

LEGISLATIVE COUNCIL

Thursday 26 February 2004

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

PAPERS TABLED

The following papers were laid on the table:

By the President—

District Council of Coober Pedy—Report, 2002-2003.

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Modbury Hospital Board of Management—Report, 2002-2003.

SUMMARY OF ENVIRONMENTAL LEGISLATION: PRIMARY PRODUCTION IN SOUTH AUSTRALIA

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: On 24 February 2004, the Hon. Ian Gilfillan asked me a question about Summary of Environmental Legislation: Primary Production in South Australia, which consists of three volumes. He asked:

Did the media statement (that I assume the minister put out, because there are some very comprehensive quotes) indicate that there will be a cost to farmers?

My reply was as follows:

... certainly I was aware that those costs applied, and I believe that they were mentioned in the press statement. I will check that and get back to the honourable member.

In fact, the cost of the publication, which was outlined in a briefing paper, was unfortunately omitted from the press release. The Summary of Environmental Legislation: Primary Production in South Australia addresses information on 30 acts of parliament—state and federal—that affect primary production in this state in relation to environmental management. The Summary of Environmental Legislation encapsulates this in plain English and is a comprehensive and informative document. Some quality systems (for example, ISO 9000 and EUREP GAP) require evidence that all relevant environmental law is understood and is being complied with. The Primary Industries and Resources South Australia Summary of Environmental Legislation is designed to facilitate knowledge of this legislation.

The price of the compact disc version is set at a level that aims to only cover the cost of annual updating and maintenance of the document, plus the cost of CD copying. An additional annual volume of 200 CDs has been budgeted for. The cost of printed copies of the three volumes is higher due to the duplicating cost and the staff time involved. A stock of preprinted summaries has not been prepared on the assumption that demand will be low and that they can be generated as requested. Consideration is being given to making the summary available on the PIRSA web site, with an appropriate access price.

To date, PIRSA has received nearly 200 inquiries and has orders on its books for approximately 40 CDs and two hard copies of the summary. In my answer, I indicated that the

plain English version had been developed by Rural Solutions, which is a division of PIRSA. In fact, the Summary of Environmental Legislation: Primary Production in South Australia was prepared by the Agriculture, Food and Fisheries Division of PIRSA. In answer to a supplementary question from the Hon. Julian Stefani, I indicated that I would consider whether the summary of environmental legislation should be provided at no cost to members of parliament. I am happy to make available a CD version to the Hon. J. Stefani and any other member who requests a copy.

QUESTION TIME

UNEMPLOYMENT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Minister for Industrial Relations a question about South Australian job figures being the worst in Australia.

Leave granted.

The Hon. R.I. LUCAS: On 15 January, the Australian Bureau of Statistics released job vacancy figures, and the Liberal Party on that day issued a press statement indicating that job vacancy figures in South Australia showed that the November quarter 2003 figure showed a 22.6 per cent decline in job vacancies in South Australia over the past 12 months, whereas in Australia there had been a 10 per cent increase, and that South Australia's performance over the past 12 months in job vacancies had been the worst of all the states in Australia. On that day, minister Weatherill (who was the acting minister at the time), when interviewed on 5AA and confronted with those claims, indicated 'That's not accurate.' He went on further to say, 'That's not accurate to suggest that vacancies show that.' Further on in the interview he said, 'Mr Lucas, to the extent he's quoting vacancies he's not quoting ABS statistics. I don't know where he's getting his figures from.'

Then later on Andrew Reimer, the interviewer, said, 'Sorry minister, this claim it's down by 22.6 per cent', and minister Weatherill said, 'Well that's just not accurate,' and then went on to make further claims. On the same day, minister Weatherill (as the acting minister) also issued a press statement which urged looking beyond the ABS figures. He said:

The ANZ and the DEWR—

which is the Department of Employment and Work Relations—

skilled vacancy index, which are used by leading economic commentators, both showed an increase in job advertisements in South Australia over last year. The ANZ shows a rise of 6.6 per cent in job advertisements in South Australia and DEWR shows skilled vacancies rose by 0.3 per cent. 'These key leading indicators of labour market activity suggest that labour market conditions should remain buoyant in early 2004,' Mr Weatherill said.

In summary, on behalf of the government, minister Weatherill rejected the fact that the ABS figures existed and indicated that a better indicator was the DEWR skilled vacancy index. The figures for the 12 months to February were released today, and they show that South Australia's performance over the past 12 months has been the worst of all the states in Australia (a 5.8 per cent decline), whereas states such as Western Australia experienced a 19.7 per cent increase, and Australia's figures showed a 4 per cent increase.

I remind the minister that this is the index that minister Weatherill, on behalf of the Rann government, said was a better indicator of the job vacancy position than the Australian Bureau of Statistics independent collection on job vacancy figures. My questions are:

1. Will the minister confirm that, when minister Weatherill claimed on 5AA on 15 January 2004 that it was inaccurate to say that the ABS job vacancy figures for November 2003 showed a 22.8 per cent drop in South Australia, his statements were, in fact, wrong?

The Hon. A.J. Redford: Not for the first time!

The Hon. R.I. LUCAS: Not for the first time, as my colleague, the Hon. Mr Redford, interjects.

2. Does the Rann government now agree that the Australian Bureau of Statistics job vacancy figures for the 12 months to the November quarter 2003 showed that South Australia's performance was the worst of all the states?

3. Does the Rann government also agree that today's DEWR skilled vacancy index figures also show that South Australia's skilled vacancy performance is the worst of all the states in terms of performance and much worse than Australia's performance?

4. Will the Rann government now concede that its plans to gut its key economic development agency, the Department of Trade and Economic Development, is ill-advised and should not proceed as a result not only of these worrying signs of future economic performance but also of others that have been highlighted in recent days?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions, without the interjections, to the minister in the other place and bring back a reply.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister advise the council as to what advice the government received from the Economic Development Board in relation to these actions?

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

CONSTITUTIONAL CONVENTION

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about the Constitutional Convention.

Leave granted.

The Hon. R.D. LAWSON: Yesterday, I referred to the tabling on 16 February in another place by the Speaker of a report entitled 'Delegates report', of the Constitutional Convention. The Speaker in another place referred to the fact that a plenary session of the delegates was held in the other place on 15 February 2004.

The Hon. R.K. Sneath: Who was invited to that?

The Hon. R.D. LAWSON: That is another question. The Speaker reported that at that plenary session in the Parliament of South Australia resolutions were passed which, first, adopted a report prepared by workshop spokespersons; secondly, adopted legislation 'prepared on our behalf and on our instructions by parliamentary counsel'; and, thirdly:

...urged the parliament to pass the proposed legislation embracing these proposals without delay and thereby enabling the community to begin serious debate of them in preparation for the referendum.

The Speaker referred to a number of town and country meetings that he had held in various places in the state at the end of January and the beginning February this year. My questions to the Attorney are:

1. Did he, or any representative on his behalf, attend any of the meetings convened by the Speaker in January and February this year?

2. Did he or any representative of the government attend the so-called plenary session held in the House of Assembly on 15 February?

3. Was he invited to attend any of those meetings for the plenary sessions?

4. Is he prepared to ensure that there is tabled in this house of the parliament the so-called 'delegates report' that has been tabled in the other place?

5. Will he indicate what, if any, action the government proposes to take in relation to the recommendations of the so-called delegates?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Attorney-General and bring back a reply.

The Hon. J.F. STEFANI: I have a supplementary question. Will the Leader of the Government indicate whether the President of the Legislative Council was invited to attend the plenary session and, if not, why not?

The Hon. P. HOLLOWAY: I do not know the answer to that question but I will endeavour to obtain a response.

MURRAY RIVER

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on water flows to the River Murray.

Leave granted.

The Hon. CAROLINE SCHAEFER: As we all know, the River Murray supports most of the food bowl of Australia's irrigation needs. In particular, in South Australia our citrus industry is supported by River Murray water, most of our wine grapes are grown with River Murray irrigation water and most of our horticulture industry is dependent on it. In fact, the South Australian food plan to increase the value of our food products to \$15 billion by 2010 is largely dependent upon the health of the River Murray.

It has been reported today that the New South Wales government is releasing water from the Menindee Lakes in preparation for expected increased flows from the Upper Darling system. As we know, the water level in these lakes is currently particularly low and, therefore, of extremely high salinity. As a result, SA Water has today confirmed that water coming out of the Menindee Lakes is far saltier than the water currently in the River Murray, which, in itself, gives rise to some concern from time to time. My questions to the minister are:

1. What protocols are being put in place to protect our irrigators from a flush of highly saline water at a time when they are particularly vulnerable?

2. Will the minister lobby minister Hill to seek compensation on behalf of South Australian River Murray irrigators as a result of the New South Wales government releasing water from Menindee Lakes?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Those matters are properly the responsibility of my colleague the Minister for the River

Murray because clearly the conditions under which water is released are part of the River Murray Waters Agreement—or at least that was the original version; it is probably now the Murray-Darling Basin Agreement—which determines all those conditions. Obviously, I will have to get the information. We are aware that there are issues with regard to the Menindee Lakes.

The other day the Hon. John Dawkins asked me a question about fish deaths within the lower reaches of the Darling River. It was suggested that they were in some way related to the release of water from that source. However, some of the early information I have seen suggests that that may be due to temperature and other factors. Prior to regulation of the river, it was a periodic phenomenon. I hope to provide the honourable member with a fuller answer to his question about fish deaths.

Obviously, the water that flows into South Australia is absolutely crucial for this state, not just for the food plan but in sustaining economic growth. It is imperative that we have access to the water that we receive from the River Murray (we use about 700 gegalitres of our 1850 gegalitre entitlement for irrigation), as efficiently as possible. The only way that we can grow those industries is to get greater productivity from that water. That is an issue on which my department has done a lot of work. It is important for the wine industry, and it is important for other areas of horticulture, that we greatly improve the efficiency of water use in our irrigation areas. That is a matter that my department is presently working on and hopes to do more work on in the future in order to resolve those issues.

As for the issue of compensation, that is a matter for my colleague the Minister for the River Murray, because it is the Murray Darling Basin Agreement which governs those sorts of areas. From my knowledge of the Murray Darling Basin Agreement, I expect that any releases from storages such as Menindee Lakes are probably done in conjunction with the management of the entire basin through the Murray Darling Basin Commission. That is something that can be clarified by my colleague the Minister for the River Murray. With storages along the mainstream of the Murray, they are matters which the Murray Darling Basin commission, with representatives from all riverine states and the commonwealth, including the chief executive of my department, deals with. I will get more information about that and get back to the honourable member.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Given that you are one of the ministers involved in the joint ministerial conferences for the Murray Darling Basin Commission, has your cabinet colleague briefed you on any protocols to take place? Has your department, which probably has the greatest corporate knowledge, been consulted and, if not, why not?

The Hon. P. HOLLOWAY: When releases are made from storages (I am not 100 per cent sure about the Menindee Lakes, but it has certainly operated in conjunction with the Murray Darling Basin Commission), normally the officers involved would be consulted. I will get the information for the honourable member. It is not a question of protocols but a question of operational decisions by the Murray Darling Basin Commission when it confers with the relevant authorities in each state.

In relation to the Menindee Lakes, from the information available to me, these lakes have been virtually empty. Certainly a large quantity of water is needed in those lakes

before any water can be drawn out, because there is a large dead level in the lakes. In fact, the Menindee Lakes have not been supplying any water into the Murray Darling Basin system for well over twelve months. I am not sure how much volume of water is being flushed out of those lakes. Presumably, as water comes in it is flushing out water that has been lying there for a long time and which would be highly saline. In an engineering sense, I am not sure whether there is any alternative other than to let that water be flushed out as the Menindee Lakes are filling. I will seek that information from the engineering experts.

FISHING, TROUT

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about the trout stocking review.

Leave granted.

The Hon. CARMEL ZOLLO: The government has undertaken a review of trout stocking in the state. There are a number of recreational trout fishers in the state and it is my understanding that many of them would like to see trout declared a valuable exotic species and trout stocking continue. My questions are:

1. What conclusions have been reached by the review?
2. Has it made any recommendations to the minister?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her question. The member is correct. There was a review and I would encourage South Australians to have a say about the comprehensive review of the state's trout fishery. The independent review was commissioned by Primary Industries and Resources SA. The review of the trout fishery in South Australia was undertaken to clarify the current status of trout stocking programs and to report on the impact of the stocking activities on the state's native species and aquatic ecosystems. Dr Wayne Fulton of the Victorian Department of Primary Industries, who is nationally renowned for his expertise in the field, undertook the review. We commissioned our interstate colleagues to undertake the review to ensure impartiality.

