electricity bills will no longer make regular appearances in the Premier's letterbox. Solar panels were installed in his century-old Norwood cottage yesterday and it will run on solar power. Mr Rann hopes he will never again have to pay an electricity bill. 'My house will only use part of the power the panels produce,' he said.

Rather interestingly, I noticed on AGL's web site today that solar panels will run only lights, microwaves, refrigerators and other small electrical appliances. I would suggest that he may well use a larger range of electrical appliances. The article goes on to quote the Premier, as follows:

> As soon as the meter was turned on it suddenly started going in reverse, which is something I had never seen before.

The article continues:

> The excess power generated would be transferred to the statewide grid and he would receive power credits in return. He would use the credits in times of high power usage, especially for his airconditioning in the hottest months.

I wonder whether he uses airconditioning in the winter months for heating and not cooling. Electricity charges are broken up into four cost components: the generating cost; the transmission use of system cost, known as the TUOS charge; the distribution use of system cost, which is known as DUOS; and the retail margin, which is about 3 per cent. With the meter turning in reverse and therefore giving the owner credits, the electricity consumer is not paying the TUOS or DUOS on the portion they use or, for that matter, the GST on the portion they use. The consumer must have an appropriate import-export meter installed and not use the old, rotary style meter. Given that the Premier promised cheaper power for all South Australians, will he refund his share of the TUOS and DUOS he has not yet paid, and has the Premier installed a proper import-export meter on his house in Norwood?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Premier and bring back a reply, if he deems it necessary to talk about whether or not he has a private meter. It is somewhat outside his responsibilities, I would have thought, but never mind.

The Hon. SANDRA KANCK: As a supplementary question: if the Premier is prepared to reveal the costs of the equipment he had installed, how much did the meter cost?

The Hon. P. HOLLOWAY: I think I ought to say in relation to these questions that I would have thought that most people in this state would congratulate the Premier on leading by example in his use of renewable energy. All of us facing higher electricity charges as a result of the mismanagement of the privatisation of electricity by members opposite could well understand. Certainly—

Members interjecting:

The Hon. P. HOLLOWAY: You can accuse them of a lot of things, but the one silver lining is that it has increased the incentive for people to take up conservation measures. I would think that the people of South Australia would welcome the lead that has been taken by the Premier in this matter by installing solar power, and I hope that, as a result of decisions taken and measures announced by this government, those steps will be increased right across the community.

The Hon. CAROLINE SCHAEFER: As a further supplementary question: given that the Hon. David Ridgway just read an article about the Premier's century-old cottage in Norwood, am I to believe that the Premier of this state does not actually live in his electorate?

The PRESIDENT: Does the minister wish to reply?

The Hon. P. HOLLOWAY: I do not think it was a question, was it?

The PRESIDENT: Was the honourable member directing that to the minister?

The Hon. CAROLINE SCHAEFER: It was a supplementary question to the minister.

The Hon. P. HOLLOWAY: I guess if the honourable member wants to open this up we could look around to where all sorts of people might be living, as—

The Hon. T.G. Roberts interjecting:

The Hon. P. HOLLOWAY: That's right; we have had some very amazing stories about where members of the Liberal Party have been living. You do not even have to live in the same state in which you vote under that party's constitution, but I will pass on the question.

OFFICE OF THE NORTH

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Urban Development and Planning, a question relating to the Office of the North.

Leave granted.

The Hon. J.S.L. DAWKINS: I noted recently a news release issued by the Hon. Jay Weatherill, Minister for Urban Development and Planning, released on 17 May this year in relation to the Office of the North, and entitled 'New leadership for the north'. The opening sentence states:

> The Office of the North has opened for business to build on the strengths of the northern suburbs and tackle the area's social and economic issues, says the Minister for Urban Development and Planning, Jay Weatherill.

This was released on 17 May, and the office was, in fact, opened by the Premier on 4 November, about six months earlier. The press release further states:

> The minister says the Office of the North combines the whole of the resources of the state government, teamed with the City of Salisbury, the Town of Gawler and the City of Playford.
>
> The Northern Partnership promotes and supports joint initiatives to enable greater access for northern people to northern jobs.
>
> 'As the minister responsible for the Office of the North, I am keen to demonstrate the effectiveness of the whole of government approach and the partnership with local government.'
>
> The Office of the North aims to:
>
> · Ensure joint strategic solutions between state government, local government, industry and community.
> · Create strong working relationships with local businesses to support and expand established industries and attract new businesses, particularly in the export area.
> · Ensure better services for the community through better coordination and integration of health, housing, education, policing and family support services.
> · Assist communities, schools, TAFE and universities to improve employment outcomes.

My questions to the minister are:

1. Noting that the Minister for Urban Development and Planning now describes himself as the minister responsible for the Office of the North, will he indicate when he took that position and when the Hon. Lea Stevens, who was previously referred to in an answer in this place, was removed from being the lead minister for the Office of the North?

2. Will the minister indicate why the City of Tea Tree Gully has not been included in the work of the Office of the North and the Northern Partnership?

3. Given that the minister proudly talks about whole-of-government attitudes in relation to the northern suburbs, has he discussed with the Commissioner for Public Employment the possibility of setting up a regional facilitation group of public servants in the northern suburbs?

4. What relationship has the Office of the North developed with the Northern Adelaide Development Board and the Northern Adelaide Business Enterprise Centre?

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

TAFE, FRAUD

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Employment, Training and Further Education, a question regarding the investigation of fraud within TAFE.

Leave granted.

The Hon. KATE REYNOLDS: The Department for Employment, Training and Further Education's auditor was called in to investigate practices at certain TAFE institutes earlier this year after concerns about incorrect academic records and discrepancies in data were raised. I read with interest page 12 of Saturday's *Advertiser*, which reported the minister as saying that she was reassured that the allegations were unfounded. The auditor in her report to the minister dated 23 May 2003 has stated that, while some of the concerns expressed by the Australian Education Union were unfounded, the police Anti-Corruption Branch will continue to investigate one program at Spencer TAFE at Whyalla.

The report highlighted poor administration and business practices, poor internal control, and an unreasonable exposure to risk for a number of programs throughout 2002. The auditor has stated that a program of improvement to rectify the issues had commenced and that any further activity in the FarmBis program will be strictly monitored and controlled to ensure compliance with the relative requirements. The auditor also reported that allegations and complaints made that fell outside the scope of the work done to date will be addressed in conjunction with the annual TAFE audit program. In Saturday's paper the minister said that it was reassuring that the allegations were unfounded, contrary to the Auditor's findings that some of the allegations were proved true. My questions are:

1. Does the minister acknowledge that the role of the Auditor is to advise on management and system strengths and weaknesses that are not necessarily financial?

2. Will the minister acknowledge that the concerns raised by the Australian Education Union and others assisted to bring a number of weaknesses within the management of some programs and the student management system (known as SMS) to her attention?

3. Is the minister satisfied with the current management practices of the Spencer Institute of TAFE?

4. Will the minister table the report of the findings of the current investigation by the police Anti-Corruption Branch?

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

COMMUNITY ROAD SAFETY GROUPS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question on the future of community road safety groups.

Leave granted.

The Hon. DIANA LAIDLAW: Currently some 23 community road safety groups are operating across South Australia. They have been developed on a volunteer basis and undertake their excellent work following a major effort by the former government to ensure that road safety was regarded as a responsibility of our whole community, not just government, through legislative reforms or enforcement measures undertaken by police. I am aware that, on the basis of the success of those 23 groups, four more are keen to be established.

I received an answer to a question recently from the honourable minister indicating that he shared a sense of importance for the role of the community road safety groups, and he confirmed his intention to continue funding those groups. It is important to find out how genuine his concern is and how genuine his funding commitment. I raise those doubts, because I was surprised to see in the draft transport safety strategy, under the section 'A safe and secure transport system,' that in the subsection (9)—'Promoting road safety as a community responsibility,' that there is no reference at all to the community road safety groups that have been established and that do such outstanding work in the community.

I have been asked by some of these groups, who are rather upset that their efforts are not valued, let alone recognised by the government—evidenced by the fact that they are absent from the draft transport strategy—to ask the minister why there is no reference to these groups in the draft strategy. Will the minister undertake to ensure that there is a reference to the importance of these groups in the final version of the government's transport strategy, and ensure that not only is a sentiment expressed in the draft strategy but that there are ongoing funds for the maintenance of activities for the current road safety groups plus the four more that wish to be established but do not currently have funding?

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

JOINT COMMITTEE ON IMMUNITY FROM PROSECUTION FOR CERTAIN SEXUAL OFFENCES

The Hon. G.E. GAGO: I lay upon the table the report of the joint committee, together with minutes of proceedings of evidence.

Ordered that the report be printed.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That standing orders be so far suspended as to enable messages to be taken into consideration before matters of interest.

Motion carried.

GAMING MACHINES (ROOSTERS CLUB INCORPORATED LICENCE) AMENDMENT BILL

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

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

That this bill be now read a second time.

This bill seeks to amend the *Gaming Machines Act 1992* to permit the Roosters Club to continue to operate in its present location for a further twelve months while it finds an alternative site for its gaming machine operations.

Following application to the Liquor and Gambling Commissioner, the Roosters Club was granted approval on 7 January 2002 to move its gaming machine licence to premises at 255 Main North Road, Sefton Park. The Roosters Club commenced operations at this location on 23 October 2002.

Subsequent decisions of the Supreme Court, following legal action initiated by the Northern Tavern Pty Ltd, pronounced the grant of the licence to the Roosters Club to be void. The court considered that the granting of this licence was in breach of Section 15A of the *Gaming Machines Act* which prohibits granting of a licence under the same roof as a shop or within the boundaries of a shopping complex.

While the Roosters Club had indicated its intention to seek leave to appeal to the High Court on this issue, the Supreme Court last week ruled that it could not grant a stay of proceedings and the Roosters Club is now without a gaming machine licence. This is a complex and difficult position for the government. It is not desirable to introduce specific—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: I would agree with that for everyone. It is not desirable to introduce specific legislation to assist individual parties, particularly following adverse court decisions, nor is it the desire of the government to provide for more gaming machines to operate within shopping areas. This outcome preserves the ban on additional gaming machine venues in shopping centres but gives the opportunity for the Roosters Club to continue to operate while it finds alternative suitable premises.

I stress that this is considered a special case and no other gaming machine licensee should expect similar action should the court find that its licence has been invalidly used or issued. The Supreme Court has ruled on this matter and other gaming machine licensees should be fully aware of this decision. However, the government recognises the special circumstances of the Roosters Club. It is the first venue on which the shopping centre provision has been substantially tested. A licence was granted by the Liquor and Gambling Commissioner and the decision was subsequently upheld by the Licensing Court. The Chief Justice considered that the club acted reasonably in acting as it did.

I also note the representations made by the club about its reliance on gaming machine revenue to meet its financial commitments and the support that the club provides to the community. Under the provisions of this bill, the Roosters Club can continue to operate its gaming machine business in the premises at 255 Main North Road Sefton Park until 31 May 2004—

The Hon. A.J. Redford: Do you have a copy of this?

The Hon. T.G. ROBERTS: Yes.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I can. Prior to that date, the Roosters Club would need to transfer the licence to an alternative suitable location. That new location would be required to meet all provisions of the Gaming Machines Act, including the shopping centre provision. If the club has not moved premises by 31 May 2004, the Roosters Club gaming machine licence will be suspended. Clubs licensed to operate gaming machines have raised a range of other broader issues with respect to gaming machine operations within the club industry. These issues are the subject of the current Independent Gambling Authority inquiry into the management of gaming machine numbers, and the government will consider these issues once it receives the report of that inquiry—expected in September 2003. I commend the bill to the council. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Amendment provisions

These clauses are formal.

Part 2—Amendment of Gaming Machines Act 1992

Clause 3: Amendment of heading to schedule 1

Schedule 1—Gaming machine licence conditions

Clause 4: Amendment of heading to schedule 2

Schedule 2—Gaming machine monitor licence conditions

These amendments are of a statute law revision nature only.

Clause 5: Insertion of schedule 3

Schedule 3—Special provision for licence for Roosters Club Incorporated

The gaming machine licence purportedly granted to The Roosters Club Incorporated in respect of premises at 255 Main North Road, Sefton Park, is deemed to have been validly granted despite section 15A of the Act.

If the licence has not previously been surrendered, or otherwise ceased to be in force, by 31 May 2004, it is deemed to be suspended on and from that date, but may subsequently be surrendered, if necessary, to enable the Club to take advantage of section 14A(2)*(b)*.

The new schedule will expire on a day to be fixed by proclamation.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

The House of Assembly requested that a conference be granted to it respecting certain amendments in the bill. In the event of a conference being agreed to, the House of Assembly would be represented at the conference by five managers.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That a message be sent to the House of Assembly granting a conference as requested by that house; that the time and place for holding it be the Plaza Room at 4 p.m. today; and that the Hons T.G. Cameron, P. Holloway, Sandra Kanck, Caroline Schaefer and R.K. Sneath be the managers on the part of this council.

Motion carried.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

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

Members interjecting:

The PRESIDENT: Order!

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: The Hon. Ms Laidlaw will come to order.

MATTERS OF INTEREST

SHEARING INDUSTRY

The Hon. R.K. SNEATH: I take this opportunity to speak on shearer training. Recently in the other house, the member for Schubert made some very naive comments, and I would like to mention some of them. Mr Venning said:

I was going to raise the issue of shearing instructors. . . Under this government, what has happened? It wishes to unionise it and, via a contact in the other place and the local shearing organiser. . . it

wishes to take over the training of shearers and do it themselves. This has tremendous resistance in the bush. Only half a dozen shearers will be trained instead of several hundred.

Why would Mr Venning want to train 700 shearers—

The Hon. T.G. Cameron: Several hundred.

The Hon. R.K. SNEATH: Several hundred. That might be more than 700, yes.

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: Several hundred. There is only one reason why Mr Venning and his coalition friends would want to train several hundred shearers; that is, to flood the market and put those who are already shearing out of a job. That is what training several hundred shearers would do. I am sure the Hon. Caroline Schaefer (who looks splendid in her black and teal Port Power outfit today) would certainly not agree with that. I know that the Hon. Mr Gunn would not agree with that, either. It is a totally naive statement by the member who is surrounded by grapevines and who knows very little about shearing. Why would the AWU want to take over shearer training? Sure, the AWU wants to play a role in shearer training. It wants to be part of an industry based ITAB that is responsible for shearer training.

Shearer training does not have true representation from all the industry on ITAB. That is what the AWU is arguing about; that is, give us some representation on ITAB. Let us stop wasting money trying to train several hundred shearers, because that will flood the market and put the experienced shearers who are in the work force at the moment out of work—we will then have no experience in the industry. There is no good—

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: They will get permanent jobs if you train several hundred. The honourable member knows as much about shearing as Mr Venning, so I would sit there and be quiet if I was him—

The Hon. T.G. Cameron: Sounds like more than you know.

The Hon. R.K. SNEATH: I have forgotten more than the Hon. Terry Cameron knows about most things. Mr Venning also went on about show shearing. He said that, since the AWU has taken over the Royal Adelaide Show, the competitor numbers have slipped. I remind Mr Venning that the AWU has never had anything to do with the Royal Adelaide Show and has never been involved with the shearing competitions at the Royal Adelaide Show. The Royal Adelaide Show shearing competitions are run by—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.K. SNEATH: —the Shearing Competition Federation of Australia. The Shearing Competition Federation of Australia runs that part of the Royal Adelaide Show and always has. If the competitor numbers have fallen at the Royal Adelaide Show, that has occurred whilst the Shearing Competition Federation of Australia has been running it, because it has always run those competitions. It always has run it—no-one else has run it—and it continues to run it. The member for Schubert, Mr Venning, reminds me of a militant rouseabout. He has no opinion and no idea. He should stick to the issues—

The Hon. T.J. Stephens interjecting:

The Hon. R.K. SNEATH: His Liberal friend says, 'That is a bit hard on a rouseabout.' I am sorry if he does not think that his fellow member in the other house is up to the standard or has the IQ of a rouseabout. I agree with him. Perhaps I have made a mistake and he is dead right: he does not have the IQ of a rouseabout. There is no doubt about it. I am glad the honourable member drew that to my attention.

An honourable member interjecting:

The Hon. R.K. SNEATH: Yes, it was a slur on the rouseabouts and I apologise to all rouseabouts. I am glad the honourable member brought that matter to my attention. The honourable member should stick to issues about which he knows something.

Members interjecting:

The PRESIDENT: Order! There will be no interjections from the gallery. I note that an experienced member of parliament is making gestures and interjections from the gallery. That will not be tolerated.

The Hon. R.K. SNEATH: Thank you, Mr President. I think I had at least one minute to go when the clock ran down.

The Hon. T.G. CAMERON: I rise on a point of order, sir. The clock ran out with about 10 seconds to go.

The PRESIDENT: I called for order. The clock stopped with about 40 seconds to go. It was 42 seconds when I rose. The honourable member has 42 seconds in which to complete his contribution.

The Hon. R.K. SNEATH: Thank you, Mr President. I bring to the attention of Mr Venning that, if he does want to help the shearers—

The Hon. A.J. REDFORD: I rise on a point of order, sir. Under our standing orders, we call members in another place by their electorate name, not their name, and I ask the honourable member to respect that standing order.

The PRESIDENT: That is the general convention. Mr Sneath, continue with your contribution.

The Hon. R.K. SNEATH: Thank you, Mr President. I bring to the attention of the member in the other place, if he would like to do something to help the shearing industry, he might nominate a suitable person to represent the shearers or the wool growers on such a committee, if such a committee comes about. I recommend that he await the report that is being compiled at the moment, and looks at that before he talks about something he does not know anything about. The honourable member should stick to things he knows about, such as giving away the TAB and forcing higher electricity prices on all South Australians.

Time expired

SIKH SOCIETY

The Hon. T.J. STEPHENS: I do not think I will need the full clock, but I would not mind its being reset, if that is okay.

The PRESIDENT: Order! There is no need to be flippant. You can see the table staff are busy. I think you are a little rude. Please reset the clock.

The Hon. T.J. STEPHENS: I apologise, Mr President, for being flippant. I congratulate the local Sikh community. Accompanied by the member for Norwood, I had the distinct pleasure on Saturday of attending the annual Sikh Society dinner. I was fortunate enough to have at our table, Ms Joy De Leo. Also, I was fortunate to be hosted by Mr Gurdip Singh Padde (otherwise known as Gary Singh), who is President of the South Australian division of the Sikh Society. I was honoured to meet Mr and Mrs Jagat Singh, former Indian diplomatic representatives to Australia. Mr Raymond Sardana of Boom International and Mr Sukninder Singh Sangedha of Australian Boutique Premium Wines were also at our table.

For those who are not aware of Sikhism, I will provide a very brief history to the council and, also, update the council on what the Sikh Society is doing in South Australia. Sikhism is the one of the world's youngest religions, dating back to 1469, where it was founded by Siri Guru Nanak Dev Ji. For 500 years it has had a basic teaching of 'oneness with God', whose name is truth. Nine gurus followed Guru Nanak and added to this fundamental belief in one god for all creation.

There are several interesting facts about Sikhism. First, one of the Sikhism fundamentals comes from loving God and man, and that all human beings are creatures of God and must be treated equally. I find it interesting that a central tenet of this religion is a belief in egalitarianism between races, creeds, castes and sex. Given that this religion is approximately 500 years old, it predates the equality movement by some considerable time.

I am interested to discover that the holy book of Sikhism, *The Siri Guru Granth Sahib Ji*, is the only holy book of any major religion to have been written and authenticated by its founders. There are over 20 million Sikhs worldwide. The cradle of this religion is in the land of the Five Rivers, Punjab. Punjab is located in what is now Pakistan and northern India. Sikhism's 20 million followers make it the fifth largest religion in the world today. It believes strongly in egalitarianism and democracy, upholding the ideal of universal civil rights, including the right of freedom of religion. There are 14 000 practising Sikhs in South Australia. It may surprise some members to learn that the Sikh religion has been in Australia for 170 years—less than 50 years from when the first fleet landed and the transplanting of well-established European religions occurred.

At the annual dinner I attended on Saturday, I was pleased to hear about the new cultural centre that the Sikh community is in the process of purchasing. The Adelaide Sikh Society was formed in 1981. Prayer meetings were held in members' homes, and other social events, such as Punjabi classes and sporting, social and cultural events, were put into practice. In 1987 the Sikh Society bought a hall and converted it into a Gurudwara where Sikh families meet for prayers. Many dignitaries were welcomed at the official opening and it allowed for the hosting of the annual Sikh Games in 2000, for which the sangat (congregation) was widely applauded for its magnificent organisation and successful hosting of the games. Participants came from far and wide—from Malaysia, Singapore, Hong Kong and England.

Over the past 18 months, the society formed the view that a new Gurudwara would be required. This move was led by Dr Swaran Singh Khera, who was able to locate a heritage building that will now be converted. It will be located at what is now known as the Colonial Function and Conference Centre. Sikhism's values are ones that we as a society and as members of parliament can all embrace. It is with the utmost sincerity that I wish the Sikh community all the best with its future endeavours and best success with the new Gurudwara. I have never come across a more hospitable group of people, and I really thank them for hosting me on the evening.

DIABETES

The Hon. G.E. GAGO: About 3.2 per cent of the adult South Australian population have either type 1 or type 2 diabetes. Some 14 per cent of those with diabetes have type 1 (insulin dependent) diabetes and the remainder (86 per cent) have type 2 or non-insulin dependent diabetes. It is the world's fastest growing disease and is the seventh major cause of death due to disease in Australia. One study estimates that the levels of diabetes in Australia, including both undiagnosed and diagnosed cases, are as high as 8 per cent for men and 6.8 per cent for women. Results released by Australian Diabetes, Obesity and Life Study show that almost one in four Australian adults has either diabetes or some form of impaired glucose metabolism—a fairly stark and compelling statistic. A number of groups, including indigenous Australians, people from culturally and linguistically diverse backgrounds and the elderly, suffer diabetes at a higher rate than the general population. Although it is not purely a disease that affects older people, the prevalence of type 2 diabetes increases as the population ages. As the population in Australia and South Australia ages so, too, does the prevalence of type 2 diabetes increase. There are a number of lifestyle behaviours, such as smoking, poor diet and low activity levels, that increase the prevalence.

Recently, on behalf of the Hon. Stephanie Key, I attended Diabetes SA's 'Great Australian Bite' event where much of the fabulous work Diabetes SA does in assisting those with diabetes was highlighted. The function was held in the grounds of Government House and it was hosted by the Governor of South Australia, Her Excellency Marjorie Jackson Nelson, who is also the patron of the association.

The Great Australian Bite is the annual fundraiser for Diabetes SA, and this year it helped to celebrate the 50th birthday of the organisation. The Great Australian Bite is a community-based fundraiser where people can either hold their own 'bite' or join in the Governor's 'bite'. Funds raised go towards helping this not-for-profit organisation and providing services to its members. Many of these services are free of charge. They include: diabetes education and management and advice and assistance (including a telephone service). The current telephone helpline service is part of the organisation's support program. This service is currently available to both members and non-members between the hours of 9 to 5. Diabetes SA is aiming to extend this service so that people can access it 24 hours a day.

Diabetes management workshops are another of the vital services offered to those newly diagnosed with diabetes. In these workshops they are educated on management of the condition through diet, exercise and prevention of complications. These workshops take place fortnightly and are free of charge for members of the organisation. In association with these workshops, supermarket tours with a qualified dietitian are carried out—again, free of charge to members—and this gives diabetics the tools and information required to read and interpret food labels. I must say that this is not a very easy thing to do. I know when I have done my shopping and tried to interpret some of the information on the back of food labels, it is incredibly difficult to work out exactly what some of that information is trying to say about food.

These tours enable those who attend to buy the right foods, thus helping them to manage their diabetes. A newly diagnosed diabetic (especially a type 1 diabetic) often has to go through a huge adjustment in their lifestyle to learn how to manage their condition effectively. This is not something one can do without appropriate information, advice and support. The services offered by Diabetes SA are vital in assisting diabetics to effectively manage their condition, hence reducing complications, which can be very painful as well as very expensive. People with diabetes can and do live healthy active lives, often assisted by the support and services of an organisation such as Diabetes SA. I congratulate Diabetes SA on this successful event, and I urge all members

to participate in next year's Great Australian Bite and support the organisation that supports diabetics in South Australia.

TRANSPORT PLAN

The Hon. T.G. CAMERON: I take this opportunity today to speak briefly about the South Australian draft transport plan released recently by the Transport Minister, Michael Wright. The draft plan has been a year in the making. However, I believe that a very important opportunity has been lost when I look at the direction outlined in the plan. One only has to travel to any other mainland capital city to see how dilapidated our transport system (particularly our public transport system) has become. Brisbane has new highways, trains and trams. In Sydney, hundreds of millions of dollars are being spent on new rail lines, trains, world leading design trams, and the extension of its underground rail system. Melbourne is purchasing new trains and trams and building highway stations, overpasses, etc. Perth is having its entire railway system electrified with new lines being installed and new trains purchased. All of these states have shown a real commitment to transport (both public and private, city and country). They understand that their economy demands it and their citizens deserve it.

Even a cursory read of the draft transport plan shows that it is a policy document long on rhetoric but thin on vision and commitment. It is almost as though public transport policy in this state is stuck in the 1980s, because all of the old policy idea chestnuts keep putting up their head. For example, the plan suggests that people be encouraged to walk or cycle more and the establishment of an office for cycling and walking.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: It could well be. It rejects extending the tram line to North Terrace. It is said that the Glenelg trams will receive an upgrade; we have had a commitment to do that. Further suggestions include: increasing road safety and getting people to use buses, introducing car park levies on suburban car parks to fund public transport, bus interchanges and more frequent services. That is a visionary policy—more frequent bus services.

The Hon. A.J. Redford: Why didn't we think of that?

The Hon. T.G. CAMERON: Yes. Other ideas include: smaller buses which deliver people to their front doors and priority for buses over other road traffic through extended clearways and the provision of more bus lanes. Some of these are good ideas, although hardly new, and I doubt whether anyone would describe them as visionary. There are also a number of somewhat bizarre ideas in the plan such as encouraging government workers to walk and cycle on business travel and to introduce car park levies. Whole sections are dedicated to chapters with inane headings such as: 'Public transport in Adelaide', 'Reaching its potential' and 'Getting South Australia walking and cycling'. This draft plan has its fair share of critics. For example, in its editorial of 3 May, the *Advertiser* states:

> The draft transport plan was supposed to provide the answers to the problems being posed for South Australia's ageing transport infrastructure. In that respect, this supposedly far-reaching document is a disappointment—long on rhetoric and short on commitment.

I could not agree more. The article continues:

> About the only commitment in this document, apart from plenty of touchy-feely statements, is to a time frame more than two decades away.

The *Adelaide Messenger* of 7 May went even further when it said:

> The 80 page report is a comprehensive coverage of South Australian transport and it makes all the right warm and fuzzy noises about getting us out of our cars and onto bikes or even walking. It tells us what we already knew or suspected: that public transport usage is still drastically low.

It then goes on to say:

> This draft plan is nothing more than a discussion paper, but do we need more discussion? It is not, by any stretch, an 'important vision', as Mr Wright calls it in the foreword.

The article continues:

> Surely, even in South Australia's present impoverished condition, we could devise a grand plan that we could work towards, gradually, in the years ahead. For the very reason that we are a poor state, we need a clear bold vision that all sides of politics agree on and can work towards. It is the lack of farsighted planning that wastes our precious money.

They are both right. Some visions, some long-term planning and, most important of all, real commitment are needed if we are going to get a decent transport system. The minister should spend less time polishing his leadership baton and go back to the drawing board. We need a new transport plan.

Time expired.

UNITED STATES OF AMERICA

The Hon. IAN GILFILLAN: I am concerned about the state of Australia's connection with the United States. This is highlighted by the fact that I have just received a Gallup international survey of 35 000 people in 45 countries, the majority of whom believe that the US is too keen to use military force in other countries. Also, only three of those 45 countries believe the world is a safer place since the invasion of Afghanistan and Iraq. Of Australians, 49 per cent believe the world is more dangerous, while 34 per cent believe that it is safer. This highlights a serious concern that I have about the flavour in which world events are being portrayed from the hub of decision-making globally: the White House.

If it were a form of entertainment, it would not be so concerning, but I think it is distinctly in poor taste and diminishing the stature of world events when we hear that the leaders of a regime that has been invaded being talked about in terms of a pack of cards. There is much trivialisation of human relations situations portrayed in this way, followed by jargon such as the 'smoking gun' and 'smoke em out', but it really becomes quite serious when we see our Prime Minister treating the President of the United States as if he were the head prefect.

