LEGISLATIVE COUNCIL

Tuesday 23 November 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

APPROPRIATION BILL

His Excellency the Governor assented to the bill.

MINING (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (BUDGET 2010) BILL

His Excellency the Governor assented to the bill.

PAPERS

The following papers were laid on the table:

By the President—

District Council Reports, 2009-10—
- Berri-Barmera
- Karoonda East Murray
- Murray Bridge
- Robe
- Tumby Bay
- Victor Harbor
- Wattle Range
- Yorke Peninsula

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Reports, 2009-10—
- Adelaide Convention Centre
- Adelaide Festival Corporation
- Adelaide Film Festival
- Advisory Board of Agriculture
- ANZAC Day Commemoration Council
- Defence SA
- Department for Correctional Services
- Department of Treasury and Finance
- Disability Information and Resource Centre (DIRC)
- Distribution Lessor Corporation
- Essential Services Commission of South Australia
- Generation Lessor Corporation
- Legal Practitioners Conduct Board
- Motor Accident Commission
- Parliamentary Superannuation Board—South Australian Parliamentary Superannuation Scheme
- Police Superannuation Board
- Premier's Climate Change Council
- RESI Corporation
- South Australian Alpaca Advisory Group
- South Australian Asset Management Corporation
- South Australian Cattle Advisory Group
- South Australian Deer Advisory Group
- South Australian Goat Industry Advisory Group
- South Australian Government Financing Authority
- South Australian Horse Industry Advisory Group
- South Australian Metropolitan Fire Service Superannuation Scheme
- South Australian Motor Sport Board
- South Australian Pig Industry Advisory Council

South Australian Sheep Advisory Council
South Australian Superannuation Board
State Procurement Board
Superannuation Funds Management Corporation of South Australia (Funds SA)
Transmission Lessor Corporation

Regulations under the following Acts—
Southern State Superannuation Act 2009—General
Superannuation Act 1988—Allowances

Rules of Court—
Magistrates Court—Magistrates Court Act 1991—Amendment No. 37

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

Regulations under the following Act—
Architectural Practice Act 2009—General

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Reports, 2009-10—
Animal Welfare Advisory Committee
Board of the Botanic Gardens and State Herbarium
Children, Youth and Women's Health Service
Department for Environment and Heritage
Eudunda Kapunda Health Advisory Council Inc.
General Reserves Trust
Marine Parks Council of South Australia
Office for the Ageing
South Australian Heritage Council
South Australian National Parks and Wildlife Council
Southern Adelaide Health Service
State Opera of South Australia
Wilderness Advisory Committee Incorp, the Wilderness Protection Act 1992

Regulations under the following Acts—
City of Adelaide Act 1998—Members Allowances
Health Care Act 2008—Confidentiality
Local Government Act 1999—
Members Allowances
Service Rates and Charges

South Australian Water Industry Bill 2010—Draft, 18 November 2010

By the Minister for Consumer Affairs (Hon. G.E. Gago)—

Regulations under the following Act—
Liquor Licensing Act 1997—Long Term Dry Areas—Victor Harbor

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (14:25): I bring up the report on the operations of the select committee for 2009-10, together with minutes of proceedings and evidence.

Report received and ordered to be published.

VOLUNTARY EUTHANASIA

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:26): I table a copy of a ministerial statement relating to voluntary euthanasia made earlier today in another place by my colleague the Hon. John Hill.

DRAFT WATER INDUSTRY BILL

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:26): I table a copy of a ministerial statement relating to the draft water industry bill made earlier today in another place by my colleague the Hon. Paul Caica.

QUESTION TIME

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, in his capacity as Leader of the Government, a question about an independent commission against corruption.

Leave granted.

The Hon. D.W. RIDGWAY: Tasmania's Integrity Commission, a body set up with the support of the ALP, the Liberal Party and the Greens to fight official corruption, commenced operations on 1 October. That means that South Australia and Victoria are now the only Australian states without an independent, autonomous anti-corruption commission. Victoria, riddled with corruption allegations, is now debating a proposal to take it from the Dark Ages to the Age of Enlightenment. Anti-corruption campaigners there have backed the Victorian coalition's proposal for a single one-stop shop to investigate corruption among police, politicians and their staff, ministers, the judiciary and local government. Yesterday, anti-corruption barrister and former National Crime Authority chief Peter Faris QC said:

> This is what Victoria needs. This is not rocket science. The Independent Commission Against Corruption has been around in New South Wales for more than 20 years. It's been truly tested and we don't need to invest in coming up with a new model.

Additionally, Jerrold Cripps supports an independent commission against corruption. Mr Cripps is a former ICAC commissioner. He says that the anti-corruption commission needs to be entirely independent so it can properly investigate allegations without fear or favour. A former West Australian police commissioner, Bob Falconer, a staunch supporter of that state's Crime and Corruption Commission, also welcomed the coalition's proposed commission. My questions to the minister are:

1. Are Peter Faris, Jerrold Cripps, Bob Falconer and former Labor premiers Bob Carr and Peter Beattie all wrong in supporting an ICAC?

2. Does the minister believe that an anti-corruption commission in South Australia might be able to cast some light on the relationship between the ALP, Babcock and Brown and the Hines Group, the joint venturers of the Conservatory office building on Hindmarsh Square—who, incidentally, have donated almost $27,000 to state Labor since 2003?

The PRESIDENT: The honourable minister will disregard the opinion expressed, and also the asking for an opinion, by the honourable member.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:30): Mr President, the first point I make is that the member well knows that the Attorney-General is currently undertaking a review of integrity agencies within the state. The honourable member referred to some ICACs in other parts of the country but he might find this interesting. When I was in Hong Kong—I came back on Saturday morning—

The Hon. S.G. Wade: Have they got one?

The Hon. P. HOLLOWAY: Yes, they have. I happened to read the front page of the *South China Morning Post*, and guess what? Police have arrested three ICAC officers on graft charges. The police had to raid the ICAC. Of course, as you can imagine, if you have significant organised crime, obviously, the organised crime will target those bodies that are dealing with it. The interesting thing about the article in the *South China Morning Post* was that the officers involved were accused of coaching people. Because they were not getting the results in terms of corruption, allegedly they were coaching defendants to try to increase their record.

I mention that because the Hong Kong office has been mentioned as one of the models for this state, but it shows that one always has the issue of who is minding the minders. No matter how many of these agencies you have, you will always need another one. You can keep spending tens of millions of dollars more, but what you need is a range of bodies, as we have in this state, that will mean that no one body has the monopoly; because, if that happens, you can have the sort of situation that exists in Hong Kong. I wait with some interest to see how that evolves.

The point is that the Attorney-General is currently reviewing the range of organisations that we have in this state to ensure integrity and that what we have is up to date. If, at some stage in the future, we do have a Liberal government, past experience tells us that we will certainly need to update our agencies, because the most crooked governments in this country's history have undoubtedly been Liberal governments.

POPULATION TARGETS

The Hon. J.M.A. LENSINK (14:32): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the 30-year plan and population targets.

Leave granted.

The Hon. J.M.A. LENSINK: There have been various population targets bandied around by this government—the State Strategic Plan is two million people by 2050, the Economic Development Board target is two million by 2027, and the 30-year plan targets an additional 560,000 people. In evidence to the Environment, Resources and Development Committee population inquiry recently, DTED spokespeople restated that the 2014 target of 1.64 million people had been achieved, as within the Strategic Plan, but admitted that it does include individuals on student visas and 457 visas, which was changed by the ABS and, therefore, the state's calculations in 2007. My questions to the minister are:

1. Can the minister confirm what the government's official population target is?

2. How was the 560,000 figure within the 30-year plan arrived at?

3. Does this figure include non-permanent visa holders and students?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:34): The population targets that were used in the 30-year plan were those that were approved by cabinet based on a range of advice that the government received from demographers that supply information to the state government, and also, of course, ABS statistics were taken into consideration. The targets are what was considered a reasonable growth scenario.

It should be pointed out that, if one is giving population targets, if you like, for a 30-year plan for any planning review, and if you overachieve or underachieve on those targets, if there is such a thing, all it will do is simply adjust the timing of the plan. If you have greater growth than you think, rather than reaching what is required in planning terms in 30 years, you will reach it within a shorter period. Similarly, if the population target does change from year to year, as it does, then obviously it will take longer to achieve that objective.

There has been some fluctuation in the previous 12 months. As the honourable member has just said, we have been very close to the sort of growth rate that is predicted by the 30-year plan. Regarding the 30-year plan, perhaps rather than just talking about targets—which suggests that you are actually aiming to get a particular figure—it might be more correct to talk about estimates of what the population will be over that 30-year period, and it is those estimates, if you like, that have been based on a range of information.

If one looks at projections based on all sorts of historical data, the further you go back, the lower that growth has been. So, one can project on a range of data, but what we believe that we have used from the 30-year plan is that which reflects the recent history and the likely growth this state will achieve. As I have said in the past, by historical standards, it is a reasonably ambitious target but, in terms of growth in other parts of the country, it is relatively modest.

The point is that, if we are to look forward, it is much better that we have a plan that can cope with a higher level of growth than a plan that does not allow for the growth that we might achieve. All it will mean is that you will bring forward, or push out, as the case might be, what is required under that 30-year plan to meet the actual population.

In relation to the specifics of it, it has been a long time since I have looked at whether that data looks at the non-permanent residents. Obviously, in planning terms, it really should not make much difference. Student populations, for example, require housing, public transport and all the other requirements, if you like, from planning. So, it would make sense to include their needs with any growth structure. Certainly, if one looks at the 30-year plan, there is recognition given to the requirements of students, as there ought to be, in relation to the requirements of the plan.

However, as to the specifics, as I said, it has been some time since those population targets were approved. It was probably a couple of years ago now; after all, the draft 30-year plan was put out nearly 18 months ago, I think. The plan itself was approved earlier this year. So, it has been some time, but we would expect that, over time, we will revise the plan in relation to what the actual population growth is. It may go up or down, depending on economic conditions.

In the current economic climate, it is probably likely that there may be some fall in population growth, but that could easily increase again rapidly if conditions change. What I think is important is that, if you are looking 30 years ahead, the target that you use should reflect the current conditions—or the conditions that are likely to take place over that 30-year plan—and put you roughly around the likely population target after that 30-year period.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:39): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question relating to the Burnside council.

Leave granted.

The Hon. S.G. WADE: I have received the text of a letter that I understand the former mayor of Burnside, Wendy Greiner, wrote to the Minister for State/Local Government Relations, dated 11 November 2010. I seek leave to table that letter.

Leave granted.

The Hon. S.G. WADE: In the letter, Ms Greiner refers to 'the sham of the stalled investigation'. She states:

> The appointment of the investigator in July 2009 without providing evidence to the council of alleged misconduct or the involvement of the Local Government Association and to appoint an investigator without much local government experience beggars belief. The terms of reference were set to ensure that some breaches of the act had to be found. I doubt any local government entity or, indeed, your department could withstand an inquiry with these narrowed terms of reference without minor breaches being found.

Ms Greiner goes on to indicate that the 'terms of reference were completely silent on the main issues', and then lists what she considers to be the main issues. The letter continues:

> Reading the draft report, as I have, leaves one at a loss to understand how it can report ad nauseam on the private and political affairs of elected members under the terms of reference given to it without addressing any of the above. Surely this whole episode must be a salutary lesson to you and your department if the report is ever released in the obvious quest to belittle a local government area without disclosing any evidence. No wonder several elected members took exception to this. I find it incredible that, with a former CEO of Burnside in your department, this whole sorry affair could not have been handled in a more professional manner.

In conclusion, she states:

> The problems at Burnside could have been fixed with sensible discussions and then, ultimately, the ballot box. The leaking of information and all other political machinations go on whatever laws are enacted and are an irritating occurrence in every democracy, but not the grounds for an inquiry with the limited terms of reference given to it.