Brown and rainbow trout were introduced to South Australia in the early 1880s. Since that time they have been progressively released into most permanent or semi-permanent rivers and streams in the state. In recent years the practice of releasing non-native species of fish has been called into question due to the possible impact that these fish may have on our freshwater environment and native fish species. The review recommends that trout stocking continue in most of the rivers presently stocked, but that four rivers—the North Para, Little Para, Scott Creek and Hay Flat Creek, as well as all of the waterways on Kangaroo Island—should be removed from the stocking program. The review has identified that the majority of rivers that are stocked have a diverse range of habitats which allow native species and trout to coexist. South Australian rivers are also inhabited with other introduced species such as redfin, perch, carp and mosquito fish which makes it difficult to isolate the effects of trout alone. The review has been released for public consultation and submissions, which I invite from any keen trout fishers in this state, will close on Friday 30 April 2004.

ALTERNATIVE CARE

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, questions about the alternative care tender.

Leave granted.

The Hon. KATE REYNOLDS: In February 2003, the Minister for Social Justice announced that alternative care services, which provide care and protection for children or young people under the guardianship of the minister, would be subject to a further open tender process. Service providers have reported to me that a number of serious blunders occurred with the administration of the tender arrangements. Despite making the announcement in February 2003, it took until the middle of last year before the tender was released. As a result of not consulting with the sector providing the service, agencies tell me the end result was an ill-conceived tender that was inequitable in the way it proposed to distribute resources and failed to meet some of the glaring inadequacies in the current funding of alternative care in this state.

As a result of representations made by a number of non-government agencies, the government was forced to ask for an independent review of the service model being subjected to tender. After numerous meetings, recommendations were made to correct some of the more obvious faults in the initial tender documents so that it could proceed. The whole process has prolonged the uncertainty and, according to service providers, resulted in damaged relationships between the government and the non-government sector and a lack of confidence in how the government has gone about its so-called reform of alternative care. It has created job insecurity for those working on the front line in service agencies and uncertainty for the many dedicated foster carers who underpin the alternative care system in this state. It has also lengthened the time frame for improvements to care for children. Given this background, my questions are:

1. Will the minister confirm that prior to the middle of last year, that is, after the Layton report was released, the government failed to consult with any non-government agencies, including those that have been at the front line in providing care for families and children in South Australia (for the past seven years), as to the type of service arrangements that would best meet the needs of children and families?

2. Will the minister confirm that her own Advisory Committee on Alternative Care was not even consulted in the development of the tender material and explain why?

3. Will the minister confirm that the expert who reviewed the early tender documents believed it would have been better to scrap the process, undertake proper consultation and establish a fairer and better model?

4. Will the government commit to lifting funding to alternative care services in South Australia to at least bring them up to the national per capita funding level; and, if so, when?

5. Will the government commit funds to intensive placement prevention programs which I understand were withdrawn as part of the alternative care tender?

6. When will the government commit to a real increase in foster care subsidies to bring them into line with the recommendations of the national Cost of Caring Report released more than 12 months ago?

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

The Hon. J.M.A. LENSINK: Will the government provide information regarding any conflict of interest that may have existed within the contract process?

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

MOTOR VEHICLES, EMISSION POLLUTION

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Conservation questions about motor vehicle emission pollution.

Leave granted.

The Hon. T.G. CAMERON: *The Advertiser* recently printed a letter to the editor from Mr Roger Simpson complaining about who was responsible for excessive smoke from cars. His letter states:

I rang the police to report a vehicle that was belching out a lot of exhaust smoke. They advised me to either attend a police station in person or contact the Environment Protection Authority. I rang the EPA to be told I would have to write a letter about it. Then they said that if they received another letter from someone else reporting the same vehicle they would be in a position to do something about it. Why do I think of the word 'runaround' in relation to both authorities?

My questions to the minister are:

1. was the information given to Mr Simpson correct? Is the EPA required to receive two separate letters of complaint from the public before it can take any action on motor vehicles belching smoke; and, if so, why?

2. What is the current correct procedure for members of the public who want to report motor vehicles emitting high levels of smoke?

3. During 2003, how many vehicles were reported to the EPA for creating unnecessary pollution, and how many of these reports were acted on by the EPA or any other government department?

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

HOLDFAST SHORES

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Holdfast Shores.

Leave granted.

The Hon. A.J. REDFORD: Last Tuesday, the minister issued a joint press release in conjunction with the Minister for Urban Development and Planning concerning Holdfast Shores. On Thursday I had the honour of tabling in this place some 6 000 signatures opposing any further alienation of public land insofar as that development is concerned. In the press release issued by the Hon. Terry Roberts, he announced amongst other things that 100 per cent of the Magic Mountain site is preserved as open space. Later in the press release (almost buried) the minister also announced:

A new entertainment building to replace Magic Mountain that includes the carousel, dodgem cars, waterslides, mini-golf and other amusements as well as an area for outdoor rides such as a ferris wheel.

So much for open space! Further, the Holdfast council, which owns the site, has indicated publicly that it will not permit the government proposal to go ahead if it can achieve that end.

In response, the Minister for Urban Development and Planning said last week that the developer, Urban Construct, a well-known donor to the ALP—lunches, I am told, \$10 000 worth—said:

... the developer [Urban Construct] has made it clear that they hold legal entitlements to develop the Magic Mountain site vis-a-vis the council.

The minister went on to say:

The legal advice is that the developer has an entitlement to develop this site.

Section 7 of the 8th schedule of the Local Government Act states that the Glenelg amusement park is classified as community land and that the classification is irrevocable. It also states that the City of Holdfast Bay must continue to maintain the park for the benefit of the community as a public park and does permit to some extent reconstruction of amusement facilities.

Further, the assessment report for Holdfast Shores Stage 2B, submitted to the Minister for Aboriginal Affairs, dated February this year and prepared by the minister, assessed the environmental and economic impact of the amended proposal. The minister did so because the Minister for Administrative Services declared a conflict of interest in so far as his department is concerned. The report, at page 9 in relation to the tenure and rights associated with the lease, notes that there is a dispute between the developer and the council about those rights. As a consequence, the Minister for Aboriginal Affairs proceeded to assess the project.

In the report, there is an opinion written by the well-respected Stephen Walsh QC, dated 18 December last year. Page 2 of that opinion states:

I am instructed that the consortium believes that it has an agreement with the council whereby the council agreed to release Foreshore Asset Holdings Proprietary Limited from the lease and make available the Magic Mountain site for redevelopment in accordance with the stage 2B proposal once development approval was received for the stage 2B proposal. The agreement was on certain terms which the consortium believes to have been fulfilled.

Later on in the opinion, Mr Walsh concedes that he has not seen that agreement. However, he goes to state:

I am instructed that the consortium believes that it has an agreement with the council whereby the council agreed to release Foreshore Asset Holdings from the lease and make available the Magic Mountain site for redevelopment in accordance with stage 2B. That agreement was on certain terms which the consortium believes have been fulfilled.

Last week in response to a question from the leader, the Hon. Jay Weatherill said this in response to a question as to whether or not the agreement had been sighted:

The legal advice is that the developer has an entitlement to develop this site.

My questions to the minister are:

1. In the course of his assessment, has he seen Mr Walsh's opinion?

2. What is the legal advice that says that the developer has an entitlement to develop the Magic Mountain site?

The Hon. P. Holloway: Have you seen all the Liberal speeches at the time this project was put up?

The Hon. A.J. REDFORD: The minister interjects in an area so far out of his realm of responsibility and again shows his ignorance. If you stuck to the original deal there would not be a problem on this side. That is the problem with your lot: you can't be trusted to stick to a deal. Before I was rudely distracted I was asking:

3. Has the minister seen the agreement between the council and the developer and, if so, will the minister table that agreement?

4. What did the minister actually do and whom did he consult with in making his recommendation?

5. Why was the agreement not given to Stephen Walsh QC so that a proper assessment of the validity of that agreement could be made?

The PRESIDENT: That is probably a very important question but I have to point out that it was an extremely long explanation, as on a number of occasions, witnessed by the fact when the honourable member asked me a question. That is clearly opinion. I ask all members to respect question time and everyone's right to have an opportunity. Keep the explanations much shorter and the questions more succinct.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very detailed explanation and his questions. It is true that, as a member of cabinet, I signed off on the Holdfast Shores development project. The issue was brought to cabinet for signature and the minister responsible transferred that responsibility to me. Cabinet has approved the final stages of the Holdfast Shores development on the condition that 100 per cent of the Magic Mountain site is preserved as an open space picnic area. The apartments within the current proposal can only be built on a site where an existing building is proposed for demolition. The state government will ensure that the Magic Mountain site is returned to the public for use as an open space. Unlike the—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: As the honourable member put a lot of detail in his explanation of the question, I am putting some detail in the reply. Unlike the original deal with the developers done by the previous government, this final stage of the project will greatly improve the community benefit. There will be more open space on the foreshore, resulting in a greenbelt running from Moseley Square through to Colley Reserve. Improved entertainment facilities are proposed for the Magic Mountain car park, which will house the heritage carousel and open space picnic areas facing the beach alongside, with guaranteed pedestrian links from Moseley Square.

No works will be allowed to begin unless and until the legal rights to develop the Magic Mountain site have been secured, and there is a call on the council and the developers to work constructively to bring this project to a conclusion. There is no doubt that the project has divided the local community, and when I say 'the community' I mean the broader aspects of community in relation to Adelaide itself. I am sure that people in Mount Gambier and Whyalla have probably not been following this development as closely as the local council areas surrounding the development and other individuals who may be interested in developing, and others who are opposed to development, because, within development projects, you always have those two camps and, I guess, a large number of uncommitted people.

Although I have an answer to some of the questions asked by the honourable member, the honourable member has asked some questions about contemporary issues which, because I have transferred that responsibility back to the Minister for Planning in another place, I will refer to the minister, and I hope that, within a time frame that is reasonable, those questions will be answered and replies given to the honourable member.

The Hon. A.J. REDFORD: I have a supplementary question. Can I assume that, because the minister has to seek advice elsewhere, he cannot recall having seen the opinion of Stephen Walsh QC?

The Hon. T.G. ROBERTS: I will refer all the questions asked by the honourable member and bring back a reply.

The Hon. A.J. REDFORD: I have a further supplementary question. Do I assume that the minister has not seen a copy of any agreement between Holdfast Shores and the developer about the Magic Mountain site?

The Hon. T.G. ROBERTS: I will refer the relevant questions to the Minister for Planning and bring back a reply, and for those further questions I will also include in the reply to the honourable member.

The Hon. A.J. REDFORD: I have a further supplementary question. Did the minister actually exercise any independent discretion in assessing this matter or was he simply acting as a conduit of the cabinet?

The PRESIDENT: Those matters are not the subject of questions in this place; they are matters for cabinet.

The Hon. T.G. ROBERTS: Mr President, I respect your ruling, and it is my view and opinion as well that cabinet discussions and the processes of cabinet should not be the subject of questions in this place.

The Hon. A.J. REDFORD: I have a further supplementary question. Did the minister make his own decision in making this assessment, or was it a cabinet decision?

The Hon. T.G. ROBERTS: The process was referred to cabinet and it is a cabinet process.

The Hon. A.J. REDFORD: As a further supplementary question, does the minister understand that it is his individual responsibility to make an assessment and not get compliance with the law to transfer that task to cabinet?

The Hon. T.G. ROBERTS: I thank the honourable member for his advice.

The Hon. A.J. REDFORD: I have a further supplementary question. It would be a lot simpler if the minister just answered questions. Does the minister agree with that suggestion?

The Hon. T.G. ROBERTS: The cabinet has a construct with which the honourable member is surely familiar. There are responsibilities—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: There are responsibilities that certain ministers have; some are transferred to other ministers for various reasons. In relation to the information that the honourable member is seeking, I will check my records in relation to my responsibilities in handling it and the further responsibilities of the Minister for Urban Development and Planning in relation to the contemporary questions that the honourable member has asked.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Will the minister indicate whether or not any ministers excluded themselves from consideration of this particular issue as a result of concerns about conflict of interest?

The Hon. T.G. ROBERTS: That is also a cabinet construct.

The Hon. R.I. LUCAS: I have a further supplementary question. Is the minister refusing to indicate whether or not a Rann government minister had a potential conflict of interest and excused himself or herself from deliberations on this critical issue? As a further supplementary, is the minister refusing to answer the question that I have just put to him?