There is a hero worship syndrome which if it were just John Howard would be his decision alone but, unfortunately, he takes us; we are swished along on that same tide of adulation and knee-jerk reaction to the US. The idea that we will benefit from a free trade agreement is farcical. The belief of our agricultural population and others that we will prosper as a result of the goodwill now engendered through being pals with the United States is a false hope.

I am embarrassed about the relationship we are currently having with the United States, and I believe that it is farcical to see the imagery that the American hierarchy is portraying. It is most revealing to see them squirming now as they try to find the weapons of mass destruction which were the basis for the attack on Iraq. One can think of other regimes, some of which are still in existence and which would provide far more justification if we were to be led by this naive, almost

school-yard set of priorities that the Americans work on. What about North Korea? What about the Congo, where 1 000 people were slaughtered two or three weeks ago? Are those regimes not worth invading for the benefit of their own citizens? It is now being touted by the Americans that they invaded for the benefit of the Iraqi population. The current debate in America about Iran is whether the US should be funding insurgents there to overthrow the Iranian regime. They have considered invasion, but they do not believe it is necessary; they believe it can be done in other ways. If we are now in a world in which a superpower—and it is indeed a superpower—can, by the whim of the group who hold the power in the White House, pick off regimes, intrude into countries and direct affairs according to what they see as most beneficial to the United States, what sort of racket is currently being perpetrated on the world at large?

The 'Axis of Evil': what a trite, insulting phrase to use, in so far as in people's minds it is connected with the Second World War and the Axis which comprised Germany, Italy and Japan. Why did the United States not move into Gaddafi's Libya? The justification for the invasion of Iraq has definitely proved very hollow, and I think the Americans will live with egg on their face for that for many generations to come. What embarrasses me is that we are already carrying the burden for having been their allies. Rohan Gunaratna, who is a world authority, has said that we are at risk of a terrorist attack. He states that, as a consequence of this participation, our profile as a terrorist target has risen. Sadly, that is the consequence which we may find only too soon is the real aftermath of the Iraq war.

VENETO CLUB

The Hon. J.F. STEFANI: Today I wish to speak about the Veneto Club which on 24 May 2003 celebrated the 29th anniversary of its the foundation. As a member of the club I was privileged to be amongst the invited guests attending the celebrations which marked the continuing progress of the association and its members. In the now distant May of 1974, 178 foundation members undertook the task of establishing the basis of the association, which currently has approximately 700 members. I am sure the founding members of the Veneto Club did not envisage that 29 years after its foundation the club would continue to be a focal point for Italian people from the Veneto region. Over the years, the Veneto Club has been successful in providing various activities and social interaction for the Italo-Australian community in South Australia. The club has also played an important role in contributing to the social and cultural development of our state.

Since the Second World War, thousands of Italians have migrated to Australia and many of them have made South Australia their home. During this period of migration, many Italian settlers arrived in South Australia from the Veneto region. They were determined and hard working people with a dream to create a better life and greater opportunities for themselves and their families. Today many Italians from the Veneto region have achieved great success and made their contributions in numerous areas of activity, including engineering services, the construction industries, the sciences and arts and the various professions. Their achievements reflect the strength of the commitment they hold for their strong cultural traditions and enduring family values. These values have been transferred to the second and third generations of Italo-Australians by the pioneering Italian migrants from the Veneto region. The success of the Veneto Club is undoubtedly due to the commitment and sheer hard work of many people. The actual club building was constructed through the voluntary work of countless volunteers and tradespeople, and today the premises are in themselves a testimony to what has been achieved by so many migrant people and their community organisations. The construction of the clubrooms was achieved in 84 weeks.

The arrival in South Australia of the first immigrants from the Veneto region occurred in 1868, when a seaman by the name of Cristoforo Sbisa, who was born in Venice in 1844, came to live in Adelaide. During the second half of the 1800s, many musicians and opera singers performed in Adelaide, and a number of them decided to make South Australia their home. By the end of the 1800s approximately 300 people from the Veneto region had settled in South Australia. Since its official opening on 24 May 1974, the club has completed many additions and improvements to its premises. In 1988 the club was the official host for the visit of the President of the Italian Republic, the Hon. Francesco Cossiga. Apart from its social activities, the club has been active in promoting cultural events and retaining the linguistic heritage of the many dialects that are linked to early civilisation in the northern part of Italy. The Veneto Club has been active in many sports such as bocce, billiards, soccer, netball and basketball.

I pay special tribute to the current and past presidents, committee members, ladies committees, volunteers and all the members of the Veneto Club who have contributed to the success and development of the association, and take this opportunity to wish the executive committee and all members of the Veneto Club continued success for the future.

MENTAL HEALTH

The Hon. A.J. REDFORD: I was recently approached by a constituent concerning the state of mental health in South Australia. Today I would like to tell the story of one person's trauma arising from mental health issues and the response from a multiplicity of agencies to those issues. The story involves a Mrs J and her son T—and I am happy to disclose the names to the minister if she so desires. My constituent's son has multiple diagnoses, including paranoid schizophrenia, severe antisocial personality disorder, an acquired brain injury from birth trauma, and substance abuse. He is a doctor-shopper for prescription drugs and has taken every illegal drug imaginable, including 'chroming', although apparently he does not like heroin because it does not cause him to hallucinate.

August 2000 saw his first arrest, on seven counts after he had drunk four litres of alcohol. That occurred at a high school. In December 2000 he was arrested for a variety of offences, including assaulting police and possession of stolen goods, and in late 2000 he drifted interstate and finished up in a juvenile detention centre and subsequently in prison, interspersed with 41 hospital admissions in 21 months in three states. Nine of these were life threatening, involving stabbings, assaults, drug overdoses and suicide attempts.

In January 2001 he obtained a traineeship with Greencorp. That was a disaster, as he threatened to cut the program coordinator's throat and a few days later tried to rape a male, tried to kill him, asked the male to kill him and then tried to burn down his caravan. He was taken to Glenside where he was to be kept for only 24 hours. At his mother's insistence, he was kept for a further 48 hours. He was released, and

three hours later he was discovered in Hindley Street, blind drunk, having obtained a tattoo. He was subsequently arrested.

In mid 2001 he moved to Melbourne. He smoked marijuana, got a job at a major company, got into a fight with the managing director's son, damaged the managing director's car, and subsequently has claimed that the company is not doing that well because he was the 'haemoglobin' of that company. He has been in a bad state both physically and mentally. He has hallucinations. In fact, one of them is that he cannot use his bank account because 'they' are after him. He is involved in his mental mind with a thing called the game, where the players are real people he had known in Adelaide, and the object of the game is that he had to leave Victoria by car and, if he won, Bert Newton was going to pay him a million dollars and if he lost he had to swim to Antarctica.

He was admitted to Alfred Hospital, where he was kept for two weeks, escaping five times from a locked ward. He suffers auditory hallucinations,triggered by car horns. The voices tell him to steal cars, as a result of exhaust pipes talking to him. His mother is not allowed to flush the toilet when he is at home. To date he has stolen six cars, four of which he has written off. He has two outstanding warrants in Victoria. He has been twice gaoled in New South Wales. His mother was put in a position where she could either concede that he go to prison for two years or bring him back to South Australia, an invidious position for any mother to have to confront.

She was guaranteed that psychiatric treatment would be given at James Nash House in South Australia. It has not happened. He has stolen about $50 000 worth of material goods and money from his mother. He was detained in Magill for a week and then released. He is currently the subject of a ministerial health inquiry, but to date his mother has not received any feedback. It is clear that his health care has been manifestly inadequate. It is also clear that he has been released due to a lack of beds. He has had a series of meetings but nothing has arisen. His mother has said in her note to me that she believes that unless something is changed someone is going to die soon, probably not him.

The minister, in a letter to my constituent, acknowledges that the current level of support is inadequate. This is not a situation to play politics with; this is an extraordinarily difficult situation. I would hope that all of us in this chamber and indeed all of us in this parliament can work very hard to solve this extraordinarily difficult issue that people in our community are facing. This is only but one story of many hundreds that exist in our community today.

Time expired.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

SCHOOLS, INVACUATION PROTOCOLS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement made earlier today in the other place by the Minister for Education.

GAMING MACHINES (ROOSTERS CLUB INCORPORATED LICENCE) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2429).

The Hon. NICK XENOPHON: I think it is important that we outline the history of legislation with respect to poker machines in shopping centres. It involves going back to a debate that occurred in this parliament in 1997. It is a debate that in many ways was kicked off by the then premier, Hon. John Olsen. I think it is important that members be reminded of what the then premier said about poker machines. He said, on 9 December 1997:

> Mr Speaker, we made a mistake with poker machines in South Australia and I think it is time we admitted it.

He said:

> Five years ago the Gaming Machines Bill was a conscience vote in this parliament. That bill was a mistake. It was a mistake because it allowed the introduction of poker machines into hotels and pubs, as well as into licensed clubs. It was ill-conceived and ill-considered.

The then premier went on to say:

> There is a sound argument today that if the bill had been different, that if it had been confined to machines in clubs thereby controlling access to them we would be without many of the gambling social ills facing South Australia today. It is fact that easy access to gaming machines has led to a level of problem gambling in this state that no-one foresaw. It is fact that easy access to the machines has led to a level of compulsive gambling that was not and could not have been foreseen, and that has certainly shocked me.
>
> It is fact that this easy access to poker machines, this almost every street corner access, has destroyed individuals, families and businesses. None of us had any inkling that this would occur.

There were groups that did have an inkling that this would occur. Many social welfare groups, including people such as Vin Glenn from the Adelaide Central Mission and representatives of that mission, and other groups in the community, did predict that this would occur.

Subsequently, the government introduced in this chamber, through the then treasurer, Hon. Robert Lucas, legislation in relation to not having further poker machines in shopping centres, and I think it is important to put on the record the rationale behind that and the arguments about that at that time, because it is quite pertinent in the context of this current debate. The then treasurer, on behalf of the government, in his second reading speech stated:

> On 17 August 1997 the Premier announced that he would move to have the Gaming Machines Act 1992 amended, effective from 17 August 1997, to stem the undesirable trend of gaming machines in shopping centres. This trend towards gaming machines in shopping centres was not envisaged by parliament when the act was passed and is not in the public interest.

The then treasurer went on to say:

> While there are many in the community who decry gaming machines, there are others who see them as a legitimate form of entertainment. The key is entertainment, and it is socially unacceptable for gaming machine venues to be located in a shopping centre or promoted in such a way that they compete openly and explicitly for the household dollar, rather than the entertainment dollar. It is unacceptable that household money set aside for staples could be diverted on a whim to gaming because of the temptation and the attraction of gaming venues located enticingly in shopping centres, or in single shops for that matter. This amendment will ensure that gaming machine licences cannot be granted in these situations.

That was the position of the then leader of the government in the council. It was the position of the then premier, and I do acknowledge that this matter was a conscience matter for members of the Liberal Party, as indeed it was for members

of the Labor Party in the context of this legislation. I note that the Hon. Paul Holloway, on behalf of the opposition, indicated that it was a conscience vote. It should be noted that, as I understand it, this particular bill is not a conscience vote for members of the government—but I, of course, will stand corrected in respect of that.

The Hon. Paul Holloway went on to say, in essence, that he supported the legislation, that he supported the thrust, that he, too, considered it undesirable to have poker machines within shopping centres. The Hon. Paul Holloway was concerned about the retrospectivity measures that would affect another venture at Westfield, Marion, but, essentially, the Hon. Paul Holloway was supporting the thrust of the legislation.

In his further contribution on this issue, the Hon. Robert Lucas made the very valid point that, even if a person was in favour of poker machines (and the Hon. Robert Lucas has been consistent in this), they could still oppose where those poker machines are located. They could acknowledge that it was not appropriate to have poker machines in certain venues. At that time, the Hon. Robert Lucas said:

> That is not necessarily an inconsistent position. One can support a position of—
>
> (a) gaming machines existing;
>
> (b) allowing controlled growth in certain areas; and
>
> (c) saying such growth should not be permitted in a particular site or location.

I respect that. Some members are in favour of poker machines but do not believe it is appropriate—as was the overwhelming view of the majority of this parliament at the time—that they ought to be in shopping centres.

That legislation was passed overwhelmingly in both houses. The rationale of it—that it was not desirable to have poker machine venues in shopping centres—was accepted overwhelmingly by members on both sides of the chamber. That legislation had a sound public policy basis behind it. It also ought to be acknowledged that at that time some 22 venues had poker machines in shopping centres. The point I make to honourable members this afternoon is that, if it is not desirable to have poker machines in shopping centres because of all the problems set out by honourable members at that time, we need to revisit the issue.

I put members on informal notice that I will introduce a bill with a view to phasing out poker machine venues in shopping centres and to allow sufficient time—a five year period. That ought to be considered. If there are strong public policy reasons not to have more poker machine venues in shopping centres, equally there ought to be strong public policy reasons not to have any poker machine venues within shopping centres. I point out that I was involved in this matter in relation to the Roosters Club on behalf of the No Pokies campaign. I appeared for the No Pokies campaign in relation to an objection filed to the granting of a licence to the Roosters Club in relation to this application to transfer the licence to the venue that is subject to the nub of the problem that has occurred.

In relation to that, I was involved in proceedings before the commissioner and I also caused to be filed on behalf of the No Pokies campaign an appeal document to the Licensing Court. I was not involved in the Supreme Court proceedings. As members may know, both the Liquor and Gambling Commissioner and, on appeal, His Honour Judge Kelly found in favour of the Roosters Club, stating that they did not consider that these premises were within a shopping centre. That opinion was subsequently challenged by way of judicial review in the Supreme Court. On 29 January this year, Justice Perry found in favour of the Northern Tavern. He found that the provisions of the act were contravened, and subsequently, on appeal, the Full Court of the Supreme Court on 22 May this year again upheld the decision of Justice Perry. It is worth noting briefly what Chief Justice Doyle said, in part:

> There is a risk of the appellant having to close its business if it cannot operate the gaming machines, but I put it no higher than that. I am not prepared to make a finding that that will occur. I am not prepared to act on the claims made about the impact on the North Adelaide Football Club of the loss that might be suffered by the appellant, or of the closure of the appellant's business. There is insufficient evidence to enable me to make a finding about that. I agree that the respondent may suffer financial loss from the presence of the appellant as a competitor. However, the Act is not intended to protect competitors, and so this is not a factor of any significance. I accept that the appellant incurred substantial financial commitments in establishing and opening its premises, knowing that the grant of its gaming machine licence was under challenge in this Court. But I accept that in all the circumstances the appellant was in a difficult position. Had it not proceeded as it did, it would have suffered substantial loss in any event. The Commissioner's grant of the licence had been upheld by the Licensing Court. Under all the circumstances, in the appellant's difficult position I consider that it acted reasonably in acting as it did. I consider that the appellant has some prospect of obtaining the grant of special leave to appeal, although I would describe that prospect as moderate only.

Justice Bleby agreed that the stay ordered by the single judge be revoked, and agreed with the reasons of the Chief Justice in so ordering. In his judgment, in relation to the club's actions, Justice Bleby said:

> I accept that the appellant was under great pressure, having signed a contract for the purchase of the premises, to complete the purchase once it had received favourable decisions from the Liquor and Gambling Commissioner and from the Licensing Court. However, in the circumstances, it was open to negotiate a purchase subject to the grant of a valid gaming machine licence and to the completion of any legal proceedings extant at what would otherwise have been the date of settlement and which called in question the validity of the grant of a licence. However, having acquired the property, the appellant then proceeded to spend $750 000 in fitting out the premises for its own use, borrowing the entire amount, knowing that these proceedings were in train and that, if the application were successful, the club could not lawfully operate gaming machines. Like its own gaming machine patrons, it gambled—in this case, on the chance of winning the case. I would be loath to extend the aid of the court in protecting the appellant from its own gambling loss.

That part of the judgment ought to be reflected on. Members of the opposition in the other place referred to it on a number of occasions in the debate that occurred there yesterday. Justice Bleby made a fair and valid point in the context of this dilemma.

The solicitors for the Northern Tavern, Wallmans, ably represented by Mr Peter Hoban, have made a number of strong points on this issue on behalf their client. They believe that their client has been in some way singled out. They believe that its circumstances here are not exceptional and that the solution is unfair. I can understand the position of the Northern Tavern. I also accept, given what Chief Justice Doyle and Justice Bleby have said, that, on the face of it, the club did not act in bad faith. Some would say that it acted foolishly in terms of the club management, as distinct from the club membership and the decisions that it took and, in hindsight, it should not have taken that path.

I have spoken today to Mr Greg Griffin, the solicitor for the Roosters Club. He tells me that contractually it was in a difficult position, because the condition of the contract referred to the grant of a gaming machine licence by the commissioner. It was contractually bound to proceed with the purchase, and it did so after the Licensing Court dealt with

this matter. In all the circumstances, it is a mess, and that is why this bill has been brought before the council. I am in some ways reassured by the comments made by the Minister for Gambling, the Hon. Jay Weatherill, who made very clear that this should not be seen as a precedent. He described it as a complex and difficult position for the government. Indeed, it was described in that way by many members of the opposition in the other place. He wanted to make it clear that this should not be giving a signal for other clubs to take a similar course.

The minister made the point that the Chief Justice considered that the club acted reasonably in acting as it did. In that respect, the minister has conceded that there is an absolute dilemma here in respect of what has occurred. It is a very messy situation. In a sense, the government's solution has been to have a transitional provision to allow this club to continue operating until it finds other premises.

Reference has also been made to the Independent Gambling Authority's inquiry into gaming machine numbers. I note the points eloquently put by my colleague the Hon. Angus Redford in relation to the Independent Gambling Authority and the way it is operated (or, as I understood the Hon. Angus Redford's contribution, 'not operated') as some—including myself—would have hoped it would have been in terms of dealing with its functions—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: The Hon. Angus Redford knows that my public position was that (and this is not a criticism of the chairman of the Independent Gambling Authority) the government could have found a competent barrister who lives within the state of South Australia to chair the authority. This is by no means a criticism of Mr Howells, or a person—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: I note the Hon. Angus Redford's comments in relation to that, but the issue here is that there is already a poker machine venue within the shopping centre that is the subject of this decision, and that is the Northern Tavern. In many respects it is a case of a turf war between the club and a hotel that has been there for a number of years. The hotel was perfectly entitled to take the action it did, by way of objection to the commissioner's decision, an appeal of that decision to the licensing court and, indeed, the judicial review that it sought and was successful in obtaining before the Supreme Court and, subsequently, the full court of the Supreme Court decision.

It would be fair to say that the club gambled and lost. This was reflected in the decision of his Honour Justice Bleby. I know when I said that publicly I received a considerable amount of correspondence from members of the North Adelaide Football Club—some of which I could not even begin to read on the record. But I accept that there is a lot of passion in the North Adelaide Football Club's supporters, and my argument is not with them. My criticisms are of the management and the way they have dealt with this. They took a high risk strategy and as a result we are now faced with dealing with this piece of legislation.

When clubs entered into a partnership with the hotel industry in 1992 to push for the introduction of gaming machines in this state, they got the short straw in terms of the revenue that would derive from poker machines. I have spoken to a number of people involved in the club industry who say that, in hindsight, the partnership was a mistake; that if they were to have done it differently they would not have entered into that partnership, and that poker machines for the club industry generally, and for sporting clubs in particular, have really been fool's gold in terms of the revenue they have taken away from the clubs and into the private hotel sector. That is something I wish the club industry generally would acknowledge more often.

I want to make it clear that I do not support poker machines at all in this state. My preference is not to have any of them. However, if I were faced with a choice between having 1500 poker machines in 85 or so clubs or having 15 000 machines in some 600 venues, my preference would be to have fewer machines in fewer venues rather than having the much wider access that we have today. That is why I believe it is important that there be ongoing debate regarding this, and that is why I moved for a referendum on this issue in the last parliament about whether we should have poker machines anywhere, or whether they should be restricted to just the casino and clubs and taken out of hotels after a 5-year period.

That is where I stand in relation to that. I consider that both the Northern Tavern and the North Adelaide Football Club have acted in good faith in a sense, although I believe that the management of the North Adelaide Football Club did take a number of risky decisions which has led to this legislation being introduced. I also make it clear that my primary sympathy is for those hurt by poker machines—those whose lives have been turned upside down by the introduction of poker machines in this state. In terms of those constituents I see who have been affected, there is not much difference if you have lost your life savings on a club's poker machines as distinct from a hotel's. So, my primary concern is for the financial viability of victims of poker machines and their families rather than the finances of the Northern Tavern or indeed the North Adelaide Football Club.

It is worth putting on the record again that, according to a recent report of the South Australian Centre for Economic Studies, something like 23 000 South Australians have a gambling problem because of poker machines. Also, 42.3 per cent of gambling losses on poker machines, according to the Productivity Commission, are derived from problem gamblers, compared to something like 5.7 per cent for lotteries products. This is a significant difference in terms of harm. I also note that the Productivity Commission, in its report on Australia's gambling industry several years ago, undertook a study on the differences between club poker machines and hotel poker machines. The Productivity Commission's conclusion was that there was not much in it and that it depends more upon the venue, as some venues are more responsible than others—rather than a club in itself being more responsible or a better place for people in which to lose their money as opposed to a hotel.

It seems that this is very much a turf war between two venues. In a sense, this legislation is about a transitional provision to allow this club to relocate. My position in relation to this bill would have been quite different if the North Adelaide Football Club was proposing to go into premises where there were no poker machines. It seems that consumers who are currently going to this shopping centre are effectively splitting their dollars between the two venues, rather than generating new expenditure, as I understand it, by having a new venue within a shopping centre. So, again, it is very much about a turf war, about market share between two venues and, if a person is suffering from a gambling addiction and they are losing their money in a club rather than a hotel, that should not make any difference.

My view is that we should look at ongoing reform in relation to this issue and at the measures that have been mooted by the Independent Gambling Authority and its proposals. I think we all look forward to adding to this debate, but this is a piece of legislation that should not have been—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: The Hon. Angus Redford knows that I am not a betting man, but I would—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: I think it might be a bit dangerous for me to attend a North Adelaide Football Club match.

The Hon. A.J. Redford: I'll protect you.

The Hon. NICK XENOPHON: I am gratified that the Hon. Angus Redford would protect me. However, I am not sure that he would be able to protect me. My argument is not with the members of the club; it is with the management of the club and the course that it took, although I accept that it did not act in bad faith. I accept that it acted in good faith, although many would say that it acted foolishly in the course that it took. I believe that we need to have a debate about whether or not we have poker machines in shopping centres.

The PRESIDENT: Order, Mr Redford!

The Hon. NICK XENOPHON: In relation to this, my position is that I will not be opposing this legislation, but I think a very unfortunate set of circumstances has been brought into play. My position would have been quite different if this were a case of a new venue in a shopping centre or if it meant more poker machines in the community. It would have been different if the government had not acknowledged that, in essence, this was a transitional provision to allow the club to relocate, acknowledging that, if the club collapsed, there may well have been calls for assistance from taxpayers—and that is something that ought to be taken into account. However, it is a very unfortunate piece of legislation for a very unfortunate set of circumstances, which I believe the club, to some degree, has brought upon itself, but in very difficult circumstances. It appears that this is the only reasonable solution to deal with that. My lack of opposition should not be seen as condoning what the club has done in any way. It is a matter that will need to be revisited in terms of some long-term reforms, and we need to revisit the issue of having poker machines in shopping centres at all.

The Hon. R.D. LAWSON: I indicate that this is a matter upon which members of the Liberal Party will have a conscience vote. The Hon. Nick Xenophon described the situation facing the council as a turf war between two venues, and I want to say at the outset that we do not see it in those terms. This is not a question of whether one supports the North Adelaide Football Club or the Northern Tavern. We do not see this as simply a battle for market share between two gaming venues. There are more important and significant principles involved. From the point of view of legal principle and legislative principle, this case highlights a fairly deplorable position. We have, on the one hand, the Roosters Club, which is the fundraising and social arm of the North Adelaide Football Club, which has participated with distinction—although not so much in recent years—in the South Australian National Football League. It is an important sporting and community organisation within our community.

That club made a significant financial investment (over $750 000) in moving its licensed club and gaming premises from the Prospect Oval to new premises on Main North Road. They did so on the strength of decisions made by the Licensing and Gaming Commissioner and a decision of the Licensing Court that the club could move its gaming machines to that new venue. It did so on legal advice. Ultimately, however, the Supreme Court declared that, in effect, the decisions of the Liquor and Gaming Commissioner and the Licensing Court were not legally correct, and the Supreme Court declared that the grant of the licence was null and void and could not be made because the new premises are located within a shopping complex. It is extraordinary when one reads the judgments of the Supreme Court which seem to indicate that the point was almost beyond argument that the Liquor and Gaming Commission, and also the judge of the Licensing Court, could have come to a contrary conclusion, but they did come to a contrary conclusion and the club says that it acted on the face value of those decisions.

As the Hon. Nick Xenophon has said in his recitation of the facts, the club then settled on the property as it was required to do in contract. The club has made decisions and investments in good faith based on the decisions of the judicial arm of government. On the other hand, we have the Northern Tavern, an established business, which has exercised its legal right to take certain issues to the court, and it has obtained a ruling which upheld the law and which happens to be in the commercial interest of that business. This legislation introduced by the government partially negates a decision of the Supreme Court and, in principle, legislation which does that is to be deprecated. The law passed by this parliament contains certain provisions, and if any citizen seeks to enforce that law and successfully does so, the citizen should not be deprived of the fruits of their victory by, in effect, retrospective legislation from this parliament. This parliament should seek to uphold the laws not to make exceptions to them.

The two parties are in a difficult position. The matter is to be resolved not as the Hon. Nick Xenophon suggests by picking a winner in the turf war between two gaming venues: the matter is to be resolved in a principled way. A principled way requires one to examine all the issues. Many of them have been mentioned not only in the minister's second reading speech but also in the Hon. Nick Xenophon's contribution. I do not think the Hon. Nick Xenophon read into the record the position taken by the South Australian branch of the Australian Hotels Association, which I think is of some significance. It is worth mentioning that the Hotels Association acknowledges that the Northern Tavern is a member of that association. In a press release issued on 14 May the Hotels Association stated:

> Government action is needed to ensure the survival of the North Adelaide Football Club, Australian Hotels Association (SA) General Manager, Mr John Lewis has said. . . We made it clear to government, that the AHA would support a special one-off legislative measure to overcome this difficulty. . . The AHA also suggested that the government consider a one-off financial grant from the Community Development Fund to assist with any relocation. These are funds that are largely generated by hotel gaming revenue.
>
> We want all our clubs to be viable and sustainable and the AHA feels very strongly that hotels and clubs can co-exist in our community. Clearly the siting of the North Adelaide Club breached the shopping centre legislation, however the club based their decision to move on a series of advice which has subsequently proved to be incorrect in court. It is vitally important to our social fabric that sporting clubs such as the North Adelaide Football Club survive.

In a letter from the President of the Hotels Association (Mr Peter Hurley) to the Minister for Gambling—and I gather

to other ministers as well—Mr Hurley said, amongst other things:

> We understand that Mr John Rau MP proposes to introduce legislation into parliament which will permit a gaming machine licence to be granted to the Roosters Club at the Regency Plaza premises.
>
> The AHA does not support such legislation. Although we do have sympathy for the club's financial difficulties, their present predicament has not been brought about by deficiencies with the current legislation, but rather by the club's own actions or the advice of its legal representatives.
>
> However, we do not wish to see the Roosters Club lose its gaming machines licence. The AHA is therefore willing to support any legislative changes that may be required in order for the club to preserve its licence so that it can be relocated to other suitable premises which comply with the current legislation.
>
> We urge the government to consider compensating the club from the Community Benefit Fund to help it relocate to premises in a commercially viable position such as on a main road. We also think it is important for government via the Community Benefit Fund to assist the club with the costs of any further relocation, including the legal costs incurred to date and, in particular, those awarded to the Northern Tavern against the club.
>
> It is our strong wish for the Community Benefit Fund to be used to protect and assist the North Adelaide Football Club Inc. on a one-off basis because we believe the system has failed both the Northern Tavern and the club. We also believe it is vital to ensure the viability of the club.

I certainly share those last sentiments, namely, that the system has failed both the Northern Tavern and the club. I agree also that it is important to ensure the viability of the football club. I think at the same time we should not disregard the equal rights of the Northern Tavern business to survive. It is worth putting on record the fact that the tavern has sustained economic damage in consequence of the actions of the club. I think all members would have received from the solicitors for the Northern Tavern a certain amount of material, which cogently argues the club's position but which contains facts about the detriments which it has suffered and will continue to suffer in consequence of what has occurred.