My question to the minister is: does the minister agree with the former mayor of Burnside that the terms of reference she provided to the MacPherson inquiry missed the main issues and served to belittle local government?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:42): What a sorry excuse for opposition! The honourable member knows that these are matters that are before the court; I have said in this place clearly before that I have been advised that it would be most inappropriate of me to be commenting on any matter that may relate to those matters before the court. The honourable member knows that, and I have said it in this place ad nauseam. Clearly, there are matters within this piece of correspondence that could relate to matters before the court. As I have said, it is just pitiful; it is woeful.

The honourable member is supposed to have some sort of legal background and legal expertise, and it is just woeful that he cannot get this. Is he suggesting that I should be disrespectful of the court and that I should jeopardise those matters that the plaintiffs have brought before the court? Is he suggesting that I should necessarily be in contempt of court and compromise those matters and the case of the plaintiffs? Is that really what the honourable member is suggesting that I do?

That is totally irresponsible, and it shows the honourable member's complete and utter disdain and disrespect for the court when he comes back here time and again asking me to discuss such information. He knows that I have been quite clear in this place on many occasions in stating that I am not able to talk about these matters, and that it would be inappropriate to do so. It would be most disrespectful and I could, in fact, end up in contempt of court. As I said, as to the case that the plaintiffs have put forward, it would be disrespectful to them and it would be in contempt of court. Is that what the honourable member is asking me to do?

As I have said, it is totally irresponsible and I think it shows his disrespect for the court. I am appalled that he sits there hoping one day to be the attorney-general. He is going to be sitting on the opposition benches for a long, long time as a shadow spokesperson for the attorney-general showing the sort of contempt and disdain for our judiciary that he has shown not just today but on many occasions. I believe that he will be sitting there for a long, long time and I believe it shows complete disdain and disrespect for our courts.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:45): As a supplementary: could the minister advise the house whether she or the government is subject to an injunction on this matter or whether she or the government has given an undertaking to the court?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:45): What a lazy opposition! What a lazy, lazy, pathetic opposition. He just goes from worse to worse. He is just shooting himself in the foot. He should just sit there and button up. It is pathetic. Is he so lazy that he has not even bothered to find out what is going on? This matter has been before the court for weeks and weeks and weeks.

Is he so lazy that he has not even bothered to inform himself of the commitment and the undertaking the government has given in relation to the draft report? Is he so lazy that he is not aware of the undertaking that this government has given? How pathetic! Is the honourable member really suggesting that, after giving an undertaking to the court in response to the plaintiffs' request, we should defy that undertaking? Is he so irresponsible and disrespectful that he is suggesting that I defy that undertaking given to the court? That is just outrageous. It is totally irresponsible, totally disrespectful and absolutely disdainful of the court.

CHRISTMAS DAY PUBLIC HOLIDAY

The Hon. CARMEL ZOLLO (14:47): My question is to the Minister for Industrial Relations.

Leave granted.

The Hon. CARMEL ZOLLO: This year Christmas Day falls on Saturday 25 December, and in accordance with the Holidays Act 1910, the following Monday will be a public holiday in lieu of the actual day. Will the minister advise what arrangements have been made for public sector employees who may be required to work during this time?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:47): Mr President, as I am sure you are aware, even if the opposition is not, section 3(1)(a) of the Holidays Act 1910 prescribes that, when Christmas Day falls on a Saturday, the following Monday will be a public holiday in lieu of the actual day. Saturday 25 December will not be a public holiday by reason of the act; instead, Monday 27 December will be a public holiday. This has also occurred in 2004, 1999, 1993, 1982 and, of course, prior to that.

In 1976, as a result of an application lodged in the South Australian Industrial Relations Commission, Justice Olsson awarded a special additional penalty rate. In his decision, Justice Olsson recognised the special significance of Christmas Day and the disadvantage of having to work on such a day. He also decided that some proper differential recognition needed to be given to those employees having to work on the Monday, given that this is the actual public holiday. Justice Olsson determined that a rate of double time was fair compensation for being required to work on Christmas Day.

Since that 1976 decision, the approach outlined has been adopted each time Christmas Day has fallen on a Saturday. The essential justification remains the same: Christmas Day is a day

of social and religious significance for the community and industrial tribunals have determined that this should attract a penalty rate higher than the normal weekend penalty rate.

In 2004, the number of public sector employees required to work on 25 December was about 2,000, including hospital ancillary staff, security staff, police, correctional officers, ambulance officers, nurses, medical officers, etc. As has previously occurred for the South Australian public sector, I have approved a special additional penalty rate of 50 per cent to be paid to public sector employees for all required and rostered time worked on Christmas Day, Saturday 25 December 2010. The result to the vast majority of public sector employees is a 200 per cent rate for time worked on Saturday 25 December 2010, and overtime worked would be 200 per cent or 250 per cent depending on the period worked and the applicable industrial provision. This will include—

Members interjecting:

The PRESIDENT: Order! You might want to listen to the minister and find out when your holidays are.

The Hon. P. HOLLOWAY: This will include public sector doctors, police, ambulance officers, firefighters and correctional officers. As a 250 per cent penalty payment is generally applicable to the proclaimed public holiday of Monday 27 December 2010, I have also approved that, where a union seeks a reverse arrangement, a consent variation be made to the applicable award to the same effect as occurred in 2004 with the Nurses (South Australian Public Sector) Award 2002. An arrangement such as this would mean that the higher penalty can be paid on the Saturday and the lower penalty on the Monday.

On 11 November 2010 the Australian Nursing & Midwifery Association (SA Branch), with the support of the employer government, made application to the Industrial Relations Commission of South Australia to vary the Nurses (South Australian Public Sector) Award 2002. This will provide public sector nurses with a rate of 250 per cent on Saturday 25 December and 200 per cent on Monday 27 December 2010.

My attention was drawn on Monday to an editorial published in *The Advertiser* calling on the government to investigate immediately amending the Holidays Act to move the public holiday to Saturday from Monday. *The Advertiser* correctly argues that Christmas should be special on religious grounds. However, moving the public holiday from Monday to Saturday would have the effect of reducing the time that most South Australian workers would spend with their families. This government makes no apology for having the most generous holiday arrangements for retail workers, that is, a three-day break over Christmas instead of two, or in some cases just one, elsewhere in the country.

While the editorial portrays this government as a scrooge, the real Grinches are those who would deny retail workers the opportunity to have an extended break during the Christmas holidays. The motivation of some sectors of the business community and those opposite is as transparent as the cellophane on a Christmas pudding. We know they want this government to abandon its shop trading policy, but I can assure the council that we will not be swayed by such blatant self-interest that masquerades as concern for workers.

CHRISTMAS DAY PUBLIC HOLIDAY

The Hon. D.G.E. HOOD (14:52): Unfortunately, Mr President, the Hon. Ms Zollo asked a question on the exact same topic that I was going to raise. Nonetheless, I will tailor it slightly differently. I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question regarding the Christmas Day public holiday.

Leave granted.

The Hon. D.G.E. HOOD: I think we would all acknowledge that Christmas Day is a special day. Whether one has religious beliefs or not, it is a day when families get together, and I think that if you have young kids it is certainly a very special day, and that applies also to private sector workers. I ask the minister why he has decided not to declare Christmas Day a specific public holiday on the Saturday this time because, whilst provisions have been made for public sector workers, it seems that private sector workers may miss out in this case.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:53): As I said, what the editorial in *The Advertiser* was arguing was that we should transfer the holiday from the Monday to the Saturday. The vast

majority will not be working on Christmas Day. The only ones who will are particularly those in emergency services. As I say, for private sector workers in the retail sector, the government will ensure that there is no shopping on Christmas Day. Indeed, retail workers will get a three-day break, including a break on Christmas Eve, so that they will have the opportunity to be with their families.

There will be a few private sector workers in traditional seven-day industries, such as health and hospitality, who will be working. They are covered generally by particular awards and, of course, the government is quite happy to look at those issues in the future. I would not expect that any more people than necessary would be working on Christmas Day. Obviously, the bare minimum of people will be working on Christmas Day, certainly within the Public Service. I am informed that about 2,000 people worked the last time Christmas Day fell on a Saturday, and that was restricted to essential services, such as nurses in hospitals, doctors, police, correctional services staff, and the like.

Generally speaking, we seek within the Public Service to ensure that those arrangements are as voluntary as it is possible for them to be. In relation to the hospitality industry, as well as the health sector and the private sector, there are provisions that apply. Of course, we are going through a process now of going towards modern awards, and in most of those industry awards Christmas Day provisions will be specifically mentioned.

I think that Christmas Day next year will fall on a Sunday, so I think it would be appropriate, through the ministerial council on workplace relations, that we try to ensure that the arrangements provide the best possible outcome for any private sector workers who may miss out. I do not expect that more workers than are absolutely necessary will be required to work on Christmas Day; it is a traditional time for people to be with their family. What we have done in this state is ensure that those workers who are most affected by the Christmas break, retail workers being the largest number, will be given, under the shopping hours arrangements, the maximum time with their families.

HOUSE BUILDING AND RENOVATING

The Hon. R.P. WORTLEY (14:57): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about building or renovating a home.

Leave granted.

The Hon. R.P. WORTLEY: Building or renovating a home can be a very complicated and stressful process. It is important that consumers who undertake such projects have access to information, advice and dispute resolution in the event that something goes wrong. Will the minister inform the council of the resources and advice the Office of Consumer and Business Affairs provides to consumers who undertake a house-building project, which is often one of the biggest financial decisions that consumers will ever make?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:58): I thank the honourable member for his most important question. Building, extending or renovating a home can be one of the most rewarding projects one can undertake. As I can personally attest (and I am sure others in this place would agree), it can also be an extremely stressful, complicated and drawn-out process, with all sorts of unintended consequences and outcomes, which usually result in greater expense than perhaps anticipated and with the time frame for the work sometimes extended way beyond that initially committed to.

When something does go wrong, it is most comforting that the Office of Business and Consumer Affairs (OCBA) provides free advice and also a dispute resolution service. When entering into a contract to build, extend or renovate a home, it is vital that consumers always use a licensed and reputable builder. Consumers should also not be afraid to ask questions and request that all quotes and decisions be recorded in writing, with a copy of that information being kept by the person concerned.

For consumers building a new home, the first decision to be made is where the house is to be situated. Consumers should make a list of preferred locations that fit within their price range, and they should think about the facilities and amenities that are needed now and those that may be required into the future. There are also a number of other considerations, such as soil stability, building and zoning regulations and site access for the heavy machinery required to construct the home. I suggest that consumers not let their emotions get the better of them and that they inspect

and carefully consider a variety of blocks before settling on their final choice. It is very easy to be caught up in the excitement of the moment and often live to regret that decision.

When considering building options there are an overwhelming number of choices, such as kit homes, display homes, house and land packages and transportable homes. There are many differences and considerations to take into account when making this decision and, once again consumers need to carefully research all options before making a decision. As I said earlier, consumers should use only appropriately licensed builders and ensure that their builder holds a current and appropriately endorsed building work contractor's licence and supervisor's registration to perform the agreed work.

It is vital that consumers feel that they can communicate freely and openly with the builder, and therefore the selection of a builder is one that a person should not take lightly. It is sensible for consumers to obtain written itemised quotations from at least three licensed builders and develop good, open communication with their builder, even at that early stage, as it is important to ensure that there are no misunderstandings about the work that is to be completed and the price is what is expected.

A written contract is required for any building work costing $12,000 or more. However, a contract in writing is still desirable if the work is under $12,000. The contract is an important document that sets out the agreement. Amongst other things the contract must be legible, include the name and licence number of the contractor and set out in full all the contractual terms. There are certain implied warranties on the part of the building work contractor, including that the building work must be performed in a proper manner to accepted trade standards and in accordance with the agreed plans and specifications, and also that materials supplied by the building work contractor must be good and proper materials.