The Hon. T.G. ROBERTS: It is a cabinet process, as I have reminded members, and the Westminster tradition and the tradition held by the previous government is that you do not divulge the contents of Westminster.

The PRESIDENT: The Hon. Mr Stephens has the call.

Members interjecting:

The PRESIDENT: Order! I draw to the attention of members of Her Majesty's loyal opposition that one of their own colleagues has been given the call and has waited for almost a minute without having the opportunity to put his question, so they are cutting into his question as well as abusing standing orders. Members on my right are also acting inappropriately.

SOUTHERN SUBURBS, HOUSING TRUST ACCOMMODATION

The Hon. T.J. STEPHENS: Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Minister for Housing, a question about southern suburbs Housing Trust accommodation.

Leave granted.

The Hon. T.J. STEPHENS: Members would be aware that currently some 26 000 people are on waiting lists for urgent applications for Housing Trust accommodation. The southern suburbs Messenger Press has reported that a number of units in the southern suburbs have been vacant for a number of months. It has also reported that 1 000 young people in the area are in desperate need of trust accommodation, 40 of them being in particularly desperate need. As a member of the Statutory Authorities Review Committee, I was made aware of exactly how acute the problems with public housing were. My questions are:

1. Why are so many Housing Trust homes vacant?
2. If this is a recurring problem, particularly with units, what steps is the minister taking to correct these problems?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I will refer those important questions to the Minister for Housing in another place and bring back a reply.

RIGNEY, Mr C.

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Mr Clyde Rigney junior and the Lower Murray Nungas Club.

Leave granted.

The Hon. J. GAZZOLA: I refer to an article in *The Murray Valley Standard* last month in relation to Mr Clyde Rigney junior winning the Young Citizen of the Year Award—

The Hon. J.S.L. Dawkins: Have you got a subscription to that, John?

The Hon. J. GAZZOLA: I do have a read of quite a few newspapers. The article deals with Mr Rigney's work in the community, particularly his work with the Lower Murray Nungas Club. My questions to the minister are:

1. Is the minister aware of Mr Rigney's receiving this award?

2. Is he aware of the work being carried out by the Lower Murray Nungas Club?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and for the opportunity to thank again the Nungas Club and the Aboriginal organisations in the Murray Bridge area that have been working very hard to overcome a lot of the social disadvantages of many Aboriginal people in the Murray Bridge district.

Clyde Rigney is the Chairperson of the Lower Murray Nungas Club. He received the prestigious award of Young Citizen of the Year, which was a surprise to him, as he explains in the article in *The Murray Bridge Standard*. Last year, he sent me a signed copy of *Our Yannan*, a publication that promotes the understanding and use of indigenous language. The resurrection and preservation of Aboriginal language in this state is one of the priorities of this government—the links with the Ngarrindjeri people are still very strong—and, hopefully, we will be able to promote and preserve the language.

Clyde is also employed at the Lower Murray Nungas Club as an Aboriginal youth worker. The creation of this position, funded by the Department of Human Services 15 months ago, was an initiative of the Lower Murray Nungas Club. It has enabled the club to initiate the following programs: Ngarru-warrin (a Ngarrindjeri word meaning 'bringing them together') and a youth advisory committee, including the development of youth fora, which are held every six weeks, when all secondary schools within the Murray Bridge, Meningie and Mannum area, including Unity College (the Lutheran college), are invited to attend to discuss youth issues. Usually 30 to 40 students attend each time.

The work that is being done in the Nungas Club is vitally important to that region. Sport and recreation opportunities are promoted. When I visited the Nungas Club, the use of computers in the club for homework and for familiarisation was a high priority at that time—in fact, so high that part of the problem was that the children were far more interested and better equipped to learn at the Nungas Club than perhaps some of the classes they attended at Murray Bridge High School.

The links with the high school are very strong. I thank the teachers who showed me through the Nunga section of the school and explained the links with the Nungas Club. I congratulate them for the work that they are doing as individuals in that community to bring about a better form of reconciliation and to open up opportunities for young Aboriginal people in the area, and those are sorely needed.

CITIZEN INITIATED REFERENDA

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking you, Mr President, a question about an invitation to a meeting on citizens initiated referenda.

Leave granted.

The Hon. SANDRA KANCK: Last week, residents in Parkholme received an invitation to attend a meeting this Sunday afternoon, to be addressed by the Hon. Peter Lewis, about citizens initiated referenda and other issues. The invitation has no authorisation, but it states:

Once political parties win government they can do as they like and you and I are paying for it, eg, rates, levies, taxes, fees, asset

sales and whatever else they can think of to keep their (or their mates) snouts in the trough.

No one is looking over their shoulders, yet they supposedly work for the voters. The threat of CIR (citizen's Initiated Referenda) is a way to stop this. We will not have to actually use it, just the threat of it will be enough to make these people toe the line and keep their noses clean.

Members interjecting:

The Hon. SANDRA KANCK: It is not signed: it is anonymous. My questions are:

1. Are the authors of this invitation in contempt of parliament?

2. Mr President, will you ascertain whether the Speaker in the other place (Hon. Peter Lewis) is aware of the wording of this invitation and whether or not he supports its sentiments?

The PRESIDENT: There are a number of questions there. With respect to contempt of parliament, I would not specifically say that; in a free society people are entitled to make comment. If they are talking about a decision of the parliament, or the process of the parliament or the Governor or Her Majesty there would be some grounds for that opinion. The letter is unsigned, I believe you said. I recognise some of the literature. To my knowledge, it has certainly not been authorised by the members of the steering committee of the Constitutional Convention. It is obviously the work of an independent person with a particular grudge to bear. That would be my assessment.

The Hon. R.I. LUCAS (Leader of the Opposition): Mr President, will you inquire of the Speaker as to whether he used his resources at Parliament House in any way, or authorised the use of resources, to assist the distribution of such material?

The PRESIDENT: I will take that question on notice and will make the appropriate written request to the honourable Speaker.

GAMING MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, questions in relation to hotel practices involving service of alcohol and poker machines.

Leave granted.

The Hon. NICK XENOPHON: On 3 December 2003 I asked questions of the minister in relation to a hotel which allegedly refused service of alcohol to its patrons unless they were playing poker machines. At the time I asked a number of questions including whether such a practice was in breach of statutory obligations of venues, and whether there was a prohibition of such practices in gaming venues with respect to current licensing conditions and, if not, whether the minister supported the principle that such changes should take place given the research that shows a clear link between excessive alcohol consumption and problem gambling.

Since that time I have had other complaints of an almost identical nature: namely, that, after midnight at a particular venue, patrons were told that they would not be served at the front bar but only at the bar in the gaming room, and only if they were playing the machines. That caused some consternation at this particular venue and, whilst an altercation did not take place, it was clearly something that upset the patrons involved. My questions to the minister are:

1. When will he answer the questions of 3 December 2003?

2. Has the minister yet sought advice from the Liquor and Gambling Commissioner and the Independent Gaming Authority on the issues raised?

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

CAPE JAFFA LIGHTHOUSE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Environment and Conservation a question about the Cape Jaffa lighthouse platform.

Leave granted.

The Hon. D.W. RIDGWAY: Last weekend I attended a function at Cape Jaffa in the state's South-East. Whilst I was there the plight of the Cape Jaffa lighthouse platform came to my attention. The platform is located on the Margaret Brock reef, about four kilometres off the coast of Cape Jaffa. It used to hold the old lighthouse some time ago, but that was removed and taken to Kingston in 1974. The Australian Maritime Safety Authority, AMSA, has completed a structural assessment of the platform and has concluded that the structure should be secured so as to keep people off it, and then be abandoned as a gannet nesting ground.

There are several reasons why the platform should not be dismantled and one, according to the Royal Zoological Society of South Australia's senior research scientist, Dr Greg Johnson, is that this is the only gannet colony in South Australia. Because the weight of the lighthouse was taken off the structure in 1974, it is estimated that it will not fall down for another 50 to 100 years. Due to the structure being used as a gannet rookery, approximately 40 to 100 tonnes of guano would fall into the ocean and potentially poison the southern rock lobster habitat if the structure were dismantled.

Local fishermen also use the structure as a navigation tool through the reef. If it is removed, some other form of marker would be needed to replace it. Presently, the Cape Jaffa lighthouse platform is owned by the federal government, which has offered to transfer the ownership to the state government because it will cost in excess of \$1 million to dismantle. However, the present state government will not take ownership of the lighthouse platform because of public liability issues. I would like to give this to the minister to assist him in answering my question.

The PRESIDENT: The member should be well aware that he is not to use props in the council.

The Hon. D.W. RIDGWAY: I am providing it to the minister—

The PRESIDENT: You are performing a stunt and I ask you to desist from doing it in the future. If you do, I will sit you down. Continue with your question.

The Hon. D.W. RIDGWAY: My questions are:

1. Will the minister give an estimation of the risk of liability for the Cape Jaffa lighthouse platform to the state government if the recommendations of AMSA are followed, making the structure insecure and inaccessible to humans?

2. Can the minister give this parliament an assurance that the state government will reconsider taking ownership of the Cape Jaffa lighthouse?

The Hon. T.G. ROBERTS (Minister Assisting the Minister for Environment and Conservation): I am familiar with the issue which the honourable member raises. I pay tribute to the community group that has been working for a very long time to preserve, display and have a live tourist display within the Kingston region. I congratulate them for all the hours of work that they put in. In relation to the funding of the rehabilitation costs that the honourable member has raised, I will take those questions on notice, raise them with the minister in another place and bring back a reply.

The Hon. D.W. RIDGWAY: Would the minister like a copy of the photograph and for me to make it available to him?

The Hon. T.G. ROBERTS: Even though it is against standing orders to use large or small props in question time, I will accept the gift that the honourable member has offered and I will put it in my office.

SCHOOLS, ASSET MANAGEMENT

The Hon. KATE REYNOLDS: I seek leave to make a brief statement before asking the Leader of the Government, representing the Minister for Education and Children's Services, a question about asset management funding in schools.

Leave granted.

The Hon. KATE REYNOLDS: Yesterday, following my question, the Minister for Education and Children's Services released a media statement saying that my questions were behind the eight ball. She said that schools had, in fact, received their asset management budgets; this was the basis of my question to her. Minister White said that schools had received their maintenance funds for this financial year but she avoided mentioning that they related to break down maintenance, that is, funds for things such as broken windows, faulty air-conditioning, and so on. She did not mention that the funds did not relate to asset management projects. The fact is that schools have not yet received their asset management budgets. These are funds which should have been allocated late last year. My questions to the minister are:

1. In her media release, why did she seek to conceal the fact the schools have not yet received that particular funding?

2. When will schools receive their asset management funds for this year?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to my colleague in another place and bring back a reply.

CHILDREN, MANDATORY NOTIFICATION

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, questions about mandatory notification.

Leave granted.

The Hon. A.L. EVANS: South Australian laws concerning mandatory notification have been operating since the late 1960s. The law requires particular persons provided under the act to notify Family and Youth Services when they suspect there are reasonable grounds that a child is being abused or neglected. My questions are:

1. When FAYS receives a mandatory notification concerning a child and the child is from a single parent

household and the notification concerns the parent with whom the child is residing, is it current departmental protocol to give priority action to making contact with the other parent to assess whether the child could reside with that parent during the period of investigation?

2. Would the minister advise whether, in instances when a child is removed pending an investigation of one of the parents, FAYS currently ensures that decisions by other courts concerning joint custody matters of the child are upheld, particularly in relation to access visits? If not, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his questions and his continuing interest in the broad issue of child welfare. As members of parliament, we all know that when issues relating to the removal of children come before us as individual members it is very difficult to take sides until you find out all the information required for you to make an assessment. My general view is that I do not make judgments until all of that information is in. I have some sympathy for those people in the forefront of child protection in making those assessments. The honourable member raises some very important questions. I will refer those questions to a minister in another place and bring back a reply.

COMMUNITY BENEFITS SA

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 Community Benefits SA.

Leave granted.

The Hon. G.E. GAGO: The funding provided by the state government through Community Benefits SA is an excellent way to assist non-government, non-profit incorporated community organisations that provide assistance for disadvantaged individuals and communities. Given this, my question is: will the minister inform the council of Aboriginal communities or organisations that have benefited from Community Benefits SA?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Herewith my abbreviated reply to the honourable member's important question: the honourable member is correct in saying that Community Benefits SA is an excellent way to assist non-government, non-profit incorporated community organisations that provide assistance for disadvantaged individuals and communities. I confirm that Aboriginal communities benefit from this as well as the broader community. I will indicate one or two of the allocations, which will give readers of *Hansard* and members opposite an idea about the funded projects that have gone to some of the special needs groups.