Wallmans say—and I have no reason to doubt it—that since the Roosters Club opened its doors the profit of the Northern Tavern has been halved; three casual staff have left the employ of the tavern and have not been replaced; and some 40 further hours, or the equivalent of three casual staff, have been eliminated from the work roster. Therefore, effectively, six casual employees have lost employment. It should be noted that the tavern is an employer of local people and a supporter of local activities (sporting and otherwise) and, clearly, the tavern's capacity to support those community activities will be hampered by what has occurred. Finally, it is noted that the Northern Tavern will not be able to continue its program of refurbishment and improvement; it will not be able to introduce its alfresco dining area; it cannot upgrade its computer systems; and it cannot employ more local people.

In my view, we have not a turf war but, rather, a situation which must be regarded from all sides. An important principle, which ought to be upheld, cannot be maintained in the face of those competing interests. It is a pity that the government has not yet taken up a suggestion of the Australian Hotels Association and sought to provide some assistance to enable the Roosters Club to move and to pay its financial obligations to the Northern Tavern. Speaking personally, I urge the government to take a proactive step to ensure that the club does move and that the premises to which it moves comply with the South Australian legislation.

The bill will ensure that the Roosters Club can remain in its present premises for a period of one year. It is clearly stated in the minister's second reading explanation—and there is no suggestion to the contrary in the legislation—that there is no possibility of an extension of that period. No doubt, this will be of some disappointment to the club, which wants to stay where it is. It will provide some comfort to the Northern Tavern to know that the competition, which has been foisted wrongly upon it, will not last indefinitely. However, at the same time, the club has indicated that it will be pursuing an application for leave to appeal, in the first instance, to the High Court of Australia. In the ordinary course, that application would not come on for hearing for a couple of months and, if the application is successful, it would be several months after that before the appeal would be heard. Very often, some time elapses between the hearing of an appeal and the announcement of a decision. I cannot see how one can realistically reduce the period of time which is proposed in the government's bill.

I acknowledge that this is a difficult issue. I acknowledge the passion of members of the North Adelaide Football Club. I acknowledge the fact that many people in the community would see this as a very simple issue, that is, the club has taken certain steps and that somehow some legal impediments have been put in its way; those legal impediments are unreasonable; those legal impediments should be swept away; and the club should be allowed to continue on its way. It would be very nice if that were the case, but it is rather more complicated than that. We have a situation, which the parliament must address, just as the government faced a situation which it had to address. For the reasons I have outlined, I indicate that I will support the government's bill. I do so with considerable reluctance, and I do so principally because it is but a short-term lifeline to the North Adelaide Football Club in order to give it some breathing space to resolve the difficulty.

The Hon. T.G. CAMERON: I want to make a few observations in relation to this matter. First, I place on the record what I think is the excellent work that has been done by the local member, John Rau, in relation to this matter. In placing that on the record, one would have to note also that Ralph Clarke is doing some representative work on this matter, as well. He has lobbied me a couple of times, even though he got me to pay for lunch—next time he lobbies me, he will pay for lunch. I want to put a few things on the record. I am not comfortable about the entire process that we have adopted here. I intend to quote a couple of pieces of correspondence. Sometimes I will be reading it and other times I may quote, so, if I do not recognise the Wallmans and Griffins law firms when I make the quotes, they will have to overlook that. Apparently, for 5½ years it has been unlawful to place an additional gaming machine licence or additional gaming machines in a shopping centre. This point is made by Mr Peter Hoban of Wallmans, who says:

> This law was or ought to have been plainly known by the Club.

He goes on to say:

> In May 2002 my client instituted proceedings in the Supreme Court challenging the lawfulness of the decision of the Liquor and Gambling Commissioner which was an intimation that it would be appropriate to place a new Gaming Machine Licence in the former Sizzler building notwithstanding that it appeared to be part of a shopping centre.

Apparently, these proceedings were immediately served on the North Adelaide Football Club, and the club appeared to have proceeded to purchase the Sizzler building in August 2002 notwithstanding the court action. Between August and

October 2002, the club fitted out the building and commenced trading at the end of October 2002. The club says that it has spent $2 million on the project.

To provide a bit of balance, there are two firms of lawyers proffering opinions. I suppose when you put a couple of lawyers together they will disagree, but I have been given correspondence (which was forwarded to the Hon. Nick Xenophon) from Griffins (commercial lawyers) and signed by Mr Greg Griffin. The letter states, in part:

> We feel constrained to bring to your attention and that of your fellow Parliamentarians that the Fact Sheet prepared by Wallmans contains a glaring omission being that the Northern Tavern agreed to have the application, the subject of the latest Supreme Court proceedings, heard by the Liquor and Gambling Commissioner. The Commissioner, as you know, found in favour of the Club and granted the application.

They go on to say:

> It was only after this unequivocal decision of the Licensing Court of South Australia that the Club proceeded to settle upon the contract to purchase the building at 255 Main North Road. . .

I guess all we can read into that, if what Griffins has said is correct—and I am led to believe that it is—is that, to quote their own words, there was a 'glaring omission' in the correspondence that we all received from Wallmans. However, as nobody else has done so, I want to place on the record just what happened in the Supreme Court. I cannot accept that the North Adelaide Football Club was not briefed and made aware of the risks associated with this deal.

The Hon. Diana Laidlaw: That's fair comment.

The Hon. T.G. CAMERON: Well, the North Adelaide Football Club has been around for a long time. There are many distinguished and leading businessmen involved with that club, and I just cannot accept that somebody somewhere along the line (such as their lawyers) did not alert them to the potential problems associated with what they were doing. It is interesting to note that Justice Bleby, who formed part of the Full Court of the Supreme Court which considered the club's appeal, said:

> Like its own gaming patrons, it (the Club) gambled—in this case, on the chance of winning the case. I would be loath to extend the aid of the Court in protecting the Appellant from its own gambling loss.

He went on to say:

> . . . the interest of the Appellant (the Club) must be balanced against the interest of the public which the legislation is designed to protect. . .

Quite clearly, in this case the club failed to obtain the protection of the Supreme Court. The argument put forward by the appellant's lawyers is that it should not be given any sympathy by this parliament. I am bold enough to suggest that, if this was any organisation other than a South Australian football club, it probably would not be getting any support from within the parliament. It seems to me to be a little unfair that, because of the hype that can be built up around the fact that it is the North Adelaide Football Club, we should give it special protection.

As an old Port Adelaide fan, I still have fond memories of the 1989 grand-final when I think the North Adelaide Football Club managed to kick one goal eight. I am told that that is not the lowest score ever kicked by a losing side in a grand-final—it is the second to lowest—but it was a wonderful afternoon watching the mighty Magpies dish it up to North Adelaide once again. Be that as it may, my football sympathies have no bearing whatsoever on the matter at hand.

I make a couple of other observations in relation to the case before the Supreme Court. If this legislation is passed, in effect, we will be overturning a decision of the full bench of the Supreme Court of South Australia, although it has been brought to my attention that the North Adelaide Football Club intends to lodge an appeal with the High Court. If an appeal is lodged with the High Court, that should be sorted out well and truly (I hope) before the 12 month deadline is up.

I am doing this to balance the argument. Apparently, the North Adelaide Football Club alleges that it will go bankrupt if we do not do this. The court had a little bit to say about that. The Chief Justice said:

> I am unable to quantify the loss, because the material from the Appellant is lacking in relevant detail, but I accept that the loss will be significant. . . there is a risk of the Appellant (Club) having to close its business if it cannot operate the gaming machines, but I put it no higher than that. I am not prepared to make a finding that that will occur. I am not prepared to act on the claims made about the impact on the North Adelaide Football Club of the loss that might be suffered by the Appellant (Club), or of the closure of the Appellant's business.

Justice Bleby stated further:

> I am not persuaded that the Appellant would necessarily have to close its business.

I understand that the Fricker family are the owners of the Northern Tavern Pty Ltd. I hasten to say that I have never met this family, I do not know them, and, from memory, I have never even entered their hotel, although I did shop at the supermarket next door to it about three years ago. The Fricker family has conducted the Northern Tavern for almost 30 years. Its business has been halved since the Roosters commenced trading at the shopping centre seven months ago. For those of you who have some experience of small business, you can imagine what that must be doing to their profitability. Their business has been halved in the last seven months. They have had to put improvements and refurbishments on hold; three people have left the hotel's employ and have not been replaced; and the hours of the others have been reduced by 40 hours a week.

Effectively, six local people have lost their jobs at the hotel, and I think that needs to be placed on the record. It is a fact that it was unlawful to place an additional gaming machine in shopping centres and, whilst you can argue the toss about whether the old Sizzler restaurant is or is not a part of the shopping centre, clearly, the highest court in this state considered that it was. I have been around politics a while. I can count; this legislation has the numbers to go through. The North Adelaide Football Club has been given a further 12 months to continue trading, but I wonder whether the Northern Tavern Pty Ltd will still be solvent in 12 months. They must be doing it a bit tough down there if their trade has fallen by 50 per cent. We all know that this bill will go through the chamber today, but I wonder whether anybody has given any consideration to the Fricker family, or are they just being viewed as another bunch of wealthy hoteliers who can afford to cop this loss on the chin and it is really the North Adelaide Football Club that we have to look after? I do not accept that.

It is my view that, if this parliament carries this legislation, some compensation should be payable to the Fricker family. At the end of the day, what have they done wrong in all this? They acted lawfully, broke no laws and obtained all the planning permits and licences. It is not as if they are Johnny-come-latelies who have just moved into the Prospect area: they have been involved in this establishment for 30 years, yet we have a situation where, quite clearly, the North Adelaide Football Club was breaking the law. It then

went off on an exercise and, despite the best attempts by some of the lobbyists who have spoken to me about this—and they did an excellent job—we cannot avoid the fact that at some stage the North Adelaide Football Club must have been aware of the risks it was taking.

The Hon. Diana Laidlaw: Or chose to ignore them.

The Hon. T.G. CAMERON: Or chose to ignore them. I believe it was the latter: that it chose to ignore the risks involved. Sure, you can argue that it has acted in good faith; however, it must have been aware that it was on thin ground. My strong suspicion is that, if this were not the North Adelaide Football Club, it would have got the bum's rush on this matter and would have had—

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: Yes; it would have been taken to court and prosecuted. The Hon. Julian Stefani raises the point that, if in fact the Full Bench of the Supreme Court of South Australia is correct, the North Adelaide Football Club should be prosecuted, notwithstanding the passage of this legislation; it is not retrospective. Does that mean the North Adelaide Football Club should be charged and prosecuted for breaches of the Gaming Act during the seven months that it has been trading? Again, I suggest to members that if it were not the Port Adelaide Football Club it would already have received the summons.

The Hon. Diana Laidlaw: The North Adelaide club.

The Hon. T.G. CAMERON: Sorry: the North Adelaide Football Club; the Port Adelaide Football Club would never break the law. That is where we are. This legislation will go through, and the North Adelaide Football Club will de facto be condoned for what may well have been a deliberate flouting of the law. It may well have decided at the end of the day, 'We'll just pull them on. We're the North Adelaide Football Club; we'll just take a chance and we'll get our way.' Well, it is getting its way. Who are the innocent victims in this process? They are the Fricker family—

The Hon. R.D. Lawson: The legislation affects the public; they are the victims.

The Hon. T.G. CAMERON: I think I understood what that meant. To my way of thinking, they are the silent victims in all this. I do not know; I do not think it is possible for this legislation to be amended in any way to provide some financial compensation to the Fricker family but, if this legislation is carried, the Fricker family should be compensated for the 19 months that the North Adelaide Football Club was allowed to operate: the seven months when it was operating illegally and the 12 months where it will be operating legally by a special resolution of both houses of parliament to override a decision of the Full Bench of the Supreme Court of South Australia.

The Hon. DIANA LAIDLAW: I must mention that it has been difficult for me to reach a conclusion on this piece of legislation, but I have decided with great reluctance to support it. I must admit that whenever Sturt or other football clubs get involved in poker machines they seem to make a mess of it, and certainly Sturt and its membership had to deal with the issues and consequences of their commercial decisions. I suspect that here in the very marginal seat of Adelaide we are seeing a very different set of circumstances. I appreciate that in his second reading explanation the minister has sought to cover this issue of special circumstances and emphasise the fact that the government does not seek to set a precedent here, but it is pretty ugly stuff.

One remembers the Chairman of the Economic Development Board recently saying, 'Don't go out and pick winners', but this is definitely about picking winners, and it is involving the parliament in this game, not just government. I think it is a very unsavoury, uncomfortable practice. In relation to the minister's statement that this is a complex and difficult position for the government, I interjected and said that that is so for everybody, and I believe that very strongly. I spoke with Mr Brian Fricker from—

The PRESIDENT: I should remind the honourable member that interjections are out of order.

The Hon. DIANA LAIDLAW: I seem to need to be reminded of a lot of the rules lately. I spoke to Mr Brian Fricker, who rang me from Brisbane earlier today. I told him that I had decided to support this legislation. He asked me to consider moving—and I have it on file—an amendment to reduce from 12 months to six the right for the Roosters Club to continue to operate at its present location. I am told that this would not be acceptable to the government or to the Roosters Club, because the Roosters Club has appealed to the High Court. I suspect that my advice would not be that of its lawyer, because the lawyer has not ever offered cautious advice or, at least, if it has been offered it has not been taken.

My strong advice to the Roosters Club is, 'Forget your High Court challenge. You've spent a lot of money on this and have got away almost with murder in bringing this matter to the parliament today. Forget the High Court action; go on and fund your other premises and count yourself lucky that you are in a marginal seat.' People like me feel uncomfortable that the Liquor Licensing Commissioner and the Licensing Court granted the club these rights. Ultimately, the ministers and the government are accountable for those decisions, and we must take responsibility for them.

That is the only reason that I would be standing today supporting this piece of legislation. But I do think that the 12 months is unreasonable considering that they have been found to be an illegal operation by the Supreme Court of South Australia, and I have very high regard for the judgments of the Supreme Court. I also understand that the six months would be uncomfortable in terms of the 12 months extension of freeze on the granting of further poker machines in this state. I did not support that extension of freeze, and I simply highlight to the government that once you start intervening in the market, in terms of the freezes on poker machines, or limiting the number of taxi licences, for example, you get yourself into one hell of a mess, and the government has got itself into one hell of a mess in terms of management of these poker machines, now compounded by interference in terms of the marketplace and the law in relation to favoured treatment being meted out to the Roosters Club.

When I went on Anzac Day to the Prospect RSL Anzac Day service, while some time was given to thinking of the diggers and fallen people, most of the conversation was about the Roosters Club. They felt very passionately that something should be done, but they really felt uncomfortable about the way in which the Roosters Club management and board had conducted themselves. These old guys in the RSL are pretty conservative, cautious individuals. They felt uncomfortable about the way in which their club's interests have been pursued through the poker machines and this new venue at large.

In relation to the Fricker family, I think there is some real concern about the solvency, the viability of the place after a further 12 months of trading, as provided for in this bill, and

I think six months is reasonable. I also think that compensation should be considered by the government in this matter. I am told, however, that it may be that all the legal fees that the Northern Tavern has incurred may have to be found by the North Adelaide Football Club. In summing up, perhaps the minister can confirm for me that the Northern Tavern and the Fricker family will not be out of pocket for their legal fees, and that all their legal fees will be paid from the North Adelaide Football Club. So, perhaps at some stage the minister can confirm that.

Finally, I thank the Northern Tavern and their representatives, the Wallmans legal firm, for all the correspondence that they have sent to me on this matter. I have read it with care and I have considerable sympathy for the position outlined. As I said to Mr Fricker today, it does stink, the whole nasty episode. Therefore, I think that, instead of extending this mess for 12 months, I would argue for six, as an absolute maximum.

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

CLARE AND GILBERT VALLEY DISTRICT COUNCIL

The Hon. J. GAZZOLA: I move:

That the District Council of Clare and Gilbert Valley By-law No. 3 concerning council land, made on 17 March 2003 and laid on the table of this council on 27 March 2003, be disallowed.

The Legislative Review Committee considered this by-law at its meeting on 14 May. The committee noted that the by-law authorises a council officer to remove from council land a person who has breached the by-law, and therefore if a person has, for example, set up a market stall on council land, without permission, a council officer could physically remove that person from the land, resulting in the use of force. Such an action would be a breach of the Local Government Act 1999, which states that a council officer may stop the conduct of an offender and take specified action to remedy the contravention, but may not use force against an offender.

The committee noted the measures it has taken to inform councils that force cannot be used by council officers against persons in breach of by-laws. It first contacted the Local Government Association in May 2001, and presiding members of the committee have in the past participated in meetings with presidents of the Local Government Association where matters such as the use of force were addressed. Consequently, most by-laws that have come before the committee over the past two years have stated that council officers may enforce by-laws by issuing a direction. The disallowance of the Clare and Gilbert Valley by-law should result in the council enacting a new by-law that more adequately and accurately reflects the limitations specified in the Local Government Act 1999.

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

MEMBER FOR HAMMOND, CONDEMNATION OF

The Hon. DIANA LAIDLAW: I move:

That this council condemns the member for Hammond for the injurious comments on the Hon. D.V. Laidlaw and the Legislative Council in general in the other place on 14 May 2003 when addressing the Constitution (Gender Neutral Language) Amendment Bill.

It is with a mix of barely suppressed anger and sadness that I move this motion. I also advise all honourable members that I will be seeking a vote on the motion before we rise next Thursday, 5 June. The motion calls on the council to condemn the member for Hammond for his injurious comments regarding me and my motives for retiring next week, plus his injurious reflections on the integrity and professionalism of all members of the Legislative Council when speaking to the Constitution (Gender Neutral Language) Amendment Bill in the other place on 14 May.

Honourable members will recall that I introduced this legislation as a private member's bill on 26 March, in an endeavour to ensure that when I retire from this place on 6 June I can do so as a woman. Currently the act refers to all members of parliament in male terms, as 'he' and 'his', and there are 83 such references. When the bill was debated in this place all contributions were full of goodwill and reflected, as I have come to expect, a solid research effort. The bill was progressed swiftly, and I am pleased to record that, with one exception, the debate in the other place was conducted in a similar manner.

The one exception was a contribution by the member for Hammond, who also currently holds the senior office of Speaker. I will separately address the wisdom of any presiding member contributing to any debate from the floor of their respective chamber. Mr President, I know it is an issue about which you have some strong feelings. I simply highlight that the member for Hammond's reflections on me and the council as a whole were scandalous, unwarranted and unfounded. If possible, the member's comments were all the more despicable due to the following factors:

1. The higher office role and responsibilities that have been entrusted to his care since March last year.

2. The personal crusade that he has waged relentlessly since this time regarding members' conduct in either chamber.

3. His use of his privileged position at this time to influence the debate and outcome of the imminent Constitutional Convention.

On 14 May the member for Hammond offended on all three counts. He also made his injurious comments in a tirade that should never have been permitted under standing orders. The member for Hammond knew this because, before he launched his vitriolic attack, he stated:

I know we cannot reflect on the other place without a substantive motion.

There was no such motion before the House of Assembly on 14 May but he could not contain himself. Why worry about the rules of debate when you are after a media headline? Why worry about the truth when you wish to influence an outcome at the Constitutional Convention?

In addition to these offences, I highlight the hypocrisy of the member for Hammond in failing to apply to himself the same standards he demands as Speaker when any other member speaks from the floor of the chamber. All honourable members will recall that just a fortnight earlier, on 1 May, the Speaker addressed what he considered to be 'a matter of grave concern'—the so-called 'foul abuse' directed at members of the House of Assembly by the Hon. Rob Lucas, my esteemed colleague and leader. At that time, the Speaker said:

This institution of parliament cannot, within its conventions and standing orders, continue to tolerate such behaviour when the remarks made are not in consequence of, and support of, a substantive motion.

Of course, all honourable members know now that the Speaker got his facts wrong in this case. The Hon. Rob Lucas's comments were addressed to a substantive motion that he himself had moved earlier the same day. The Hon. Rob Lucas knew the proper protocol and he heeded standing orders. In fact, Mr President, you would not have allowed the Hon. Rob Lucas to continue outside standing orders: we respect that. However, there has been no further response from the Speaker to correct his misleading statements of 1 May; nor has there been any apology from the Speaker to the Hon. Rob Lucas. This oversight is disappointing but not necessarily surprising. Why would anybody who struts the stage like the Speaker, believing in his own self-importance, want to ever admit he erred?

What is surprising—and I believe offensive—is the Speaker's double standards. From the chair he insists on conduct from us all that he is not prepared to exercise himself. If leadership is to be respected, one must lead by example and apply standards consistently, not bend the rules or apply them selectively to suit one's personal agenda. Specifically in relation to me and my decision to retire as a member of the Legislative Council at the end of next week, the member for Hammond said:

> . . . Ms laidlaw and other members before her, no less, have found it unlikely that they would enhance the level of their superannuation, unlikely to get higher office in the duration of the time they would spend there for the rest of their term, and, therefore, inconvenient to stay regardless of what that means, as the public may see it by degrees, treatment in disdain of the public interest.

In addressing each of these injurious reflections on me and my conduct, I guarantee that I will not today wallow in the same sewer as the member for Hammond. Certainly, it is tempting and others have encouraged me, but I have resisted that temptation to gather—

Members interjecting:

The Hon. DIANA LAIDLAW: You might be surprised.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes. I guarantee that I will resist the temptation to gather and list all the references that are already on the public record where the member for Hammond over the years has used and abused public funds and functions for his personal advantage in disdain of the public interest and, in doing so, I would argue, tainted all members of parliament. To this list I could add a whole host of other practices pursued by the member for Hammond, including requests that he made to me when I was minister that I refused because they offended my sense of public duty and personal code of ethics. However, as I said previously, I will not get into the sewer with Mr Lewis—

The PRESIDENT: Order! I think you should address him as the member for Hammond.

The Hon. DIANA LAIDLAW: Sorry, sir—the member for Hammond. I will not do it with him either. Since I was elected as a member of the Legislative Council in December 1982, I have always placed a premium on personal integrity, especially my own. Never, on the eve of my retirement following 20 plus years of service to my party, the parliament and South Australia, did I contemplate that anyone—let alone a most senior officer in this parliament—would see any reason to reflect injuriously on me and my grounds for retirement, as did the member for Hammond in the other place on 14 May. All his speculations were false, misleading and defamatory.

Firstly, in relation to superannuation, everybody knows that I have always had a private income. That income was gained when my mother died in 1964. I was 13 years old. If I had ever had a choice in the matter, I would have preferred that my mother lived much longer. This income, unlike debts that members may incur from time to time, has never influenced the way I have conducted myself as a member of parliament and, I assure all honourable members, nor has my entitlement to superannuation. Secondly, in relation to higher office, I made very clear in the media statement that I released on 6 March 2002 following the last state election that it was my choice—nobody else's choice—not to seek a position in shadow cabinet. Likewise, on 10 February 2003 when I announced my decision to retire this year, my media release made it very clear that I had written to both the President of my party, Mrs Craddock, and my parliamentary leader, Mr Kerin, that I did not envisage seeking a further opportunity to serve as a minister in a Liberal government and, therefore, it would seem sensible to retire in the middle of the current parliamentary term.

Never has my decision to retire been influenced by a belief that I would never again gain the opportunity of higher office. Unlike the member for Hammond, I no longer seek higher office, and never would I accept any such office on any terms. For me, personal integrity really does matter. Further, the member for Hammond states that my retirement reflects a disdain for the public interest. To this accusation, I can only state that I have never conducted myself in such a manner. Nor do I believe that the general public considers that I have demonstrated disdain for its interest. Indeed, judging from all the fantastic letters and phone calls that I have received in recent weeks, plus radio feedback and general conversations, I have some good reason to believe that many South Australians genuinely wish that I was not retiring at this time.

I now wish to address the injurious reflections made by the member for Hammond on the Legislative Council as a whole. In his tirade on 14 May he stated that, in its current form, the Legislative Council is 'useless', that we 'contribute nothing to a clear understanding of issues', that we are 'undemocratic in no small measure' and that the council 'is merely a convenience for the parties, ignoring the public interest in the process'. In a bizarre twist, the member for Hammond also said that the Legislative Council is a rotten borough, that it is 'every bit as rotten as the rotten boroughs of the 1700s and 1800s in the United Kingdom'. He went on to outline a scenario whereby a party short of funds could be tempted to offer a sitting member of the Legislative Council $1 million to resign, with the party then compelled to preselect the blackmailer to fill the casual vacancy. I suspect that only somebody with debts could ever come to such an imaginative scenario.

An honourable member: Especially if the debts were around $1 million.

The Hon. DIANA LAIDLAW: I think that's a reasonable interjection in the circumstances. I can only say that no-one ever offered me any money, and I am pretty confident that the seven women who initially stood for preselection to fill my casual vacancy would not have had a million dollars between them. The member for Hammond is known to make monstrous statements from time to time. Others have been quite cruel in suggesting that they are the fantasies of a disturbed mind or a distorted values system—

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: Sometimes just tasteless—that is a good point, too. It is hard to categorise the comments he has made or the reasons why he made them, other than to promote a personal vendetta or agenda against

this council when he comes to present a case to the Constitutional Convention. Whatever the reasons, I very strongly believe that the case he presented the other day cannot go unchallenged by the council. I feel very strongly about this, and I hope that all members of this place feel the same way.

Having spent some 20 years in this place, I can say with confidence that the Legislative Council is universally regarded as one of the most democratically represented chambers across Australia, if not of all Westminster system chambers across the world. No one political party dominates the numbers—they may wish to but they do not, and I cannot envisage any situation in the future where that will change. I believe that is healthy—not only for our democracy but also because I know I have grown as an individual from listening to and learning from other members, and from compromising and consulting much more heavily than I may have wished to on a matter, or that I had time to, because—

The Hon. T.G. Cameron: You consulted more than you compromised, though.

The Hon. DIANA LAIDLAW: That may be so but I also recall that we had good discussions from time to time. If the numbers are dominated by any one party in this chamber, as they are in the other chamber by the government, that party can ignore representations and other inputs from the minor parties and Independents, and in that way they fail to learn that there is a whole range of views in the community. They do not need to compromise to get their legislation through, and therefore they do not need to listen. They can progress with considerable arrogance—and I think they do—and I think that was very strongly reflected in the attitude of the member for Hammond the other day—

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: And then it becomes even worse. I just say that legislative councillors in my experience must be well informed about community issues and concerns and should always be prepared to accommodate views they may not necessarily like or share or wish to embrace. We do so, however, because we are democratically elected—we represent a whole range of interests, and on that basis I think we are highly relevant and that we contribute a great deal. I was excited the other day, following a debate in this place, to see that members genuinely fed off each other—they listened to each other in debate (I think I was listening to the Hon. Mr Cameron and the Hon. Mr Xenophon on the health complaints bill). I felt really exhilarated after that because it was an active debate with members listening, feeding off each other, not taking set issues, listening and learning and advancing the issue.

I believe there is no foundation to suggest that the Legislative Council is useless or rotten, and certainly no evidence was produced by the member for Hammond to justify such statements. He wanted a headline, which he achieved in the *Advertiser* the next day, and he wanted to influence the constitutional reform process. I would most sincerely hope that when issues are debated at the constitutional reform meetings there will be much more care for the truth than the member for Hammond demonstrated on 14 May in the other place.

Before concluding, I want to make a few remarks about a matter that I hope will now be added to the constitutional reform considerations, that is, the role and responsibility of the Speaker. I think the dual role that he has sought and which he plays with increasing enthusiasm is highly dubious, that is, to speak from the chair and, when he sees fit, to interchange his position and speak from the floor. This has happened in recent times and it may have been different in years past, but I suspect not. I, for the last two decades, have not seen this practice and if it has ever happened it has been rare. Certainly it would have been undertaken for a very good reason and treated with a great deal of care and caution.

That practice has not been adopted and, in fact, I understand, Mr President, that since you achieved your position you have never once stepped from the chair and spoken from the body of the chamber on any issue, no matter how tempting it might have been from time to time for you to participate.

Members interjecting:

The Hon. DIANA LAIDLAW: He may interject but he knows that it is out of order, and he may do so out of frustration, but he has not come to the floor to speak even though he would have a personal view on lots of matters. I believe the President respects his position and I would have hoped all presiding officers would adopt the same position of integrity and dignity in the post for which they are responsible, ultimately, to all members before the bar of the chamber. They must be seen to be impartial and if they get down and participate in a debate on any issue they can lose that impartiality. This can then undermine the integrity of the position of our presiding members and the respect of members of parliament generally for that position.