If a building work contractor performs work or provides materials that do not comply with the legislated warranty entitlements, the consumer should first talk to their building work contractor and, if that does not work, they may need to seek advice from OCBA. As mentioned earlier, OCBA provides a free advice and disputes resolution service. OCBA also produces educational publications, such as 'Building, Extending, Renovating a Home—A Consumer Guide' booklet, which I highly recommend, as it is great reading if you are looking at building.

This publication provides advice and information about what is often and can be a complicated topic in language that is clear and easy to understand. I encourage anyone experiencing difficulties or simply seeking information about the process to obtain a copy of that publication from OCBA. Consumers who would like to discuss their rights and responsibilities are also encouraged to contact OCBA, and there is a toll free number for country callers.

DISABILITY VACATION CARE

The Hon. K.L. VINCENT (15:03): I seek leave to make a brief explanation before asking the minister representing the Minister for Disability and Minister for Education a question about after school hours and vacation care in this state.

Leave granted.

The Hon. K.L. VINCENT: It always seems to astound me that people with disabilities in South Australia and their carers get such a raw deal. We already know that family carers live on far lower incomes than average and have disproportionately higher rights of depression and other disabilities themselves due to their relentless caring responsibilities and lack of support to care for their loved ones whilst they work. I have heard that children with multiple and complex needs are simply unable to access vacation and after school care like their non-disabled peers.

When I recently spoke with a father who needed to return to work or face losing his home, he told me that his son's vacation care was 'rationed' to only two days per week, a situation which made a return to work simply impossible. My questions to the minister are:

1. How many special schools have an on-site after school and vacation care program for their students, and how many places are available in these programs?

2. Where children with mobility and/or complex needs are at mainstream schools that have an after school hours and vacation care program, how many places are available for these children with special needs and how are they rationed?

3. How many after-school care and vacation care places are available for high school students with disabilities?

4. Will the minister ensure that there are adequate resources to support the care needs of these children so that their parents might consider being able to obtain paid employment?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:05): I thank the honourable member for her most important questions and will refer them to the relevant ministers in another place and bring back a response.

BAROSSA VALLEY REGION

The Hon. J.S.L. DAWKINS (15:05): I seek leave to make a brief explanation before asking the Leader of the Government questions in relation to a possible name change for the Barossa region.

Leave granted.

The Hon. J.S.L. DAWKINS: In 2006, the Rann government announced that it would be reducing the state to 12 uniform state government regions for use across government departments and agencies. This was fully completed in 2009. The Barossa region encompasses the local government areas of Gawler, Barossa, Light and Mallala. My questions are:

1. Has cabinet decided to change the name of the Barossa region to Barossa, Light and Lower North and, if so, when will the name change come into effect?

2. What organisations or government departments will the name change impact upon and were those organisations consulted prior to cabinet's deliberations?

3. Before cabinet made the decision, what consultation did the government undertake with local councils, local members of parliament, the Barossa Regional Development Australia Board and others and, if no consultation was undertaken, on what basis was the decision made?

4. Who will pay for the new letterheads, stationery and websites brought about by the branding change, and has the government been advised of the proposed cost of this action?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:06): When the government put out the new regions—and perhaps the most visible example of that was when the 30-Year Plan for Greater Adelaide came out—there was, of course, some confusion. When talking about very large growth in the Barossa region (getting on towards 100,000) it can be very confusing to people who think that may well be within what we commonly call the Barossa Valley. There were a number of comments made to the government at the time that it was rather confusing when the government had a policy—and still keeps that policy—and makes no apology for trying to restrain growth within the Barossa Valley; that is urban growth within the Barossa Valley.

However, the honourable member referred to the Light and Mallala councils and so on that are affected and, of course, there will be significant growth into the future so, after some debate within government, cabinet decided that it would rename the region Barossa, Light and Lower North to geographically better reflect the area described in this region. If one uses just the name 'Barossa' then it tends to suggest the Barossa Valley but, of course, the Light and Lower North region is where much of the future growth will take place. The government made the decision because it believed that the name is simply a better, more accurate reflection of the area. If we are talking about the Barossa, Light and Lower North region, particularly in terms of future growth, it much more accurately reflects where that will be.

There has been some discussion of that and, as I said, the government itself received significant criticism at the time it released the 30-year plan because it was suggested by a number of people, including councils, that the Barossa name was not reflective or it would give a misleading impression. That is why the government has changed the administration region—to better reflect reality. In relation to costs, I believe they would be absolutely minimal. We are talking about an administrative region. In relation to stationery and the like, there would be very few bodies for whom that would have relevance. Rather, the new name, as I said, more accurately reflects the region. I would have thought most people would, indeed, welcome that.

BAROSSA VALLEY REGION

The Hon. J.S.L. DAWKINS (15:10): I have a supplementary question arising from the answer. Did cabinet consider incorporating Gawler, as easily the largest population centre, in the new name for the region?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:10): We are talking about a region here. If one looks at the region that includes Victor Harbor, which is the largest centre there, the region is not called Victor Harbor. Nor is the region with Mount Barker in it called Mount Barker. What I can say is there was significant debate about what one could call—

The Hon. J.S.L. Dawkins: But you didn't ask the local member.

The Hon. P. HOLLOWAY: The member for Light, of course, now has the region Barossa, Light and Lower North. We believe there were a number of suggestions made. I think the final version was suggested by PIRSA. Although there were a number of options one could have taken, we believe Barossa, Light and Lower North is the most accurate reflection of the region. So, if someone is talking about the Barossa, Light and Lower North region, most people would understand exactly where that is.

If you just call it the Barossa most people would think you mean the area around the Barossa Valley but, in fact, this area goes through to the coast through the Lower North region and the area outside the Barossa Valley into the Light region. So the name more accurately reflects that. I am sure some people would always prefer that we had a different name, but I am quite happy to stand by that name, because it is the most accurate reflection of the region.

CHINA MINING CONFERENCE

The Hon. B.V. FINNIGAN (15:12): My question is to the Leader of the Government, the Minister for Mineral Resources Development. Will the minister provide details of his recent travel to Tianjin to attend the China Mining 2010 Conference?

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway. The honourable minister.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:12): I thank the honourable member for his question. He is correct that I recently attended the China Mining 2010 Conference in Tianjin. I was delighted to lead a South Australian delegation to attend what is now one of the world's largest mining industry conferences. Event organisers say that more than 4,000 delegates and 300 exhibitors with 600 booths from 50 countries and regions registered to attend this event held between 16 and 18 November.

The conference was relocated to a new venue at the Meijiang Convention Centre near the heart of Tianjin from last year's venue at the Tianjin Economic Development area outside the city in the Binhai New Area. It was a very impressive venue, with a plenary hall supported by a large exhibition hall and two floors of seminar rooms. Incidentally, Tianjin is the port city of Beijing and has a population of about 13 million people.

Team Australia provided a central exhibition staffed by Geoscience representatives, while the South Australian government provided the only state dedicated booth. PIRSA advises that this booth, which was staffed by representatives from our Shanghai office, the Department of Trade and Economic Development and significant mining and mining services companies, attracted hundreds of inquiries.

I was joined by ministers and a deputy minister of mines and mineral development from more than 10 countries at the conference that was officially opened by China's Vice Premier Li Keqiang. Alan Morell (Australia's senior trade officer based in the Beijing embassy) was one of the keynote speakers at the opening, which was also attended by representatives of the World Bank and the Canadian and South African embassies.

China is South Australia's largest export market, with $1.2 billion in commodities traded in 2009-10. South Australia also has a diverse range of mineral resources, including iron ore, zinc, heavy mineral sands, copper-gold and uranium.

China Mining provided an excellent opportunity to remind Chinese and other overseas delegations of the continued potential for mineral resources development in South Australia. The interest in the South Australian booth was boosted by a special breakout session on Australian mining, which I had the honour to address on the Tuesday afternoon.

South Australia also hosted an investment dinner, which included speeches by Fan Zhiquan, the Secretary-General of the China Mining Association, and Madam Zheng Jinlan, who is the Director-General of the Shandong Provincial Government's Bureau of Geology and Minerals. The bureau, she told me, has about 8,000 employees.

On Wednesday, I attended a special seminar hosted by DTED and PIRSA, which included presentations by Australian mining and mining services providers, such as Flinders Ports and the South Australian Chamber of Mines and Energy. The seminar attracted more than 100 participants, with a similar number attending the investment dinner.

China Mining is ranked in the top 10 minerals and energy conferences in the world and is rapidly catching up with Canada's Prospectors and Developers Association Conference (PDAC), which is the undisputed largest conference of its kind. There continues to be a significant interest by Chinese companies in opportunities to invest in South Australia's minerals and energy resources. Chinese companies attending China Mining included the CITIC Group, the Wuhan Iron and Steel Company, Sinosteel and the Shandong Geomineral Resources Group, all of which are already investors in exploration and development in South Australia.

Serious interest was shown by potential investors with Shandong Gold's board chairman and party secretary, Wang Jianhua, attending the resources investment seminar. I also attended a project signing ceremony on the sidelines of the conference where I witnessed 62 separate memorandums of understanding being signed between Chinese and foreign companies—it must be something of a record, I would have thought. One of those companies included Centrex Metals, which is in the process of developing its Wilgerup iron ore mine on Eyre Peninsula.

While was in Tianjin, I also took the opportunity to visit the Museum of Urban Development and Planning housed in the old Drum Tower in the city. Spread over several floors, this interesting museum provided an overview through maps, models, photographs and historic artefacts of the successful implementation of the Tianjin Municipal Government's urban renewal program. Implemented since 1993, this comprehensive program sought to replace the old single-storey hovels known as 'ping fans' with modern housing.

Tianjin residents had long endured this cramped and unhygienic style of housing which was prone to damage from earthquakes and flooding. Over time, sections of the old city were replaced with high density accommodation, with apartments providing all the mod cons. This was accompanied with the provision of open space, such as parks and markets. Together, this has changed the life of the people of Tianjin and provided this important municipality with a new modern character.

This short visit to China also included Xiamen, a major port and special economic zone in Fujian province, just across the strait from Taiwan. I was delighted to meet the Deputy Secretary-General of the Xiamen Municipality Government, You You Xiong, and representatives of the Xiamen Port Authority, including director Wang Yongjun, as well as tour their impressive facilities. I should say that I was there with representatives of Flinders Ports who have signed a sister port arrangement with this important port of Xiamen, which is the seventh largest port in China.

Besides inspecting the container terminals on the island foreshore, I also visited the Xiangyu bonded area, which will soon have an area to cater for South Australian wine, and the newly built Xiamen Petroleum Exchange. China is a great opportunity for South Australia and South Australian exporters. I was pleased to be able to provide some small assistance in promoting our important trade links with this emerging powerhouse economy.

Australia's economy has far outperformed the rest of the developed world in the aftermath of the global financial crisis, and China has, of course, played a major part in that outcome. This government recognises China as a strong and valued partner in our state's future economic prosperity, and we will continue to provide strong support for South Australia's mining sector as it assumes an increasingly major role in resources and energy exports to China.

WORKCOVER CORPORATION

The Hon. J.A. DARLEY (15:19): I seek leave to make a brief explanation before asking the Minister for Industrial Relations questions regarding WorkCover.

Leave granted.

The Hon. J.A. DARLEY: Last year, I met with the then minister for industrial relations, the Hon. Paul Caica, to discuss alternatives to address tail claims, which at the time were in the order of $1.2 billion. During these discussions, it was revealed that WorkCover had no measure or definition for return to work. As a result, when a file was closed, it was difficult to determine whether it was because an injured worker was rehabilitated and returned to work or whether the file was closed because there was a discontinuance of the payments or a redemption was accepted.

Following this meeting I received a letter from the minister dated 13 August 2009, which stated that WorkCover was developing a new survey-based measure, similar to the Victorian model and that the first results from the South Australian measure would be available in the near future. My questions are:

1. Given that return to work is one of the key objectives of the WorkCover scheme, why was EML not required to have a measure for this and keep appropriate records?

2. Can the minister advise whether WorkCover now has a return to work measure? If so, can the minister provide details of this measure and the results from the first South Australian survey?