The Bungala Aboriginal Corporation received \$30 000 to purchase a vehicle with modifications to offer driver training in a culturally appropriate manner for up to 700 Aboriginal people per year living in the mid-north and far north rural and remote regions, resulting in increased access to services, mainstream employment and recreational activities and a reduction in accident rates, injury and loss of life. There are also health and community services which benefit Hepatitis C programs. Nganampa Health received \$9 000 in Coober Pedy and provides nine Aboriginal children from Pukatja community with two weeks intensive training with fruit fly—

Members interjecting:

The Hon. T.G. ROBERTS: I will take honourable members' advice and seek to table the document. It has all the funded projects for groups with special needs.

REPLIES TO QUESTIONS

IRRIGATION INDUSTRY

In reply to **Hon. J.S.L. DAWKINS** (1 December 2003).

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

1. The report was received in January 2004 and was forwarded to the Department of Water, Land and Biodiversity Conservation for comment.

2. The Report has drawn on a number of Department of Water, Land and Biodiversity Conservation (DWLBC) publications, and on DWLBC information contained within publications of the Murray-Darling Basin Commission (MDBC). These include:

DWLBC 2003(a) Drought Advice Bulletin—River Murray Series, Adelaide, February

DWLBC 2003(b) Drought Advice Bulletin—River Murray Series, Adelaide, June

DWLBC 2002 River Murray Prescribed Watercourse Water Allocation Plan

MDBC 2003 Volume, Reliability and Tenure of Major Irrigation Entitlements in the Murrumbidgee, Murray and Goulburn Valleys—final draft

River Murray Catchment Water Management Board 2003 Catchment Water Management Plan for the River Murray in SA 2003-08.

3. The Department of Water, Land and Biodiversity Conservation is in the process of assessing the report and its implications.

In addition to the above, I provide the following information:

The Commonwealth Bureau of Transport and Regional Economics (BTRE) released 'Working Paper 58, Investment Trends in the Lower Murray-Darling Basin' on 13 November 2003. Officers of BTRE presented the contents of the report at workshops in all of the regions dealt with in the document. The Riverland workshop was held at Renmark on 4 December 2003.

I note that the report highlights the strong growth of the Riverland regional economy, 'at rates exceeding the national average' based on the high investment in irrigated horticulture and related manufacturing specifically in the wine grape, citrus and almond industries.

The Riverland region is characterised in the report as one of the regions with the highest productivity; highest agricultural production with lower overall water use; high and growing manufacturing investment and; greater production and investment per megalitre of water used.

This result has been contributed to, in no small measure, by the long standing and on-going commitment of the Department of Primary Industries and Resources (PIRSA) to a research and development program in irrigation and horticultural crop management in the region.

PIRSA received a request from BTRE for assistance in preparing this report, specifically access to any relevant previous work performed by PIRSA and assistance in identifying local sources of industry information.

In response PIRSA offered access to its information products and the assistance of the senior departmental officer in the region to make contact with local industry representatives (a number of whom are acknowledged in the report). PIRSA did also provide constructive criticism of the draft report.

In acknowledgment of the important link between the security and reliability of access to water and the level of capital investment in the Riverland region, as highlighted in the report, I have taken steps to ensure that the Minister for the River Murray (Hon. John Hill) and the Department of Water, Land and Biodiversity Conservation are aware of the publication.

Members who are interested in the detail of this report can download it from the internet at www.btre.gov.au where it can be found under the 'recent releases' heading.

HILLS FACE ZONE

In reply to **Hon. J.S.L. DAWKINS** (25 November 2003).

The Hon. P. HOLLOWAY: The Minister for Urban Development and Planning has provided the following information:

1. The Peri Urban Advisory Forum has been established to identify and discuss key issues impacting on peri urban region, although it does not concentrate specifically on the Hills Face Zone. The Forum has met several times. Its membership includes Minister for Agriculture, Food and Fisheries, Minister for Environment and Conservation, Minister for Urban Development and Planning, Minister for Infrastructure, Adelaide Hills Council, City of Onkaparinga, City of Playford, SAFF, Adelaide Hills Regional Development Board, Conservation Council of South Australia, PIRSA, DEH, EPA, LMC, DWLBC and Planning SA.

The peri urban forum has the opportunity to input into the Inner Region Planning Strategy, when it is available in a draft form for consultation this year.

The Hills Face Zone is the subject of a separate review process, which is currently being undertaken. The review has already resulted in the release of an issues and options paper, and a public consultation process. It is anticipated that the Hills Face Zone report will be considered by Cabinet early in 2004.

2. The Inner Region arcs around metropolitan Adelaide and extends from Kapunda in the North through to Cape Jervis in the South. It includes a small area of Hills Face Zone, around Tea Tree Gully in the Playford Council area.

Throughout 2002-03, consultation with community organisations, industry and local council occurred through the 'Action Planning' process, as an input into the development of strategic land use and development directions for the Inner Region.

Furthermore, significant informal consultation has already occurred during 2002 and 2003 with state and local government agencies on the development of the strategy.

During February 2004, the informal draft strategy will again be distributed to regional economic development boards, state government agencies and local government agencies for consideration and feedback prior to the cabinet approval process.

The Inner Region Planning Strategy is anticipated to be ready in draft form for cabinet consideration ready for public consultation mid 2004. Following further refinements post the statutory 6 week public exhibition mid 2004, the Inner Region Planning Strategy will be presented to Cabinet for consideration.

ROCK LOBSTERS

In reply to **Hon. T.G. CAMERON** (21 October 2003).

The Hon. P. HOLLOWAY: As many are aware, the market price of southern rock lobster is the lowest it has been for many years. The recent drop in market price is a result of several global market externalities, including the SARS virus epidemic, the war on terror and the foreign exchange rates, which have all worked collectively to reduce export demand for many high value fish species.

The rising value of the Australian dollar has significantly reduced export revenue, meaning that commercial seafood export businesses across Australia are experiencing a financial difficulty this year. Industry market predictions suggest that the trend towards lower demand (and lower market prices) for rock lobster will continue for at least two years. This will undoubtedly lead to continued low prices for rock lobster on the domestic market and provide opportunities for consumers to increase consumption of rock lobster.

The current market conditions have driven the newly formed Australian Southern Rock Lobster Council to develop a market development strategy to improve demand for and value of the species both on the domestic market and on overseas export markets. These strategies are fully supported by the State Government.

The management system in place for the recreational sector allows for fair and equitable community access to the rock lobster resource. This system allows anyone to register up to two rock lobster pots to take up to 4 rock lobsters per day. Recreational fishers are also permitted to use drop nets, hoop nets and dive to catch rock lobster. The recreational access arrangements in place for the South Australian rock lobster fishery are considered superior to most other rock lobster fisheries around Australia.

GENETICALLY MODIFIED FOOD

In reply to **Hon. IAN GILFILLAN** (19 February 2004).

The Hon. P. HOLLOWAY: I have received advice from my Department on the circumstances of the Victorian situation that the honourable member raised.

I can advise that, while two small packets of GM seed were erroneously included in the field trial of conventional canola, the

matter appears to have been quickly identified and remedied. The GM plants in question were eradicated while still in the seedling stage.

The honourable member's question suggests that the matter was in contravention of the Gene Technology Act. The Regulator, Dr Sue Meek, has indicated, however, that no significant risk arose as a result, and that no action will be taken against Cargills or the Victorian Department of Primary Industries as the Act was judged not to have been breached. There have been claims that the Regulator has set a precedent by not taking action in this case. However, Dr Meek's position was not discretionary, as section 32 of the Gene Technology Act 2000 (Cmth) clearly establishes that an offence is only committed if a person "knowingly" deals with a GMO in an unauthorised manner.

Within my Department the matter of maintaining the integrity of departmental field research programs is being examined as part of SARDI's normal management review process. The nature of SARDI's work frequently sees it undertaking independent and comparative research services, often with plant material where the specific pedigree or other details of the seed being tested may be confidential. SARDI are investigating whether their needs would be met by requiring seed sourced for experimental purposes to be supported by a written assurance from the supplier of its non-GM status.

TAXIS

In reply to **Hon. A.L. EVANS** (17 July 2003).

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

1. *Can the minister advise of the current key performance indicators in the contract between the government and Adelaide Independent Taxis?*

The current key performance indicators in the contract between the Government and Adelaide Independent Taxi Services (AITS) relate to:

- total number of dispatched jobs;
- total number of night jobs;
- percentage of jobs started later than 30 minutes after booked time;
- average waiting time; and
- number of complaints.

2. *Can the minister advise when the government will commence publishing key performance indicators for the accessible taxi service?*

The KPIs are primarily for contract management between the Passenger Transport Board (PTB) and AITS. Information regarding Access Cabs waiting time performance will be published in the PTB Annual Report.

Customers want a reliable service and since AIT began operating the Central Booking Service, there has been a decrease in instances of people waiting for extended periods. The number of jobs picked up within 13 minutes has increased from 73 percent to 81 percent and the number of jobs picked up within 30 minutes has increased from 91 percent to 95 percent.

3. *Can the minister advise if key performance indicators will include statistics on the nature, outcomes, time and resolution of complaints to the customer hotline so that customers can track service delivery improvements in the accessible taxi service? If not, why not?*

The relevant key performance indicator relates to the number of complaints received from customers. The KPI does not include the number of complaints resolved because this is better dealt with as part of good customer service rather than through a formal KPI. All complaints received through the Access Cabs Hotline in recent months have been responded to. The number of complaints received through the Hotline over the last seven months is as follows: February 2003 – 73; March 2003 – 52; April 2003 – 33; May 2003 – 19; June 2003 – 21; July 2003 – 10; August 2003 – 11. Although there is still room for improvement to Access Cab services, positive progress is being made.

PROBLEM GAMBLING FAMILY PROTECTION ORDERS BILL

Adjourned debate on second reading.
(Continued from 25 February. Page 1107.)

The Hon. G.E. GAGO: I rise to support this bill, which is one of the many initiatives of this government to decrease the frequency and severity of problem gambling in South Australia. Gambling is a popular form of entertainment in South Australia. This government recognises that, whilst many Australians partake in a wide range of gambling forms, I understand that 75 per cent of those who gamble do so in a highly responsible way and find it to be an enjoyable and sociable pastime. Only 15 per cent of gamblers are problem gamblers. Even so, the effects of gambling on this 15 per cent and their families are often devastating, not only to the individuals involved but obviously also to the broader community. With this in mind, the government has been very active in seeking to address problems caused by gambling. The government has been prepared to put its money where its mouth is in allocating an additional \$1.1 million over four years to ensure that the Independent Gambling Authority (the IGA) is able to perform its functions. The government is actually utilising the authority by referring issues of significance to it, and it is committed to achieving positive outcomes. This bill is an excellent example of this.

The family protection bill, which is before us today, is a sound initiative which will create a new family protection order which will allow families to intervene early if a family member's gambling is causing harm to the family. The government is not so naive as to believe that this measure alone will solve all problem gambling; it is very much one part of a package of measures. I will address, first, the particular initiative before us, and then I will outline in some detail the overall package of measures. This government recognises that, in most cases, problem gambling does not cause harm only to the person suffering with the gambling problem; often the problem gambler's family suffers significant financial and emotional stress as a result of the family member's gambling. The bill before us is very much aimed at reducing the financial harm experienced by the family of a problem gambler. This bill enables the family of a gambler to identify the family member as a problem gambler before irreparable damage is done.

This proposal, which is similar to the model currently used for domestic violence orders in South Australia, will allow a family member to apply to the Independent Gambling Authority to seek a problem gambling order against another family member who is causing financial harm through excessive gambling. The order could include provisions to bar that person from one or more gambling venues; require them to make specific financial arrangements and to participate in counselling and educational rehabilitation; and prohibit them from attending gambling venues and harassing family members for money for the purpose of gambling. The order would be issued in an environment that encourages counselling and mediation. Breaches of an order would be dealt with by diversionary management in a court, but no penal sanction will apply to such an order.