I believe very strongly that we should put this matter up for debate at the Constitutional Convention and I think perhaps we should look at an independent speaker in the very true sense of the word as, perhaps, under the English model. But what we see from the Speaker today is, in my view, bad form, bad practice and unacceptable. I particularly consider that his comments on 14 May, when he knew he was speaking against the rules that he would apply to all of us in debate, were completely unacceptable, unnecessary and injurious, in a personal sense but also to the council as a whole. I hope the council will not accept that as a standard of operation for this parliament in this century and that it will deal with this issue by condemning the comments made by the member for Hammond on 14 May.

Members interjecting: Hear, hear.

The PRESIDENT: I understand that during the contribution by the Hon. Ms Laidlaw, a couple of times she mixed up her titles. I would ask all members if they would confine their remarks to the motion, that is, concerning the member for Hammond, and if they could confine their discussion to what was said in the parliament. There were some other suggestions about financial matters which I do not think were relevant in the context of the motion on what he said in the other place. So, I would ask all members here to maintain those practices, protocols and procedures that we guard here in the Legislative Council and at all times to maintain the dignity of this place.

The Hon. J.F. STEFANI: Mr President, I rise to support the motion of the Hon. Diana Laidlaw. With her concurrence, I signal that I wish to amend the motion to include some other aspects of your involvement as President of this chamber, in order to seek from the member for Hammond an unequivocal retraction and an apology in writing for his reflections on the Legislative Council and its members as well as the staff.

I must say that, as a member of this chamber, I was deeply offended by the remarks made by the member for Hammond, remarks that reflect very deeply and very badly on each member of this chamber. I certainly feel offended that he likened this chamber and its members to 'a rotten borough'.

To me that is a most offensive remark and one which reflects deeply on each and every member of this chamber, including you, Mr President, and the staff. I think that the member for Hammond obviously has taken this matter into his own hands by reflecting not only on the workings of this chamber but also its members in such a disgusting manner. For the member for Hammond to say that this chamber is useless and its function is undemocratic is offensive.

The member for Hammond borders on accusations of bribery when he says that this is a chamber of convenience and it is used by the major parties to come to an arrangement over their machinations. He has made injurious remarks. To my way of thinking they are not appropriate remarks and certainly should never be condoned by any member, particularly you, Mr President. Mr President, you are responsible for the conduct of this chamber, and for the member for Hammond to reflect on you, the members of this place and the staff is totally out of order and unacceptable. I feel very deeply about this. I was going to prepare a long speech, but I thought that speaking off the cuff and with the sincerity of the heart was better.

I ask you, Mr President, and members of this council to accept my amendment to the motion that directs you to seek an unequivocal retraction of the injurious remarks made by the member for Hammond. This chamber has played an important role over many years. I have been fortunate to be part of this chamber for 13 years. I have represented the interests of the constituency which I am very privileged to serve with loyalty, integrity and honesty. I object to and strongly reject the remarks made by the member for Hammond which reflect on my integrity and the integrity of you, Mr President, and all members and staff. I have the utmost contempt for people who denigrate the institution of parliament, and particularly the institution of this council, which has an important role to play and which has played such an important role during the time that I have been fortunate to be a part of it.

I have never engaged in personal attacks on anyone and I have always maintained a position of integrity and honesty in my dealings with people. I must say that I feel ashamed that such injurious remarks have been made without the leader of the government in another place rejecting them. Mr President, in terms of your position, I ask you to take on board what I have said tonight. Hopefully, my amendment will receive the full support of members of this chamber. In concluding, I must say that no-one should be allowed to get away with the comments made in such a frivolous and injurious manner. The member for Hammond has displayed a contempt that is beyond belief. He has to be accountable for such comments and I ask all members to consider my amendment so that such a position is redressed. I move:

At the end of the motion insert the following—

'and requests the President to seek an unequivocal retraction and apology in writing from the member for Hammond for his reflection on the Legislative Council, its members and staff.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: URBAN GROWTH BOUNDARY

The Hon. J. GAZZOLA: I move:

That the report of the committee on urban growth boundary be noted.

The Environment, Resources and Development Committee adopted this inquiry as a result of the release of an urban growth boundary plan amendment report by the Minister for Urban Development and Planning. The committee is concerned about the extent of the urban sprawl of Adelaide and the related economic, environmental and social costs to both local and state government of providing infrastructure to support new greenfield development at the edge of the city. The committee does not support the continuation of this sprawl into the future and believes that an urban growth boundary policy is essential to reduce the continuous development of greenfield sites and conflicts with the use of prime agricultural and horticultural land adjacent to the boundary.

The committee is aware of significant support for the urban growth boundary but believes that some issues need monitoring. These issues include the availability of development sites, the price of houses and land and whether the boundary is achieving its intent. The committee is recommending that the government undertake a three-year study to monitor the impact of the urban growth boundary. The provision of infrastructure is another area of concern for the committee. The urban growth boundary will ensure an increase in the development of medium density housing. This will put pressure on existing infrastructure that provides electricity, gas, water and telecommunications.

The committee believes that there needs to be forward planning at both local and state government level with regard to the future costs of maintaining and replacing infrastructure. It also believes that there should be coordination of infrastructure planning programs across government agencies and related service providers. There is resistance from within the community to changes in the form of metropolitan housing. An education program needs to be implemented to help inform people of the benefits of socially and environmentally sensitive higher density living. Attitudes will change only if the concerns of residents are addressed, especially regarding the provision and maintenance of adequate open space and innovative stormwater management and reuse.

Another particular committee concern is the availability of adequate social housing in a range of suburbs in metropolitan Adelaide. The cost of housing is proving too high in some new developments, and the Housing Trust is constantly being forced to the fringe. Therefore, the committee is recommending legislation to achieve a percentage of social housing in all housing and regeneration developments.

The boundary between city and country was raised as an issue with the committee during evidence. There is a need for clear policies, with well-defined buffer zones of vegetated open space. This would reduce conflict over land use in this region. The committee has just taken evidence in a stormwater inquiry and notes that these buffer zones could provide much needed open space for artificial wetlands to improve the quality of stormwater. During the inquiry the committee again noted that the councils on the fringes of metropolitan Adelaide have common concerns and issues. The committee also noticed that there has been inconsistent application of planning policy in adjacent councils and urges them to work together on regional planning issues.

This inquiry was undertaken in the second half of 2002 and was completed this year. During this time, the committee heard from 21 witnesses who enabled the committee to gain an understanding of the possible impacts of the urban growth boundary. As a result of this inquiry, the committee has made 12 recommendations and looks forward to a positive response

to them. I take the opportunity to thank all those who contributed to the inquiry, and I thank all those who took the time and made the effort to prepare submissions for the committee and to speak to the committee. We extend our sincere thanks to current and former members of the committee, including the Hon. Malcolm Buckby, Mr Tom Koutsantonis, the Hon. Diana Laidlaw, the Hon. Sandra Kanck, the Hon. Rory McEwen and the Hon. Mike Elliott. We also thank current and former staff, namely, Mr Phil Frensham and Ms Heather Hill, and Mr Knut Cudarans and Mr Stephen Yarwood.

[Sitting suspended from 5.58 to 7.45 p.m.]

The Hon. DIANA LAIDLAW: Following the last election, one of the reasons why I was so keen to become a member of the Environment, Resources and Development Committee was the opportunity it provided me to broaden the debate across the parliament, and beyond, about the issues of urban sprawl, urban growth boundary and land use planning issues generally. Certainly, as a member of the committee, I was thrilled that the first reference that we progressed related to the urban growth boundary, and I welcome the opportunity this evening to note the committee's report and recommendations.

On 21 October 1999 in my Address in Reply speech, I concentrated my comments on land use, highlighting matters that I had learnt about during a trip to the United States, including Portland and Seattle. Both these cities have established a metropolitan growth boundary in order to limit urban sprawl and protect against future erosion of prime agricultural land adjacent to the boundary. Portland established its boundary some 40 years ago and, since that time, has become the leader worldwide of this smart city movement. In Portland the boundary has demanded careful cross-agency planning, coordinated investment in infrastructure relating to all new projects and the upgrade of existing assets, affordable housing initiatives, the establishment of light rail corridors and other public transport priorities, curbs on the use of motor vehicles, open space measures, and right to farm legislation.

All these matters are relevant to Adelaide and its future. We live in a very dry city in a very dry continent. We have masses of land and casually regard land as readily available. In fact, prime agricultural land with access to water is exceedingly precious. We cannot condone any longer the sprawl of urban development into those prime agricultural areas which are going to be so vital for economic development and wealth generation in years to come. These are all important planning issues.

My visit to the United States in 1999 inspired me as the then minister for transport and urban planning to recommend to the former Liberal government the implementation of an urban growth boundary for Adelaide. The boundary was authorised by a plan amendment report (with interim effect from January 2002), but it was later declared invalid on a technical issue by the Supreme Court which upheld an appeal by the Gawler council.

As an aside, I wish to say tonight that I still consider the grounds on which Justice Debelle ruled were not only pedantic but far-reaching and bizarre. I fail to understand his conclusion that there was no evidence of a formal approval by me as minister that a PAR had been progressed, because Planning SA would never have conducted the work without my approval, and this work would never have progressed to cabinet and then the Governor without my approval. If I had still been minister at the time of Justice Debelle's ruling, I would have immediately commenced an appeal. It is my understanding that appeals launched by Planning SA against planning judgments by Justice Debelle have almost always been upheld.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: I did not welcome the judgment, and I believe that, if it had been appealed—in his wisdom, the new minister decided not to take that course—the government of the day would have won. The past record of appeals against Justice Debelle's judgments lead me to believe that we would have been successful. As an aside, I was pleased to see his judgment in terms of the Andrew Garrett development yesterday forbidding further winery expansion in the hills face zone. So I am not completely anti Justice Debelle on every decision, but I certainly was in respect of his decision on the urban growth boundary.

I should not be distracted, Mr President. I commend the new Minister for Urban Development and Planning (Hon. Jay Weatherill) for progressing a new metropolitan urban boundary PAR, which he introduced with interim effect from 5 May 2002. In this regard I also acknowledge the support and the hearing I gained from the Minister for Environment and Conservation (Hon. John Hill) and thank him for the encouragement that he gave to the new Minister for Urban Development and Planning to progress a further PAR. The Hon. John Hill was very interested in my earlier visit to Portland. He then resolved to visit that same city the following year and, like me, he was impressed with all that he saw and heard. I am pleased that that visit, as with so many overseas trips that we do make from time to time, brought back some new, enlightened ideas and the confidence to progress initiatives in this state. They are of value to taxpayers and of value to the state in the long term.

As the committee's report notes, our inquiry into issues related to the urban growth boundary was timely, considering the release for consultation of the metropolitan urban growth boundary PAR in May 2002. The report highlights that Adelaide has become a sprawling linear city spreading 90 kilometres from north to south bordered by the sea and the Mount Lofty Ranges. We have a city fringe area where the majority of development has occurred during the 1980s. It is in these fringe areas that it has been so difficult to plan and manage new communities and investment for infrastructure, services, open space and public transport.

With low-density numbers living on the fringe but with the cost of developing these fringe areas, it has been difficult to coordinate private sector and government funding for all that is required to meet the needs of the most disadvantaged whom we have tended to put out of sight and out of mind to the north and south of our city. We then worry about jobs, and then we worry about the disadvantaged, domestic violence and a whole range of social issues without planning for and providing the services, infrastructure, jobs and industry to support the people whom we have encouraged to move to the fringe areas.

We have not done well in the past. I hope that the urban growth boundary will bring all these issues into focus and demand across government that government agencies do not work as fiefdoms looking after their own self-interest and budget considerations but appreciate their wider public service responsibilities to work across agencies for the public interest and the public good. Whilst I think the urban growth boundary is important in terms of stopping sprawl and

protecting our prime agricultural export earning areas, it has another objective which I think is even more important, and that is the mindset of government agencies and, increasingly, private sector organisations that are responsible for telecommunications, gas, electricity and water. We have to bring them into the planning picture and coordinate their investment decisions together with long-term government planning decisions.

That is why I so strongly support the recommendations that have been put forward by the ERD Committee in its report on urban growth boundary and why I so strongly urge not only the Minister for Planning to champion these recommendations and the committee's considerations but for the whole of the government to do so. The committee's first recommendation is that a regular three yearly study be undertaken by the government to monitor the overall impact of the urban growth boundary and the availability of development sites, the price of housing and land, and whether the boundary is achieving its effect. In addition to this study, the committee recommends that, in future, it have a watching brief over all of those issues to keep the government open and accountable and ensure agencies are addressing these issues in a coordinated fashion in the public interest.

This issue of forward planning is developed further in recommendations 2, 3, 4 and 5. Again, the committee has recommended a role for another standing committee of this parliament (the Public Works Committee) in terms of the coordination of infrastructure planning programs across government agencies and related service providers. We recommend that the government incorporate all future costs of maintaining and replacing infrastructure in the budget process. This can easily be accommodated because of the way in which we account in an accrual fashion today.

We want the government immediately to undertake a study to determine the future infrastructure and maintenance needs of metropolitan Adelaide. Very few people appreciate that every new development on which we focus in the fringe areas costs taxpayers and therefore is subsidised by some $20 000 to $30 000 per allotment. That is a lot of money considering the smaller sized allotments that are now being permitted in the area.

So, we are spending all that new infrastructure money in subsidy form for the new allotments out in the fringe areas but are not providing the money to maintain past investments in infrastructure. Whether they be roads, electricity or gas and the like, they are being run down. They are not being maintained or replaced as they should be, yet that is where the development pressure is increasing and will be so strong in the future. So, there has to be a fundamental re-examination of the way in which we are investing infrastructure funds. There will never be much of them or as much as we need, and therefore we have to look across government agencies and the private sector to ensure that we spend them with wisdom, for long-term benefit and to meet demand, not just build on greenfield sites on the fringe, as has been the practice in the past. Open space is a really big issue when we are looking at more concentrated urban development in the metropolitan area in the future. No audit has been undertaken across the metropolitan area of the current availability of open space and how we can use river and creek beds in a more beneficial fashion for the community. This is an important issue related to how we deal with stormwater and re-use of water and aquifers in the future. It is a timely issue to deal with when we are also looking at metropolitan housing demand and greater density of accommodation in the future.

Perhaps I should have been aware of this, but I was surprised to learn that no definition of open space was provided for in the Development Act 1993, and we certainly recommend that that be defined. This is an important issue for local councils and developers, because at the present time there is an administrative instruction about the amount of open space that should be provided by a developer in every instance of development, but it does not accommodate this issue of stormwater retention. Many developers say that they cannot accommodate the open space for recreational purposes through the administrative instruction along with the enthusiasm today for stormwater retention on development sites. These issues must be thought through, and we have recommended that a new definition of open space be incorporated in the Development Act and that it incorporate a legislated percentage of land that is readily accessible for recreational purposes.

In concluding, I want to remark on the role of the Land Management Corporation. It is in their charter that they have a commercial focus; they have been a land banking corporation on the fringe of Adelaide. The committee believes that its objectives should be looked at again, including a more social focus. For instance, in the Port Adelaide development, which is the responsibility of the Land Management Corporation, a social housing function must be included as well as simply gaining funds for general revenue through a commercial focus. We have also strongly proposed that the government should consider the merits of transferring the Land Management Commission to the minister for urban planning. As a former minister for planning in this state I found that so many of the planning decisions that we were considering for the benefit of our city were undermined or compromised by the commercial agenda, which was the board's priority under its legislative provisions. They were undermined or compromised by the commercial negotiations of the Land Management Commission.

There is an additional need for this government and the parliament as a whole to think about how we land bank along railway corridors, for instance. We must be building up densities of housing along existing corridors, and my preference would be public transport corridors, not road corridors. Once one house is up for sale we should have a mechanism, as is provided for in the Highways Act, for the government to purchase that land and develop a strategic mass of land that can be used for higher density living and provide corner shops and a whole lot of other benefits. No longer do we wish to see schools closing in our metropolitan area while at the same time demanding that more schools be built in the fringe area. We have to use the existing assets that we have invested in over time much more strategically and smartly than we have done so far.

Finally, these issues are easy to address in this place, but they are difficult to debate in the public arena. Never will I forget the ugliness that I encountered at a Save the Suburbs public forum at the Burnside Council chambers some years ago. I am not sure whether they thought I was communist or worse—possibly the Devil—simply because I was advocating that older people, in Burnside, for instance, may wish to sell their bigger blocks and housing and, possibly, provide that funding or even that house for their children, but that if they chose to live in Burnside we therefore would need to provide smaller allotments in Burnside. People are entitled, and we should be providing them with the means, to continue to live in the suburbs where they know they have friends and the support services they are familiar with.

After that meeting at the Save the Suburbs public forum—and this is not easy for a Liberal, because I suspect that most of the people who hated me that day were Liberals—I strongly came to believe that the eastern suburbs have developed into an 'eastern bloc'. They cannot isolate themselves from the issues that are happening across Adelaide and the state as a whole. They have to be part of the debate, part of the decision making and part of the compromises. This is why the committee recommends very strongly that an education campaign must be undertaken to inform people about some of the decisions that governments will need to make from time to time in the public interest. Those interests will not always necessarily meet with acclaim in the eastern suburbs. I simply say they must be part of the debate and part of the ultimate decision making.

The Hon. SANDRA KANCK secured the adjournment of the debate.

GAMING MACHINES (ROOSTERS CLUB INCORPORATED LICENCE) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2441.)

The Hon. D.W. RIDGWAY: I propose to be reasonably brief with my remarks on this bill. I indicate that I will be supporting the move. I think that it is in the best interests of the South Australian National Football League and the North Adelaide Football Club for this positive outcome to be achieved. However, I am a little disappointed that we are moving to support one club at the exemption of all the other clubs. I think there are a number of issues in the community that need addressing and this bill goes only part way towards doing that. I have circulated—I think it is on file and that you have all received a copy—an amendment that I intend to move in the committee stage that will offer similar opportunities to all clubs in South Australia. So, with that, I indicate my support for the bill.

The Hon. J.F. STEFANI: I rise to indicate that I have some misgivings about offering my support for the legislation presented to us today. However, I have noted with some interest the comments made by the Hon. Terry Cameron and other colleagues in this place, and I have taken into consideration the awkward position that the North Adelaide Football Club has got itself into. It is undoubtedly true that the officials of the North Adelaide Football Club operated a licence illegally. It is equally true that the Full Court of the Supreme Court in South Australia has found that the operators of the licence were operating such a facility illegally, and are continuing to do so today.

The government, for some popular, and perhaps well intended but nonetheless political reason, has attempted to address the issue which is affecting a club, an association, a football club. I must say that I am a little concerned that, in providing this legislation, the government has indicated a discrimination in the process of dealing with legislation and flaws to legislation that may exist, both now and perhaps to be found in the future. I say that because I will be moving some amendment during the committee stage to test the government's will and intentions in relation to fairness and justice about another operator of a legally obtained licence, operating for some 20 years in a location in Adelaide, and that particular family and operator because of a flaw, a deficiency in legislation, find themselves totally sabotaged, sabotaged because the legislation does not permit them to realise their investment, to actually retain their investment if they so wished, purely and simply because they cannot continue their operation in the leased premise where these are currently operating.

So, I must say that it is because of that particular operator that I became very interested in the government's intention in dealing with matters of this kind in a fair and equitable manner. It is true to say that the government is attempting to legitimise and legalise an illegal operation, on the one hand, and that is the North Adelaide Football Club; on the other hand, the proposed amendments to the legislation, which I have tabled, will attempt to test the government's will to legitimise a legitimate operation, which is operating legally, and allow that operation to continue to operate legally in another location.

I now refer to a number of points that were raised during the debate concerning the North Adelaide Football Club and the legislation that is before us. We have heard very clearly that the courts have found that the club has operated a licence illegally. We have also heard that the justices, Justice Bleby particularly, have deemed the club to have gambled just as much as people who are gambling with gaming machines, and losing their money, and, in this instance, the club has gambled and lost. It is also true to say that the club has in some way appealed to and sought the assistance of the Labor government to assist them in its particular predicament.

I have no problem about someone who needs assistance coming to members of parliament to seek their support and assistance. I do have a problem, however, when a government, which is tough on law and order, and certainly wants to exert the impression of their authority about matters of law and order, is quite happy and prepared to close its eyes; and we have the licensing authority, the police department and the Independent Gaming Corporation all really taking no action about an illegal and unlawful operation. I find that quite strange. I find it really unacceptable that we have a government, as I mentioned, that is tough on law and order, not taking any action, not urging the appropriate authorities to take action so that there is this redress against an operation that is trading and operating illegally, and not only illegally but also affecting the business of another legally operating company in the close vicinity.

We have the hideous position of 80 gaming machines being installed and operating within 100 metres of a shopping centre. I think that one has to consider the effects and the temptations that this represents. We believe that poker machines are an evil inducement to the community. I certainly have voted against the poker machines. I can never forget that night, at 4.30 in the morning—and I have said this before, but I will repeat it—when honourable colleagues in this chamber were voting on, supposedly, a conscience matter and when the Hon. Mario Feleppa, in particular, was subjected to enormous personal pressure by the heavies—ministers and premier of the Labor Party. I think that particular morning was a telltale indication of what conscience votes mean to all of us.

I think we realise that, if you are under the pump and you are weak enough to succumb, you will crumble—and your conscience, it does not matter. And from that day on, we have had poker machines, and it is very, very strange for the Labor Party to sanctimoniously come before this chamber, or the other place, and say that poker machines are bad. Well, they introduced them. They were the ones that led the charge.

They were the ones that gave us poker machines. Certainly, I have never supported the move. But I do support the principle that a person who has invested substantial sums of money, and legally done so, under the present law is rightly entitled to retain the hard earned money and investment that that person or entity has established. To take away that right by any measure of legislation or deficiency in the law that we as members of parliament produce—whether we do it intentionally or otherwise—is wrong.

I must say, as I said earlier, that I have great misgivings about the North Adelaide Football Club and the purpose for which the government has introduced this legislation. I cannot help but feel that the only motivation that has prompted the government to do what it has done is for its political purposes. It is a populist move of the worst kind. It is a move that gives the member for Adelaide the opportunity—as she did at the weekend—to make the announcement, 'We are here to save you.' Of course, no-one would deny that that is a very popular move for any person to say that to the masses—particularly the North Adelaide Football Club's members. So, I accept and balance all those reasons, but I still have some misgivings, because this parliament is being asked to overrule the judgment of a court—not of the Magistrates Court or the Supreme Court but of the Full Court of South Australia. It is a very telling moment for a parliament to overthrow or to counter the findings of a Full Court in the manner the government is seeking with this measure.

As I said, I am reluctant to support the measure. However, I will be watching very carefully to see whether the government has the conscience to allow the amendments I have proposed in relation to another family company that is legitimately being deprived and sabotaged because of a flaw in the legislation that we collectively have passed. I will watch carefully to see whether the government is prepared to give this family—this company and these individuals who have worked for 20 years to establish a business—the same consideration that it is giving to the North Adelaide Football Club.

The Hon. A.J. REDFORD: First, I declare an interest in this matter. I am a legal practitioner. I pay insurance and, if there is a claim against my insurance policy, then my policy premiums might go up, and that might become apparent in a couple of comments I make in this contribution.

An honourable member interjecting:

The Hon. A.J. REDFORD: No; I've got to declare an interest. That is something that you have been strong on over the years. Secondly, I also know the Fricker family very well. Mr Malcolm Fricker is a life member of the South Australian Jockey Club. He is a man for whom I have the highest regard. He is a gentleman, and he is a man who commands my respect. Indeed, when I was at law school I spent some time with his daughter, who is also a successful and competent legal practitioner. The family members are outstanding and fine South Australian citizens.

I know that we are all concerned about the process of this matter. Indeed, I have followed this almost peripherally in the media. I went to the party meeting today at midday, and I was told that we were to deal with this bill this afternoon. I had not seen the terms of the bill or the second reading explanation, and I have not had an opportunity to speak in any detail with the proponents. I have had an opportunity to glance only peripherally at the debate that took place last night. I have not had any opportunity to look at the documents, to analyse the judgments or to come to any considered conclusion. I make no criticism of anyone for that fact, other than if there are any factual or other errors in my contribution I will rely upon the shortness of time and the pressure we have been put under in dealing with this matter as an excuse for any inaccuracies or anything I get wrong.

The need for this bill is symptomatic of the failure of this government on two counts: first, to understand the difficulty and complexity of the whole of the gaming machine and poker machine issue and the fact that it has allowed this whole matter to drift along. Certainly, the debate that we had on Monday concerning the poker machine freeze is yet another example of this government's failing to do anything in relation to gaming machines and failing to ensure in particular that the Independent Gambling Authority does its job. In fact, I spoke for an hour or so the other night about the appalling nature of the Independent Gambling Authority and the fact that it has failed to deliver anything to the public of South Australia, except the odd visit from a Victorian barrister and the lightening of our coffers by about $2 million.

Indeed, I will make some general comments about clubs, particularly as they relate to the whole context of gaming machines and how they were brought about. The clubs and the hotels in this state were given an opportunity when poker machine legislation came in to compete on an equal basis. When one looks at the gaming machine legislation by itself one might say that they have had that very opportunity. Over a period of time the clubs have complained that they are losing this competitive battle, and the response from the government has been to give them a lighter tax regime than their competitors in the hotels. Over the years we as a parliament and as a community have completely ignored the two inherent difficulties that clubs have in relation to a competitive environment with the hotel industry. The first competitive disadvantage is inherent in the nature of a club, and that is in so far as management and capital is concerned. In that respect, because clubs do not have quite the same focus on the bottom line and the profit imperative, they have suffered from poorer management overall—and obviously there must be an exception—than the hotel industry.

The second disadvantage is in relation to location and the capital they can use to assist them in growing their businesses. Most clubs are located in places that are convenient to the activity that the clubs were initially established for, that is, football grounds, netball, RSL clubs, etc. They were never located for the purpose of being convenient to the broader public for a broader marketing purpose. Another issue is that most clubs do not own the premises and the land on which they exist. So, whereas if I am a hotel owner, I could go to a bank, borrow money and secure the capital or the money that I required to establish a business, clubs do not have that opportunity. They do not have it, first, for the reason that they generally do not own the land; local councils generally do, and local councils are almost schizophrenic in the way in which they deal with clubs. Secondly, of course, clubs do not have a commodity that you can buy or sell.

So it makes it that much more difficult for clubs to get their capital. You cannot go to the marketplace and buy a club licence—whereas you can go to the marketplace and buy a hotel licence—and that diminishes the value and thereby the capital that they have available to them and consequently their capacity to borrow money from banks and the like. These are inherent competitive disadvantages and, from time to time, we as a parliament have endeavoured to confront that, albeit in a fairly ad hoc and spasmodic way.

In that context the North Adelaide Football Club did get off its behind and endeavour to compete with the hotel industry in order to generate income to put a football team on the ground, and generally do what football clubs do. We all know (we have already gone through it in some detail) the court process that they undertook.

Of all the players who are involved and have been involved in this, in the legal sense, I know pretty well all of them personally. I know the Liquor Licensing Commissioner—he is an outstanding public servant who carries out his duties in an outstanding and professional manner. He looked at this particular piece of legislation and came to a conclusion. I will not bore members with the details of what he said but, knowing the commissioner as I do, I suspect that he went out and had a look at it and then said, 'Well this doesn't look like it's part of the shopping centre; if I look at this it seems to be quite separate.' So he decided to grant the licence. In that respect I would draw members' attention to the comments made by His Honour Judge Kelly about the commissioner's decision, as follows:

> The commissioner came to the conclusion that no such person would see the subject premises as other than distinct and separate from the shopping centre or shopping complex. He found the necessary linkage or integration lacking in this case.

When one reads the commissioner's decision I believe that that is what the commissioner did: he went out there, he looked at it and said, 'Well, this looks a bit separate,' and he came to the conclusion that the premises were not part of the shopping centre. I also have no doubt that as a matter of law His Honour Justice Perry got the decision right. His Honour Justice Perry is a fine lawyer—he would not be on the Supreme Court bench unless he was—and indeed his decision was confirmed by the full court.