3. If not, can the minister advise why there has been such a significant delay in developing the measure?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:21): I thank the honourable member for his important question. He is absolutely correct that return to work is a key element of WorkCover. Indeed, it is not only essential to ensure that the costs of the WorkCover scheme are competitive with those in other states, but it is also essential to ensure the best health of workers who are injured. We know that the longer workers are off work, the less likely they are to return to work and the more likely they are to develop depression and other illnesses, the longer they are away from the support they receive in the workplace. So yes, it is important.

I have had some discussions with the CE of WorkCover about statistics and how we measure that. I know there have been some deficiencies in that in the past. I am not that familiar with the situation that applied before I came minister for this area, but I think it is an important question. Certainly, as I announced some weeks back, the government has renewed the contract for EML, although for a relatively short period. One of the things the government will be looking at is a better performance from EML in relation to a number of areas. Obviously, measuring return to work performance is a key part of that.

The honourable member's question is an important one. As I said, I would need to go back and find out why, in the past, EML had not taken those statistics. I would have to look back at the history of that, but it is an important question. I am happy to take it on notice and respond to the honourable member as well as provide him with a considered response on what improvements have been made. He is certainly correct; improvements did need to be made. I have had advice that WorkCover has strengthened its measurement of return to work outcomes through developing the return to work survey. It is important question, and I will get a detailed answer for the honourable member.

ADELAIDE WOMEN'S PRISON

The Hon. T.J. STEPHENS (15:23): I seek leave to make a brief explanation before asking the Leader of the Government representing the Minister for Correctional Services a question about procedures within our prison system.

Leave granted.

The Hon. T.J. STEPHENS: Members would be aware that the Deputy State Coroner has recently found that prison staff were unprofessional and did not follow procedures when a woman died after suffering an epileptic fit in her cell at the Adelaide women's prison in 2008. The inquest heard she had been kept in custody for weeks on a minor charge, which the Deputy State Coroner labelled 'inhumane'. The woman was kept in isolation because of her behaviour, and her cell became filthy because she had smeared faeces on the walls.

At one point her cell was hosed down while she was still inside, which the Deputy State Coroner said was lamentable and unprofessional. The inquest heard staff waited for more than 10

minutes before entering her cell, after seeing her epileptic fit on security cameras. The Deputy Coroner recommended that procedures are amended to ensure that this type of situation does not happen again. My questions are:

1. Does the minister accept that there have been a number of complaints about practices and procedures not being followed within the Department for Correctional Services?

2. Can the minister assure the parliament that this set of circumstances could not happen today?

3. Does the minister agree that psychiatric services in corrections are woefully underfunded?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:25): I am happy to refer that question to my colleague in the House of Assembly and bring back a reply.

SA LOTTERIES

The Hon. I.K. HUNTER (15:25): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about SA Lotteries.

Leave granted.

The Hon. I.K. HUNTER: We are all aware these days of the significant environmental challenge that we currently face in addressing the impacts of climate change. It is important that we all embrace practices which contribute to a sustainable South Australia, and whether or not you support the climate change paradigm, I think most of us would agree that sustainable practices are a worthwhile precautionary action. Will the minister inform the council of some of the pro-active environmental practices that SA Lotteries has implemented to address this most important issue?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:26): I have previously spoken about how SA Lotteries is a leader in responsible gambling standards in this place and I am sure members would also be pleased to know that SA Lotteries is a leader in the implementation of environmental practices to reduce greenhouse gas emissions and initiatives that contribute to a sustainable South Australia.

I am very pleased to advise that SA Lotteries continued its program of ensuring vehicles used in its fleet were energy efficient and emission friendly in 2009-10. I understand that, where appropriate, six-cylinder vehicles were replaced with four-cylinder vehicles, which are more fuel efficient and produce less greenhouse gas emissions. As members would be aware, this is in line with the Rann government initiative recently announced in the budget that will reduce the carbon emissions of the government car fleet by replacing more than 1,000 six-cylinder SA government fleet vehicles with four-cylinder vehicles.

I am advised that SA Lotteries also purchased carbon offsets for fuel used during 2009-10, forecast fuel for 2010-11 and air travel for 2009-10. I understand that this equates to an incredible 245 tonnes of CO_2 emission offsets. I am pleased to advise that accredited voluntary carbon unit offsets were purchased by SA Lotteries through Trees For Life, which members may well know does fantastic work and is a South Australian not-for-profit organisation. The voluntary carbon unit offsets are accepted by the Australian government's National Carbon Offset Standard.

A perhaps more well-known initiative that SA Lotteries is involved in is the Footy Express. The Footy Express departs from 130 stops and is a convenient and trouble-free way to attend the footy. SA Lotteries again partnered with SANFL to provide free bus transport to SA footy fans to AFL matches at AAMI Stadium. I am advised that, over the past two seasons, approximately 20 per cent of the crowd used the Footy Express each week. This equates to a most impressive 6,000 tonne reduction in greenhouse gas emissions.

SA Lotteries' commitment to sound environmental practices is most impressive and I would like to take this opportunity to thank it for its achievements and its dedication in this particular area.

INNAMINCKA REGIONAL RESERVE

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (15:29): I move:

That this council requests His Excellency the Governor to make a proclamation under section 34A(2) of the National Parks and Wildlife Act 1972 excluding the following land from the Innamincka Regional Reserve: sections 791, 1081-1084, Out of Hundreds (Innamincka); allotments 41, 44, 48, 63-72, 77-82, 84-100, 115-118, 127-132, 135, 136, 151-164, 168-175, 179-186, 188-194, 196, 198-201, Township of Innamincka, Out of Hundreds (Innamincka); allotments 51 and 52, deposited plan 84007, Out of Hundreds (Innamincka); allotment 54, deposited plan 84009, Out of Hundreds (Innamincka).

The purpose of the motion is to excise the Innamincka township and associated infrastructure from the Innamincka Regional Reserve. The township of Innamincka is located wholly within the Innamincka Regional Reserve. Land tenure within the surveyed town boundaries is a mosaic of freehold title and crown land. The crown land parcels are legally part of the Innamincka Regional Reserve. The township includes: the restored Australian Inland Mission Nursing Home, the Innamincka Hotel, the Innamincka Trading Post and the airstrip located east of the township.

The Innamincka Regional Reserve covers 1.3 million hectares and was constituted in 1988. The reserve provides a framework to protect significant natural and cultural values, in particular, wetlands and watercourses associated with the Cooper Creek, while allowing use of the natural resources through petroleum exploration and extraction and pastoral production.

The state recognises that the Yandruwandha/Yawarrawarrka people (the YY people) are the traditional—

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

The Hon. G.E. GAGO: Hereafter, I will call them the YY people so that I don't insult them too much with my pronunciation. The YY people are the traditional owners of this land and assert native title over the land and waters in the area and their native title claim. The claim area comprises 40,304 square kilometres and includes the Innamincka township.

It is state policy to resolve native title claims through negotiation rather than trial, wherever possible. In recognising the native title claim, the government has entered into the Innamincka Township Indigenous Land Use Agreement (ILUA) with the YY Traditional Land Owners (Aboriginal Corporation).

The Innamincka Township ILUA provides for: the alteration of the Innamincka Regional Reserve boundaries to effect the excision of the township (including the town airstrip) from the reserve; freeholding and transfer of four allotments to the corporation; and the surrender by the YY people to the state of all their native title rights and interests in relation to all land and waters within the Innamincka township area.

The Innamincka Township ILUA also provides for the construction of residential dwellings and a museum office for the YY people on the transferred allotments. The proportion of the reserve to be excised (covering 182 hectares) includes the Innamincka township and adjacent airstrip. The area being excised has low conservation values due to its use as a township. On excision from the reserve, the land will revert to the status of unalloted crown land under the Crown Land Management Act 2009. With this status, the land will be under the management of the Department of Environment and Natural Resources.

Ongoing development of the township and freeholding of allotments will be guided by the relevant development plan called 'Land not within a council area Eyre, Far North, Riverland and Whyalla'. As noted in the development plan, future development within Innamincka will seek to ensure that the highly valued historic and outback character of the township is conserved and enhanced by respecting the existing pattern of development and the appearance of historic buildings, while acknowledging the continued role of the township in the provision of goods and services to visitors and travellers.

Development will also respect and recognise the fact that Innamincka is located in a region of major economic importance to the state in terms of petroleum production and is surrounded by extensive pastoral activity and a natural environment of national and international significance. Consideration of this matter by parliament enables the native title claim to be finalised through the freeholding of the agreed township allotment for transfer to the YY people.

The provision of freehold allotments to the YY people will provide them with an opportunity to undertake a small business enterprise and to have ownership and access to residential premises within their traditional lands and will provide easy access to these lands. This will enable the YY people to carry on their affiliation with the land and to teach traditional knowledge and practices to younger generations. Excisions of the township from the regional reserve will also remove

existing hurdles to development for other uses, as land within the township cannot currently be considered for freehold for residential or other purposes.

It is probably timely for me to provide answers to questions that were raised in the other house. A question was asked in the other house about how many blocks in total are currently privately owned and/or under other use. I have been advised that there are approximately 150 blocks in total in the township and that approximately 100 will come out of the reserve and will be considered for freeholding. Outside this, there are currently 46 freehold blocks that are either privately owned and/or under other use. These blocks, which are owned by individuals, are not affected by the excision of the land from Innamincka Reserve because they are not legally part of the reserve.

Another question asked was: how many blocks will be available for the YY people? I have been advised that four allotments are being freeholded to the YY people to build three residential buildings and one museum/meeting space/office. The form of these structures is yet to be determined by the YY; they will obviously have to gain the necessary development approvals and comply with the Development Act.

We were asked questions about the public release of any additional blocks. I have been advised that this would follow the normal process for the disposal of crown land which, given the location of Innamincka, could either be for sale, auction or tender for specific purposes. No assessment has been made as to which crown land blocks will be suitable for sale. The blocks could be sold by auction, sale or call for tender, and it is likely that it will be a staged release of suitable blocks rather than a wholesale release of all blocks. Some blocks may not be suitable for development, and the method of disposal (sale, auction or tender) will be based on assessment of the most effective method, given the unique location of Innamincka and, obviously, the perceived level of demand for the blocks.

There was also a question about the ongoing management and zoning. I have been advised that, as discussed, the ongoing development of the township and freeholding of allotments will be guided by the relevant development plan, which is called 'Land not within a council area, Eyre, Far North, Riverland and Whyalla'. I am advised that no changes will be required to the development plan, which has comprehensive development principles around the type of buildings to ensure that they minimise the impact on the environment and also fit with the historic outback character of Innamincka. The Outback Areas Community Authority will continue to deliver the local government-style services for the township.

In terms of DENR control over some of the blocks, I am advised that DENR manages crown land throughout the state on behalf of the minister where that crown land is not dedicated for another purposes, such as local council. Until such time as they are disposed of or licensed for another purpose, the blocks will remain vacant land, for which DENR has management responsibility. A question was also asked by the Hon. Kelly Vincent about whether the traditional owners had been engaged. I have been advised that the traditional owners entered into the ILUA in 2008 and have been kept informed. Excising the township was a commitment from the state government as part of that ILUA agreement, as supported by the YY people.

I understand that there were questions also by email by the Hon. Mark Parnell: where exactly is the land to be excised? The land is in the Innamincka township on the banks of the Cooper Creek. How much land is to be excluded? As I have answered, 180 hectares. We have been asked: are there any mining or exploration licences or applications for such over any of this land to be excluded (I am sure it means excised)? I have been advised that, no, there are not. With those responses now on the record, I commend the motion to the council.