This is the first order of its type for gambling and provides a new mechanism for families to assist to reduce the harm associated with gambling. This courageous and innovative initiative is one of a range of initiatives prepared by the Independent Gambling Authority (headed by the presiding

member, Mr Stephen Howells) which aims to combat the negative effects of problem gambling within families and communities. As I have said in this place before, this initiative is a testimony to the commitment of the government, the skill and expertise of the IGA and the boldness and relentless hard work of the minister, the Hon. Jay Weatherill.

I add my acknowledgment to that of the government for the time and effort that the Independent Gambling Authority, industry and welfare representatives and other stakeholders have put into the consultation and hearing processes that have been undertaken to bring problem gambling initiatives before the parliament, including this bill.

There are three broad principles on which those government initiatives dealing with problem gambling are based: (1) the reduction of overall access to gaming machines and gambling opportunities; (2) additional restrictions on the gaming machine environment and ensuring that venues take on their responsibilities to address problem gambling; and (3) measures targeting the individual problem gambler and their family. The problem gambling and family protection order specifically addresses the third measure, which targets the individual problem gambler and their family. Other strategies which address this measure include the Minister for Social Justice's advertising campaign, which I am sure many of you in this chamber would have seen on television—an excellent series of advertisements for those able to watch television.

An additional \$4 million has been put into the Gamblers Rehabilitation Fund. After all, it is important that, as well as having people self-identify their problem, there also be ongoing support services to assist them. Under the principle of reducing access to gaming machines and gambling opportunities, early last week the Premier announced his intention of introducing legislation to reduce by 20 per cent the total number of gaming machines. This measure, in conjunction with the implementation of a trading system, which would give incentives to small venues to get out of the industry, is expected to result in an overall reduction in poker machine numbers and in poker machine venues. This announcement was a result of the release of the IGA's report on the inquiry into the management of gaming machine numbers. The recommendations made by the IGA were based on extensive consultation and research, which suggested that there is a correlation between accessibility of gaming machines and problem gambling. The parliament will shortly consider these issues.

As part of the strategies to be implemented to ensure gambling providers are responsible in the provision of gambling facilities, the Independent Gambling Authority is required to inquire into and provide approved advertising and responsible gambling codes of practice to apply to each of the five major forms of gambling in this state. The 10 codes consider mandatory obligations which apply to those gambling providers, and the first round of code development has recently been completed and tabled in parliament.

The advertising code of practice provides restrictions on the timing and content of the advertising of gambling products. It proposes a blackout of gambling advertising during family television time. Gambling advertising is further restricted to prevent the sounds of gambling (such as gaming machine sounds and coins being dispensed into cash trays) from being used as content in advertisements. The responsible gambling code of practice requires that all gambling providers prepare and display a document setting out how staff training and problem gambling intervention measures

would be implemented. They must also provide responsible gambling material for patrons.

Hotel and club gaming machine venues, and the casino, must take all reasonable and practical steps to prevent patrons from playing more than one gaming machine at any one time. The provision of alcohol to patrons standing or sitting at a gaming machine is prohibited; and hotels, clubs and the casino must also ensure that protocols are developed to deal with any children left unattended on the premises or in any other area controlled by the venue, such as the car park. As honourable members can see, the government has been extremely busy with these matters.

I now wish to briefly address the amendments to the Problem Gambling Family Protection Order Bill proposed by the member for Bragg in another place; they were also referred to by the Hon. Rob Lucas in this chamber yesterday. Those amendments (which I am pleased to say were defeated) proposed the replacement of the Independent Gambling Authority with the Magistrates Court as the body upon which the protection orders be issued. The member for Bragg argued that the Independent Gambling Authority will be vested with powers which will be far too broad, and I think the Hon. Rob Lucas agreed with those sentiments. My understanding of the rationale behind those proposed amendments was that the member for Bragg believed that the protection order needed to be dealt with in exactly the same way as domestic violence orders are dealt with within the Magistrates Court, that is, with all the protections of the law but open to the magistrate to be able to assist the family to take up counselling and mediation options.

However, there is an important distinction between domestic violence orders, as issued by the Magistrates Court, and family protection orders, as proposed in this bill: domestic violence is, in fact, illegal, so the conduct constitutes a criminal offence (that is, the subject of a domestic violence order is a criminal offence) but problem gambling conduct is not illegal—it is the conduct that triggers the capacity to seek an order but it is not otherwise illegal. We have been at pains to ensure that we do not criminalise gambling conduct, and we believe that it is far more appropriate to give those responsibilities to a specialist tribunal (the Independent Gambling Authority) which has the expertise to deal with such issues.

The Independent Gambling Authority is presided over by an extremely competent lawyer with not less than 10 years experience, and there are also a number of other persons on its staff with expertise in relation to these issues. It is a specialist tribunal that already has experience with the granting of voluntary barring orders, so it understands the nature and extent of the issues to be dealt with and has the capacity to deal sensitively with these issues. If one is concerned about the criminalisation of this conduct (as all responsible members should be), I would have thought that a court would be the last place in which you would ask for these orders to be dealt with, because that would certainly create the impression that that conduct was a criminal act—or it would certainly lead to that perception.

The Independent Gambling Authority is a significant tribunal; it has significant status; and it deals with these issues in a specialist way. In light of the issues I have outlined, I believe it is clearly a much better place to deal with some of the complexities related to problem gambling issues.

The Hon. Rob Lucas also voiced some concern about the effect that distance might have on the IGA's ability to perform its functions, but I believe that information tech-

nology has advanced and developed in such a way that it would more than adequately provide for any contingency. For instance—and this is just an area where I have some personal experience—there are provided to rural and remote areas a wide range of medical and psychiatric services through telemedicine and telepsychiatry services, which are an advanced form of teleconferencing with visuals supplied as well. In fact, life and death decisions are made using this technology. Surgical advice is given, complex diagnostic decisions are made and, with telepsychiatry, I understand patient-doctor consultation and treatment occur using this technology. So, I believe there are more than adequate advances in technology to assist the IGA in these matters.

As can be seen, this bill is one strategy in a package of many aimed at reducing the harms associated with problem gambling. The Rann Labor government has shown its willingness to tackle difficult issues (issues that are pulled out of the too-hard basket) and has been prepared to tackle them head on. I urge members to support the families affected by problem gambling by supporting this bill as one of a package of initiatives dealing with this complex social issue.

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

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 1082.)

The Hon. IAN GILFILLAN: I indicate Democrat opposition to the bill. It seeks to amend the legislation in two ways. First, it seeks to create provisions to allow licences for extended trading from 12 midnight to 2 a.m. on Good Friday. Secondly, it provides for some technical amendments empowering the licensing authority to vary licences following breaches of conditions. The contentious area of the bill is the first part involving clauses 4, 5 and 6. This will see hotels, clubs and entertainment venues applying for an extended trading licence to serve patrons until 2 a.m. on Good Friday. Currently, it is permissible on Good Friday for licensed premises to sell liquor to patrons who are having a meal or attending a reception where food is served, or to lodgers. However, venues that serve liquor and not food are restricted to closing their bars at 9 p.m. on Maundy Thursday.

If this bill passes, it will change this law and allow venues such as nightclubs to apply to trade until 2 a.m. on Good Friday. We are concerned about increasing the hours that liquor is available, particularly during what is the worst time of the year for deaths on our roads, and for those reasons I indicate we will not be supporting the bill. From a personal note (and I recognise that it is a personal note which is shared by other members who believe that Good Friday is a special day of the year), and I add for another reason, I believe this bill should be opposed because, for a large percentage of our community, Good Friday is a particularly special holy day, and I would regard the extension of the selling of alcohol from 12 midnight to 2 a.m. to be an infringement on that. We oppose the second reading of the bill.

The Hon. J.F. STEFANI: I rise to indicate my opposition to the bill. In giving consideration to the measure, I must say that I find it somewhat difficult to accept that we should extend the Liquor Licensing Act to provide for people to

drink until 2 a.m., and fundamentally not because of any religious impediment that might arise from such a measure—although I do attend religious services on Thursday but they are well and truly finished by 2 a.m. However, there is another fundamental reason which is important and which I should put on the public record. We have a government that is endeavouring to come to terms with a very serious rising road toll. Equally, we have many people who indulge in drinking too much and who are caught drink driving—and the number of people who are caught drink driving is very significant. I happen to drive home from church on a Sunday morning and invariably see six or seven cars that have been pulled over.

This measure will encourage heavy drinking on a Thursday evening leading into a long weekend, the Easter weekend. I find it somewhat amusing that the government should even consider this measure, which will give people the opportunity to stay at a pub and drink themselves stupid until 2 a.m. leading into a long weekend, and in consequence then take to the road and cause havoc not only to themselves but to others. It is just beyond me to understand what sort of thinking is behind this measure. I certainly feel very strongly about it for the reasons that I have put on the public record. It is not fundamentally because I go to church on the Thursday evening: it is because we are leading into a long weekend where people are already relaxed and looking forward to their four or five day break, and we are providing them with the opportunity to drink themselves stupid until 2 a.m.

It is an indictment on the government which is so strong on other law and order and social issues, but it is quite happy to create another opportunity for our police force to be totally absorbed in pulling over people who drink too much and then drive. I feel very passionate about this. We already provide sufficient time for people to have a drink. The laws as they stand (and as the minister has already pointed out) already provide for the supply of liquor—and I think quite appropriately—to patrons who are staying at a motel. They have already reached their destination. They will have a meal and they can be supplied with liquor. I think that the controlled measure that is in place now was well thought through, and I do not have a problem in saying that, if people want to drink at a bar until 2 a.m., they do not have my support at all.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank all members for their contributions and I commend the bill to the council.

The council divided on the second reading:

AYES (14)

Dawkins, J. S. L.	Gago, G. E.
Gazzola, J.	Holloway, P. (teller)
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Roberts, T. G.
Schaefer, C. V.	Sneath, R. K.
Stephens, T. J.	Zollo, C.

NOES (6)

Evans, A. L.	Gilfillan, I. (teller)
Kanck, S. M.	Reynolds, K.
Stefani, J.F.	Xenophon, N.

Majority of 8 for the ayes.

Second reading thus carried.

In committee.

Clause 1.

The Hon. CAROLINE SCHAEFER: Although in my second reading contribution I said that I was opposed to the bill, for the record I want to make it clear that I am not opposed to the administrative clauses of the bill. However, I will vote against those clauses that apply to late closing on Maundy Thursday night.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. R.I. LUCAS: I move:

Page 2—Delete the clause and substitute:

4—Amendment of section 4—Interpretation

Section 4, definition of *extended trade*, paragraph (a)—after 'day' insert:

(including Good Friday but excluding Christmas Day)

I suspect that my view is possibly in the minority in the chamber; therefore, I will not take an inordinate amount of time and, certainly, if it is lost on the voices, I will not call for a division. I move this amendment on behalf of the young people of South Australia, who are not always well represented in this chamber, nor, indeed, in this parliament.

The Hon. T.G. Roberts: And insomniacs!

The Hon. R.I. LUCAS: And insomniacs, as the minister indicates. As I indicated in my second reading contribution, the lifestyle of young people is very different to that which we enjoyed when we were their age. In particular, these days more often than not they do not commence their evening's entertainment until 11 or 12 p.m., nor is it uncommon for them to conclude at 4, 5 or, indeed, 6 a.m. Although I acknowledge the always wise comments of my colleague the Hon. Mr Stefani, this entertainment does not always involve alcohol. I concede that it does for a significant number but, in many cases, it involves social intercourse, good times and the enjoyment of music and dancing.

I also highlight the fact that many young people are engaged in part-time work, and I will not waste the time of the committee looking at the exact numbers. However, I am sure that most people will concede that young people at university or studying at TAFE have significant part-time work commitments. Many work in the hospitality industry or in retail, where they work in the evening and sometimes do not finish until 10 or 11 at night. In many such cases, they do not have an opportunity to enjoy entertainment until they have concluded their part-time shift work at 10 or 11 p.m. or even at midnight.

The government's move for 2 a.m. closing looks as though it will be a close vote in this chamber. However, I acknowledge that my amendment, which gives not only our young people but also others the opportunity at Easter time, to enjoy the normal entertainment hours that apply on a Thursday night or Friday morning is unlikely to be successful. As I said at the outset, I indicate that, if it is lost on the voices, I have no intention of calling a division.

The Hon. P. HOLLOWAY: The amendment of the Leader of the Opposition would permit trading until 5 a.m. on Good Friday. I indicate that the government does not support such an amendment. Although it has introduced this bill to permit trading until 2 a.m., the government intends that to be the limit and not the thin end of the wedge. It does not believe that Good Friday should, as the honourable member suggests, be regarded as just another trading day. I point out that, under the proposal, Christmas Day and Good Friday would be equated in the Liquor Licensing Act inasmuch as the early morning limit is 2 a.m. However, obviously Christmas Day during the day has different provisions.