It is interesting when one looks at the case as to how the North Adelaide Football Club got there in the first place. Why would a football club go ahead and spend something close to a million dollars in capital when their tenure was in doubt? I now lead up to why (for the benefit of the Hon. Terry Cameron) I am disclosing the interest. I find it extraordinary that a club in this sort of situation would sign a contract that would put them in a position where they had to proceed with a development project involving around a million dollars of capital whilst court proceedings were pending. I find that absolutely extraordinary, and I cannot see that North Adelaide Football Club would have proceeded with such an investment. This is not an individual, this is a group of people, and the people on the North Adelaide Football Club board are not fools. There are some pretty capable people on that board and they would not have proceeded with this major investment, putting their whole football club at risk, without some good reason.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: Not necessarily. I do not think anyone would anticipate that, with all due respect to the Hon. Terry Cameron's interjection, or any lawyer who was advising people and said, 'Well, look, don't worry if I get it wrong, because parliament will fix it up'. This, I have to say, in the nearly 10 years that I have been here, is pretty unprecedented legislation. I can only come to the conclusion that the North Adelaide Football Club followed the advice that it was given. One might wonder why it was given that advice. I suspect, and given the haste with which we are dealing with this bill, and not having the opportunity to look at the documents, that when it purchased these premises it was subject to the approval of the Liquor Licensing Commissioner. If the Liquor Licensing Commissioner had given his approval, it might have stalled it for a little period of time, perhaps, while the judge went about confirming the Liquor Licensing Commissioner's decision.

I do not know the details or the background of this and I am only speculating—the timing of this leads me to speculate—but the vendors may well have said to the club, 'We are insisting that you proceed. We are not going to wait for an appeal.' As His Honour Justice Bleby said, and I will paraphrase him in the vernacular: they took a punt. I have to say that appeals are not the sorts of things that are successful every day of the week. Generally speaking, you are better off having the judgment rather than the right of appeal, and I can say that from my experience as a lawyer.

I just wonder what the position would be if North Adelaide finished up unsuccessful about whatever its right of action might be against its own lawyers. I know the club's lawyers: they are good lawyers. They are well respected lawyers and they are people, in particular Mr Griffin, I have great regard for. I just wonder whether in the long run, if this bill was unsuccessful, North Adelaide Football Club would seek redress. In fact, what we are doing here is looking after the interests of my professional indemnity insurers as opposed to the interests of the North Adelaide Football Club.

When you did not have any unprecedented parliamentary intrusion, because it happened to be in the middle of a marginal seat, with a deal of publicity and the fact that it is an icon—this is a football club that had Barry Robran and other great South Australian icons playing for it—that might have been where this matter finished. However, I do say that all the decisions made by all the people in this particular matter were made in good faith. Not the least of which is the decision by Mr Fricker, as the proprietor of the tavern, to proceed to exercise his statutory rights to object to this development. After all, parliament said a number of years ago—and I must admit at the time I was not all that enthusiastic about this—that it would pass a law to stop these developments in these areas.

Mr Fricker has come out and exercised his right to impose or enforce the will of parliament as it was evinced at that particular time on the community. In fact, from time to time the community relies upon the Mr Frickers of this world to do that. I have absolutely no doubt that Mr Fricker is considerably out of pocket, having correctly exercised his right to object to this application. That leads to my first significant concern about this.

It is all well and good for the parliament to say, people having exercised their legal rights—and I will come back to this point in more detail later—having assumed that we operate in an environment where the rule of law prevails, and he having exercised his right at considerable personal expense to him, his business and his family, 'We will intervene and, regarding the money that you have spent, which has been justified by a decision of the court, bad luck.' I understand that the way in which the courts operate in this environment is that Mr Fricker is entitled to his legal expenses in so far as they relate to the Supreme Court proceedings. As I also understand it, in the Licensing Court he is not entitled to any costs at all, because that is a no cost jurisdiction.

When he embarked upon this process I suspect that—because this is quite unprecedented—he would not have anticipated that he would be in this position that we are all in today. He would have anticipated that he would have to spend money out of his pocket in relation to the Licensing Court proceedings, but, on the other hand, if he was successful, that

would put him in a better commercial position. What we are doing today is saying, 'You have an order for costs in relation to the Supreme Court. You cannot get an order in relation to costs in the liquor licensing jurisdiction. You will not get a commercial benefit out of this because we will rip that away from you, so therefore tough.' I have to say that is simply not good enough.

I believe that the government has to deal with that specific issue—and I would suspect that my vote might not be all that important—if it is to take away Mr Fricker's rights. If the government as a matter of law allures Mr Fricker into spending money in the Liquor Licensing Court, then we ought to compensate him for that. I do not know whether that money should come from the North Adelaide Football Club or from the taxpayer, bearing in mind that the taxpayer has been considerably enriched after the last round of poker machine tax increases. I for one will be quite vigorous in exploring that issue at the committee stage of this bill. If my vote is critical—and maybe it is not—and if the government wants it, then it will have to come up with a better set of circumstances to ensure that Mr Fricker is properly compensated.

When we interfere with the legal rights of individuals mid process, as we are proposing to do tonight, then we seriously have to assure ourselves that we are doing it in the fairest manner possible. On the material that is presented before me—and I may well be wrong because, in the time frame that I have had to deal with this, I have not had an opportunity to explore these issues—it seems to me that the government and the North Adelaide Football Club have to say, 'Mr Fricker, we think you will lose this, because we will intervene. You can just assume that we are the High Court. However, we understand that you proceeded on the basis of the law as it stood. We understand that there are orders for costs against North Adelaide in relation to the Supreme Court proceedings, but we want you to be fully compensated for those costs.'

For Mr Fricker to be left one penny out of pocket as a consequence of this unprecedented intervention by this parliament, on any analysis, would be a travesty. I would invite the minister to tell me where I am wrong in terms of the way I see the justice of this situation and where it lies. I am not suggesting that I am unsympathetic to the North Adelaide Football Club. I can understand how the North Adelaide Football Club followed its legal advice to the letter and got into this extraordinary situation but, if we are to intervene in this extraordinary fashion, then we need to do a little more than say, 'Bad luck, Mr Fricker. Move over; you are out of pocket.' I cannot put that strongly enough.

I will be very interested to see what other members of parliament will do when we start discussing that specific issue in the context of this debate. In fact, I think we in this place are tough enough to sit a little later than normal. I am happy if government members go away, speak to the Treasurer, come back and say, 'Yes, we will guarantee that Mr Fricker is properly compensated for all the money he has expended in pursuing the statutory legal rights that this parliament has given to him under previous legislation.' I just had a note delivered to me. I do not know who it is from, but it is suggested that all members of parliament who vote for this should do a whip around and contribute towards the costs. Whoever gave that to me, can I say that they do not understand members of parliament very well. Unless there is a delegate to their electoral college holding a raffle book, they are unlikely to get very much out of us. I pass that piece of advice along quite gratuitously.

If we are to deal with this once and for all, then it has to be dealt with once and for all. I think that we need to have an assurance that, once this is over, there are no more legal proceedings in so far as this particular issue is concerned. I am not indicating which way I will vote at this stage—I will wait for the committee stage—but I will make a comment about a couple of amendments. The Hon. Julian Stefani has moved an amendment in relation to the Renaissance Centre. Again, I have not had an opportunity to get across it, but he has presented to me a very compelling case. Indeed, I will put my position on this very clearly. I think the freeze is a joke. I think, as the Hon. Robert Lawson pointed out quite clearly on Monday, a freeze has nothing to do with problem gambling.

As the Hon. Robert Lawson said to me on Monday—and I was surprised; I did not know those figures—Victoria has fewer poker machines than has South Australia per head of population, yet the Victorians spend more money per head of population on poker machines, which would indicate to me that the number of poker machines is irrelevant to the nature of gambling. It just seems to me that we have this freeze (which is still in existence for another 12 months) as a consequence of the inactivity of the friend of the Minister for Emergency Services and factional colleague, the Victorian barrister, who spends a lot of time on television bagging the former Governor-General. We are in this position because of his failure to do his job. At the end of the day, as we found when we were in government, from time to time when you give jobs to your mates, generally you fall over.

It will be interesting to see what the Independent Gambling Authority does over the next 12 months. I am not convinced that we need this provision to take effect for a full period of 12 months. I will be interested during the committee stage to hear the minister justify why we need 12 months. It did not take 12 months to set up the business. It did not take 12 months for North Adelaide members and supporters to shift their custom from the football club to the current premises. I indicate that I am seriously considering supporting the Hon. Diana Laidlaw's proposed amendment. Finally, why should North Adelaide be given this advantage? Why should this advantage not also be given to Sturt, Norwood or South Adelaide?

I might say it should be given to Glenelg, but my football team is already on Brighton Road—not that it is helping us very much on the football field—and I suspect that, if we looked around, we would see that we are probably well located. But we did steal the Hon. Nick Xenophon's croquet club. I remember he did say that he was going to stand in front of the bulldozers. Obviously, it must have taken place after 6 p.m. and he could not get there because he was ill—

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: The Hon. Bob Sneath has no generosity about him. He barracks for Port Adelaide in the local league, and I barrack for Glenelg. I try to be nice to him, because we have come to a landing on Port Power in the AFL, but he is making those comments about Glenelg Football Club. In relation to the proposed amendments of the Hon. David Ridgway, I think they warrant some serious consideration. In the absence of the Independent Gambling Authority doing its job, we have to make these judgments on the run. If we are to be criticised, my response is that the Independent Gambling Authority, which should have done its job, has failed to do so. With those comments, I look forward to the committee stage of the debate, which I suspect will be long and drawn out.

The Hon. KATE REYNOLDS: I will be brief, too—although not quite as brief as the previous speaker. This situation presents a complex and difficult position for the government. The Australian Democrats agree that it is not desirable to introduce specific legislation to individual parties, particularly following adverse court decisions; nor is it the desire of the Democrats to provide for more gaming venues to operate within shopping centres. We acknowledge the support the Roosters Club provides to the community through junior sports activities such as Auskick clinics, primary school competitions, support of mini league teams, school-based and SAPSSA coaching clinics, and so on, which provide important opportunities to encourage children and young people to remain physically active. For this reason we have an interest in the club's remaining viable.

In respect of the unfortunate situation which has given rise to this bill, we agree with the comments of the Hon. Nick Xenophon and members in the other place and this place that this is a mess. We agree also that clubs are significantly disadvantaged in the competition for the pokie player's dollar. While we have some sympathy for the Northern Tavern, we will support the bill but, once again, we put on record our frustration with the lack of progress by the IGA on this matter. Once the report from the IGA is received, given the government's strong interest in economic matters, we look forward to its taking prompt action on the issue of gambling in the vicinity of shopping centres.

The Hon. SANDRA KANCK: In coming to a decision on this legislation, although members may not get the chance between now and this legislation being passed—they might have to do it retrospectively—I invite them to visit venues within walking distance of this place. The first venue I advise members to visit is the Marrakesh Bar in James Place. I double checked this venue this afternoon to make sure it has not changed since I last went past. It has glass doors. You can walk past and see in there and, at a rough glance, you can see 20 poker machines being played or not played, as is the case, basically day and night. I had a look around this afternoon to check what is around in respect of other shops, and so on. There are public toilets next door and a women's clothing store, and across the laneway there is a juice bar and a lunch time restaurant. This does not seem to create a problem for people.

Another place even closer is the food court in the Myer Centre basement. I invite members to walk along North Terrace and take the escalator down to the basement. The first thing you will see as you are travelling down the escalator is a sign inviting people to play the 40 pokie machines in the London Tavern, which adjoins the food court. About halfway down the escalator, four poker machines with people playing them come into view. As you step off the escalator onto floor level, you can look into an opening, which is about two metres wide, and see two banks of poker machines. They are very visible. People are eating about three metres away. In both cases I have not seen anything that indicates that we are about to see the end of civilisation as we know it. I can see no evidence of moral danger emerging because of the location of these places and their precinct in a shopping area. This is the problem that we are dealing with in this legislation, that is, inconsistency. It depends on which regime different poker machine venues were set up under.

We are having to pass this legislation because it appears that the Roosters Club has been breaking the law by being located within a shopping precinct. I have not viewed the venue, but I understand that the club is in an old Sizzler building. When I visited that building some years ago when it was a Sizzler, it stood alone, so it is far more protected from the public, for instance, than the London Tavern or the Marrakesh Bar. I think the Hon. Julian Stefani talked about fairness and I talk about consistency. They are the two sides of the coin. I would be interested to know, if anyone can tell me, whether in that shopping centre there is a newsagent selling Keno. I am willing to bet that there is. In almost every major shopping centre you will find a newsagent that sells Keno. That is just as addictive as poker machines. I have reminded members in this place before of the story of a woman who, about five years ago, held up a number of delis with a toy pistol, and eventually she was found guilty of doing that to feed a gambling habit—in her case, it was Keno.

We have a situation where, because of the hysteria that has been drummed up over poker machines, we are seeing layer upon layer of legislation. There appear to be inconsistencies in it, as we are seeing, and it is very much a case of playing backyard cricket: the rules are being made on the run all the time. One set of rules is put in place, then we discover that it is netting someone that we do not want to net. I remember, again, about four or five years ago, the situation with the tavern that was being built at Marion Shopping Centre. It had gained all the planning approvals and everything was in place, and parliament was in the process of passing legislation that would stop that particular establishment from going ahead, despite the fact that many thousands of dollars had been legitimately spent in the process. This is the sort of thing, also, to which the Hon. Angus Redford has referred. This is what happens when we keep on changing rules on the run. It allows parliament to play ducks and drakes with different establishments and different proprietors.

For my part, I find that poker machines are deadly dull but that, in itself, is not a crime. I have not supported various sorts of legislation relating to poker machines over the years because I do find that, for the most part, poker machines are being made the scapegoat for so much else that is happening in society.

I will support this legislation, although I have some reservations about it. I accept the arguments that the Hon. Angus Redford has made about the Frickers being out-of-pocket and that they ought not to be. Again, it is about making rules on the run. At this point, I raise another question. Last year we passed legislation to deal with a situation—maybe we did not pass it—where a company located in Whyalla wanted to bring its poker machine licence—

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: Did we pass that?

The Hon. A.J. Redford: Yes.

The Hon. SANDRA KANCK: We did pass that. Well, that raises an interesting question. If the Roosters find new premises, will they be able to transfer their poker machine licences to the new premises?

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: Unless we pass this bill.

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: Right. But, if we pass this bill, they will be able to do that?

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: Okay. I remain concerned that we keep on passing bits of legislation one on top of the other with inconsistencies allowing parliament, as I said, to play ducks and drakes. I will support the legislation because

I believe that the original bill ought not to have been passed in the first place. I still have not been presented over a period of four or five years with evidence of the moral danger that is supposed to emerge as a consequence of people being exposed to poker machines.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank all members for their contributions and their cooperation given the time that they have had to study the bill, contact their constituents and discuss the issue, and given the complexity of the issue itself. I thank members for progressing the bill through the second reading debate to the committee stage as quickly as possible. Time is of the essence in relation to this bill. As the current applicants can only operate until 31 May, it makes it difficult to conduct the consultation processes that perhaps one would like.

It will be difficult for the government to accept the proposed amendments. As members have said, the situation is complex and difficult for all the parties involved. As every member knows, as soon as you make an exception to any rule you end up with legislation that is difficult to police and difficult to have justice built into because, when it comes to poker machines or anything to do with the gaming act, you will get a queue a mile long of people wanting to be part of the anomalous situation or yet another exception.

The minister has had correspondence with the licensee regarding this issue. The proposed amendment of the Hon. Julian Stefani has been referred to the Independent Gambling Authority as part of its inquiry into gaming machine numbers, which is due to report in September. The government believes that this is the appropriate way to have this matter fully considered. The licensee is aware that this matter is with the IGA and has been encouraged to make representations to that body. It would be inappropriate to pre-empt the outcome of the IGA's deliberations, so the government will not support the Hon. Mr Stefani's amendment. The amendment proposed by the Hon. David Ridgway confuses the situation somewhat.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: One of the problems that we have, as members have said, is that this is a very complex situation, and it could end up even worse, even more complex than it is, if the amendments that have been foreshadowed in relation to financial retribution or damages for the owners of the tavern who have been affected are pursued. The minister has not considered those matters in pursuing this issue. The Roosters Club provides a significant service to the community. It is a proud club, as members have said. We want to keep the club operating for and on behalf of the community. Its activities touch the whole of the community, particularly—and every member of this house would approve of this—the training of young people in healthy pursuits such as junior football and school football, etc.

If the financial circumstances of the club are so dire that it has to close, we would not like to see that happen, and we on this side of the house certainly would not like to have that responsibility on our shoulders. We cannot argue with the situation that members have outlined in relation to the anomalous circumstances in which the club's operations have continued—whether the applicants gambled with the legal advice that was given to the committee or to the club itself—because we were not present when that advice was given. So, it is hard to make a judgment call on whether they operated on legal advice that was not in their best interests or whether they took a gamble against that legal advice and pursued a course of events which ultimately led to these circumstances where we are considering an amendment to the legislation which would operate on behalf of one club.

Legislating for exceptions does not make for good legislation, but the alternatives are not worth considering. I take the point that members have made about other clubs being in similar circumstances. Financially, that may be so. The state cannot afford to lose any SANFL side because their financial position has been made so tenuous that they cannot continue in the league. SANFL teams are the closest football teams to the community and provide that community participation which is a part of Adelaide and South Australia. On behalf of all people who have an allegiance to any football club (whether it be Australian rules, soccer or rugby) we would not want to see any club jeopardised because of one bad decision of a committee or one bad financial decision made in good faith.

Certainly the advent of the AFL has taken a lot of community interest into the national league, and with the reshaping of Australian Rules in South Australia we certainly have to do what we can to provide the SANFL with support to be able to continue. This is considered a special case, and it is the government's view that no other gaming machine licensee should expect any similar action in relation to legislative protection to allow them to continue to trade if it is in breach of the act.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member has asked the question and will probably ask in committee whether we will compensate the Frickers for the situation where the legislation will find them temporarily in competition with a club that may be seen to be singled out for special attention and special protection.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! This is not the stage for debate between members of the chamber. When we go into committee members may do so at that stage if they wish. The minister will conclude.

The Hon. T.G. ROBERTS: A case has been made by the honourable member. I have seen no case presented that makes a claim for costs other than members saying that costs ought to be awarded to the Frickers. I must reply to the Hon. Julian Stefani's position in relation to the Hon. Mario Feleppa and the integrity of the conscience vote for individuals in this council. My recollection is that, through his work in relation to the bill, the Hon. Mario Feleppa got concessions from the government at the time in relation to the protection of the integrity of the system by insisting on an amendment that put the government in a position where it had to accept another layer of supervision which was not in force before the time when Mario Feleppa made his decision.

The Hon. J.F. Stefani interjecting:

The Hon. T.G. ROBERTS: That was the point. We will be moving into committee, when I know that members will be asking many questions about the bill. There will also be discussions about the amendments and, as I have indicated, the government will not be accepting either of the two amendments foreshadowed by both members.

Bill read a second time.

In committee.

Clause 1.

The Hon. A.J. REDFORD: I have some questions. I have in front of me a press release issued by the Hons J. Weatherill and Jane Lomax-Smith, MP, who is a well-known North

Adelaide supporter, in precisely identical terms, word for word; in fact, if you put it up to the light it is exactly the same. My question to the minister is in relation to the press release which was issued last Thursday 22 May and which states that there was a crisis meeting chaired by the Premier. In the press release it says that the member for Adelaide, Jane Lomax-Smith, was there and the member for Enfield, John Rau, was there. Was anybody else also there?

The Hon. T.G. ROBERTS: It would not have been a meeting with just Jane Lomax-Smith. Minister Weatherill, representatives of the North Adelaide Football Club and some advisers were there.

The Hon. A.J. REDFORD: At any stage was there a meeting with the Northern Tavern?

The Hon. T.G. ROBERTS: Not to my knowledge.

The Hon. A.J. REDFORD: Has the Northern Tavern met with any government minister?

The Hon. T.G. ROBERTS: Not to my knowledge.

The Hon. A.J. REDFORD: Has there been any attempt on the part of the government to speak with the Northern Tavern about the consequences of this unprecedented legislation?

The Hon. T.G. ROBERTS: No, not to my knowledge.

The Hon. A.J. REDFORD: Why has there not been any attempt to speak with representatives from the Northern Tavern?

The Hon. T.G. ROBERTS: It is a matter for the minister at the time to make that consideration.

The Hon. A.J. REDFORD: Let me put this proposition to you. You are bringing to this parliament a piece of legislation which is quite unprecedented and which affects people's rights; it particularly affects the rights of the North Adelaide Football Club and the Northern Tavern. Why is it that the government chose not to speak with the Northern Tavern before coming to a decision on this matter?

The Hon. T.G. ROBERTS: It is not a question I can answer, because I do not have carriage of the bill or any instruction.

The Hon. Diana Laidlaw: Do you want to defer while you seek advice?

The Hon. T.G. ROBERTS: No; I am saying that I am not aware of any negotiations or discussions that have taken place with the Northern Tavern. I may be able to get some information from the minister to outline a program, but I cannot supply that to the committee at the moment.

The Hon. A.J. REDFORD: Was there at any stage any attempt on the part of the government to negotiate an outcome between the two protagonists in this matter?

The Hon. T.G. ROBERTS: Other than the transcripts from the court hearings, I do not think there was any discussion between groups but, as I said, as I was not involved in this issue at any stage, those questions are probably best answered by the minister.

The Hon. A.J. REDFORD: The way in which I put this proposition understates the way I feel about this; but I cannot express anything but disgust and dismay at the series of answers we have just had. Is the government prepared to adjourn this matter, even for a short time this evening, to sit down with the people from the Northern Tavern and determine what the consequences to them of this legislation might be, and to make attempts to ameliorate the consequences to those people?

The Hon. T.G. ROBERTS: I guess the reply to that is that we would like to see the bill through as soon as possible to facilitate a very complex process. I am sure the minister is aware of the impact, and the government is aware of the impact which would follow from the consequences of the passage of this bill. I am unaware of any other meetings that have been either booked, either consequentially or now.

The Hon. A.J. REDFORD: What is wrong with 15 minutes with Northern Tavern so that you can at least hear what the impact on that enterprise or family might be?

The CHAIRMAN: I find no mention of the Northern Tavern in the bill. The bill refers to the Rooster Club. I also indicate to members that we are talking to the short title of the bill. As on previous occasions in these circumstances the chair has been extremely lenient. Had these matters been raised in the second reading debate they could have been considered and the answers could have been here. The bill now, though, is at the committee stage and we have a responsibility to handle this piece of legislation. So I think we should move on.

The Hon. A.J. REDFORD: I will accept your ruling, Mr Chairman, but what I will do is move that this debate be adjourned. I will write to the government, put the questions on notice, and we can come back and get these answers later.

The CHAIRMAN: You would need to move that progress be reported, Mr Redford.

The Hon. R.D. LAWSON: Minister, during the course of the debate in another place, the minister with the conduct of this matter, Hon. Jay Weatherill, said on a couple of occasions, quite clearly, that the Roosters Club could not operate the gaming machines from these premises beyond 31 May 2004. Can the minister indicate that that is an undertaking by the government, that the deadline specified in the bill will be adhered to, that is, that it is not the government's intention to seek to amend or extend that deadline, and will the government undertake not to do so?

The Hon. T.G. ROBERTS: We can only give an undertaking for as long as this act, if it is passed, would hold. It then would be the will of the parliament to decide whether to change that. If it was to amend it, to change it, that would be at the will of this parliament.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The commitment I think has been given in another place and if there is any change to that then it will have to come back through both houses.

The Hon. R.D. LAWSON: Has the government had any discussions with the Roosters Club regarding the possibility of extending this temporary licence beyond 31 May 2004? Has the government had any discussions, has it given any intimation that it would consider such an application?

The Hon. T.G. ROBERTS: No undertaking has been given other than they have to cease trading on that given date.

The Hon. R.D. LAWSON: I think everybody in the committee understands that that is the effect of the amendment, but my question is directed to any discussion which might have occurred between the government and the Roosters Club about the possibility of that date being extended, because obviously there are people relying on the fact that there is a fixed end date stipulated in this bill.

The Hon. T.G. ROBERTS: No extension has been discussed.

The Hon. J.F. STEFANI: Will the minister give an unequivocal undertaking that, as the government is seeking the concurrence of this chamber and the members of this chamber to consider this legislation on the promises that the government has made to the Roosters Club, he will report to the parliament on a monthly basis as to the progress that the

Roosters Club is achieving in relocating its premises? If he is not prepared to do that I want to know why.

The Hon. T.G. ROBERTS: It would be an unusual and unreasonable request for the government to report progress like that.

The Hon. J.F. Stefani: Why? You are asking us to pass this legislation.

The Hon. T.G. ROBERTS: I am asking you where there is any precedent for us to formally report progress to this house. The house is a democratic body. If you do not like the legislation you either amend it or vote against it.

The Hon. T.G. Cameron: Or adjourn.

The Hon. T.G. ROBERTS: Or adjourn, as the honourable member says. The fate of the legislation is in your hands. I cannot give the undertaking that the honourable member seeks.

The Hon. J.F. STEFANI: I ask the minister whether this legislation was discussed as a cabinet measure, a government measure. That is how it was projected by the Premier. The government has made the decision; I want to know whether the concurrence of the minister and other members of the cabinet was sought before the Premier made the announcements, as the government of the day, supporting and promoting this legislation. Can he advise the committee whether he had been involved in the discussions about the legislation coming before this council, as a member of the cabinet?

The Hon. T.G. ROBERTS: I can only report that cabinet did have discussions, but I cannot report the cabinet discussions.

The Hon. J.F. STEFANI: As a member of the cabinet and having been involved in the discussion as the minister representing the minister responsible for this measure, I ask whether you are prepared to seek an undertaking from the minister responsible for the measure to report on a regular basis to the parliament as to the position of the Roosters Club in their requirement to meet the measure. We are stipulating that they have to shift. If it is the month before 31 May 2004 and the Roosters have not gone, we have a problem.

The Hon. T.G. ROBERTS: I can give an undertaking to the honourable member that I can make a request of the minister after the bill has gone through.

The CHAIRMAN: Order! I ask members to confine their investigations to questions. I do not see it is an inquisition about the competing parts of the bill.

The Hon. A.J. REDFORD: In relation to the meeting that took place on Thursday the 22nd, the minister indicated that North Adelaide was present. Was there any discussion about consultation with Northern Tavern at that meeting?

The Hon. T.G. ROBERTS: My advice is that there was not.

The Hon. A.J. REDFORD: What other public servants were present? Was the Liquor Licensing Commissioner present during that meeting?

The Hon. T.G. ROBERTS: No, he was not there.

The Hon. A.J. REDFORD: Were the lawyers for the North Adelaide Football Club present at that meeting?

The Hon. T.G. ROBERTS: No.

The Hon. A.J. REDFORD: Who from the North Adelaide Football Club was present?

The Hon. T.G. ROBERTS: Barry Dolman and Bohdan Jaworskyj.

The Hon. J.F. STEFANI: Was the government or the minister at any stage prior to and after the court ruling aware that the club was operating illegally and in breach of the law?

The Hon. T.G. ROBERTS: The information given to me by my adviser is that the stay was retracted last Thursday, and that made the licence void on that Thursday.

The Hon. J.F. STEFANI: As the licence became void and, therefore, the club was then operating illegally, has the government, the licensing authority or the police—and, in fact, the Independent Gambling Authority—taken any action against the operators of the licence to temporarily close the operation until they are legally able to operate?

The Hon. T.G. ROBERTS: Nobody has taken any action. The position of the Commissioner is that crown law advice was obtained. There is a principle involved. Where the Roosters Club arises and the government indicates that it will take a particular legislative course of action, the principle is that the regulator will, quite properly, act in a way that follows the intention of the government in accordance with the stated intention of the government's proposal.

The Hon. J.F. STEFANI: Is the Labor government prepared to suggest to the operators of the licence who operated illegally for a period of time that its profit go to the aggrieved party, namely the Northern Tavern, which has been disadvantaged and which has been dispossessed by the action of the government and the parliament of its legal rights?

The Hon. T.G. ROBERTS: This appears to be a mediation session between aggrieved parties. I do not think that is the role of the Legislative Council, unless it is in the form of an amendment carried by the council, then that is fine. I am not sure whether suggesting mediation for compensation is the role of the Legislative Council.

The CHAIRMAN: Order! We are starting to get into the inquisition stage.

The Hon. J.F. STEFANI: As the licensee was operating illegally, is the government prepared to confiscate its profits?

The Hon. T.G. ROBERTS: Same answer.

The Hon. A.J. REDFORD: Did any police officer or any agency not enforce the law over the past five or six days?

The Hon. T.G. ROBERTS: The answer to that question is no.

The Hon. T.G. CAMERON: Does the minister know when the Independent Gambling Authority became aware that the North Adelaide Football Club was operating gaming machines illegally?

The Hon. T.G. ROBERTS: Because of the IGA's role and responsibility, it would have become aware of that through the press. It is not an authority that has official notification of a breach.

The Hon. T.G. CAMERON: When did the IGA become aware that the North Adelaide Football Club was acting or operating illegally if it found out through the press?