The Hon. J.M.A. LENSINK (15:41): I thank the minister for those responses to questions; I understand the member for Stuart has a few questions that he is going to ask in the debate in the House of Assembly. My comments will be brief because the minister has covered all the issues. This motion is required under section 34A of the National Parks and Wildlife Act. While it has descended on us fairly quickly, I am grateful to the minister for the letter he sent in explanation, dated 18 November, in which he says that notice was given on Tuesday 14 September. However the National Parks and Wildlife Act requires that 14 sitting days must elapse before parliament can consider the motion, so that we can therefore debate it today, the 23rd. He further states:

> Consideration of this matter by the parliament in the current sitting enables the native title claim to be finalised through the freeholding of the agreed township allotments for transfer to the YY people.

I think we all agree, now that the ILUA has proceeded and this is part of the agreement, that this is an appropriate course of action, and we wish them well in their deliberations and commend the motion to the council.

The Hon. M. PARNELL (15:42): I say at the outset that I am disappointed that this matter has come on at such short notice because I was hoping to make a more considered contribution. I remind members that this was not on the priority list circulated to members by the minister on 12 November 2010. Certainly we know it has been on the Notice Paper, but those of us who have a considerable number of portfolios to look after tend to rely on the goodwill of the government to at least tell us when it is coming to a vote, and to be told just a few hours ago that it is being moved and voted on today is not the appropriate way to deal with these things.

I have a number of further questions I want to put on the record in relation to this motion and, whilst it is not my intention to unduly delay the matter, I will perhaps take up the minister's invitation to seek leave to conclude my remarks towards the end so that we can get some of these questions back. I know that other members want to make a contribution before this is resolved. Yes we will come back to it today, but I want to put the following on the record.

By way of background, for those members who are not familiar with the history of the Innamincka Regional Reserve, as the former director of National Parks, Bruce Leaver, described, he was asked by the Premier to acquire the Innamincka pastoral lease and he was given no money to do so, which meant that the mining companies and pastoral companies got a fantastic deal out of transferring what was a pastoral lease to the control of the National Parks and Wildlife Service. The pastoralists got a longer term than they would have had under the pastoral lease, and the mining companies got a special deal as well.

Regional reserves are often referred to as 'Clayton's parks'—the park you have when you are not having a park—because all the normal activities in the pastoral zone are allowed in pastoral leases, mining and grazing in particular. Having said that, the debate over the wisdom of regional reserves as a category was had some decades ago and I do not need to go into that. In terms of this current exercise, my first series of questions relates to the consultation process.

The minister has explained that the traditional owners have been consulted and that they have reached an agreement with the government, and that is fine. What I would like to know is: who else was consulted? Were conservation groups consulted, in particular, were the Conservation Council, the Wilderness Society and the Nature Conservation Society consulted? I would like to know whether the advice of the Parks and Wildlife Advisory Committee was sought and, if so, what advice did it provide to the government?

In relation to the land to be excised, I think the minister has explained fairly clearly that we are talking about 182 hectares, being land within the township. My question is: can we please see a map of the land to be excised? The minister has explained that the land to be transferred to the traditional owners as freehold consists of some four allotments. My question is: how many hectares are comprised in those four allotments?

Of the land that is to be transferred by freehold title to the traditional owners, will it be held by those groups in their incorporated entity or will it be held by the Aboriginal Lands Trust or will it be held by some other entity on their behalf? In relation to the other allotments that are not to be transferred to the traditional owners, the minister went through the process—and I ask to be excused if I have misunderstood what the minister said but it is difficult to do this on the run—and, as I understand what the minister said, there are some 150 blocks.

My understanding is that 100 of them will remain as unallotted crown land under the control of the environment department and some 46 which are already in private hands. Could the minister clarify if that is the case? When the minister talked about how the blocks would be disposed of I presumed she was talking about just those 100 that will remain as unallotted crown land and that they will be sold, auctioned, put out to tender or whatever.

If the minister could explain: are there blocks that are within the township that are not included in the 182 hectares, and are there private, freehold titles outside those 182 hectares? In relation to development control, the minister answered some of the questions I had in relation to the current arrangements, but I am still a little unclear about the relationship between the development control provisions of the National Parks and Wildlife Act and the provisions under the Development Act.

My understanding is that there is a current management plan under the National Parks and Wildlife Act for the Innamincka Regional Reserve. Under the regulations under the Development Act, any national park management plan is incorporated by reference into the development plan, yet there is also a separate development plan that the minister referred to: the land not within a council area development plan.

My questions to the minister are: at present, are development applications assessed against the management plan for the park, or are they assessed against the development plan under the Development Act or a combination of both? Are the provisions of the management plan consistent with the provisions in the development plan? Whilst the minister said that there were no changes required under the development plan for the area, I would like to know whether, in fact, there is any inconsistency at present between what the management plan for the regional reserve says about development and what the development plan itself says.

I had a question in relation to mining but the minister has answered that: there are no mineral exploration licences or extraction licences (mining licences) over any area of the land. The question I do have, though, is if mining rights were to be acquired over any part of this 182 hectares whether any additional requirements would be imposed on mining companies.

Presumably, the provisions related to notice of entry would need to be applied, which perhaps might not have been necessary previously. Specifically, I would like to know whether the provisions in the Mining Act relating to exempt land will now apply for the first time to land within the Innamincka township boundary, once excised from the regional reserve.

I would also like to know, in relation to the pastoral legislation, whether any part of this 182 hectares is included within a pastoral lease under the Pastoral Land Management and Conservation Act, and whether any part of that land now needs to be excised from that lease. Mr President, I do have some more consultation which I would like to undertake this afternoon so, if the house is willing, I seek leave to conclude my remarks on motion.

Leave granted; debate adjourned.

MARINE PARKS (PARLIAMENTARY SCRUTINY) AMENDMENT BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. G.E. GAGO: Some questions were raised by the Hon. Michelle Lensink in her second reading contribution, and I would like to take this opportunity to put the answers to those questions on the record. In relation to who assesses the 5 per cent figure—is it just DENR, is Treasury involved, is PIRSA involved, and to what degree is that in the form of a multi-office committee?—I have been advised that, in accordance with section 14(4)(c) of the Marine Parks Act 2007, the Minister for Environment Conservation is required to prepare a draft management plan and impact statement for each marine park.

The draft management plans will include the zoning for each marine park, and the impact statements will include an assessment of the expected economic impact of the marine park zoning on the commercial fishing industry. The Department of Environment and Natural Resources (DENR) will prepare the impact statements with assistance from experts and other government agencies, which will include both Treasury and PIRSA. The Marine Park Steering Committee and the Marine Parks Council of South Australia will also provide advice on these impact statements.

The Marine Parks Steering Committee is chaired by DENR, and member agencies include the Department of Planning and Local Government, the Department of Trade and Economic Development, PIRSA, Aquaculture and Fisheries, the Department for Transport, Energy and Infrastructure, Marine Logistics and Policy, the Office of Major Projects, the Environment Protection Authority, PIRSA Mining and Energy Resources, the South Australian Tourism Commission, the Department of the Premier and Cabinet and the Department of Treasury and Finance.

The second question was: what is the current total budget for the marine parks program and what will it be in 2012-13 and 2013-14? I have been advised that the current budget in 2010-11 is $3.477 million and that the forward budget in 2012-13 and 2013-14 is $1.977 million per annum.

The Hon. J.M.A. LENSINK: I move:

Page 2, lines 11 to 13—Delete lines 11 to 13 and substitute:

Section 14(9)—delete subsection (9)

Just by way of explanation, during the second reading debate, we had an explanation about what this bill does. These amendments will capture the initial management plans as part of the amended process; therefore, they would be subject to being examined by the Legislative Review Committee, as they would be in regulations. I have had correspondence with the Wilderness Society about this, and we have agreed to disagree. In my opinion, regulations being a disallowable instrument is a bit of a toothless tiger, but I think the parliament having an opportunity to comment on the content of regulations is a useful indication in order to express its view about those amendments. What it comes down to really is whether the community will ultimately be happy with the process.

Some may say that these management plans and zoning will not be effective until 2012. That is not really an argument, in my view, because it is just delaying what will take place. Within the last week, we have had media reports emanating from Port Augusta, the South-East, Kangaroo Island and Ceduna. It has not just been the fishing industry: it has been local government people, as well, who have expressed their serious concerns about the potential impact the marine parks will have on those areas. I think it is important that the parliament is able to continue to express a view about the management plans and, therefore, I would urge all honourable members to support the amendments.

The Hon. G.E. GAGO: The government does not support these amendments for the following reasons. When the government consulted on the draft bill, key stakeholders such as commercial fishers supported that bill, specifically acknowledging that it related only to future revisions to management plans, not to initial plans. The original intent of the bill as requested by the fishing industry was to provide long-term zone security. The purpose of the bill was to ensure that a minister or government of the day could not make changes to previously agreed zoning arrangements.

Scrutiny of the initial plans is not necessary to provide this outcome. Providing the opportunity for parliamentary disallowance after the extensive work undertaken by marine park local advisory groups, key stakeholders and community members to develop the initial plans has the potential to undermine the genuine effort and investment these community members will have made during this extremely lengthy and very comprehensive and consultative process that has been going on for a number of years.

It also provides the parliament the opportunity to completely disrupt the marine parks program by disallowing the initial plans and forcing the government to redo several years' work with the community. Matters relating to the displacement of commercial fishers cannot be resolved until management plans are in effect and beyond disallowance. Ambiguity about the commencement of management plans would create uncertainty and insecurity. The possibility for parliamentary disallowance of initial marine park management plans exceeds the approval process for other plans such as those under the Fisheries Management Act 2007 and the Aquaculture Act 2001.

One has to put on the record that the journey so far has not generated an overall consensus. We have never said that there is unanimous agreement to all of this. However, it has been a very lengthy and comprehensive process. It has involved extensive community engagement and consultation, and we have reached agreement with major stakeholders in relation to these matters.

I am saying that there is not unanimous consensus and I am not surprised that honourable members may find a party here or there that may not be in agreement. However, overall, we have managed to reach agreement, and to support this amendment would simply undo years of extensive work and bring about ambiguity and insecurity to the industry.

The Hon. M. PARNELL: The Greens will not be supporting the amendment for many of the same reasons that the minister has just outlined. There can be no doubt that the process of creating and then determining the rules for the management of marine parks will be contentious and controversial. We do need to learn from some of the lessons interstate. The main lesson I think for us to learn is to try, as far as we can, to bring the community with us.

My feeling is that, even amongst professional and recreational fishing bodies, at the end of the day is the absolute truth that, if we do not look after important parts of the marine environment, there will be no fish to catch either professionally or recreationally. So, we do need to have strong marine parks.

The controversy cuts both ways. Certainly I have seen people in the fishing industry who are nervous around the potential extent of sanctuary zones; in other words, zones where fishing will not be allowed. I did take the opportunity yesterday to look at the website and to look at some of the indicative only sanctuary areas. My first reaction was that most of them do not go far enough. I will be looking to put my oar in to try to strengthen some of those sanctuary zones.

If we take, for example, a debate that we have had in this place for some time—the fate of the giant Australian cuttlefish. When you overlay a map of the proposed sanctuary zone with a map of the main breeding area, they do not overlap all that well. The area where I went diving adjacent to the refinery is not included as part of a proposed sanctuary and, over the next 12 months or so, I would be keen (as I think many conservationists would be) to try to make sure that we do get the best possible management plan for that part of the coast and, in particular, we do get strong sanctuary zones.

I said in my second reading contribution that allowing the parliament (either house) to disallow the initial management plan will be a power far greater than exists in any other planning exercise. We certainly do not have that power for terrestrial zoning. We do not have it for terrestrial park management plans. We do not have it for aquaculture management plans.

Whilst I am normally a big fan of giving the parliament as much authority and as often as possible, I do not think that marine parks are best served in this state by allowing all the work that will be done by many people in good faith over many years to be undone at the initial stage by the Legislative Council (presumably) throwing out the initial management plan.

We need to get those first plans up and running. We need to give them a chance to work. If they need revision, then the government can propose revisions, and if we as a parliament do not like those revisions, then we can disallow them, but we do need to give the initial plan a chance to work. What someone put to me some time ago—and I think it rings true—is that we have made so many mistakes on the land in relation to planning, zoning and clearing areas that should not have been cleared and over allocating water, and we are destined to repeat them in the sea if we do not have good management arrangements in place.