The Hon. J.S.L. DAWKINS: For the record, will the minister indicate the other opening rights on Christmas Day?

The Hon. P. HOLLOWAY: I am advised that it is 9 a.m. until 11 a.m.

The Hon. R.I. Lucas: Do you support that?

The Hon. P. HOLLOWAY: We are just proposing changes to Good Friday.

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

The Hon. P. HOLLOWAY: Well, it is saying that in the early hours this will be equivalent.

The CHAIRMAN: The Hon. Mr Lucas is proposing to delete the clause and substitute another clause. I will put the question in the positive: that clause 4 stand as part of the bill. Those opposed to Mr Lucas will vote aye and those who support Mr Lucas will vote no.

Clause passed.

Remaining clauses (5 to 8) passed.

Members interjecting:

The CHAIRMAN: I will try to explain it to members. The Hon. Mr Lucas moved to delete the clause. I put the question in the positive form that the clause stand as part of the bill. The amendment moved by the Hon. Mr Lucas was to delete clause 4 and substitute another clause.

Members interjecting:

The CHAIRMAN: Yes, I did. I put the question that clause 4 as printed stand as part of the bill. That is where we are at: it is standing as part of the bill.

Members interjecting:

The CHAIRMAN: Unfortunately, your position was lost. The question that the clause as printed stand as part of the bill has been resolved in the affirmative.

Title passed.

Bill reported without amendment; committee's report adopted.

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

That the bill be now read a third time.

The Hon. R.I. LUCAS (Leader of the Opposition): I indicate that I intend to support the third reading, but I think that there was some confusion during the committee stage of the debate. Because of the unusual way in which my amendment was constructed, some members who clearly did not want to support my amendment but did want to oppose the 2 a.m. extension were not, under our procedures, able to exercise that opportunity. I think, for the *Hansard* record, that that ought to be made clear. Obviously, it is up to each individual member whether they want to have a significant number of third reading contributions but, clearly, those members will now be able to vote against the third reading of the bill to indicate their opposition to the proposal to extend trading to 2 a.m. on Good Friday.

The Hon. IAN GILFILLAN: I hope that we can actually defeat this at the third reading, because the extension of the hours is by far the most important aspect of the bill, and I think that belief is shared by other members of this place who did not vote against the second reading—and they made it plain that that was the reason why. On behalf of the Democrats, I indicate that, if the government wishes to introduce fresh legislation—if it can do that either this session or whenever—to deal with those other administrative matters and which were supported we would be happy to facilitate that process.

The Hon. NICK XENOPHON: I mirror the position of the Hon. Ian Gilfillan, and I also share the concerns very pertinently put by the Hon. Mr Stefani and others in relation to the issue of the risk in terms of drink-driving and the message it sends to the community. I do not resolve from my position and I endorse the remarks of the Hon. Mr Gilfillan.

The Hon. CAROLINE SCHAEFER: I indicate that I will be voting against the third reading. I did not vote against the second reading because, as I said, I was quite happy to support the administrative parts of this particular bill. It was my intention to oppose both my leader's amendment and the pertinent clauses within the bill and—due to some misunderstanding, I am sure, on my part—I think I was denied that opportunity. So, I am left with no option but to vote against the third reading.

The Hon. J.S.L. DAWKINS: I would like to echo very similar sentiments to those expressed by the Hon. Caroline Schaefer. I will be voting against the third reading. It had been my intention to oppose the amendment of the Hon. Rob Lucas and clauses 4, 5 and 6 but I will be voting against the third reading.

The Hon. J.F. STEFANI: I, too, am supportive of the administrative measures which the government intends to implement, so if this bill is defeated and the government were to introduce a bill to address those measures I would be happy to support them. Equally, I would have liked to have the opportunity of asking a number of questions during the committee stage, and I regret that I too fell into a misunderstanding of the procedural way in which the bill was progressed. In particular, I wanted to ask questions in relation to the past experience of police regarding how many people have been caught drink-driving on a Thursday night leading into Good Friday. That is fundamental to me, and it is the reason I have indicated my opposition to the extension of the liquor licensing hours.

THE PRESIDENT: Unfortunately, those questions cannot be answered at this stage.

The Hon. P. HOLLOWAY: I hope that this bill is supported at the third reading stage by a majority of members in the council; however, I do note the comments that have been made by a number of members in relation to the procedures which have occurred here.

The council divided on the third reading:

AYES (11)

Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Roberts, T. G.
Sneath, R. K.	Stephens, T. J.
Zollo, C.	

NOES (9)

Dawkins, J. S. L.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Lensink, J. M. A.	Reynolds, K.
Schaefer, C. V. (teller)	Stefani, J. F.
Xenophon, N.	

Majority of 2 for the ayes.

Bill read a third time and passed.

DECS REPORT

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to special classes reports made in another place by the Minister for Education.

Leave granted.

MOOMBA GAS CRISIS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement about the Moomba gas crisis made today in another place by the Minister for Energy.

Leave granted.

SUMMARY OFFENCES (CONSUMPTION OF DOGS AND CATS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 1032.)

The Hon. D.W. RIDGWAY: This bill seeks to amend the Summary Offences Act 1953 by inserting a provision to make it an offence to: knowingly kill or process a dog or cat for the purpose of human consumption; supply a dog or cat (alive or not) to another person for the purpose of human consumption; and knowingly consume dog or cat meat. I support this bill but note that in South Australia it is currently illegal to sell or commercially process cat and dog meat. This means that this legislation is directed at backyard operators in order to prevent the supply and consumption of dog and cat meat. There has been some suggestion that this bill is racist as the practice of eating dog and cat meat is culturally acceptable in some Asian countries, in particular China, Korea and Vietnam. It should be noted that it is not an inherent part of any religion or national identity in those countries; it is a tolerated practice.

In Korea, some believe that torturing a dog makes it produce adrenalin, and eating its meat will act as a natural Viagra. However, there is absolutely no scientific basis for this assumption. Humane Society International claims that dog eating simply grew in popularity after the Korean War when starvation was prevalent. Whatever the case, eating dogs and cats is seen as a barbaric practice here. I do not think that racism is the motivation behind this bill. The majority of South Australians find the idea of eating cat or dog meat abhorrent. It is our responsibility to legislate to prohibit practices which are culturally unacceptable in South Australia. There are laws banning the practice of female genital mutilation in South Australia, because despite the fact that it is culturally acceptable and, even encouraged in some countries, the majority of South Australians find it completely deplorable. In order that we do not offend Muslims, are we to ban the consumption of alcohol in South Australia, or ban the consumption of pork so that we do not offend Jews? I do not think so.

Humans are not encouraged to eat cats and dogs for a variety of reasons. These animals are our traditional companions, but pet sheep and cows have also been mentioned in the context of this debate. Beyond that, we do not eat them as it is seen as unhygienic. That is the point of the bill. If animals are slaughtered and distributed by backyard operators, then all public health controls are lost and there is the potential for disease. Further, cats and dogs carry diseases

that may prove harmful to humans who ingest their meat. These include rabies, thankfully not present in Australia due to our stringent quarantine laws, distemper and mange (perhaps afflicting some of my colleagues across the chamber). Dogs, in particular, can carry parasites that can live in the digestive system and invade the bloodstream. Is there anything to stop parasites being passed on to people if they slaughter and eat dogs in their own backyard?

Dogs and cats ingest the meat of other animals. It is the primary substance of their diet. There are links between mad cow disease and cows ingesting animal meat. The links between similar diseases in humans and the ingestion of carnivorous meat may not have been proven, but the intent of this bill is to prevent people from testing those links. The Victorian legislation, which is the basis for this bill, was introduced not because there was any rise in the number of people found to be eating cats and dogs, but a rise in community outrage at the thought of consuming these animals. Once again, I affirm my support for this bill as it is a simple bill that outlaws the sale and consumption of cat and dog meat both for safety and because it is generally regarded as an unsavoury practice in South Australia.

The Hon. A.J. REDFORD: This important piece of legislation was introduced into the House of Assembly by our erstwhile Attorney-General in October last year, following a radio interview with our people's Premier on Jeremy Cordeaux's show a few days earlier. In another place, the Attorney-General, the members for Mitchell, Bragg, Morphett, Heysen, Giles, Unley, Mackillop, Newland, Hartley, Frome and the Speaker, all made some contribution to this important debate. I recommend that all members read it. I suggest that it demonstrates, in no small way, why we need an Upper House.

This bill has got me thinking about other serious social ills that can, from time to time, make our lives just that little more uncomfortable. I know there may be occasions where the Premier might be stuck for an idea when he appears on Jeremy Cordeaux, that he might like to make further announcements that might benefit South Australians in the same way that this important bill does by prohibiting the rarely practised human consumption of dog and cat meat.

With that in mind, I have a few suggestions that the Premier might like to raise on the Cordeaux show or Paul Makin's or even on the ABC. I hope that this might help the Premier continue on his populist and caring—I emphasise that—pursuit. Some examples of bills that might fall into the category that this bill falls into, which would enhance the community benefit tremendously, are a Volvo driver training bill, a tommy ruff protection bill, a wolf-whistle prevention bill, offences against public decency (anti-nosepicking) bill, a body odour prevention bill, an abolition of tinea in public showers bill, or a pets' funeral authority bill. One very dear to my heart would be to bring an immediate expression of support for a prohibition of tea bags bill or a snoring control bill, and something I am sure would get Jeremy's listeners extremely interested would be a flatulence prohibition bill—prohibiting the breaking of wind without authority. The only question in relation to that bill is whether or not there should or should not be a drunk's defence. Still, our erstwhile Attorney-General, once this bill is off the books, will be able to solve this difficult question.

I personally oppose this bill but I will support the party position. I must say that I think it is sad that we now have to go on and deal with other minor matters such as the honesty

and accountability in government legislation, the health and community services bill, the parole amendment bill, that minor criminal injuries compensation bill, that relatively less important offensive weapons bill, that extremely insignificant problem gambling bill, or the hardly relevant Ipp bill. I am so grateful that the Premier identified this very significant public and social issue and, aided and abetted by our erstwhile Attorney-General, has given us all here an opportunity to protect and save the dogs and cats of South Australia from human consumption. I am extremely proud to be a member of parliament on this occasion.

The Hon. NICK XENOPHON: With sincere apologies to Dr Seuss, and with some acknowledgment for bastardising his work, my contribution is as follows:

The sun did not shine, it was too wet to play
So we sat in Parliament House on that cold, cold wet day.
Mike sat there with Mick,
The Premier and Attorney those two.
And they said, 'How we wish we had something to do!'
Too wet to go out and too cold to play ball.
So they sat in the house, they did nothing at all.
So, all they could do was to sit, sit, sit, sit!
And they did not like it, not one little bit.
And then something went bump!
How that bump made them jump!
They looked and they saw them step in on the mat!
They looked and they saw them, the cat in the hat
And the dog on the mat!
And they said to them, Mike and Mick,
'Why do you sit there like that?'
'We can give you something to do.
Pass a law to stop people turning us into stew.
Even though the need for such a law is really quite sus
You can really kick up quite a big fuss.'
So Mike and Mick looked at each other
And smiled and said, 'Oh, mother!
Thank you so much, Cat in the Hat
We are so grateful, Dog on the Mat
We now have something to do
So off to parliamentary counsel we'll toot-a-loo
So the whole state can see we love you cat and dog
And in the opinion polls, we will never be in the bog
And if any MP wants you to be roast
We will make sure that in their electorate they will be toast.'
So Mike and Mick got their law passed
And no-one dared accuse them that it was all a bit of a farce.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their contributions to this bill. I wish to make one comment on a matter that was raised. The Hon. Mr Gilfillan made the point that there is no legal way in which dog or cat meat can be sold for consumption in South Australia. That is, of course, correct; and that fact was mentioned in the government's second reading explanation. This bill is not about the sale of dog or cat meat—it is about the non-commercial provision or consumption of such meat, for example, after slaughter in the backyard. The Hon. Mr Gilfillan has suggested that this measure is:

... a very offensive expression by a government which has largely neglected the fact that we are a multicultural society.