The Hon. T.G. ROBERTS: I would have to ask the IGA.

The Hon. T.G. CAMERON: If you could do that and give us an answer later that would be appreciated. When did the government become aware that the North Adelaide Football Club was operating illegally, and who notified it?

The Hon. T.G. ROBERTS: The government was made aware by the court decision last Thursday.

The Hon. T.G. CAMERON: That was the date the decision was handed down by the Supreme Court. It has apparently been operating illegally for seven months.

The Hon. T.G. ROBERTS: Not until a decision was handed down.

The Hon. A.J. REDFORD: When did it become aware?

The Hon. T.G. ROBERTS: I would have to ask it.

The Hon. A.J. REDFORD: Does the government understand the concept of the rule of law?

The Hon. T.G. ROBERTS: The government became aware on 22 May. That is the official date.

The Hon. T.G. CAMERON: Twenty-second May?

The Hon. T.G. ROBERTS: Yes.

The Hon. A.J. REDFORD: Why was the law not enforced?

The Hon. T.G. ROBERTS: That is a matter for the Liquor Licensing Commissioner and the police.

The Hon. A.J. REDFORD: Can you give us an absolute assurance that the government—including a minister or minister's officers—did not make any direction one way or another in relation to the enforcement or otherwise of the laws that were appropriate to the operations of the Roosters Club since 22 May?

The Hon. T.G. ROBERTS: I have already answered that question.

Members interjecting:

The Hon.T.G. ROBERTS: No direction was given.

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order! The Hon. Mr Redford knows the rules—he knows the procedure. I am sure that the Hon. Mr Redford would like to withdraw those offensive and insulting remarks.

The Hon. A.J. REDFORD: I withdraw.

The Hon. T.G. CAMERON: If the government became aware on 22 May that the North Adelaide Football Club was operating illegally, could it tell the committee what action it took when it became aware that the football club was operating illegally?

The Hon. T.G. ROBERTS: That is a matter for the independent gambling commission and the police.

The Hon. T.G. CAMERON: You are either not hearing me or you are refusing to answer the question. I am not asking about when the police became aware or when the Licensing Commission became aware—when did the government become aware?

The Hon.T.G. ROBERTS: For the third time—22 May.

The Hon. T.G. CAMERON: You said earlier it was up to the Licensing Court to take action. Are you saying that, if the government becomes aware that illegal activity is occurring within the community, it will disregard it and take no action if the appropriate government department or authority responsible for it takes no action?

The Hon.T.G. ROBERTS: The liquor and gambling commission was made aware. The position that I read out was the advice that it took.

The Hon. T.G. CAMERON: Why did the liquor commission not take any action against the club for operating illegally; are football clubs a protected species or something?

Members interjecting:

The CHAIRMAN: Order! This is becoming a bit churlish. I would like to move on, and I am going to formalise the debate and we will go back to talking about the amendments—

The Hon. T.G. CAMERON: With respect, I put a question and the question was accepted by you, Mr Chairman, and you are cutting off any further discussion on the matter before the minister can answer my question. I do not mind you doing it after he has answered the question but not halfway through it.

The Hon.T.G. ROBERTS: I have answered the question three times. They took crown law advice and chose not to proceed with a prosecution.

The Hon. T.G. CAMERON: Which brings me to the end of my questioning: why? What were their reasons? What was the crown law advice?

The Hon.T.G. ROBERTS: I have read it out.

The Hon. A.J. REDFORD: I move:

That progress be reported.

The committee divided on the motion:

AYES (13)

Cameron, T. G	Dawkins, J. S. L.
Gilfillan, I.	Kanck, S. M.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J. (teller)
Reynolds, K. J.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	

NOES (6)

Gago, G. E.	Gazzola, J.
Holloway, P.	Roberts, T. G. (teller)
Sneath, R. K.	Zollo, C.

Majority of 7 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

CHILD SEXUAL ABUSE

The Hon. KATE REYNOLDS: I move:

1. That a select committee of the Legislative Council be appointed to investigate and report upon—
   (a) allegations of child sex abuse within church organisations within South Australia; and
   (b) other matters as determined by the committee following consultation with advocacy organisations.
2. That standing order 389 be suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended as to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This motion follows grave allegations that have been raised in recent days, following many years of concern being expressed about the sexual and emotional abuse of children by church officials and church organisations. It also follows a motion in the other place on 19 February 2003 for the parliament to inquire into the abuse of minors in institutional care. Allegations have been made in recent days by respected church officials which indicate that the seriousness of sexual abuse against children by other church officials is not only extensive, that is, involving a number of parishes, but that this abuse has occurred over a number of decades. In the view of the brave individuals who are willing to speak out, the church's failure to disclose the existence of this abuse has left victims and their families to suffer alone and in ignorance.

The self-proclaimed guardians of our morals have been caught out. The covering up of the abuse of potentially hundreds—some have alleged thousands—of children, with consequent pain and suffering, cannot be allowed to continue. Victims of child abuse and neglect are vulnerable to many problems, including drug and alcohol abuse, relationship breakdown and mental health problems. Members of parliament, as the key policy makers in this state, need to confront the issue of abuse, understand it, and then make the necessary policy and legislative changes to prevent this abuse occurring in the future. This select committee will provide a

circuit breaker on the issue and will allow an open and independent investigation with the powers of a royal commission.

The American and Irish experience of addressing abuse has shown that criminal conspiracy has resulted in the large scale protection of paedophiles inside church institutions. We can expect the Australian experience to be similar. It is no accident that most allegations, such as one Brisbane diocese's 157 complaints, are settled confidentially to hush it all up. In fact, Australia's Catholic and Anglican churches have received more than 1 640 complaints of sexual abuse. The Catholic church has received about 1 200 complaints during the past 10 years, with about 200 of them in Melbourne. Approximately 75 per cent have been substantiated and acted upon.

The Australian Catholic Bishops Conference has expressed concern that the number of complaints received did not represent the number of church personnel who had offended, because there had been a 'number of paedophile priests, brothers and other church personnel who have abused multiple victims'. They acknowledge that many of the complaints had been difficult to substantiate because they dated back many years and involved priests or other church personnel who had since died or left the ministry. The Anglican church apparently does not maintain its own national figures, but the Sunday *Age* newspaper has revealed that the church has received more than 440 complaints.

Last month, its General Synod Standing Committee recommended all dioceses appoint a professional standards committee to investigate complaints. It also recommended that disciplinary boards be established and that further work be undertaken to ensure protocols and codes of conduct were consistent throughout the church. The church's Melbourne diocese is in the process of carrying out police checks on all members of the clergy, including the archbishop, dean and bishops. This goes some way to developing strategies to protect children in the future but it does not address the wrongs of the past.

The Adelaide diocese of the Anglican church alone has admitted that it has received approximately 40 complaints of abuse in just the past two years. My motion goes some way to support a call by the South Australian branch of the organisation Advocates for Survivors of Child Abuse (ASCA) for an open, statewide investigation into child sex abuse. ASCA believes 'only those who have "wronged" against children have any reason to oppose an "open" inquiry'. Members of ASCA said in their press release on 26 May that 'recent events have clearly shown that omission or failure to report child sex abuse is equally damaging to the safety of children, and is inexcusable'.

I know that some other people are of the view that this select committee should consider all instances of suspected abuse, and I know that there are some victims of abuse whilst in the care of the state who share this view. And I share their concern. However, I draw the attention of members to the fact that my federal colleague Senator Andrew Murray recently brought a motion to hold the Inquiry into Children in Institutional Care, a senate committee looking at the issue of child abuse in institutions and in licensed care. This senate inquiry is considering whether any inappropriate treatment occurred in government or non-government institutions and whether any serious breach of the relevant statutory obligation occurred when children were in care or under protection. Other considerations of the committee include:

- an estimate of the scale of any inappropriate care of children in such institutions;
- the impact of the long-term social and economic consequences of child abuse and neglect on individuals and families;
- whether there is a need for formal acknowledgment by Australian governments of the human anguish arising from abuse suffered by children while in care; and
- the need for public, social and legal policy to be reviewed.

Submissions have been called for, and I wrote to the secretary last month asking that a public hearing be held in Adelaide to give victims the opportunity to tell their story. The senate committee will report to the federal parliament by 3 December this year. However, this senate inquiry will not review the nature or extent of abuse within church organisations within this state. For the sake of both the individuals who have been abused and the integrity of the South Australian churches, a high level investigation with wide ranging powers is now required. Until we in our role as members of parliament and as policy makers understand the scale of the abuse of children by church officials and the scale of any cover-up by church organisations, we will not be able to move from viewing this as an individual occurrence requiring criminal action, if and when it is eventually revealed, to viewing it as a social problem with huge social and economic costs, which requires significant government and community effort to develop the necessary remedies.

However, before we can develop these remedies and start any healing process, we have to understand the scale and the nature of the problem. The sexual abuse of children is not just an issue of the past, an issue about which victims should 'just get over and move on', because its knock-on consequences affect another 60 or 70 years potentially of adult life, and will affect the children of victims as well. We know that some organisations are opposed to anything that will air the excessively dirty linen they have in supporting and concealing sexual abuse of children. Other organisations will strongly campaign for offenders and cover-ups to be exposed.

I remind members that these recent allegations are just the latest in a long and shameful list of allegations against South Australian churches. My motion for the establishment of a select committee offers a way forward. In relation to the conduct of the committee, my motion will allow the committee to make the ultimate decision in relation to the holding of public meetings and the consequent disclosure of evidence. However, I believe that such an inquiry should be conducted *in camera* to ensure that witnesses can give their evidence without fear of intimidation. It probably will then be necessary for the committee to seek an instruction from the council that the evidence and documents received by the committee not be tabled. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this council condemns the Rann government for its unprecedented use of the claim of parliamentary privilege to refuse a growing number of applications for documents under freedom of information legislation and, in particular, the government's refusal to provide documents relating to the details of the $967 million in budget cuts announced in July 2002.

Members will be broadly familiar with the background to this motion. Since July last year, Liberal Party members in both

houses of parliament have been pursuing information in relation to the 2002 budget. It is somewhat ironic that we are here on the eve of the 2003 budget and the opposition is forced into the position of considering all options, including this particular motion, to try to shame the Premier, in particular, and the Treasurer and other ministers into answering questions in relation to the 2002 budget.

Without going through all the detail, I will summarise by saying that in July last year the member for Heysen, on behalf of the Liberal Party, asked some questions of the Treasurer, as indeed did some other members in the estimates committee, and sought information on a number of areas, in particular, the detail of the $967 million in budget savings announced in the 2002 budget. As members will know from the budget papers, we were all provided with an aggregate figure of $967 million in budget savings, but the detail, in relation to the specific projects or programs in the portfolios, was not provided to members.

As was appropriate, having looked at the budget papers, the House of Assembly members had the opportunity to pursue this issue and to source information from the Treasurer during the estimates committee. The Treasurer indicated that he had the information available but, given the pressures on time in the estimates committee, he did not want to take up the time of the committee reading out the answers, so he undertook, within the requirements of the estimates committees of the House of Assembly, to provide an answer to the member for Heysen within the stipulated period, which is a couple of weeks.

We are aware that the new Speaker, in his compact of good government with the Rann government, indicated that he would be requiring ministers to comply with the requirements of those standing orders of the estimates committees to ensure that answers are provided by ministers within the requisite time frame. Other questions were asked in relation to broad areas. The budget papers indicated that there had been an underspending by all portfolios of $322 million in 2001-02, and the opposition sought details on the breakdown among the portfolios as to underspending in that area. Thirdly, we sought information on the number of public servants estimated in each portfolio as at 30 June 2002 and 30 June 2003—obviously, to be able to make some judgment about where the cut-backs were going to occur within the portfolios. There had been an announcement by the government that there would be a reduction in the number of full-time equivalent public servants, without an indication of which portfolio areas, and, clearly, the opposition was interested in whether there were to be any cuts in the broader education and health portfolios as part of the government's reduction of public sector numbers.

In relation to the $967 million in budget savings, the opposition has been pursuing that information since July. We have followed up with questions in the House of Assembly; we have followed up with questions in the Legislative Council; we have raised the issues in the Appropriation Bill debate in the Legislative Council; and we have raised questions on a number of other occasions to try to get answers from the government to those questions first asked in July last year.

Ultimately, when we felt that the government was not going to comply with the requirements of the estimates committees guidelines, the opposition then pursued the avenue of freedom of information. At the same time, as members know, we have been pursuing a range of other issues through freedom of information. Just prior to Christmas last year, the opposition received the first rejection on the basis that it would be an infringement of parliamentary privilege under section 17 of the Freedom of Information Act if the government and its officers were to comply with the freedom of information request. I remember having a discussion at the time with colleagues and staff, and I indicated that, once the government had found what it would deem to be a loophole in the freedom of information legislation, we should look out for the floodgates being opened; and we were likely to see, over the coming months, more and more freedom of information requests being rejected on the grounds that it would infringe parliamentary privilege. Sure enough, the floodgates opened in January and February this year, when we started receiving countless rejections of freedom of information requests on the grounds of this new loophole—that it would infringe parliamentary privilege if the government and its officers were to comply with the freedom of information request.

Surprise, surprise, 11 of the applications to the 14 ministers for the detail of the answers to the estimates committee question, prepared by their public servants and sent to the Treasurer's office, were refused on the grounds that they would infringe parliamentary privilege. In summary, we have a situation where a member of parliament asked a question in a parliamentary committee; the Treasurer said that he had the answers, but time did not permit the provision of the answers; he said that he would comply with the requirements of the estimates committee and provide an answer to the lower house member; he then refused to do so. Public servants in the various ministers' portfolios prepared answers to those questions. All ministers were told that they were required, under a political process of the Treasurer's officers vetting those answers, to send their answers, prepared by their public servants, to the Treasurer's office. The Treasurer's office then undertook a vetting process and, just before Christmas, I might add, a sanitised, strongly filtered version of the answers was released. I think it was the Monday before Christmas—two days before Christmas. It was released in a form designed to ensure that the opposition and the community could not get detail on any projects or programs that had been cut as part of the $967 million in savings.

The opposition is then in a position where answers have been prepared for an estimates committee question, and the ministers decide they will not provide the answers in the parliament in the required fashion. When freedom of information requests are made to get the answers, the grounds given for refusal are that it would infringe parliamentary privilege if the answers that were prepared were provided in that way. As I suspected at the time, we have now seen a further flood of rejections for a range of requests on the grounds of parliamentary privilege.

Regarding the questions about the $322 million in underspending, 10 ministers have refused the application on the basis of parliamentary privilege. I might add that two have still not responded to those applications. Regarding the numbers of public servants, three applications have been withheld on the basis of parliamentary privilege. There are a number of other examples. For example, I refer to the freedom of information request to all ministers for the briefing folders provided to them for the estimates committees. All ministers eventually had to respond to that request and provide some information to the opposition, because it was clearly within the requirements of the freedom of information legislation which provides no exemption for briefing folders.

The government sought to address this issue in its freedom of information legislation by inserting a specific new clause to prevent the release of that information in the future. Nevertheless, the current act makes it quite clear that there are no grounds for refusal of the release of estimates committees briefing folders. So, I think 12 of the then 13 ministers (including the Premier) complied with the freedom of information request. The only one who did not was the Treasurer. That is probably due in part to the very lengthy process that Treasury seems to go through when processing freedom of information applications. Eventually, early this year we received a refusal from the Treasurer on the grounds that it would infringe parliamentary privilege to release that information.

So, what we had was 12 ministers (including the Premier and the minister for freedom of information) releasing the information. They obviously believed that it would not breach parliamentary privilege to release that information, yet the Treasurer—the most secretive Treasurer in the most secretive government that this state has ever seen—refuses to provide that information and claims parliamentary privilege.

The Hon. T.G. Cameron: Those are the exact words they used to use about you.

The Hon. R.I. LUCAS: I know, but they have now surpassed the former government. As the Hon. Mr Cameron indicated, the former government attracted some criticism about secrecy, but this government has thought of new ways not even thought of by the former government. As I understand it, according to my information, this is the first time that any government in South Australia has ever used parliamentary privilege to refuse a freedom of information request. As far as I can ascertain, no other government in Australia has had the gall to use parliamentary privilege as a ground for refusing a freedom of information request. So, this government is an Australian leader, at least in relation to in secrecy. It is the only government that we have been able to ascertain that has been prepared to use this claim of breach of parliamentary privilege to refuse a request for information.

What we are now finding is a series of other requests. In about the middle of last year I sought information which had been given to the minister in relation to some electricity matters. The refusal arrived only in the past month on the ground that it would breach parliamentary privilege. The questions in relation to budget savings related to a question asked in the parliament, and the government's answer was that those answers were provided for a minister to use in parliament and therefore are protected by parliamentary privilege.

The request in relation to the electricity industry related in no way to any question that I had raised. I sought all advice given to the minister on particular electricity matters. I did not refer to a particular question that I had asked of that minister or indeed of any other minister. Clearly, what the government is now doing is this: if a member raises a question in relation to electricity or if the issue was referred to in parliament in some way, what we are potentially seeing here is the opening up of the floodgates where the bureaucracy will describe every bit of advice that goes to a minister as being in preparation for their use in the parliament and they will therefore use these new grounds to be able to stymie genuine and valid requests for documents under freedom of information legislation.

As I said, this is an unprecedented use of the parliamentary privilege provisions of the freedom of information legislation. The opposition is challenging a number of these within the bounds of the freedom of information legislation, first, by internal appeal. Surprise, surprise! On an internal appeal, parliamentary privilege is still being claimed. In response to the first of the applications to the Ombudsman, I received a letter this week indicating that minister Conlon has been served with notice by the Ombudsman—Mr Cameron's ears pricked up when I mentioned that name—and that there will be an external review of the decision taken by him and his agency to refuse information on the $967 million in budget cuts on the grounds of parliamentary privilege. So, minister Conlon will be the first to be exposed to the heat (I hope) of the Ombudsman's gaze on this particular claim of parliamentary privilege.

Regarding the request to Treasurer Foley, the date of internal appeal against that decision expires on Friday. There will be an appeal to the Ombudsman immediately that is refused by the Treasurer and/or his officers on internal appeal as well. The Leader of the Opposition has indicated that the opposition is also contemplating—should we be unsuccessful at this stage with the Ombudsman—to explore this issue, particularly in relation to the budget cuts information, through, potentially, an appeal to the District Court.

In parallel, I have had discussions with parliamentary counsel to see whether or not it is possible through private members' legislation to try to prevent this abuse of the parliamentary privilege provisions of the freedom of information legislation. In consultation with my colleagues (the Hon. Mr Lawson, the Hon. Mr Redford and others) we will see whether or not it is possible through private members' legislation to draft a new provision which would prevent this gross abuse of the parliamentary privilege provisions in the freedom of information legislation.

A number of members have raised with me potential grounds for an appeal, issues that might be raised as to whether or not, for example, it is possible for a minister or officers of a government department to claim parliamentary privilege on either the minister's behalf or on behalf of officers working within a government department. I also understand from my colleague the Hon. Mr Redford (who may well at a later stage address this motion) that, in the last week, the first signs of the cancer of this particular loophole spreading have been felt by other members. I understand the Hon. Mr Redford has received the first of what I can assure him will be a large number of rejections of freedom of information applications on the grounds that they will breach parliamentary privilege. I want to raise a number of issues, but I do not want to delay the proceedings. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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 Government is committed to introducing more flexibility for consumers in relation to the times that shops can open in South Australia.

The Government's position has been shaped by:

- the election commitment not to fully deregulate;
- providing a balanced package of reforms;
- listening to the concerns of the stakeholders; and
- safeguarding competition policy payments whilst acting in the best interests of the South Australian community.

The Government showed its commitment to reform in this area with the introduction of a Bill that provided a moderate package of reforms in August 2002. That Bill was defeated in this House.

At the time, the Minister for Industrial Relations stated that the Government was committed to achieving an outcome for shop trading reform in South Australia and indicated that the Government would try again to deliver greater flexibility so that families can shop together and up to $54 million in competition policy payments can be safeguarded.

The *Shop Trading Hours Miscellaneous (Amendment) Bill 2003* demonstrates the Government's commitment to resolving this issue.

Sunday Trading

The Bill provides that Sunday trading for non-exempt stores in the metropolitan area will be introduced from the commencement of daylight saving this year.

Sunday trading will be available on the same terms as the Central Business District and the Glenelg Tourist Precinct. That is from 11 a.m. to 5 p.m.

The Bill also provides for:

- an extension of week-night trading within the wider metropolitan area to 9.00pm;
- the implementation of a "prohibition notice" regime for breaches of the Act. Additionally, penalties for a range of other offences in the Act, such as hindering an inspector in an investigation, are increased;
- outmoded and irrelevant definitions to be removed from the Act. For example the definition which seeks to use employee numbers as a measure to decide if an exemption is warranted [s4], is identified as inappropriate and can be seen to limit employment within the sector and has been removed. Similarly, s15(1)a, which allows a "shop keeper of a shop situated in a shopping district outside the metropolitan area" to sell goods to a person "who resides at least 8 kilometres from the shop", provides a loophole within the Act that is virtually impossible to enforce and has been removed;
- the current complex system of exemptions contained within the Act to be streamlined and criteria applied for assessing applications;
- exemption powers to be moved from the Governor to the Minister;
- the implementation of the recent practice in relation to Easter trading to be made permanent in the Greater Adelaide area by the legislation, by making Easter Saturday a trading day for non-exempt stores and prohibiting trading on Easter Sunday for non-exempt stores;
- the Act to be reviewed in 3 years;
- complementary changes to the *Retail and Commercial Leases Act 1995* which will reduce core hours to 54 hours, and provide that core hours cannot be on Sundays. Existing voting arrangements for the determination of core hours are to be retained; and
- amendments that enhance the existing provisions, consistent with the approach taken for tenants, with the aim of ensuring that Sunday work is voluntary from employees.

The Bill has been developed after consultation with stakeholders.

It is not proposed to alter the existing trading hours for country areas. Those arrangements allow country areas to determine their own trading hours through a democratic process.

This Government has heard and taken account of the views of all contributors to the debate on shop trading hours. This Bill represents a balance of the needs of all stakeholders and I commend it to the House.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment Provisions

These clauses are formal.

Part 2—Amendment of Shop Trading Hours Act 1977

Clause 4: Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act—

- to remove any requirements in the definition of "exempt shop" relating to the number of persons employed in a shop;
- to remove from that definition the paragraph relating to shops having a Ministerial certificate of exemption (consequentially to the proposed substitution of section 5 of the principal Act discussed below);
- to insert a definition of the "Greater Adelaide Shopping District";
- to remove the definition of "normal trading hours" (which will no longer be used).

Clause 5: Substitution of section 5

This clause repeals section 5 (which empowers the Minister to issue certificates of exemption to shopkeepers) and substitutes new provisions as follows:

5. Exemptions

This clause gives the Minister power to grant or declare exemptions from the operation of the Act, or specified provisions of the Act. An exemption may relate to a specified shop or class of shops or to shops generally. This power is, however, subject to the following limitations:

- An exemption that relates to a class of shops or shops generally or that applies generally throughout the State or to a specified shopping district or part of a specified shopping district, cannot operate in respect of a period greater than 14 days (unless, in the case of an exemption granted in respect of a particular shopping district or part of a shopping district, the Minister is satisfied that a majority of interested persons desire the exemption to be declared for a period greater than 14 days (or indefinitely) and gives a certificate to that effect or the exemption relates to a group of shops in respect of which each shopkeeper has made a separate application for the exemption or the regulations prescribe circumstances in which the exemption need not be limited to 14 days).
- An exemption cannot enable all shops, or a majority of shops, in the Metropolitan Shopping District to open pursuant to the exemption.
- An exemption cannot operate in a manner contrary to a Ministerial notice under section 5A.
- An exemption cannot operate with respect to section 13A.

The clause also sets out matters the Minister is to have regard to in considering an application for an exemption and provides for the imposition of conditions on the exemption and for the variation of revocation of exemptions or conditions. Failure to comply with a condition is an offence with a maximum penalty of $100 000.

5A. Requirement to close shops

This clause gives the Minister power to issue Ministerial notices requiring the closing of a specified shop or class of shops or shops generally over a period not exceeding 14 days. Such a notice may be varied or revoked by subsequent notice. Contravention of a notice is an offence punishable by a maximum fine of $100 000.

Clause 6: Amendment of section 6—Application of Act

This clause is consequential to new section 5.

Clause 7: Amendment of section 8—Powers of Inspectors

This clause amends the powers of inspectors under the Act to clarify those powers and to make them correspond more closely with inspectors powers under other legislation. The penalty for failing to comply with the requirements of an inspector is increased to $25 000 and the offence has been broadened (consistently with other legislation) to encompass hindering or obstructing an inspector or using abusive or threatening language.

Clause 8: Amendment of section 9—Inspector not to have an interest, etc.

This clause increases the penalty in section 9 of the Act (which requires inspectors to disclose financial interests) from $500 to $5 000.

Clause 9: Substitution of section 10

This clause substitutes a new provision protecting inspectors from liability consistently with the protection given to inspectors or officers under other legislation.

Clause 10: Amendment of section 11—Proclaimed Shopping Districts

This clause is consequential to the introduction of a definition of "the Greater Adelaide Shopping District".

Clause 11: Amendment of section 13—Hours during which shops may be open

This clause amends section 13 of the Act to remove the proclamation making power under that section, to alter the trading hours for the Metropolitan Shopping District, to allow motor vehicle traders to trade until 5.00 p.m. on a Saturday (without the need for a proclamation) and to make various minor consequential amendments.

Proposed subclause (2) deals with the new shopping hours for the Metropolitan Shopping District. Under the proposed changes shops in this District will be able to open—

- until 9 p.m. on every weekday; and
- until 5 p.m. on a Saturday; and
- from 11 a.m. to 5.00 p.m. on each Sunday from the commencement of Daylight Saving at the end of 2003.

Clause 12: Amendment of section 13A—Restrictions relating to Sunday trading

This clause extends the current restrictions applying to Sunday trading in the Central Shopping District and the Glenelg Tourist Precinct to Sunday trading in the Metropolitan Shopping District.

Clause 13: Amendment of section 14—Offences

This clause increases the maximum penalties in section 14 of the Act from $10 000 to $100 000, and adds a defence to such offences, consequentially to the introduction of exemptions under proposed new section 5.

Clause 14: Amendment of section 14A—Advertising

This clause increases the maximum penalty in section 14A of the Act from $10 000 to $100 000.

Clause 15: Amendment of section 15—Certain sales lawful

This clause amends section 15 of the Act to remove the exemption for shops situated outside the metropolitan area selling goods to persons who reside at least 8 km from the shop.

Clause 16: Amendment of section 16—Prescribed goods

This clause increases the maximum penalty in section 16 of the Act from $10 000 to $100 000.

Clause 17: Insertion of sections 17A and 17B

This clause inserts new provisions as follows:

17A. Prohibition notices

If the Minister believes, on reasonable grounds, that a person has contravened the Act in circumstances that make it likely that the contravention will be repeated, the Minister may issue a notice requiring the person to refrain from a specified act, or course of action.

Contravention of a notice is an offence punishable by a maximum penalty of $100 000 plus $20 000 for each day on which the offence is committed.

A person to whom a notice is directed may, within 14 days, appeal to the Administrative and Disciplinary Division of the District Court.

17B. Power of delegation

This clause inserts a power for the Minister to delegate functions and powers under the Act.

Clause 18: Amendment of section 18—Procedures

This clause inserts an evidentiary provision relating to the measurement of the floor area of a shop.

Clause 19: Amendment of section 19—Regulations

This clause inserts a regulation making power dealing with the service of notices under the Act (consequentially to other changes included in the measure) and increases the maximum penalty that may be set for contravention of a regulation from $500 to $10 000.

Schedule

It is proposed to amend section 61 of the *Retail and Commercial Leases Act 1995* to set a maximum of 54 hours as core trading hours in retail shop leases relating to shops in enclosed shopping complexes. Core trading hours cannot include any time on a Sunday. It is also proposed to initiate a review of the *Shop Trading Hours Act 1977* (as amended by this Act) after a period of 3 years.

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

INDEPENDENT GAMBLING AUTHORITY

Adjourned debate on motion of Hon. A.J. Redford:

That this council notes the performance of the Independent Gambling Authority.

(Continued from 14 May. Page 2309.)

The Hon. T.J. STEPHENS: I rise to note the performance of the Independent Gambling Authority. My colleague the Hon. Angus Redford has already given a detailed report and what I thought was quite an extensive contribution. I do not intend to re-cover the historical points, especially those that the Hon. Angus Redford raised. However, I would like to discuss primarily the IGA's apparent inability to fulfil its mandate. I know there will be those who think I will be super critical of the IGA. Let me make clear from the start that the IGA does deserve some criticism; however, I am of the belief that in the second full year of the IGA and Labor's first year of government the IGA may be under-funded and under-utilised.