Goyder's line, for example—that line drawn so long ago determining where was a reliable place to plant crops—people ignored that at their peril. We do not even have a Goyder's line in the sea. What we find is primary industries allocating fish stocks, often I think unwisely. The onus of proof is often on those who are predicting the collapse of species to prove it and, as a result, we have in Australia and globally the collapse of many commercial stocks because we have not properly looked after them. The one thing we can do is to look after the breeding grounds for those species, the sanctuary zones. The Greens will not be supporting the Liberal amendment and we would urge other members to allow the government's bill to pass in its current form.

The Hon. D.G.E. HOOD: In many ways I think this amendment is not really an environmental amendment at all. It is really an amendment, as I understand it, about whether or not parliament should have authority to disallow particular decisions. We spend a lot of time in this place looking at that precise issue; that is, what parliament should be able to allow and to disallow. We have extensive regulations and parliament has the power to disallow, as I understand, virtually all of them. I cannot see why this should be any different.

I think there are genuine concerns about the extent of marine parks in our community. I must say, other than the so-called conscience vote issues such as euthanasia and the like, putting those conscience vote type issues aside, I think I would have had the most correspondence on this single issue since I have been elected to this place, which is coming up to five years now, and the numbers against have far outweighed those in favour of marine parks.

Members might recall that it was Family First that moved an amendment to the original act when it went through two or three years ago, which insisted that people who drifted into these areas innocently, just happened to be fishing—I am not talking about commercial fishing but recreational fishing—should get a warning before they got a fine. The proposal was to give these people an automatic fine if they innocently drifted in there and threw a line over the side of the boat with their son or daughter or whoever it may be, and we were successful in getting that amendment up.

I think the parliament should have the power to disallow these regulations. I think the Hon. Ms Lensink put it very succinctly and, for that reason, Family First will be supporting the amendment.

The Hon. J.M.A. LENSINK: In responding to some of those comments, we have had the usual hubris and hyperbole from the government using language such as, 'This would disrupt the process'. The fact is that, with regulations, the government can just place them back on, so all of the work that will go into those initial plans will not be lost—that is just not true.

I was bemused by the Hon. Mark Parnell's comments about parliamentarians wanting to have a say. I think that is entirely what this amendment is about, and I find his position a little inconsistent with some of the other positions that he has put. Be that as it may, the fact is that a lot of communities just do not trust this process and would like—if there were enough of us in this chamber to disallow it—to express their view about their concerns.

As a further argument in his comments against this amendment the Hon. Mark Parnell urged caution. I agree with that, but I would also like to reiterate that it is not the job of marine parks to manage fisheries sustainably; that is the job of PIRSA and the fisheries act. The marine parks are to protect representative areas, breeding grounds and the like. So, I do not think that should be used as an argument for disagreeing with this particular amendment. However, I think enough has been said, so I would again encourage honourable members to support the amendment.

The committee divided on the amendment:

AYES (9)

Bressington, A.	Brokenshire, R.L.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A. (teller)
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.

NOES (10)

Darley, J.A.	Finnigan, B.V.	Franks, T.A.
Gago, G.E. (teller)	Gazzola, J.M.	Holloway, P.
Parnell, M.	Vincent, K.L.	Wortley, R.P.
Zollo, C.		

PAIRS (2)

Lucas, R.I.	Hunter, I.K.

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Remaining clause (4) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

ROAD TRAFFIC (USE OF TEST AND ANALYSIS RESULTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October 2010.)

The Hon. D.G.E. HOOD (16:22): I rise to present Family First's position on this very important bill, a fairly non-contentious bill, I would suspect. It will not surprise members to hear that we are supporting the bill wholeheartedly. I am not aware of any amendments, so I think the passage of the bill will be somewhat of a formality from this point. It makes plain that drink drivers must face the full consequences of the law and face the consequences relating to their compulsory third party insurance as well if they drive and are involved in an accident. It may not be surprising, therefore, that Family First will strongly support this legislative measure.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hood has the call. You may want to take the conversations outside.

The Hon. D.G.E. HOOD: There are a couple of issues that I will raise in the concluding phase of my speech that should be addressed in this particular measure. I do not have amendments to do that because I do not want to hold up passage of the bill, but they are worthy of consideration for some future time. Some may not be aware that there are two primary scenarios in which blood will be tested to determine a person's alcohol consumption when somebody is picked up.

There is, of course, the scenario that begins with an alco-test device, which we regularly encounter at random breath test stations. In fact, I have been stopped by a number of them lately and members will be pleased to know that it was 0.0 every time, so I am squeaky clean. Alco-test devices are routinely used by police patrols, which have the ability to pull up drivers in certain circumstances.

In the event of a positive reading, the drivers will then be taken to a local police station or so-called booze bus for a more comprehensive and accurate breath analysis count on a more sophisticated device. If a driver believes that the results are inaccurate, then they have the option to request an approved blood test kit pursuant to section 47K of the act. Indeed, if the driver claims to have a medical condition that precludes them from blowing into an alco-test device, under section 47E(4a) they can immediately skip to the blood test stage.

They must then go straight to a hospital to have a blood test taken and analysed, and that is the first scenario; there is nothing wrong with that. The second set of circumstances in which blood alcohol tests are administered is following more serious car accidents. Hopefully, most members are not so familiar with that regime but, on attendance at a hospital, section 47I of the act comes into effect requiring medical practitioners to take blood tests, providing that such tests are not medically dangerous to the individual concerned.

Then, obviously, if an analysis shows that the injured person was above the prescribed limited of alcohol, there are legal consequences and that is a fine, depending on the reading, the number of prior convictions and a period of licence disqualification in all cases, except where the reading lies between .05 and .08 and it happens to be a first offence, in which case there is no disqualification.

The current act is very clear that this blood analysis testing can be used to establish guilt for the purpose of charges of driving with a prescribed concentration of alcohol. Family First takes no issue with any of that, as I expect no member of this chamber would. However, a difficulty for the government with the current legislation relates to the use of the results for any other purposes. Section 8 in schedule 1 states:

> The results of a drug screening test, oral fluid analysis or blood test under Part 3 Division 5, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence)—
>
> (a) will not be admissible in evidence against the person in any proceedings, other than proceedings for an offence against this act or the Motor Vehicles Act 1959 or a driving-related offence; and
>
> (b) may not be relied on as grounds for the exercise of any search power or the obtaining of any search warrant.

Why that section exists, which seems to do nothing more than give drink and drug drivers legal immunities in many matters, is completely beyond me. Indeed, it seems that this particular requirement in the act is actually making it more difficult for the police to convict people by limiting the way that the evidence can be used and only to that particular circumstance. For example, if somebody is pulled over by one of these services and they are, for instance, detected to be drug driving—not drunk driving but drug driving—I can see no impediment to giving the police an automatic right to search that vehicle.

Clearly, people who are involved in drug driving are putting themselves and others at risk. It is an irresponsible act and it may well be, as is often the case, that they could have drugs in their vehicle. I think if they give a positive reading then the police should have the right to search that vehicle on the spot. Yet, these two parts that I have just read, under Part 3 Division 5 (a) and (b) in particular seem to give the people concerned a literal 'get out of gaol free' card in this case, and I see no grounds for it whatsoever. Why have a defence for them already in the act? It just does not make sense. That is not what this act was intended to do—certainly not to make life easy for them.

A similar concern is found in section 47C. That section states very clearly that a person who has been convicted of drink driving provisions should not, for the purposes of any insurance

contract, be deemed to be under the influence of alcohol. In particular, subsection (3) states that any terms or conditions in contracts that preclude insurance for people convicted of drink driving shall be void. I wonder if I could ask the minister on notice the purpose of section 47C(3) in particular and why this bill does not remove that section once and for all. Indeed, I was tempted to do that with an amendment but I suspect it may be in there for a very good reason. If it is not, then I think you can count on a private member's bill to take it out.

I ask that question of the minister: can it be explained why that section has been left in the bill? Indeed, I am also looking at similar wording in schedule 1, and I further ask whether the retention of section 47C(3) will mean that cases similar to the ones sought to be dealt with by this bill will actually continue to occur. Let us hope that is not the case. In any event, schedule 1 clearly limits the scope to use the blood analysis certificate in reference to compulsory third party insurance matters. I note that the issue of admissibility of the certificate has already been raised in a District Court trial with the ruling, last October, that the certificate cannot be relied upon in this matter. We are making it too easy for them, Mr President.

Further, during the minister's speech there was a reference to the fact that this bill will amend the law in relation to section 47I certificates—that is blood analysis carried out after admission to hospital. However, my reading of section 8 of schedule 1 is that the section relates to all types of blood tests; that is, it includes blood tests requested after or in place of an alcotest or breath analysis testing. Again, I ask the minister to clarify whether, in all cases, the blood test can be used to determine the third party insurance matters. This is a very important issue. We are talking about significant injuries sustained by people, financial compensation and, indeed, the medical treatment that they get.

I think it is important that we address this, and it is also important not to make the job for the police any harder than it has to be. As I indicated at the outset, Family First supports this bill with the qualifications that I have just outlined. These are important matters and I think they need to be addressed in order for us to see this bill go into law. The overall thrust of the bill, members will agree, is a good thing indeed.

Debate adjourned on motion of Hon. J.M. Gazzola.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

The Hon. A. BRESSINGTON (16:32): I rise briefly to indicate my support for the second reading of the Statutes Amendment (Criminal Intelligence) Bill 2010. The bill simply seeks to conform existing criminal intelligence provisions across the various acts to the initial model in the Liquor Licensing Act 1977, which has been held to be constitutionally valid by the High Court's decision in the K-Generation case.

It is my understanding that there are presently three models of criminal intelligence on the statute books, two of which are currently in operation and the third, including the amendments to the Liquor Licensing Act 1977 which are yet to be proclaimed, will come into operation due to the provisions of subsection 7(5) of the Acts Interpretation Act 1915 early next month.

It is appropriate that the criminal intelligence provisions are consistent and comply with the model held to be valid by the highest court in the land. That said, though, I indicate that I am open to considering the amendments foreshadowed by the Liberal Party. As I have expressed numerous times in this place, I have real concerns about the current excesses of the law and order legislative agenda and, specifically, the encroachment on the traditional fair trial.

An example of this is the Summary Offences (Weapons) Amendment Bill 2010 currently before this place which, as the Law Society notes in its submission to the Attorney-General, reverses the onus of proof for numerous new offences. Mr President, how many times have we had this debate in here about reversing the onus of proof? It is getting to be quite a habit.

My support will, of course, be contingent upon the amendments being practical, preferably providing a level of accountability or oversight on the use of criminal intelligence which currently does not exist, and not interfering with the dicta of the High Court in the K-Generation case.

Debate adjourned on motion of Hon. J.M. Gazzola.

VISITORS

The PRESIDENT: It is nice to see the Hon. Mr Gilfillan in the gallery.

Honourable members: Hear, hear!

PRINCE ALFRED COLLEGE INCORPORATION (VARIATION OF CONSTITUTION) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (16:37): I move:

That this bill be now read a second time.

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

Leave granted.

Members may be aware that the Prince Alfred College Incorporation Act is a private Act and is not committed to any Minister. However on the invitation of the Chairman of the Prince Alfred College Council I am pleased to take carriage of this Bill on behalf of the College in my capacity as Minister for Education.

I propose you support the minor but necessary amendment that is the subject of this Bill.

The *Prince Alfred College Incorporation (Variation of Constitution) Amendment Bill 2010* will make a minor but necessary amendment to the legislation under which Prince Alfred College is incorporated, namely the *Prince Alfred College Incorporation Act 1878*.

The *Prince Alfred College Incorporation Act 1878* has been amended by Parliament only twice previously, in 1977 and 2007.