The government categorically rejects any accusation that this bill is in some way directed at or to any particular culture. I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. IAN GILFILLAN: I would like to make a couple of observations. I made a public comment about the bill which I would like to read into *Hansard* because I believe that the Attorney-General has spread it about that I have somewhat erroneously and maliciously misrepresented him as far as the introduction of the bill is concerned. What I said in the release was that it is entirely inappropriate to legislate a response to rumour, innuendo and urban myth.

The Attorney-General offered two stories to support the bill. I indicate that we undertook inquiries as to the substance behind these two stories which were presented. I indicate to the council that we were unable to find any substantiation of the statement made by the Attorney-General in another place on Tuesday 17 February. The Attorney-General said:

Yes, I do, actually—

this is in response to a request for detail—

Not so long ago when Ferryden Park was in my electorate a group of bikies and ne'er-do-wells got together in a public park and used a newly installed coin-operated barbecue to cook a cat for human consumption.

Ms Bedford: How do we know that?

The Hon. M.J. ATKINSON: We know this, because the police arrived.

Following preliminary inquiries through a journalist at Triple J, the police were unable to find any evidence of that. An approach was made to the local paper which also indicated that there was no evidence that such an event took place. In fact, when the Attorney-General introduced the bill on Wednesday 15 October last year, he said:

The government is not aware of any evidence that this is common or occurs at all in this state or even in Australia.

The matter was raised last year as the result of a reported incident in Victoria, at Niddrie in Melbourne, where a non-English speaking man was seen with a puppy or puppies in a bag. He indicated to people present, I think at a shopping mall or a retail district in Niddrie, that he was intending to slaughter the puppies and eat them. That is one of the comments made by the Attorney in another place on 17 February.

The Attorney reacted to our questioning the voracity of what it was that he had been justifying at the introduction of the bill. It is interesting that the bill was introduced even though there was no evidence of which they were aware of this occurring at all in this state. Yet, when asked, this evidence suddenly appeared of a cat—I emphasise a cat—for human consumption in his electorate. In a media interview with Mr Francis on the 23rd, the Attorney said:

... one of the examples I gave of the killing and barbecuing of an animal in the parks area a few years ago. . . a group of youths got together and disembowelled it and threw it on the BBQ and today Ian Gilfillan came out and said Mr Atkinson's telling lies. . . it's just an urban myth, it's never occurred. Well in fact that sent me looking to the files to see where the story was. . . I finally found it in 1991. . . It was in the *Sunday Mail*—

one can always take what *The Sunday Mail* says with complete veracity—

and it said, police investigating a drunken street party involving up to 100 youths which saw the ritualistic style killing and barbecuing of a fox at a suburban reserve. Neighbours at Mansfield Park raised the alarm yesterday. . . after the dead animal was found draped over a road sign at a street roundabout. Evidence of the fox, which had been disembowelled and had been cooked, was found on a BBQ plate on the council reserve at Wilson Street. The reserve was also strewn with bottles, empty valium packets and. . . paper plates.

This interview goes on to berate Mr Robert Brokenshire MP's bill about the banning of the bomb. I will not quote any of that other than this particular line from the Attorney where he states:

Bob, I just think passing laws willy-nilly is not really good for law enforcement.

I cannot help but reflect on the second reading contribution of the Hon. Angus Redford about the profundity and value of this bill. If the Attorney regards the banning of the bomb as passing laws willy-nilly, it is pretty hard to excuse this bill from the same accusation.

I think the Attorney's argument that I was wrong is pretty frail, but I feel it is important to mention to this place that, when I put out the media release, the Attorney came to me in my room here where I was with my two staff and politely demanded an apology. He indicated that by using the word 'defamation', although I did not take notes of what he said. The implication was that what I had said in questioning his statements was defamatory. I am always quick to accept that defamation is a practice not to be taken lightly—it is not and was not my intention to defame the Attorney—but I believe that the statement in *Hansard* (when pressed) that the incident involved bikies and ne'er-do-wells operating a coin-operated barbecue to cook a cat for consumption and then, when asked how we know that, the claim 'because the police arrived', is pretty close to providing at least erroneous information to the house. Whether it was deliberate is pretty hard to pin down, but when I questioned it he went back to his files and, after a lot of searching, found the actual event to which he was referring.

I feel that my criticism of the Attorney was justified. I voted against the second reading, because I think this legislation is a nonsense. It is based on what is pretty close to an urban myth. If the Attorney cannot remember what the myth was and gets foxes and cats confused how can we have any guarantee that the legislation will be directed at the target which even the Attorney wants to attack by way of this legislation? We will continue to oppose the bill right through this process, including the third reading.

The Hon. P. HOLLOWAY: It is true that in another place the Attorney-General mentioned an example of a group of people barbecuing a cat. I am advised that the Attorney-General said that believing it to be true but has since come to accept that the animal involved in that incident was a fox. Nevertheless, the government's view is that this one incident is irrelevant to this bill. Regardless of whether there was an incident or whether people barbecued a fox or a cat or anything else, the government does not believe that that detracts from the basic issue of the bill: that is, that people should not consume these particular companion animals.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. A.J. REDFORD: Will the government give us an estimate of what it is going to cost to administer these new provisions?

The Hon. P. HOLLOWAY: No, but I venture a personal opinion to say that it would be very little. The offence will be there on the statute book. If it comes to the notice of the appropriate officials, they will take action. I think it is well accepted by all members of the house that it is not an offence for which there will be a great number of offenders.

The Hon. A.J. REDFORD: Is the leader prepared to accept a wager of \$20 that there will not be any prosecutions in the next two years pursuant to this legislation?

The Hon. P. HOLLOWAY: It would be quite improper for me to bet on the outcome of legislation.

The Hon. R.D. LAWSON: Will the minister inform the parliament whether any other states—and, if so, which states—have similar provisions and, in relation to those states which do have similar provisions, will he indicate whether the government is aware if there has ever been a prosecution under those provisions?

The Hon. P. HOLLOWAY: I am advised that Victoria is the other state which has similar provisions. Those provisions came into effect on 10 December 2003. So, not surprisingly, there have been no cases yet in that state.

Clause passed.

Title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

The Hon. CARMEL ZOLLO: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

PROBLEM GAMBLING FAMILY PROTECTION ORDERS BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 1120.)

The Hon. NICK XENOPHON: I indicate my support for this novel bill. It has not been used in other jurisdictions, and I note the contributions both in the other place and this place with respect to the bill. I also note that the principles enunciated in it have broad appeal. At the outset, I make it clear that I believe in the philosophy that it is much better to have a fence at the top of the cliff rather than the best equipped ambulance at the base of the cliff. Whilst I welcome this bill, I am concerned that much, much more can be done to reduce the incidence of problem gambling in the first place because this bill is clearly about assisting those families where significant damage has already been caused by problem gambling. In a sense, this bill is a last resort for those families that have been torn apart by problem gambling. The existing legislative framework, particularly with respect to barring under section 59 of the Gaming Machines Act, for instance, is not adequate for a whole range of cases and this bill will pick them up.

The various reports that have been produced by the Independent Gambling Authority, the Productivity Commission and the SA Provincial Cities Association through its commissioning of the SA Centre for Economic Studies indicate that problem gambling is a significant problem in our community. I note the comments by the Hon. Mr Lucas that about 1 to 2 per cent of the population are affected by problem gambling. The independent research indicates that the figure is a bit over 2 per cent and that 70 per cent of problem gamblers are those who have a problem with poker machines. The figures in the Provincial Cities Association report set out some 23 000 problem gamblers in the state, representing some 2.04 per cent of adults, with electronic gaming machine related problem gambling. That is shown in table E.4 at page 9 of the summary of the SA Centre for Economic Studies report on the impact of gaming machines on small regional economies, published in August 2001. It

looked at the issue of problem gambling in the state generally in terms of prevalence figures.

This is a significant problem and it must be said and said again that, for every problem gambler, according to research carried out by the Productivity Commission in its very robust and detailed analysis in 1999, on average some seven others are affected by that problem gambler. This legislation acknowledges that there is a broader impact in the community from problem gambling and that it can cause devastation and harm to families, and that is why I welcome this legislation. However, I make it clear that a much better approach would be not to have problem gamblers in the first place, and that would mean measures to reduce the prevalence of machines, in my view quite radically, to slow down the rate of play of machines, to get rid of ATMs from poker machine venues altogether, to have other measures for early intervention so the problems do not arise, and it involves a whole range of other measures including bans on advertising, promotions, loyalty schemes and so on.

These matters can be dealt with in the context of the government's bill, which will be introduced shortly. It cannot be too long away because any bill that deals with the current moratorium on the number of poker machines must be dealt with one way or another by the end of May this year, as has been pointed out by other members. There will be an opportunity in this place, and in the other place, to consider what will be effective in terms of problem gambling. Whatever differences there are between members as to their attitudes on gambling, I believe that there is some unanimity that no-one wants to see people being hurt by gambling addiction, by problem gambling, and therefore there is an imperative to undertake measures to deal with this.

I see this measure very much as the ambulance at the base of the cliff. I want to see fewer people being hurt in the first place—I do not want to see anyone being hurt by problem gambling. I support this legislation but it needs to be seen in the context of an overall package of measures that will comprehensively deal with problem gambling. To paraphrase comments by the Hon. Mr Lucas yesterday, he does not know what its effect will be, but it is worth a try. That seems to be the consensus. We do not know what the effect of this legislation will be, but it is certainly worth a try, it is certainly well intentioned and it could provide a vital safety valve for those families whose lives have been turned upside down by problem gambling.

In terms of the framework of the legislation, I have filed two sets of amendments. They were filed yesterday and I appreciate that members may not have had a chance to consider them. My concern is that the legislation does not allow for intervention to take place unless the conditions in clause 4(2) are met, namely:

For the purposes of this Act, the respondent is to be regarded as having caused serious harm to family members because of problem gambling if the respondent has engaged in gambling activities irresponsibly having regard to the needs and welfare of the respondent's family members, and has done so regularly over a period of not less than three months.

My concern is that, from my direct knowledge of the problem gamblers and the welfare agencies that I speak to, in many cases the problem gambling conduct extends beyond a three-month period, in some cases for many months and it accelerates in some cases. There are other instances where very damaging problem gambling behaviour occurs within a three-month period. Having an arbitrary level of three months may

cause a number of people not to get the relief that this legislation intends. It may be too late.

It would seem to me to be both farcical and particularly tragic if there were instances when a family member has essentially gambled away the family savings and the family home in a period of 2½ months, caused significant economic loss, caused significant disruption and the family does not have food on the table. They go to the Independent Gambling Authority and, because of the current wording of the legislation, they cannot get assistance. That to me is of significant concern. That is why I will move an amendment that deals with this issue so that, whilst three months may be a benchmark, there may be other cases where, if there is a particularly irresponsible manner of gambling behaviour that is causing harm to the family, the authority has discretion to look at this over a lesser period. I believe that there are some safeguards inherent in the legislation in terms of dealing with frivolous or vexatious applications.

The authority has a discretion not to go further with a complaint. So, if it is a case of a family member blowing a couple of hundred dollars on the pokies or the horses on one night, that in itself would not be the cause of an order. Obviously, for some people, losing \$1 000 could cause significant disruption—it could mean that the family does not get fed and it could cause great hardship in the family, whereas for the likes of Kerry Packer \$1 000 is loose change. So, it needs to be seen in context, and I have confidence that the Independent Gambling Authority will use its discretion wisely in terms of these new powers. If a complaint is frivolous, vexatious and without substance, or has no reasonable prospect of success there is a mechanism that provides a real safeguard against matters being referred to the authority lightly.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: The Leader of the Opposition interjects, quite helpfully, and says, 'What extra staff will the Independent Gambling Authority need?' Well, we will have to wait and see. I have advised the office of the Minister for Gambling that I have a concern about the need for extra resources for the authority. To put it into perspective, I think the authority's budget is about \$1.3 million (although, I stand to be corrected), which is not an insignificant sum. However, when you consider that the state rakes in something like \$1 million a day in gambling taxes it is not by any means a disproportionate sum to deal with the important statutory roles undertaken by the authority. Of course, if this bill is passed it will clearly increase the workload of the authority, which is why I would like the minister to advise what extra resources will be provided to the authority.