I would like to define the IGA's purpose as defined by the legislation. Section 11 of the Independent Gambling Authority Act provides that it must develop and promote strategies for the reduction of the incidence of problem gambling and for minimising and prevention of harm caused by gambling. Also, it must undertake, assist in or coordinate ongoing research into the social and economic costs and benefits to the community of gambling and the gambling industry; the likely impact, both negative and positive, on the community of any new gambling product or gambling activity that might be introduced by any section of the gambling industry; strategies for reducing the incidence of problem gambling and preventing or minimising the harm caused by gambling; and to advise or make recommendations to the minister on matters related to the operations of licensees under prescribed acts or any other aspects of the operation, administration or enforcement of prescribed acts.

This clearly identifies research and the provision of advice as a primary purpose of the IGA. Yet, as far as I can see, the IGA has not been allocated any money specifically for research. This is understandable during the first year of the IGA because it was being established and staffed, and research would not have been a high priority in the initial formative phases of the IGA. In the second year, however, aside from the discussion paper that was released regarding the inquiry into the management of gaming machine numbers, no new research has been conducted. There has been some consultation regarding the TAB, but of the supposed funding of $1.5 million there has been nothing spent. In looking through the annual reports I found there was no allocation for money for research. The IGA has had nearly two years to complete a report on problem gambling, and it has failed to do so. The public expects us to make decisions based on the facts presented to us, and we endeavour to make as informed decisions as possible. Part of that process is to have vehicles which report to us and provide us with information.

This issue has been highly visible and is of major concern to the people we represent, yet the recommendations we receive are biased and limited because the vehicle, in this case the IGA, has a limited number of resources and so cannot fulfil its mandate—that is, when we get any recommendations at all. The IGA has requested yet more time to complete the inquiry, well past the time we have had to make a decision on whether we keep or abolish or alter the freeze on gaming machines. What the IGA and the government, which provides the IGA with its resources, must realise is that hotels, clubs and the community are all waiting for a position to be put so we can determine what government must do to help problem gamblers. No-one is arguing that the IGA should rush to conclusions, but surely after two years, when they are fully aware of the timing of the legislation, there should have been enough time to make some kind of definitive recommendation on gambling machines, given the level of public concern.

I have heard many concerns over the IGA's performance, because it is tardy in its reporting and limited in its acceptance of different points of view beyond the idea that the

freeze is a cure for all problem gambling, when there is evidence to suggest that a freeze may not stop but in fact exacerbate problem gambling.

However, I am not here today to re-argue that case but to make a point of view known regarding the Independent Gambling Authority. I am concerned about the authority, because the people in need are not being considered. By being lazy, under-resourced and limited in its scope of research, it removes options that we know may be used to help these people. It cannot fully evaluate whether a proposal will perform or act in a way that it will in practice. That is my concern: the IGA's inability to perform will have damaging repercussions in the community it is designed to serve, beyond the mere political point-scoring which in honesty we in opposition could so easily seek to do but which we have refrained from doing. It is my hope that the IGA will improve significantly and that the people who suffer from problem gambling will be better served by the institution that is meant to help them than they are at this time.

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

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

Adjourned debate on motion of the Hon. I. Gilfillan:

That the Final Report of the joint committee be noted.

(Continued from 14 May. Page 2317.)

The Hon. IAN GILFILLAN: Briefly, I will conclude the debate by acknowledging the contribution of my colleague on the committee, the Hon. John Dawkins and recognising the contribution made by the Hon. Bob Sneath. It was an effective committee; it was spread over the two parliaments and I am satisfied that we came to a clear conclusion that was the unanimous decision of the committee. I do not intend to go over the points I made in moving the motion; however, in summary, we found that a group of dairy farmers in the South-East were discriminated against in the compensation balance payments.

We made those observations in the report. We also encouraged both federal and state governments to look at ways to ameliorate the disadvantage that those dairy farmers are suffering and, by passing this motion, I hope that both those tiers of government will take seriously the work of the committee, and I know you are sensitive to its work, Mr President, as you were part of the earlier committee itself. It is frustrating to put in a lot of work and come to a unanimous decision and then feel that no-one takes any further notice. So, it is with that particular aim that I do emphasis that the state government, and perhaps through its own channels, urges the federal government to look seriously at ways of reassessing the proper allocation of the compensation to those farmers, particularly the ones in the South-East who quite clearly suffered an unfair disadvantage. With that, I urge the chamber to support the motion.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: POVERTY

Adjourned debate on motion of Hon. Gail Gago:

That the report of the committee on an inquiry into poverty be noted.

(Continued from 14 May. Page 2320.)

The Hon. D.W. RIDGWAY: I rise to support the report of the Social Development Committee that has been tabled. However, it contains some disturbing information. The incidence of household poverty in Australia is 17.9 per cent, yet in South Australia the incidence of poverty is higher than the national average, at 23.3 per cent, according to a study undertaken by SACOSS and the University of South Australia. While these figures take into account relatively lower incomes in South Australia, the fact remains that evidence given to our committee's inquiry was that the existing programs here in South Australia, while numerous, have not yet solved the deep-seated problems of intergenerational poverty in our state.

For me, the most disturbing aspects of the evidence given to the inquiry, which now appears in the report, was the information relating to child poverty and the outcomes for our children who grew up in the poverty cycle. This is not to say that the plight of adults is any easier, but as a father of three children I found it upsetting to read about the realities of the lives of these children. The lack of opportunities afforded to children living in poverty also seems to be a key factor in determining ongoing poverty into their adult lives, in that the children who live in poverty miss out on all the key influences that will give them the opportunity to step out of the poverty cycle.

The most significant loss is mainly in the areas of education and training, but these children also lose out in human terms, as they lack the role models and community support that teaches children by indirect demonstration. School and all the extracurricular activities that we see our children involved in, such as playing sport, music lessons, art classes, or being a scout, allow children to access role models, active adults who teach our children about the world by demonstration. Not only do children who live in poverty lack these adults, but frequently they lack role models and the encouragement from their relatives in the immediate community, as they live in suburbs surrounded by families living in poverty, and their aunts, uncles and cousins all suffer the same disadvantages.

One of the key recommendations in the report is to direct monies currently spent on programs to combat poverty towards strategies that target poverty at the earliest stages, with a focus on early childhood intervention and parenting skills for parents and young children who are at risk.

The committee also recommended that measures focus on preventative, rather than reactive, strategies, away from what the committee found to be a disproportionate focus on crisis management and into early intervention. In this way money and resources are directed to where they will have the greatest benefit for the children and parents, in a way that has the added benefit of reducing the overall cost of poverty to the government and society. If we can provide strategically directed assistance in the earlier stages everyone stands to benefit.

I would like to indicate my support for this bill and its recommendations, particularly the concept of early intervention. In my view this is the recommendation of the report that most directly attacks and prevents the ongoing cycle continuing. We must look to prevent it at the earliest stages. This helps people most and costs the government least.

However, while I support the findings of the report, I am disturbed by the perception and the seeming reality that the Social Development Committee has replicated the work being undertaken by the Social Inclusion Unit, which, despite assurances of regular reporting, has not produced evidence of any activity or the promised regular reports. The functions of the Social Development Committee are laid out in section 15 of the Parliamentary Committees Act of 1991, and it charges the committee, in part 4, with any matter concerned with the quality of life of communities, families or individuals in this state, and with the ways that quality of life might be improved.

In the terms of reference that underpinned this poverty inquiry, as moved by the member for Playford, it was stated that the Social Development Committee should investigate and report on the issue of poverty and its cases in Adelaide and in the disadvantaged regions and, in particular, intergenerational poverty and unemployment, and education and training opportunities in these regions.

However, if you read the ALP's website and look at Labor's Social Inclusion Initiative, members will find that the policy explicitly identifies that the initiative would act in the interests of people living in pockets of poverty. This sounds very similar to the disadvantaged regions investigated by the Social Development Committee's inquiry into poverty. Interestingly, an election policy outlined by the ALP website also reports that, because the Social Inclusion Unit will be one of Labor's key priorities. It will be given six months to examine, report, and recommend a plan of action for the cabinet and the wider community to embrace. We are now in the second year of this government's term, but I do not remember seeing or hearing of any report.

The policies outlined on the Labor website further state that the unit will report to the Premier and the Minister Assisting the Premier in Social Inclusion on a fortnightly basis. Has the Social Inclusion Unit reported to the Premier on a fortnightly basis? How are we assured of this? Are none of these fortnightly reports worthy of sharing with members of the wider community? There should have been about 30 fortnightly reports by now. We have heard nothing.

A further reading of Labor's policy reveals the Social Inclusion Initiative was designed to operate with a strong regional focus to address social and economic disadvantage in rural and remote areas. Of course, this should not be confined with the regions of disadvantage that the Social Development Committee has investigated and reported on. It is clear that the Labor Party believes that it requires a department and a committee to investigate and provide solutions to exactly the same issue. Perhaps I have confused the issue and the Social Inclusion Unit is doing the urgently needed and promised work in social inclusion and is writing reports faster than we can read them.

I support wholeheartedly the recommendations of the report of the Social Development Committee into poverty, but I have grave doubts that any of the recommendations and measures will be carried out by this government, given their poor performance and slow action on social inclusion issues.

The Hon. KATE REYNOLDS secured the adjournment of the debate.

ENVIRONMENT PROTECTION (PLASTIC SHOPPING BAGS) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

In moving this bill, the Democrats are putting into action one of our election promises. In this case, the promise was to introduce legislation to provide for a levy on plastic bags given out at supermarket checkouts and other retail outlets. When we gave that undertaking during the lead up to the election we were very pleasantly surprised at the widespread acceptance of the idea. So many people now have knowledge of the deaths of whales and dolphins, deaths which result from those marine mammals mistaking discarded plastic bags for jellyfish, and it is a very, very high cost to pay for simple convenience on our part.

Australians are the second worst in the world—after the United States citizens—for the creation of waste. We use a total of 6 million plastic bags each year, the great bulk of which are used only once. The consequence of that is that plastic makes up 8 per cent of the waste that goes into landfill every year and 20 per cent of the volume of that waste. Once there, it takes hundreds if not thousands of the years to break down. So, discouraging the use of plastic shopping bags ought to be just one of many steps we take in reducing the amount of waste we create.

When the Democrats made the promise to introduce this bill, we also proposed that the money raised from the levy would be used for environmental projects. However, that would have made this a money bill and, according to the advice I have from parliamentary counsel, almost the whole bill would have been in erased type and we would not have been able to debate it. So as much as we wanted to specify how the money ought to be used, because the bill is being introduced in the upper house, we are unfortunately unable to do that. If the bill passes this council we would be dependent on the government to ensure that the money collected would be used wisely for conservation measures.

The environment minister in this state is on record as calling for a complete ban on plastic bags, but at each national meeting of environment ministers he keeps losing the argument on this one. Each time that group of environment ministers opts to allow industry to set the pace, allowing instead a very ineffective voluntary system. March was supposed to be a trial month when the supermarkets would do their utmost to encourage people not to take plastic bags, but it has proved to be a dismal failure. The environmental problems we face as a consequence of the use of plastic bags are too large to allow industry to do it its own way. South Australia can lead the way by passing this legislation and setting an example to other states. If this bill is passed it would require a 15¢ levy to be paid on the large plastic bags that are issued at the till in retail outlets or checkouts in supermarkets. It does not require a charge on the other plastic bags in which food is purchased such as the plastic bags in which rice is packaged or the plastic bags in which we place our chosen fruit and vegetables when we shop in supermarkets.

It leaves the way open for stores to provide paper bags as alternatives, and it should encourage shoppers to take their own calico bags or cardboard boxes with them when they

shop. It is a simple thing to do. I shop at Foodland, for instance, where you get a green card. Every time you turn up with your bag or box to have that filled with groceries and refuse to take plastic bags, you get that card initialled or stamped. When I get a card full, which takes me about a month, I get $1 off the next lot of groceries I purchase. So, there is a real incentive to do that. The key to this bill is that the levy is voluntary. If you do not wish to pay the levy, you do not have to take the plastic bags that are offered. If you want the plastic bag, it will be 15¢, thank you. That is not a very difficult concept.

Back in the 1960s—and many members in this council would remember this—when we went into shops like Woolworths or Coles we were simply never given the large plastic bags to carry home the goods we purchased—they cost us 5¢ each, and no-one begrudged paying that, because we knew that we could keep on using those bags over and again, and we did. By comparison, the 15¢ set for the levy in this bill is meagre. I estimate, working on the basis at that stage that a single cone ice cream cost 5¢ and a bag cost 5¢, we would be looking at $2.50 to buy one of those bags now, if we took into account the cost of living, and so on. South Australians are justly very proud of our beverage container deposit legislation.

An honourable member: Hear, hear!

The Hon. SANDRA KANCK: Exactly! We all know how much tidier our roadsides are than the roadsides of the other states. We have just taken the step this year of extending the effect of that legislation to include, for instance, flavoured milk cartons, and we will again receive environmental benefits from that. A levy on retail exit bags is the next logical step in such a regime. It is a step that will encourage us to consider the use of our resources and to take responsibility for some of our actions. Just as with container deposit legislation, South Australians will go on to recognise what an important and environmentally responsible move this was.

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

GENE TECHNOLOGY (RESPONSIBILITY FOR THE SPREAD OF GENETICALLY MODIFIED PLANT MATERIAL) BILL

The Hon. IAN GILFILLAN obtained leave and introduced a bill for an act to ensure that the owners of proprietary rights in genetically modified plant material are responsible for any damage or loss caused by the spread of that material; and for other purposes. Read a first time.

The Hon. IAN GILFILLAN: I move:

That this bill be now read a second time.

It gives me pleasure to introduce the bill. If it is passed, it will ensure that the owners of proprietary rights in genetically modified plant material are or will be responsible for any damage or loss caused by the spread of that material. It will also protect farmers who find, through no fault of their own, that their crops have become contaminated with genetically modified seed.

Julie Newman of the Network of Concerned Farmers is a grain and canola grower and Seed Works operator in Newdegate WA. Ms Newman puts the issues about GMOs concerning farmers very succinctly, as follows:

> The potential for GMO products to cause damage to neighbouring farmers and the entire grain handling system is evident not only by the Starlink example, but also in the increasing number of questions raised by GMOs, including genetic drift distances, insect and weed resistance, and the inability of the current system to segregate GMO and non-GMO crops. Farmers assessing the costs and benefits of growing GMO crops should base their decisions not only on production costs and expected yields, but also on the legal liability they may incur by planting, growing and marketing GMO crops. For those farmers who choose not to grow GMO crops, especially organic farmers, caution still needs to be exercised in ensuring that their crops are protected from genetic contamination and that any promises made about the non-GMO crops are accurate representations of factors within the farmers' control.

There is grave concern that the industry is not prepared for the introduction of genetically modified crops. The minister, the Leader of the Government in this place, the Hon. Paul Holloway, has admitted this much himself. The bulk grain handlers such as the Australian Barley Board and the Australian Wheat Board have expressed their desire that GM canola not be commercially released at this stage. Members will know that neither of these companies handles canola but are so concerned at possible contamination of their grain that they are making strong statements in opposition to the commercial release.

Earlier this year we saw just how easy it is for contamination to occur with a shipment of wheat contaminated with Starlink corn in Melbourne. The Starlink corn contamination involved genetically modified corn from America. International markets continue to be very sensitive to the issue of genetically modified food and, whether one agrees with the reasons for that concern, one cannot dispute the effect that this could have on our markets for a range of products such as canola, wheat, barley and wine, just to name a few. I can add to that the tuna exports to Japan. If there is any risk that they could be fed on genetically modified feed stuff, it has been made quite plain that they would cancel that order.

The possibility of extensive litigation is mind-blowing, and as usual it is the smaller operators—the farmers—who will be left as the victims. Consider a situation of a farmer supplying GM-free canola whose crop is contaminated as a result of cross-pollination. Not only would the farmer lose his crop, but if it contaminates a larger shipment the farmer may be liable for more substantial litigation. What then of the farmer who grew the GM crop responsible for that contamination? If they were reckless in their handling of the GM seed, then the liability could lie with them. However, if they were not reckless and had abided by the instructions and guidelines provided by the GM seed company, who then is responsible?

I raise this because there is considerable concern that the guidelines currently under development by the Gene Technology Grains Committee are greatly inadequate in dealing with the prevention of contamination. Members will remember that I have raised this issue on a number of occasions and have received answers that the Gene Technology Grains Committee (GTGC) is a self-initiated ad hoc committee that has no authority in developing regulatory guidelines for the use of GMOs and that the committee is simply providing material to inform the decisions of the industry. This is true. However, the applications for commercial release of genetically modified canola have indicated that they will be operating within those recommended guidelines. At the point where these applications are approved, the guidelines of this ad hoc committee take on a much greater importance. I quote from the consultation version of the Risk Assessment and Risk Management Plan for Bayer CropScience's variety of genetically modified canola (DIR 021/2002), page 123,

section 3 of appendix 6, entitled 'Bayer's stewardship strategy' which says:

> In accordance with both the PIC [Plant Industry Council] and the GTGC guidelines, Bayer has developed a stewardship strategy for the InVigor canola, underpinned by a crop management plan. The management recommendations in the InVigor management Crop Plan "ensure sustainability and efficacy in use; and enable growers to manage InVigor hybrid canola within a system that allows the coexistence of alternative canola production systems".

One of the key points raised in the GTGC canola stewardship guidelines is the need for a five-metre buffer zone on GM crops. This offers little comfort to adjacent farmers who have contracts to grow GM-free canola because quite simply a five-metre buffer is not enough. Information from the 2001 GM canola technical working group in their report 'Genetically modified canola in Western Australia: industry issues and information' noted that a French study found 7 per cent contamination at one metre and 1.7 per cent at 50 metres. It also quotes a Canadian study with a 2.1 per cent contamination at 46 metres and a 1.5 per cent contamination at 20 metres. The report stated:

> The canola industry will need to decide whether the concept of GM-free or zero GM is of any real relevance. In the absence of an objective measure, it would be best to define the standard as the limit of detection, ie. a finite measurable purity standard. If concerned sections of the industry such as Organic Canola growers wish to continue with a concept of GM-free, however unmeasurable, then a separation distance of 3-5 kms would be advised.

I would just point out that that is three to five kilometres as a buffer, whereas we are having the recommendation that it be five metres.

The international markets are also extraordinarily sensitive to contamination of genetically modified grain, whether it be canola in a wheat or barley crop or GM contamination in a GM-free crop. Percentages down as low as .5 of 1 per cent would constitute contamination in supposedly organic GM-free product. So it is important if a farmer wants to grow GM-free, whether he or she is organic or not, they need this three to five kilometre buffer zone.

If a GM grower needs only a 5 metre buffer, that still leaves quite a further buffer required by a GM free grower. I do not know many farmers who could afford to have a 5 kilometre buffer on their property and nor should they be required to. I have grave concerns about the ability of farmers under the proposed protocols to be able to afford to remain GM free after a commercial release. This is not a matter of being squeezed out of the market by a more competitively priced GM variety. Instead, it is because the GM-free growers are forced to bear the costs of segregation.

I believe that it is the GM industry itself that should be picking up the bill for what would be a massive disruption to the industry. It is the industry that wants the change, and the costs involved with segregation should be incorporated into its business costs. However, it is more and more apparent that one of the major losers, if genetically modified crops are commercially released in this state, will be those farmers who choose to remain GM free.

The second issue addressed by the bill is protecting non-GM farmers from litigation by GM seed companies for unintentionally growing a patented GM seed. Honourable members may recall the case of Percy Schmeisser, from Canada, who was sued by Monsanto for growing their Roundup Ready canola without a licence and he was found guilty in court. The seed had blown onto Percy's property from an uncovered truck carried by a neighbour carting his GM canola past the property. The ruling in this case is of particular interest to us in South Australia as we believe it may very well apply here. Judge MacKay stated (clause 92 of his judgment):

> Thus a farmer whose field is contaminated by seed or plants originating from seed spilled into them, or blown as seed, in swaths from a neighbour's land or even growing from germination by pollen carried into his field from elsewhere by insects, birds, or by the wind, may own the seed or plants on his land even if he did not set about to plant them. He does not, however, own the right to the use of the patented gene, or of the seed or plant containing the patented gene or cell.

At clause 123, the judgment also states:

> . . . in my opinion, whether or not that crop was sprayed with Roundup during its growing period is not important. Growth of the seed, reproducing the patented gene and cell, and sale of the harvested crop constitutes taking the essence of the plaintiffs' invention, using it, without permission. In so doing the defendants infringed upon the patent interests of the plaintiffs.

One of the purposes of this bill is to pressure the GM seed companies to ensure that the guidelines for use of their products are adequate to protect against contamination of other crops by placing the liability of damage done by those crops on the seed producers themselves. They will then think twice before happily letting this menace loose in our farming environment. It is clear from the Canadian experience that, if we do not protect our farmers legislatively, there is enormous scope for them to be sued for damages either by marketers of a cereal product marketed ostensibly as GM free and contaminated or from the heavy overpowering control by the agribusinesses who with this sort of judgment will be able to sue and crush any farmer who inadvertently has grown a GM product without even knowing it and then harvests it and sells it. I think under those circumstances it is important that we move quickly to legislate in South Australia before there is any commercial release of GM canola in this state. I encourage support for the second reading.

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

GAMING MACHINES (ROOSTERS CLUB INCORPORATED LICENCE) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 2455.)

The Hon. T.G. ROBERTS: The Hon. Angus Redford's request was that I issue an invitation to the minister to meet with the people from the Northern Tavern. The reply to that request is that the minister respectfully declines the invitation to meet with the people from the Northern Tavern.

The Hon. A.J. REDFORD: Why?

The Hon. T.G. ROBERTS: During the discussion, I did outline that it is not the intention of the bill to impact on competitors. In relation to the impact of the legislation, I refer to the minister's comments in another place in which he said:

> It is not our intention by the passing of this legislation to act in a way that is directed at disadvantaging the Northern Tavern—

The Hon. A.J. Redford: What page?

The Hon. T.G. ROBERTS: This is page 3 129. The minister continues:

> It may be that this legislation has that effect, but one needs to bear in mind the stated intention and purpose of the head legislation. The gambling legislation, in particular this provision contained within it concerning shopping centres, is a provision about harm minimisation. It is not a provision that seeks to restrict competition from one gaming machine venue in favour of another. It may have

that incidental effect, and that may be an effect enjoyed by a particular licensed premises, but that is not the purpose of the legislation. It may also be the case that the same legislation gives rights to licensed premises that allow them to protect their competitive position, not on the basis that the legislation protects them from competition but on the basis of the harm minimisation principle. We need to be very clear about this legislation and the purpose for which it was originally promoted.

Unfortunately, most of our time in the first round of discussions in committee revolved around compensation being paid to the affected owners of the Northern Tavern.

The situation is that the bill before us contains a number of clauses and it has a stated intention which is based on crown law opinion. The crown law opinion did not satisfy the requirements of anyone who was looking at prosecuting. No prosecution was taken up on the basis that the government's intention and position was clear. As I said, the stated intention is not to impact directly on competitors: it is to have an impact on harm minimisation and to clear up a difficult situation—as all members have acknowledged in their contributions—for the Roosters Club. We can go round and round on the merry-go-round, if that is what members want to do, but we will not get anywhere in carrying on the debate in that way.

I understood that it was the general view that the legislation would progress and that we would clear up this anomalous and difficult situation so that we could at least satisfy the requirements of the Roosters Club and prevent it from going into liquidation—if that was to be the final situation.

The Hon. A.J. REDFORD: I will not hold the committee up in relation to this clause any longer except to say that two words come to mind in relation to that answer: one is 'arrogance' and the second is 'gobbledegook'.

Clause 2 passed.

New clause 2A.

The Hon. J.F. STEFANI: I move:

Page 3, after line 8—Insert:

Amendment of section 15—Eligibility criteria

2A. Section 15(1)(c)—after paragraph (ii) insert:

or

(iii) the holder of the licence also held a gaming machine licence on 22 June 1994;

In moving the amendment, I will present to members of this chamber the background which led to this amendment. By way of background, for many years Aaron Pty Ltd, a company established and managed by Mr Frank Karagiannis and his family, operated a cafeteria restaurant and function centre on the sixth floor of the Renaissance Tower, situated at 127 Rundle Mall Adelaide. The company held a general facility licence to operate the business. On 22 June 1994, Aaron Pty Ltd was granted a gaming machine licence. (The licence number was 51200417.)

In April 1998, the company obtained a special circumstance licence (licence No. 51200417). That licence was granted to sell liquor in accordance with section 40 of the Liquor Licensing Act 1997. This licence was concurrently operated with the gaming machine licence, which had been previously granted by the Liquor Gaming Commissioner. The special circumstance licence held by Aaron Pty Ltd is the only licence—and I stress, the only licence—in South Australia that has been granted gaming rights which did not emanate from a hotel licence or a club licence.

We have a unique position in that this family company operated by Mr Frank Karagiannis and his family—who are here tonight—has been legally granted a licence to operate their business. Shortly after the issue of this licence, the state government amended the law to ensure that special circumstances licences per se were unable to obtain gaming rights. I can remember the amendment coming into this place. If I recall correctly, the amendment was presented to the parliament by the then treasurer, Mr Stephen Baker, and the parliament saw fit, if you like, to change the law to block the loophole, whatever members may wish to call it, and effectively stop any further issuing of licences under those conditions.

When various amendments to the Gaming Machines Act were introduced and approved by the parliament, the provisions dealing with the eligibility criteria outlined in section 15(1) were never amended to recognise the existence of the gaming licence that had been legally held and issued to the operator of the special circumstances licence, namely, Aaron Pty Ltd. In these circumstances, it placed the investment and 20 years' work of Mr Karagiannis and his family in jeopardy. The lease of the premises where Aaron Pty Ltd is operating its business has expired and it cannot be renewed.

Mr Karagiannis has applied to transfer his gaming licence to a hotel without success, because the act has never been changed to recognise his singular licence, which was issued in 1994. In fact, when the application was made, Judge Kelly of the Liquor Licensing Court said:

> In many ways I reach this decision reluctantly, mainly because of Mr Karagiannis, whose licence will shortly become valueless. Unless I am wrong, I think his licence was forgotten in the course of amendments to the gambling legislation. It is the only licence of its type with poker machines, yet it is the only licence that seems to be deleteriously affected by the present legislation.

The judge has recognised that we in parliament have overlooked the fact that Mr Karagiannis and his family were issued with a licence. Therefore, that licence exists, but the legislation does not recognise it. The judge went on to say:

> He has worked in that building for over 20 years and it seems that the business he has built up is worthless to him. If I could, I would grant this application, but I cannot start manipulating my discretion to simply provide for him. With all these things in mind, I can only suggest an approach to the legislature.

Therefore, it is precisely with those sentiments of Judge Kelly that the family has approached many members of parliament, including me, to seek assistance to enable them to retain the investment that they rightly built up over 20 years. In order to enable the equitable realisation of the business investment made by Mr Frank Karagiannis and his family, it will be necessary, therefore, to amend section 15(1) of the Gaming Machines Act 1992, as suggested by His Honour Judge Kelly.

With that explanation, I commend strongly to members of this chamber careful consideration of the plight of this family and their financial circumstances if we choose not to assist them in the process of changing the law when the law, in the first instance, was defective by the nature of the failure to recognise that they had been issued with a licence. I highly recommend and commend the amendment to my parliamentary colleagues, and I trust that I will receive the appropriate support to enable this family to go on working in the business, which they have established and developed over 20 years.

The Hon. T.G. ROBERTS: I thank the honourable member for his comments and his detailed submission on behalf of the Renaissance Centre licensee, but the government's position is that the submission would have to be made to the Independent Gambling Authority to seek to extend the suspension period. I understand, after talking to the family, that a time frame is involved, and I think it is 6 June. In order

to be able to get the submission before the Independent Gambling Authority, an extension of time would have to be granted or a request would have to be made so that the application could be put before the Independent Gambling Authority. On that basis, the government is arguing that the process should be gone through for the deliberations to be made by the Liquor and Gambling Commissioner. Of course, the way in which the honourable member has placed the submission before the committee, if the committee decides that it will support the amendment, then so be it. It is up to the committee.

The Hon. T.G. CAMERON: I would like to ask the Hon. Julian Stefani a question about his proposed amendment.

The CHAIRMAN: That is quite in order.