In 1977, the *Uniting Church in Australia Act 1977* facilitated the formation of the Uniting Church by creating a union of individual Christian churches, including the Wesleyan Methodist Church under which the College was established. This legislation also updated provisions relating to the constitution of the Prince Alfred College School Council.

In 2007, the *Prince Alfred College Incorporation (Constitution of Council) Amendment Act 2007* removed much of the Act's prescriptive detail concerning membership of the Council and authorised that these matters be instead set out in the College Council's Constitution.

The purpose of the Bill before you is straight forward—it will provide for a change to the voting procedures of the Prince Alfred College Council for effecting a variation to its Constitution.

The College Council has requested that section 19(4) of the Act be amended to reflect that a variation to the Constitution must be passed by at least three-quarters of the members of the Council.

This amendment would modify the current requirement within section 19(4) that a variation to the College Council's Constitution must be passed by twelve members of the Council present and voting at a meeting of the Council, or three-quarters of the members present and voting, whichever is the greater.

The Bill proposes to amend section 19(4) to remove the requirement for a minimum of twelve members to approve any changes to the College Council's Constitution, but retains the requirement for three-quarters of the membership of the Council to support any such amendment. This will also allow for more flexibility in the number of members of the Council, which must be a minimum of twelve in order to meet the current voting requirements in section 19(4) of the PAC Act.

This approach in relation to voting on such resolutions is consistent with similar provisions in other legislation, such as the *Associations Incorporation Act 1985*, which provides for the incorporation, administration and control of associations.

The Prince Alfred College Council has consulted with the Uniting Church in Australia, Synod of South Australia on the proposed amendment. The Synod is supportive of the proposed change as it will allow for the governance arrangements of Prince Alfred College to be more efficient and similar to those of the Synod.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides for the short title of the measure.

2—Amendment provisions

This clause is formal.

Part 2—Amendment of *Prince Alfred College Incorporation Act 1878*

3—Amendment of section 19—Variation of Constitution

This amendment relates to the number of members of the Council of the College who must agree to a variation of the Constitution of the Council. Currently, a variation must be passed by 12 members of the Council, or three quarters of the members present and voting, whichever is the greater. The amendment will provide that a variation will require the support of three quarters of the members of the Council (and thus remove the reference to at least 12 members). A variation will still require the approval of the Synod under section 19(3) of the Act.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

RECREATION GROUNDS (REGULATIONS) (PENALTIES) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (16:38): I move:

That this bill be now read a second time.

Given the fact that the government would like this bill dealt with this week and as it is a relatively short speech, I might just read it into *Hansard*. The purpose of the Recreation Grounds (Regulations) (Penalties) Amendment Bill 2010 is to amend the Recreation Grounds (Regulations) Act 1931 to incorporate increased penalties for crowd behaviour that is antisocial or has the potential to impact on public and participant safety.

South Australia has a strong reputation as an event city. Whilst our reputation relates, in part, to event management, it is also built on creating public environments that are safe and family friendly. The government is committed to protecting South Australians from the actions of those who seek to gain notoriety or who, by their actions, put the safety of others at risk. This summer South Australia will host, amongst other events, the Second Ashes Test, the state's first international Twenty20 and, based on Adelaide United's continued good form, A-League finals matches.

While this is a fantastic summer of sport for South Australians, it has the potential to be accompanied by a high risk of ground invasion and the use of flares. Recent experiences interstate have heightened concerns from international and national sporting bodies and venue managers about the possibility of such antisocial behaviour occurring and the need to increase the current statutory penalties that apply. The bill amends section 3 of the Recreation Grounds (Regulations) Act 1931 to:

(a) Widen the regulation-making power of the act with respect to securing orderly behaviour to include persons in the vicinity of the ground; and

(b) Increase the maximum penalty that may be imposed by regulation from $200 to $5,000 to address serious behaviours such as pitch invasion; and

(c) Allow for expiation fees in the regulations not exceeding $315 for minor alleged offences against the regulations.

This bill is one part of the approach to managing poor crowd behaviour and it should be noted that major venues are continuing and will continue to review their security procedures and conditions of entry to manage crowd behaviour generally.

The amendments contained in this bill are consistent with other states and will enable effective and consistent deterrents to be in place. This bill will impact only on those whose behaviour is unacceptable. By introducing harsher penalties for those who seek to interrupt major sporting and entertainment events in this state or put the public at risk by their actions, the government will meet its commitment to protecting the safety of participants and the public.

I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Recreation Grounds (Regulations) Act 1931*

3—Amendment of section 3—General regulations relating to recreation grounds

This clause amends the regulation-making power of the Governor in the following ways:

(a) to widen the scope for regulations to be made to secure orderly and decent behaviour by persons in the vicinity of a recreation ground;

(b) to increase the maximum penalties that may be imposed for offences against the regulations to $5,000;

(c) to allow for expiation fees (not exceeding $315) to be prescribed for alleged offences against the regulations.

These clauses are formal.

Part 2—Amendment of *Recreation Grounds (Regulations) Act 1931*

3—Amendment of section 3—General regulations relating to recreation grounds

This clause amends the regulation-making power of the Governor in the following ways:

(a) to widen the scope for regulations to be made to secure orderly and decent behaviour by persons in the vicinity of a recreation ground;

(b) to increase the maximum penalties that may be imposed for offences against the regulations to $5,000;

(c) to allow for expiation fees (not exceeding $315) to be prescribed for alleged offences against the regulations.

Debate adjourned on motion of Hon. Paul Holloway.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

In committee.

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

That it be an instruction to the committee of the whole council on the bill that it have power to consider new clauses in relation to the prohibition of replicate gaming machines and the prohibition of gaming machines precursors in licensed premises and to amend the long title.

Motion carried.

Clause 1.

The Hon. P. HOLLOWAY: As I mentioned in my second reading closing speech, I am now responding to questions on notice from the Hon. Mr Brokenshire. The questions focused on approved intervention agencies preventing minors from gambling, the approved trading system and recommendations of the Productivity Commission.

First, I will address questions asked by the Hon. Mr Brokenshire about approved intervention agencies. Currently, approved intervention agencies are Gaming Care for the hotel sector and Club Safe for the club sector. I am advised that there are no other agencies currently seeking approval.

The bill proposed to formalise the process for the recognition of responsible gambling agencies (currently known as approved intervention agencies). The bill also proposes to formalise the approval of the form of responsible gambling agreements and proposes an appeal process. Currently, 558 of the 565 gaming licensees have an approved intervention agency agreement in place; that is, 98.7 per cent of gaming venues.

It should be noted that it is not necessary for the licensee to be a member of either Clubs SA or the Australian Hotels Association in order to have access to Club Safe or Gaming Care. To be approved, each of Gaming Care and Club Safe had to satisfy the Independent Gambling Authority that it was appropriately resourced and that the agreements with licensees complied with the requirements set out in the codes of practice. The key conditions relate to:

- access to venues by the responsible gambling agencies;
- no unfavourable treatment of staff who report suspected problem gambling behaviour;
- implementation of pre-commitment; and

- annual and periodic reporting.

I am advised that the IGA is satisfied with the positive engagement of Club Safe and Gaming Care and that initiative appears to be progressing well.

The reporting process continues to be developed. Quarterly reports are being provided with both quantitative reporting and case studies, which demonstrate the potential that in-venue interventions have to address aspects of problem gambling. While there have not been specific instances of non-compliance with the agreements addressed by the Independent Gambling Authority, I am advised that the IGA will subject Club Safe and Gaming Care initiatives to an evaluation as part of its next review of the codes of practice.

I now address the question asked by the Hon. Mr Brokenshire about what action the minister has taken on preventing minors being exposed to gambling within venues. The Gaming Machines Act protects minors from being exposed to gambling. Section 15(4)(g) of the act provides that a gaming machine licence will not be granted unless the applicant satisfies the commissioner that no proposed gaming area is so designed or situated that it would be likely to be a special attraction to minors.

Section 55 of the act specifies that minors must not be employed in gaming operations. Section 56 prohibits minors from being in a gaming area, with offences for minors, licensees and approved gaming machine managers. Section 57 requires warning notices to minors to be erected in a prominent position at each entrance to each gaming area. Section 58 provides authorised persons with the power to require suspected minors to provide evidence of their age, with penalties for persons failing to provide evidence or making a false statement, or providing false evidence. Authorised persons also have the power to remove suspected minors from the premises.

I am advised that, typically, each gaming venue is inspected at least once every 12 months. Standard inspections include gaming inspectors monitoring the gaming area to ensure that licensees are not permitting minors to enter the gaming area. In addition to standard inspections, a number of special operations were conducted by the Office of the Liquor and Gambling Commissioner in the 2009-10 period.

For example, a covert operation was conducted in Port Augusta. The covert operation and other task forces that were conducted by the Office of the Liquor and Gambling Commissioner included targeting gaming machine premises to ensure minors were not playing gaming machines. The advertising code of practice also specifically states that a licensee must not direct advertising of their gambling products at minors and must ensure that their advertising does not portray minors participating in gambling activities.

Regarding amusement devices, I am advised that condition (z) of the commissioner's licence conditions for licensed gaming venues requires licensees to ensure that no amusement device, such as a pinball machine, pool table, arcade game or device of a similar nature may be located within the approved gaming area without the prior approval of the commissioner. This was done so as not to entice minors to gaming areas.

I now address the question from the Hon. Mr Brokenshire regarding the proposed approved trading system and concerns about potential losses of entitlements from the club sector. As I mentioned in my second reading closing speech, public consultation closed on 3 September and the details are now being worked through with the subcommittee of the Responsible Gambling Working Party. Representatives for the club sector include the president of Clubs SA and the executive officer of Club One.

The first meeting of the subcommittee was held on 15 November 2010. That subcommittee is the appropriate forum to finalise the details of the proposed approved trading system and I cannot speculate on what the final outcome may be. As noted in the consultation paper, the subcommittee has been asked to consider the development of an approved trading system that is low risk, fair, simple, low cost, transparent and voluntary.

Finally, I would like to address the Hon. Mr Brokenshire's question about progress against the Productivity Commission's recommendations. As I mentioned in my second reading closing speech, the South Australian government is working with other Australian governments on a national response to the Productivity Commission's recommendations. The Department of Treasury and Finance is also currently working on the changes necessary to gambling legislation to allow a national response to be developed and implemented. Public consultation on the proposed changes

is planned for the coming months. I now look forward to progressing the bill through the remainder of the committee stage.

Clause passed.

Clauses 2 and 3 passed.

New clause 3A.

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

Page 4, after line 7—Before clause 4 insert:

3A—Amendment of long title

Long title—After 'gaming machines' insert:

; to protect children against conditioning for playing gaming machines

This amendment relates to amendment No. 8, which proposes to insert a new part into the act relating to the protection of children. More specifically, that amendment seeks to prohibit replica gaming machines outright and to prohibit gaming machine precursors in licensed premises.

For the sake of convenience, I will speak of amendments Nos 1 and 8 together. There are two aspects to amendment No. 8, and I will address each separately. The provisions relating to replica gaming machines make it an offence to manufacture, import, sell, let on, hire or offer for sale, hire or operation a replica gaming machine. Replica gaming machines are defined as items that mimic a gaming machine or the operation of a gaming machine.

What constitute items that mimic a gaming machine or the operation of a gaming machine will be determined by the minister after taking into account the following considerations:

1. whether the appearance of a gaming machine is simulated;

2. whether the sounds of the gaming machine are simulated;

3. whether the operation of a gaming machine is simulated, including, for example, through simulation of the insertion of coins or wheel spins or the rollover of credits or the delivery of coins on a win.

Members may be aware of the sorts of machines this amendment is aimed at. They are typically located within shopping centres and gaming arcades and are primarily aimed at minors. These arcade-type games provide incentives in the form of prizes such as toys and sometimes even more expensive items, such as iPods and console games. They are based on games of chance rather than skill. Many of them have features similar to poker machines and are sometimes located in close proximity to poker machine venues. The concern with these machines is that they have the potential to expose children to gambling-like products from a very early age.