Obviously, I do not expect that there will be an avalanche of orders being sought; I think it will be a time for people to be aware of it. I imagine that the various counselling authorities, through the Breakeven gambling services network, will advise people about seeking assistance. There is not much point in passing this legislation unless there are adequate resources to deal with it appropriately, and that is clearly an issue that needs to be dealt with.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: The leader says, 'Why won't there be a significant number of applications?' It still surprises me that there are people who do not know of the existence of the Breakeven gambling network. I remember that the previous government undertook a very significant publicity campaign on which it spent hundreds of thousands

of dollars. When I asked questions of the previous government, from memory, I was advised that a survey indicated that in the order—and I will stand corrected—of about 25 per cent of the population were aware of the Breakeven gambling network. Clearly, that ratio would today be higher. There might also be reasons why people would initially be reluctant to seek that intervention, but I think it is a question of building up a momentum until people can see that it can bring results, and so we should give it time to work. I do not expect there will be a flood of applications overnight, although I might be wrong. It is a question of the public being made aware of it.

One of the other questions I will be asking the government during the committee stage is: what measures will be taken and what resources will be used to adequately publicise these new reforms? Some would say that it is a novel approach. There is not much point in having groundbreaking legislation to help people unless the public knows about it, and that is the point I and the Productivity Commission have made clear. The Hon. Mr Lucas interjected that gambling counselling agencies see only the tip of the iceberg, seeing only a relatively small proportion of people who need assistance, because there is still a reluctance by many people who have a problem to face up to the issues relating to their gambling problem often until it is too late. So, we will wait to see what the response will be.

I think it would be unrealistic to predict that there will be a flood of applications initially, but this is something that will be used much more, particularly if it is shown to be effective in dealing with problems. In terms of the comments you, Madam Acting President, made in your contribution, I think that this is a non-adversarial approach in the sense that this is not going off to the Magistrates Court. Whilst it uses the framework of an apprehended violence order, it is something that is supposed to have a degree of, if not informality, then conciliation and mediation to get to a result. Hopefully, in many cases there will not be a need for an order and that simply having this process there and having an initial mediation might be enough to jolt someone into the realisation that they have a significant problem that is causing a great deal of harm to their family and to take action.

When I say 'mediation', I use that in the sense, as I understand the processes (and they can be fleshed out in the committee stage) that it is a question of bringing people forward to establish what the issues are before any orders are made. I imagine that there will be circumstances where there will be a resolution early on. The mere fact of attending a preliminary hearing with the IGA in a non-adversarial context before any formal orders are made could well lead to a realisation that should assistance be sought from a gambling agency. That is obviously something the minister can assist us with during the committee stage. That is my understanding of how it works.

I note the comments made in the contributions about the issue of legal training. Both the Presiding Member and Deputy Presiding Member of the authority are legally qualified, and the Deputy Presiding Member is an Adelaide based member of the legal profession. So, I believe there will always be someone here to deal with these matters expeditiously. There are a number of other members of the authority who are not legally qualified but who will obviously be part of the process. Again, these are matters that need to be raised during the committee stage as to how it will work. I think the Hon. Mr Lucas asked whether it will just be a fixed two people, or whatever and, obviously, that is a pertinent issue

to be raised in the committee stage. However, I think it is important that there not be a fixed period of three months. Obviously, if that is not the will of the parliament, I will accept the bill in its current form rather than no bill at all. However, it is something that should be monitored.

Another amendment I propose to move relates to deleting the words 'pattern of behaviour will continue' and inserting 'irresponsible gambling behaviour will continue or recur', because the word 'continue' may mean something that is continuous, whereas sometimes it is a case of a problem gambler having a binge, then not doing anything for a while, and then it recurring, but the damage is still done to the family. So, it allows some flexibility for the authority so that it is not unduly constrained. In terms of a fall back position to the first amendment I referred to, I will be moving a fall back amendment if I am not successful with my first amendment to delete the word 'regularly' in clause 4, page 3 at line 25 so that it is the impact on the family if there has been gambling over a period of three months. The word 'regularly' may unduly restrict the operation of the section so that it could be a case where someone has a binge in month one, does not do anything for another four or five weeks and then goes on another binge and blows the family budget, the kids' school fees and the mortgage payments. There could be an argument that the word 'regularly' would prevent the authority from taking action. So the word 'regularly' would unduly fetter the operation of the authority in dealing with this matter.

I also indicate what is probably the least controversial of the amendments; that is, that the minister must at least annually cause a report to be laid before each house of parliament on the operation and effectiveness of the act. That is something about which we all need to know so that we can measure with some degree of objectivity how this is operating and whether it can be improved, and we can see that it is making a difference in turning around the lives of people who are being affected by problem gambling.

It is worth referring to the Productivity Commission's report very briefly. I refer to submissions made by Tattersalls no less, one of the gambling giants in this country. At page 7.25 of volume 1 of the commission's report it acknowledges the following:

... there is no doubt that costs imposed on others are a genuine social cost. These costs arise as result of loss of business productivity, family breakdown, gamblers' antisocial and/or criminal behaviour, and destitution. They take the form of loss of well-being of the problem gamblers' associates, and costs to welfare agencies and community groups.

That is the gambling industry acknowledging the significant harm it can have to others, and the Productivity Commission made it very clear that a number of other people are affected by each problem gambler. I welcome this legislation.

I have campaigned previously to extend the barring provisions and, if my recollection serves me correctly, in 2001 I moved amendments which were not successful to allow for barring provisions to be invoked by third parties; in other words, by family members or welfare agencies. That was not successful at the time in the context of the debate in 2001, but in many respects this bill does provide for third parties to take action but in a more comprehensive and proscriptive manner, and I certainly hope that this will make some difference in assisting those individuals whose lives have been devastated by problem gambling. Obviously I want to see fewer people getting hurt in the first place so that we will not have the need for such legislation, but that is a matter

for debate and amendment at a later stage when this parliament considers other legislation to deal with gaming machines and gambling generally. I support the second reading of this bill.

The Hon. KATE REYNOLDS: I indicate Democrat support for the bill and also indicate our support for many of the points made—not concisely but well made—by the Hon. Nick Xenophon. The impact of problem gambling is very real, very drastic, very widespread and growing, and so this initiative is welcome. However, we do look forward to the debate on the amendments tabled yesterday. I wish to put a couple of points on the record. First, this is not an early intervention measure as some people have suggested. By the time a family member makes a complaint to trigger the order process, significant damage will have already occurred. Whilst this initiative is welcome, it is just one tool (and only one) and only available at a fairly late stage in the cycle of addiction. Much more is needed to be done by this government to responsibly address the issue of problem gambling in South Australia.

The organisations working every day with problem gamblers and those affected by the behaviour and actions of problem gambling are like many problem gamblers, that is, in dire straits. The funding they receive from government and the gambling industry is nowhere near enough. I take this opportunity to call on the government again to provide secure and realistic funding for gambling rehabilitation services, not just to continue the fine and very necessary work that they already do but to enable them to respond to the increased demand on their services which, undoubtedly, will occur as a result of the passage of this bill. After all, the government receives a secure income of about \$1 million a day in gambling revenue and an announcement of fair funding would certainly ease the pain felt by the organisations which are doing it as tough as the families which this bill seeks to protect.

I note the comments of the Minister for Gambling (Hon. Jay Weatherill) in another place yesterday when he referred to problem gambling as 'one of the most serious and significant social problems with which we have to grapple as a community'. Indeed, if the government is serious about dealing with the effects of problem gambling it must—not should—acknowledge that, by forcing social welfare organisations to divert resources from issues such as homelessness to address the pain of the increasing numbers of problem gamblers, the ripple effects of poverty, homelessness, drug addiction and so on will continue to escalate, putting even more pressure on future governments, the state's taxpayers and non-government organisations.

While this initiative is welcome, we intend to hold the government to its word that more and more comprehensive measures will be brought to the parliament to assist the government, the community, the gambling industry, the social welfare sector and families to implement successful prevention and early intervention measures, which can make a substantial impact well before more lives and livelihoods are destroyed by problem gambling.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): A number of fresh questions have been asked by the Hon. Nick Xenophon which I am sure we can deal with in committee. The Hon. Terry Cameron has indicated that he is prepared to allow the bill to proceed into committee. I thank members for their indications of support

for the bill. Members raised a number of questions and I will seek to address those matters now, that is, those that were asked prior to today. A number of matters raised were also addressed in another place.

Some members have argued that these orders should be issued by the Magistrates Court rather than the Independent Gambling Authority. Problem gambling conduct is not illegal. It is the conduct that triggers the capacity to seek an order but is not otherwise illegal, and the government has been at pains to ensure that we do not criminalise gambling conduct. Consistent with that, this bill provides for a specialised tribunal, the Independent Gambling Authority, which has the expertise to deal with such issues.

The Independent Gambling Authority is presided over and has a deputy who are lawyers with not less than 10 years experience. It is a specialist tribunal that already has experience with the granting of voluntary barring orders, so it understands the nature and extent of the issues that will be dealt with. It has the capacity to deal with the sensitivity that is included in these issues. The other problem that is created by going straight to the court is one of the difficulties that we are all trying to avoid, that is, frivolous and vexatious application. It seems that the frivolous and vexatious application will be far more damaging if the application is made to a court than if it is made to a tribunal.

The Independent Gambling Authority can deal with these issues in a way which respects the sensitivities involved, and it can wisely discern those applications which are about trying to get some third party leverage on a family member. This system has been carefully designed to ensure that it is not escalated at an early stage. Having the application dealt with by the Magistrates Court would indeed escalate it. The fundamental problem with the proposition of handing it to the court and not to the Independent Gambling Authority is that it completely devalues the role of the specialist tribunal. The presiding member is required to be a lawyer with at least 10 years experience. That needs to be contrasted with a magistrate who can be appointed with only five years experience.

The Independent Gambling Authority is a significant tribunal; it has significant status; and it deals with these issues in a specialist way. It is a much better place to deal with some of the complexities of the problem gambling issue. In respect of the processes for dealing with applications, these procedural matters are yet to be determined by the authority pending the passage of the legislation. The legislation does require that the conduct of proceedings must be before the presiding member, or deputy, and at least one other member. Importantly, it also provides that the presiding member, or deputy, will decide questions of law.

The bill provides that harm from problem gambling would need to be occurring for three months prior to an order being issued by the authority. The authority could, however, receive applications at any time and could begin dealing with the applicants immediately. The three-month rule will assist to prevent vexatious and frivolous actions by family members. It is intended that these orders not be used lightly, and the initial test is considered to meet that objective. Notwithstanding that, one would not expect the authority to turn applicants away. While an order could not be issued, processes to assist these persons could nevertheless commence immediately, and the authority would be expected to deal with issues as they arise.

In addition to these processes, the authority could refer the parties to a counselling service to seek to encourage problem

gamblers to take advantage of the existing voluntary barring scheme. This is a matter of balance and is certainly a matter on which ongoing monitoring and review of the initial scheme would provide feedback on whether amendment is required to the legislation. On the issue of publication and dissemination of information on the existence of problem gambling protection orders, I note that this scheme has already been subjected to wide consultation throughout the community. In addition, an article on the potential introduction of the family protection orders has already appeared in the *Gambling Matters* publication sponsored by the Gamblers Rehabilitation Fund.

Following the passage of this bill, the Breakeven network agencies, and thus counsellors working with problem gamblers and their families, would be informed about the orders scheme through their existing information channels within the Department of Human Services. In the 2003-04 budget, the government committed \$100 000 for the preparation and dissemination of gaming machine information booklets for general circulation in the community. The family protection orders scheme, subject to passage in parliament, would be included in that publication as information to the community. The information booklet is currently being introduced by the Independent Gambling Authority. These processes will provide a wide promotion of the availability of the scheme.

With respect to the resourcing of services to meet demand that may arise from these orders, the authority has not identified any immediate additional budgetary requirements arising from this measure. The requirement for any additional resources will be dependent upon how many applications there are for family protection orders. The government will monitor the need for any additional resources for the IGA and, indeed, counselling and other associated services that may arise from this proposal. The government acknowledges that it will be important to have ongoing monitoring and review of the provisions of the bill and their impact.

As was noted in my second reading contribution, this is unique and innovative legislation. We are not aware of this type of measure for problem gambling in any other jurisdiction. It does, therefore, raise some new issues for implementation and operation of the scheme which will need to be monitored and reviewed over time. This is an important measure for families to assist to reduce the harm of problem gambling. Again, I thank honourable members for their support of this bill. I will cover the responses to amendments at the committee stage. I thank honourable members for their contributions and look forward to the speedy passage of the bill.

Bill read a second time.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

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

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

That the council at its rising adjourn until Monday 22 March at 2.15 p.m.

Motion carried.

ADJOURNMENT

At 5.23 p.m. the council adjourned until Monday 22 March at 2.15 p.m.