The Hon. T.G. CAMERON: In the honourable member's opinion, is the case he has just outlined on behalf of the Renaissance Centre more compelling than that of the North Adelaide Football Club? If so, could the honourable member give his reasons?

The Hon. J.F. STEFANI: It is a more compelling case because the family obtained this licence on 22 June 1994 and has operated the licence since 1997. The operation of their business at the Renaissance Centre has been developed over 20 years. The investment has been appropriately and legally licensed over a number of years, and they have complied with the law as it stands. It is quite opposite to the case of the North Adelaide Football Club. The North Adelaide Football Club was not granted a licence. It took the chance of operating a licence at premises where the process was subject to legal action and court hearings. Obviously, we cannot draw any parallel by way of a compelling nature. We have a family who has devoted a lifetime of work. They are here tonight because their future is at stake. We have a limitation of time, 6 June, for them to obtain some assistance from the parliament, as suggested by Judge Kelly, otherwise their investment will evaporate.

I ask members to consider their plight. Clearly, their time frame is far more compelling in terms of circumstances than the North Adelaide Football Club's. They have established their business but, unbeknownst to them, the parliament (through an oversight) has virtually sabotaged their investment. We make the laws, not them, and when they have to shift because they cannot renew their lease they are between a rock and a hard place, and we sit here in judgment with the government promoting an illegitimate and illegal operation. The government wants us to vote to legitimise it but, on the other hand, we have a family which has operated a business legally, complied with the law, paid its taxes and done the right thing, but we are not prepared to help them.

I ask the government to show some courage and demonstrate some equity and justice in dealing with a law which it is trying to promote in this place. Let us see how fair dinkum the government is in dealing with people on a fair and equitable basis. I challenge the government to do this.

The Hon. T.G. CAMERON: I have another question for the Hon. Julian Stefani. With that fulsome answer, he has answered some of my questions, but is it the honourable member's submission to this council that, at all times, the operators of the Renaissance Hotel have been acting legally, that is, they have not been breaking the law like the North Adelaide Football Club?

The Hon. J.F. STEFANI: As far as I am aware, the operators of the Renaissance licence have always acted within the law. Obviously, they have paid the appropriate licensing fees, otherwise they would not, at this point in time, have a licence to transfer, because the Liquor Licensing Court would have withdrawn their licences.

The Hon. T.G. CAMERON: It was my intention to support the North Adelaide Football Club, notwithstanding the fact that it had been operating illegally but, in view of the submissions of the Hon. Mr Stefani, I cannot, in all good conscience, support the North Adelaide Football Club without supporting the Renaissance people. So, I indicate that I will support the Hon. Julian Stefani's amendment and then the bill.

The Hon. R.D. LAWSON: Having given consideration to this matter (which will, of course, be a conscience vote for members of the Liberal Party), I will support the amendment of the Hon. Julian Stefani. It is true that the holder of this licence (the Karagiannis family) is in a unique situation. They are in an anomalous situation, but this parliament has the capacity to rectify that anomaly. I am disappointed with the attitude of the government not to seek to preserve this family's rights but to cast them off to assert rights elsewhere.

I think it is worth recounting the history in some detail of a couple of decisions of the Licensing Court presided over by Judge Kelly because, on reading Judge Kelly's explanation (not only of the background but of what is being attempted at the moment), one can gain some real understanding of what is a quite complex situation.

I will not repeat some of the background facts referred to by the Hon. Julian Stefani in relation to the licence holding, but I will refer to these judgments, the first of which was delivered on 29 November last year. At that time, the Karagiannis company had entered into a contract to allow their special circumstances licence to be removed from the premises at the Renaissance Centre to other premises in an old bank building in King William Street in the city, where for a number of years now a remainder bookshop has been operating—very suitable premises, as the judge found, for this type of operation.

The judge mentioned the fact that the special circumstances licence which is held by the licensee 'pretty well allows the licensee to run the business in much the same way as an hotel apart from an inability to sell liquor off the premises.' The judge said:

> Uniquely, this licensee also holds a Gaming Machines Licence. Apart from some hotels which were granted Special Circumstances Licences under earlier legislation, this is the only Special Circumstances Licence which is permitted gaming machines other than hotels or clubs. So, this is a very special licence indeed which happens to allow gaming and allows it to be run pretty much as an hotel. . .

The judge goes on to say:

> Mr Salagaras [the proponent of the proposal to remove the licence to the premises in King William Street] has seen the potential for such a business but in a much expanded way.

The judge said further:

> Gaming (subject to the Commissioner's pending decision) may well be provided.

I interpose here that, subsequently, the Gaming Commissioner determined that he was not able to grant a gaming machine licence in respect of the new premises, and it was upon that issue that the proposal foundered at that stage. The judge concluded his remarks as follows:

> In conclusion I can find nothing which, in the exercise of my discretion, would justify me in thwarting the applicant's [Mr Salagaras] plans. He has bought a licence which is not realising its potential. Its removal will ensure that its potential is achieved and I see nothing in the public interest causing me to intervene.

So, the judge authorised the removal of the liquor licence from the Renaissance Tower to premises in King William Street.

The next part of the saga is described in a later decision which Judge Kelly handed down on 28 March. What had happened, as I mentioned, is that, although the judge had authorised the removal of the liquor licence, the Gaming Commissioner determined that he was unable to grant a gaming licence to the proponent in those new premises. So, in March this year, a further application was made. That application was made by the Karagiannis family (Aaron Pty. Ltd) to, in effect, convert the Special Circumstances Licence in respect of the Renaissance Centre into a hotel licence. The purpose of that was to enable that licence to be removed and a gaming licence to be granted to the holder of the hotel licence. I think it is important to put this on the record. The judge referred to his earlier decision of 29 November and said:

> I granted the removal of a Special Circumstances Licence from Renaissance Tower in Rundle Mall to premises in 66-68 King William Street Adelaide. The applicant expected that by virtue of this removal and an application for gaming that he would end up with essentially the rights of a hotelier with a Gaming Machines Licence. This all went wrong when the Liquor and Gambling Commissioner came to the conclusion that he could not grant a Gaming Machines Licence to the holder of a Special Circumstances Licence.

I think everyone has agreed that his decision was right. So, the applicant, despite the order for removal, found himself thwarted because there is no doubt that without gaming his project was not viable. I should interpose that section 15 of the Gaming Machines Act, which is the section sought to be amended here, does indeed preclude the granting of a gaming machine licence in these particular circumstances.

That section sets out certain criteria. The following persons only are eligible to hold a gaming machine licence: (a) the holder of a hotel licence; (b) the holder of a club licence; and (c) the holder of a special circumstances licence which was granted on the surrender of a hotel or club licence; so, this is a particular form of special circumstances licence which was granted on the surrender of a hotel licence. I might by way of background say that a number of years ago a number of hotel premises actually held special facilities licences—and they were some quite prominent hotels. However, with the new liquor licensing law they subsequently reverted to hotel licences.

The second class of holder of a special circumstances licence, that is, one entitled to hold a gaming machine licence, is premises for which the special circumstances constitute a major sporting venue. That clearly does not apply in the present case. This arises because, while it is possible to move a liquor licence from one place to another, it is not possible to move gaming machine licences from one place to another. It is necessary to surrender the gaming machine licences at the first place and then apply for and receive a gaming machine licence in respect of the new premises. The judge continued:

> So now the applicant has devised a plan whereby he might end up with an Hotel Licence which will entitle him to run a gaming operation and thus a viable business. He has arranged for the present licensee of the business at Renaissance Tower to apply for a hotel licence. The latter will transfer that licence to Mr Salagaras and he will seek the removal of it from Renaissance Tower to [the premises at] 66-68 King William Street.

The judge noted that the business at the Renaissance Tower was to close very shortly. That was because the lease itself had run out and was not being renewed because as I understand it the building was being redeveloped. The judge continued:

> The present Special Circumstances Licence will not operate and presumably will be surrendered or cancelled if this present plan succeeds.

Then the judge proceeded to an examination of the usual question whenever you are applying for a hotel licence—which this applicant was—namely, the necessity to prove public need, an arcane concept in the licensing jurisdiction. The judge said:

> As I pointed out in my earlier reasons. . . the present situation is unique. This is the only licence (i.e. the Special Circumstances Licence) that was granted gaming rights which did not emanate from a hotel licence or a club licence. I am told that virtually immediately it was granted such a right Parliament intervened to ensure that Special Circumstances Licences per se were unable to obtain gaming rights, and that is my memory of it, too. I mention this uniqueness because I feel strongly that if the plan of the applicant Salagaras can possibly be accommodated within the current provisions of the Liquor Licensing Act then I should not stand in the way.

The judge then examined the evidence about establishing public need, and he was not satisfied that public need could be satisfied. Therefore, in the circumstances he could not grant a hotel licence, which was the method by which the preservation of the gaming licences was to be achieved.

The Hon. Julian Stefani read the judge's concluding remarks, but I think they are worth repeating for the chamber. He said:

> In many ways I reach this decision reluctantly mainly because of Mr Karagiannis, whose licence will shortly become valueless. Unless I am wrong I think his licence was forgotten in the course of amendments to the gambling legislation. It is the only licence of its type with poker machines and yet it is the only licence that seems to be deleteriously affected by the present legislation. He has worked in that building for over 20 years and it seems that the business he has built up is worthless to him. If I could, I would grant this application but I cannot start manipulating my discretion to simply provide for him. With all these things in mind I can only suggest an approach to the legislature. Other than that I cannot see how he can effectively sell his business to Salagaras or anyone else.

So, it was the judge who, after outlining these facts, suggested that the approach to the legislature was appropriate. An approach has been made, and it is entirely appropriate that it be made in the context of the parliament's considering another application for the extension of some leniency, because people have been caught in a difficult situation as a result of the legislation.

I said in relation to the Roosters Club that the making of legislation for dealing with particular applicants is an undesirable principle, and I certainly adhere to that. We have been faced with that decision in relation to the Roosters. I have indicated that I will support that and, like the Hon. Terry Cameron, I cannot see any difference between supporting that and supporting the Karagiannis amendment which will provide a just result for a family. I commend the Hon. Mr Stefani for bringing this forward and I will certainly be supporting it.

The Hon. A.J. REDFORD: I will not be long. I indicate that I support this bill. I think this is a great moment for the Legislative Council, and I congratulate the Hon. Julian Stefani. He is a man who has always set an example for all of us to look after the little people or ordinary people who come through our doors and look for assistance for their problems. I know that he has always taken up those people's causes, and I congratulate him on that. I am sure that, if they had had the opportunity to see the member for Adelaide, based on her performance with North Adelaide (and I know she would not have done it just because there was a little bit

of publicity in it), that honourable minister would have taken up their cause as well. I congratulate the Hon. Julian Stefani also on the frank and honest way in which he briefed me; it was a very simple negotiation.

The Hon. T.G. ROBERTS: The situation as the government outlined earlier was that we would prefer to have had the uncluttered, single issue to debate. That was the future of the Gaming Machines (Roosters Club Incorporated Licence) Amendment Bill, uncluttered by amendments, with the issue of the Renaissance Towers licence being subject to the normal course of events.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: I think I did say, if the honourable member was here to listen, that an approach could be made to extend the application.

The Hon. A.J. Redford: Do it now!

The Hon. T.G. ROBERTS: The power of the council is in the hands of the council. I am stating the government's position. There is another place; they will have a look at the final result of the bill as it is returned. That is the government's position; I am just stating it.

The Hon. KATE REYNOLDS: In the Democrats' view, the Hon. Julian Stefani has put persuasive arguments for the amendment, and I would like to indicate that the Democrats will be supporting it.

New clause inserted.

New clause 2B.

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

Page 3, after line 8—Insert:

Amendment of section 15A—Gaming venues not to be located under same roof as shops or within shopping complexes

2B.Section 15A—after subsection (3) insert:

(3a) Subsection (1) does not apply where—

(a) the application is made by the holder of a club licence who is the holder of a gaming machine licence and surrenders the gaming machine licence so that a new one may be granted to the applicant following removal of his or her club licence to new premises in the same locality as the premises from which the licence was removed; and

(b) no part of the gaming area of the premises would be located under the same roof as a shop or within a shopping centre.

I apologise to the members for the lateness of the arrival of this amendment, but as everyone is well aware it was only today that this bill was thrust upon us. I have had a number of representations from members of other clubs in South Australia wishing to have a similar consideration given to their particular circumstances. They are all, like me, quite concerned that the 30 September deadline for the IGA to report may or may not adhered to, and even if it is it could well be 18 months or two years before the industry itself gets back to some sort of normality. I am wishing to extend the same opportunities to all clubs in South Australia.

Having regard to equal opportunities, my intention is to give all clubs that opportunity to pursue. We have North Adelaide Football Club which, of course, is a founding club of the South Australian National Football League. We could well be seeing other clubs in similar predicaments within six to 12 months. I have had indications that a number of them are wishing to further their financial interests through gaming venues. I would like all members to consider this. I am usually very brief in my contributions, and tonight will be no exception, as I realise the lateness of the hour. But I would urge you all to support the amendment.

The Hon. T.G. ROBERTS: The government indicates that we will be opposing it, on the same basis that we opposed the previous; that is, it is an amendment that does not have anything to do with the original bill, and we will be opposing it. The clubs have another avenue for pursuing their interest, just as the Renaissance Towers people did have an alternative. We believe that the clubs have an alternative through the Independent Gambling Authority with its review, and we do not think it is an appropriate tack-on, as an amendment to a single interest bill where we were dealing with one issue, with the Roosters incorporated licence.

The Hon. R.D. LAWSON: I indicate that, in the exercise of my conscience on this matter, I will not be supporting the amendment moved by the Hon. David Ridgway. The minister has given a reason why the government will not be supporting this proposal. I have another, and I believe more cogent reason—

The Hon. T.G. Cameron: Is yours more convincing?

The Hon. R.D. LAWSON: I have another, and I hope more convincing, reason why this should not be supported. As has been outlined during the committee stages of this debate, and in the second reading debate, as a result of what has happened at North Adelaide the owners of the Northern Tavern have been severely disadvantaged, and that commercial disadvantage will continue for as long as they have a competitor right alongside them whose licence the courts have held to be void. The government has proposed, and the house has supported it, the proposition that the Roosters Club be entitled to stay in that place for one year, during which time they will have to find alternative premises, which are not attached to a shopping complex. But during that year, there is no doubt, as is already happening, the Northern Tavern will suffer a great disadvantage.

What is proposed in the Hon. David Ridgway's amendment is that in every shopping centre clubs will be able to apply and, indeed, the Roosters Club will be able to apply to remain at the shopping centre here. So the Northern Tavern would not be suffering one year's disadvantage, during which time matters are rectified, but they would be given a life sentence. They and any other like business will be severely disadvantaged if this amendment is passed. So, to adopt this amendment would in my view would be to rub salt into the wound of the Northern Tavern in a way which is entirely inappropriate. I understand the sentiment behind the honourable member's motion, the idea that community clubs should have access to stopping centres. That could be debated another day, but to tack it on to this bill, which relates to the Roosters Club, is misconceived, in my view. So, I will certainly be not supporting it.

The Hon. KATE REYNOLDS: We would also agree that we do not have enough time to consider the implications of the amendment. We do have concerns about the situation that many clubs find themselves in and concerns certainly about gaming venues collocated within shopping centres; but we cannot support this amendment at this time.

The Hon. A.J. REDFORD: If I can just make some brief comments in relation to this amendment. This amendment is in fact more principled than any other thing that we have dealt with today, by a long, long way.

Members interjecting:

The Hon. A.J. REDFORD: With the one major exception, and that is the Hon. Julian Stefani's amendment. If I can put these points in the following context. I think I should address what the Hon. Robert Lawson said. There has never been any issue about competition or any provision in the

gaming machine legislation about competitive effects. The issue here, in terms of the Northern Tavern complaining about the existence of a licence associated with this precinct, if I can use that term, is not an issue of competition: it is an issue about them setting themselves up contrary to the law. Competition does not come into determining whether or not a gaming licence should or should not be granted.

If the government, this mean-minded, arrogant government, had chosen to give the Northern Tavern compensation, then this is a consistent amendment; it applies equally across the board to all clubs across the state. That may well influence members to vote against the clause, and I am sure that the Hon. David Ridgway would understand that. But what this does, too, is highlight the hypocrisy of this government in the way it has dealt with it. As was said to me by one of the advisers of the government, this is not about competition—and I agree with him wholeheartedly. It is about whether or not clubs should or should not be attached to shopping centres, and they operate in a different fashion.

I accept that the problem with this is that it would not advance, in fact it would disadvantage the Northern Tavern, which has already been outrageously disadvantaged by, firstly, the failure of the government to offer any proper compensation, and, secondly, the arrogance of the government in not even deeming their involvement in this whole affair as important enough to meet with them and discuss it. That is what is so disappointing about this headline driven government, a government that will go and look after the North Adelaide Football Club because there is a bit of a headline in it, but will turn its back on the Renaissance Centre because there is no headline in it.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I acknowledge the Hon. Terry Cameron's interjection. But we have learned a lot about this government tonight. We have learned a heck of a lot about this government. It is headline driven—

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: The Hon. Di Laidlaw interjects and says that none of it is surprising, and I acknowledge that. We have seen this government in all its glory tonight. We have seen its arrogance, we have seen its inconsistency and we have seen its political opportunism. With those few words, I indicate that I support the measure, and I certainly would be even more fulsome in my support if the government had not been so mean-minded about compensating the Northern Tavern.

The Hon. T.G. CAMERON: I indicate that I will be voting with the government on this amendment. I do not support clubs and hotels or what have you in shopping centres. I think we have enough poker machines already.

The Hon. A.L. EVANS: I will support the government on this amendment. I also am not keen to see the spread of poker machines into shopping centres.

New clause negatived.

Clauses 3 and 4 passed.

Clause 5.

The Hon. DIANA LAIDLAW: I move:

Page 3, line 24—Delete '31 May 2004' and substitute:
30 November 2003.

My amendment reduces from 12 months to six the maximum time the parliament would condone the Roosters Club staying in what we know is an illegal operation at present and which this bill seeks to make valid for 12 months. I argue for six, and they should be out of those premises by 30 November 2003. I outlined in my second reading contribution the reasons why I do not have sympathy with the arguments that have been put to me that 12 months is required because of a High Court challenge. If the Roosters are in such financial trouble as a club, I question why they can find the money to then pursue—

The Hon. T.G. Cameron: They have not appealed as I understand it; they have simply said that they are going to.

The Hon. DIANA LAIDLAW: They simply threatened, yes. I know when Sturt got into trouble—

An honourable member interjecting:

The CHAIRMAN: Order! There is too much conversation taking place. The Hon. Ms Laidlaw will direct her remarks through the chair. If the Hon. Mr Cameron wants to make another contribution, the opportunity will be available.

The Hon. DIANA LAIDLAW: I have been told that there are two grounds on which the government would not support a reduction from 12 to six, one of which is the High Court challenge that may be lodged. As I indicated, if the Roosters Club has the money for a High Court challenge, we should not be hearing about the financial woes facing the club arising from its decisions—commercial decisions one would hope—to establish itself there at the present time. It should take immediate advantage of this extraordinary measure the government has introduced—which, with reluctance, I am prepared to accept—and move on, and do it fast.

Also, I have heard that there is concern about the 12-month freeze in terms of poker machines. I have never supported that freeze on poker machines, so I have no difficulty now saying that that does not influence me. If the government could make a special exception for the Roosters Club with this bill, I am sure it could make a special exception also in lifting the freeze to allow whatever is required to accommodate the Roosters Club all over again. To allow this to linger on for another 12 months and in that time place more and unwarranted pressure on the Northern Tavern is unacceptable, in my view. The Roosters should move on, and they should move on fast and take the goodwill being put before the parliament at this time and not test any of us further. I move a reduction in time from 12 months to six months, with the Roosters out of that premises by 30 November 2003.

The Hon. T.G. CAMERON: It was my intention to support the government position on this and oppose the Hon. Di Laidlaw's amendment. However, after what has been a very persuasive case on her part, I indicate that I now intend to support the amendment.

The Hon. R.D. LAWSON: I indicate that I will not be supporting the amendment moved by the Hon. Diana Laidlaw. This parliament, in granting the 12 months to the Roosters Club, has acted reasonably not only in this regard to the club but also to provide some certainty to the Northern Tavern. I emphasise, of course, that this, once again, is not simply a matter of a contest between the Northern Tavern and the Roosters Club. This legislation is designed to protect the public. That was the public policy embodied in the legislation which prohibited the establishment of more gaming venues within shopping complexes. However, if, as the Hon. Diana Laidlaw proposes, only six months is provided to the Roosters Club to find alternative premises, I am confident that this parliament will be faced with another bill in three or four months to say that we have set an unreasonably short period of time within which the club has to move. That would create great uncertainly not only for the club but also for the Northern Tavern. It is better to bite the bullet and choose, as

the government has on this occasion, a fair period, 12 months, which will enable the club—

The Hon. T.G. Cameron: Fair for whom? Not the Northern Tavern.

The Hon. R.D. LAWSON: In my view it is fair to the Northern Tavern, as well. You might say that any time at all is unfair to the Northern Tavern; there is a good deal of force in that argument. However, you have to give a reasonable time, one which will give the club a practical opportunity to establish itself, otherwise we will be faced with a perfectly realistic approach by the club in a few months to say, 'Listen, you haven't given us enough time. We need more time for all planning reasons, or finding property reasons,' and many other reasons.

I have had the benefit of discussion with a representative from the owners of the Northern Tavern, and I am reinforced in the opposition I am taking to the Hon. Diana Laidlaw's amendment from the conversations that I have had. Given the government's undertakings contained in the minister's speech in another place that there is no arrangement or understanding, no agreement that this 12-month extension will be in any way extended—and I can indicate that I would certainly not be agreeing to an extension at any later time—given the government's undertaking that it will not be introducing such an extension, given the certainty that that creates, I urge that the Hon. Diana Laidlaw's amendment be not supported.

The Hon. T.G. ROBERTS: That was a very convincing argument, and I hope that many of your colleagues take notice of the content of the argument you have put very persuasively. Many of the applications that go before the Planning Commission take six to 12 months to even process. The Roosters have been done fairly harshly here for the whole night. What I thought was a simple bill on their behalf would have been accepted on face value as what it was. To cut the time frames back from 12 months to six months is to be totally unreasonable.

Members interjecting:

The Hon. T.G. ROBERTS: I think you all knew of the urgency. We have spoken to people at a personal level to try to facilitate a bill—

Members interjecting:

The CHAIRMAN: Order!

The Hon. T.G. ROBERTS: —that has how many clauses? We are not putting through the Planning Act here. It is not the local government bill. It is a single page bill. There is an urgency about it. The proposition that we cut the time frames back to six months is totally unreasonable. It would be impossible for the club to get its affairs in order to be able to deal with such a time frame. The contribution made by the Hon. Robert Lawson is correct—we certainly will not be supporting the amendment.

The Hon. KATE REYNOLDS: We support many of the points raised by the Hon. Robert Lawson and we will not be supporting the amendment.

The Hon. DIANA LAIDLAW: The Hon. Robert Lawson indicated that he had spoken to representatives of the family, implying perhaps that I had not. I did in fact speak to a member of the family and it was their suggestion that—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well you are not reading this debate at all well anyway. It was a member of the family who put this proposition to me and I felt that there was justice in that cause, and therefore I have moved the amendment. I appreciate that not everyone shares my view but I repeat that I believe there has been an overabundance of political accommodation of an illegal activity because it is in a marginal seat, and the contributions I have heard generally have almost persuaded me to change my mind in terms of my earlier indication of support for the bill.

The Hon. A.J. REDFORD: I support my colleague the Hon. Diana Laidlaw.

Amendment negatived.

The Hon. A.J. REDFORD: I move:

Page 3, lines 24 and 25—Leave out '(and may be surrendered for the purposes of this act by the licensee after that date despite its suspension)'.

I am not sure what those words add, other than, if the club chooses to trade right up to the 31 May at that position, it can keep its licence after that date. I understood when I read the *Hansard* report in another place, when asked a question about why those words were in there, the minister said, 'because it may have some work to do after 31 May'. The minister continues:

. . . the provision may be necessary to enable the club, for a short period of time, to organise the circumstances of the transfer. It would be silly for the club to wait until 31 May to seek to trade. . .

My apologies to the minister if he thinks I have taken him out of context. It just seems to me that this is never ending. The 31 May ought to be a cut-off date. We have had strong cut-off dates when we have dealt with legislation on poker machines previously.

The Hon. Diana Laidlaw: Except for the IGA

The Hon. A.J. REDFORD: Except for the IGA. The honourable member reminds me about the appalling performance of the IGA. In fact, I am yet to hear over the past month anyone in this whole place defend the performance of the IGA.

An honourable member interjecting:

The Hon. A.J. REDFORD: We have never seen the Hon. Paul Holloway defend anything in this place, really. However, I was distracted. It seems to me that in the past we have always had hard and fast deadlines. When we brought in this provision in the first place, we had hard and fast rules. If you had lodged your application for poker machines in a shopping centre area, then we allowed that to proceed. There were no exceptions. We were very strong and firm in terms of the cut-off, in terms of the freeze, when we brought it in two and a half years ago.

An honourable member interjecting:

The Hon. A.J. REDFORD: They had lodged their application. It was a firm cut-off.

The Hon. P. Holloway: I moved the amendment that let that one through.

The Hon. A.J. REDFORD: I am happy to have the honourable member put that on the record.

The Hon. P. Holloway: Your memory is a bit hazy.

The Hon. A.J. REDFORD: I did not say anything contrary to that.

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: Yes.

The Hon. P. Holloway interjecting:

The CHAIRMAN: Order!

The Hon. A.J. REDFORD: My leader makes a very pertinent interjection which highlights the arrogance and meanness of this government, but again I am being distracted. I was not saying anything different than that we allowed the New York Bar and Grill to finish off its application, but there was a hard and fast cut-off point. We picked a date. We do not act retrospectively.

The argument put by the Hon. Di Laidlaw is that it should be for six months. The Hon. Robert Lawson has put an argument, supported by the government (and I am sure that the government is grateful for the honourable member on this occasion) that six months is too short and 12 months is reasonable. I do not see any reason why they need an additional amount of time. If I were somewhere else talking about someone, I would say there is no end to—and I will not finish that sentence.

The Hon. T.G. ROBERTS: We will not be supporting the amendment. It is a five-clause bill, we have had four amendments and now we are having a clause knocked out. The explanation has been that it is a drafting solution that puts the matter beyond doubt. We have a difference of opinion. We will not be supporting the amendment and we will be sticking to the original bill and the time frame in it.

The committee divided on the amendment:

AYES (7)

Cameron, T. G.	Dawkins, J. S. L.
Laidlaw, D. V.	Redford, A. J. (teller)
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	

NOES (13)

Evans, A. L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Lawson, R. D.	Lucas, R. I.
Reynolds, K.	Roberts, T. G. (teller)
Sneath, R. K.	Stephens, T. J.
Zollo, C.	

Majority of 6 for the noes.

Amendment thus negatived; clause passed.

Title passed.

Clause 1—reconsidered.

The Hon. J.F. STEFANI: As my other amendments have been passed by this committee, I move:

Page 3, line 3—Leave out—
'(Roosters Club Incorporated Licence)'
and insert—
'(Validation of Licences)'.

Amendment carried; clause as amended passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

ACCIDENT TOWING ROSTER

Order of the Day, Private Business, No. 17: Hon. J.M. Gazzola to move:

That the regulations under the Motor Vehicles Act 1959 concerning accident towing roster vacancies, made on 14 November 2002 and laid on the table of this council on 19 November 2002, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

RETAIL AND COMMERCIAL LEASES (TRADING HOURS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 July. Page 446.)

Order of the day discharged.
Bill withdrawn.

STATUTES AMENDMENT (ROAD SAFETY INITIATIVES) BILL

Adjourned debate on second reading.
(Continued from 28 August. Page 935.)

Order of the day discharged.
Bill withdrawn.

ELECTORAL DISTRICTS BOUNDARIES COMMISSION

Order of the day, Private Business, No. 46: adjourned debate on motion of Hon. R.D. Lawson:

That the Legislative Council condemns any attempt of the government and the member for Hammond to avoid the provisions of the Constitution Act by seeking to have the Electoral Districts Boundaries Commission defer its current proceedings pending some as yet unspecified proposal to amend the constitution.

(Continued from 6 June. Page 375.)

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

That this order of the day be discharged.

Motion carried.

STATUTES AMENDMENT (NOTIFICATION OF SUPERANNUATION ENTITLEMENTS) BILL

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

ADJOURNMENT

At 12.20 a.m. the council adjourned until Thursday 29 May at 11 a.m.