I note that a recent University of Adelaide study of 2,500 teenagers found that those who regularly play video and arcade games are more likely to experience problem gambling. These machines therefore have the potential of increasing the likelihood of those playing them developing gambling addictions as adults. As such, they should not be allowed, irrespective of where they are installed and operated.

The second aspect of amendment No. 8 relates to arcade games typically referred to as skill testers. These games are based on skill rather than chance. The machines, which are coin operated, allow you to try to pick up a prize using a large claw. Again, prizes vary from chocolate bars to stuffed toys and sometimes more expensive items. The amendment does not propose an outright ban on skill-tester machines. Instead, it bans them from being installed and operated within licensed premises.

I have been advised that there are some gambling venues around Adelaide that have installed skill-tester machines on their premises as a form of children's entertainment. I am advised that other forms of entertainment often located at venues include gaming consoles, such as PlayStations and X-Boxes. Whilst the skill testers do not replicate gaming machines as such, I am concerned about their being situated in such close proximity to gaming rooms within licensed premises.

My colleague Senator Nick Xenophon, who I have been working closely with on gambling-related issues, which, no doubt, has become apparent to honourable members, has been raising this issue for some time. While he was still a member of the Legislative Council, he complained to

the Office of the Liquor and Gambling Commissioner on behalf of a constituent, who advised that she had observed a mother leave two children in school uniforms unattended inside a venue while she played the poker machines in the gaming room.

The children were continually wandering up to the entrance of the hotel's gambling area and standing in the doorway between the hotel's bar and gaming room. At one point the constituent advised that the mother came out and gave the children money, which they then proceeded to feed into a skill testing machine. The potential that children face in terms of developing gambling addictions is, I believe, exacerbated by this sort of activity. Children should not be left unattended in licensed premises under any circumstances, but to also give them money to feed into one of these machines sends completely the wrong message.

There is, I believe, real danger that these children may sooner or later advance from a skill testing machine to a poker machine. That risk can be reduced by banning skill testing machines from licensed premises. As I said earlier, the purpose of this particular amendment is to amend the long title of the act to include 'for the protection of children against conditioning from playing gambling machines'. I am happy to debate the merits of the proposed clauses in amendment No. 8 when we get to them. In order to allow that debate, I urge all members to support this amendment.

The Hon. P. HOLLOWAY: I understand that this will be a test clause for a number of other amendments moved by the Hon. Mr Darley in relation to gaming machine precursors. As I mentioned in my second reading closing speech, the government opposes this amendment. The government intends to prohibit arcade games that are essentially similar to electronic gaming machines. This will be achieved under existing provisions in the Lotteries and Gaming Act of 1936. The regulatory approach and statutory instruments will be subject to consultation to ensure that we get the details right and that the regulatory impacts are fully understood.

The government is preparing a consultation paper to invite submissions on aspects of arcade games that are considered to be similar to gaming machines and should be prohibited and impacts on industry and the community of prohibiting certain arcade games, including impacts relating to the prevention of problem gambling. That is the preferred approach that the government would take: that we first consult on it, and we have the powers under the Lotteries and Gaming Act to achieve the prohibition of any replica gambling machines if that type of machine is deemed to be a problem, subject to the consultation on the matter.

The Hon. T.J. STEPHENS: I will not support the amendment. The government has given a reasonable excuse. I remind the Hon. John Darley that, whilst I am the shadow minister for gambling, it is a conscience vote for all Liberal members of parliament. I speak for myself and he will get a guide as to how others vote as to what is our position. I do not support the amendment.

New clause negatived.

Clause 4.

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

Page 4, after line 23—After subclause (5) insert:

(5a) Section 3(1), definition of gaming machine—delete 'a coin' and substitute:

money

There are, essentially, two elements that I want to test with this amendment. I raised this issue briefly in my second reading contribution, that is, that in South Australia the issues that relate to note acceptors in machines is anomalous, from my viewpoint, compared with other jurisdictions in Australia. The advice provided to me indicates that in New South Wales, for example, there are no limits on note acceptors, and that in Victoria note acceptors are used up to a maximum of $50 notes, except for some gaming machines at the casino, I am advised.

In Queensland, I am told, there are no limits on the use of note acceptors (other than up to a limit of $20 notes) that can be used in the machines. In Western Australia there are no gaming machines in hotels and clubs so it is not applicable. In Tasmania, my advice is that it is not permitted in hotels and clubs but note acceptors are allowed in the casinos. My understanding is that in the Northern Territory it is the same as in Tasmania, and in the ACT note acceptors are permissible with a limit of a $20 note to be used.

South Australia stands out from all of that, in that we do have gaming machines in hotels, clubs and casinos but note acceptors are not permissible. Clearly, there are issues there for a

gaming machine manufacturer who has the situation of manufacturing machines that are only suitable for the South Australian market but that is not the prime reason for my raising this issue. I raise the issue because 98 or 99 per cent of people are, as I argued in the second reading, recreational gamblers.

The Hon. Mr Xenophon and others have outlined that 1 to 2 per cent of people are problem gamblers in South Australia. For the 98 to 99 per cent of people the use of notes for a whole variety of purposes in this day and age is completely acceptable. One can think of any number of devices these days—whether it is a dispensing machine for confectionery, drinks or the use of carparking stations (certainly, in relation to parking meters in some parts of Australia; I do not know whether they exist in South Australia)—where the use of notes is just an issue of convenience for normal functioning adults in terms of going about their everyday activities.

It is the same, on the basis that I have just outlined, in virtually every other jurisdiction in the nation: note acceptors are an acceptable device in terms of a gambling option for gamblers in hotels and clubs and certainly in casinos, as well, in many instances. In South Australia we had this restriction because the argument was (from those who argued for the distinction) that it would mean, as part of a package of measures, that we would tackle problem gamblers better.

My challenge to those who argue that is for them to demonstrate that the range of measures introduced in South Australia have resulted in a better situation for problem gamblers in South Australia compared to any other state or jurisdiction in the nation. That is a challenge I put to the Hon. Mr Xenophon on many occasions and I do so to those who argue this particular case on this occasion, as well. I am not aware of any evidence which indicates that the restriction that we have in South Australia on note acceptors, contrary to the claims, has meant that the situation is better for problem gamblers and their families in this state.

There is no evidence of the supposed benefit to tackling the problem gambling issue. We still have the one to two per cent of problem gamblers in South Australia that we had when the Hon. Mr Xenophon started this crusade a decade or more ago. As I have argued on many occasions, many of the attempts we have made to tackle problem gambling have been largely tokenistic. They look good on the surface. It is a bit like the government's idea of 'let's cut the number of poker machines by 3,000: that will help solve the gaming machine problem'.

We have got rid of just over 2,000, and the opponents of poker machines are saying that we still have the same problem and some are arguing it is actually getting worse. Whether we get rid of another 800 or so, those of us who argue my particular point of view say the number of problem gamblers in South Australia and the extent of the gambling problem will not be impacted by a further cut of 700 or 800 gaming machines.

The one or two per cent who have a gambling problem, as I said in my second reading contribution, will crawl over cut glass to get to a gaming machine and satiate their gambling addiction. The fact that you do not have a note acceptor in a machine ain't going to make a jot of difference, because they can convert through a note exchange not attached to the machine or they can get whatever it is that they need to gamble with—a coin or token—in the gaming machine, anyway.

I guess my challenge (and it has been unanswered thus far in all of these debates but, nevertheless, I remain ever hopeful) is for those who argue that this will make a difference to demonstrate today, or at some stage in the future, how it has actually made a difference and how these additional restrictions will see the one or two per cent, whatever it is, of problem gamblers in South Australia reduced to half a per cent. Do we see any progress at all in terms of tackling the number of problem gamblers in South Australia?

Those who argue my particular position argue that the only way you will tackle this one or two per cent is through direct intervention, with counselling and assistance for the people concerned; because, whether they are gambling in this way or whether they are going to gamble (as I argued) online with their mobile phones or computers at home or at the TAB outlet, whatever it happens to be, they have an addiction and a problem and, by and large, will continue with that addiction or problem in some way or another.

We can restrict the number of machines and outlets and we can make them put coins in the machine rather than notes and think that is going to make a difference and we will feel good about it but, in the end, it will not make a jot of difference. In two years' time, five years' time or 10 years' time when this parliament debates gaming machines again, the opponents of gaming machines will still be saying that there are one per cent to two per cent of problem gamblers in

South Australia and we now need to introduce another range of restrictions. We have been introducing these restrictions for a decade or more and we still have one or two per cent of problem gamblers in South Australia.

For all those reasons, as I said, I do not hold great expectations that the majority in this chamber will support this proposition. I suspect, without putting words into the government's mouth, it will give the government of the day the opportunity to say, 'Hooray for us as the government, because we have opposed this particular provision that the Hon. Mr Lucas has moved', and in some way think that it will be seen by opponents of gaming machines as a good thing for the government to have opposed. Having moved it, I will certainly be testing, by way of division, the views of all members, because it is a conscience vote for all but government members, obviously.

The Hon. T.J. Stephens interjecting:

The Hon. R.I. LUCAS: I am led to believe that there is at least one. So, just to explain, I move just the amendment in relation to 5a, because there are two propositions that I intend to test. I suspect the first is easier than the second for some, and I have not explained the second one yet. In the first instance it is just, in essence, allowing someone to put notes into a machine in addition to coins, so it is money.

The advice I have received is that the current legislation does use the word 'token', but my industry advice tells me that they do not believe any tokens are used in the industry in South Australia. As I said, that is the advice from industry to me, and, whilst legislation allows for tokens to be used, I have asked for examples of where that occurs. As I said, their advice to me—and I am no expert in these things—is that the token is largely superfluous. They are not aware of any examples where tokens have been approved by the various regulatory authorities.

Nevertheless, my second amendment will still leave the word 'token' in the legislation, given that it is already there, and it will test the second notion (proposed new subclause (5b)), which is the issue of ticket-in, ticket-out, which is a gaming machine ticket. So, this first amendment does not test the issue of gaming machine tickets—ticket-in, ticket-out—it is testing just the use of money, that is, coins and/or notes.

I understand that the various regulations would permit some limit to be put on the denomination of notes, as occurs in some other states. I am not strongly tied to that particular notion. I am led to believe that, in the other states, some have a limit of $50 and some have a limit of $20. It obviously varies in some of the other jurisdictions. As I said, I think that could be regulated by a regulation under the act in relation to the extent of denominations allowed if ticket machines are allowed as part of these gaming machines. As I said, the first amendment is testing only the issue of notes; it does not yet raise the issue of ticket-in, ticket-out, which is the subject of proposed new subclause (5b).

The Hon. P. HOLLOWAY: The Hon. Mr Lucas has introduced amendments to allow note acceptors in clubs, pubs and the casino in South Australia. As I mentioned in my second reading closing speech, the government opposes these amendments. Since the introduction of gaming machines in South Australia, we have never had note acceptors on electronic gaming machines. The fact that our gaming machines only accept coins and not notes is a significant harm-minimisation measure.

The Productivity Commission was concerned about note acceptors on gaming machines, which are available interstate. In its inquiry into gambling, the Productivity Commission recommended that note acceptors be restricted so that a player can only insert a maximum of $20 at a time, with no further cash able to be inserted until the maximum credit on the machine falls below $20.

Introducing note acceptors, even ones that are limited to a maximum of $20 in line with the Productivity Commission, would need to be subject to extensive consultation to fully understand the regulatory impacts, in particular, the effect on problem gambling. So, the government believes that it has no alternative but to oppose these amendments.

Also, the Hon. Mr Lucas asked about evidence. I will just say that the last South Australian gambling prevalence study was undertaken in October 2005 and covered October 2004 to October 2005, which was effectively a before figure in relation to the impacts of cutting gaming machine numbers. The next prevalence study will show if there has been a reduction in problem gambling since 2005. The timing of that next prevalence study is yet to be finalised.

The Hon. J.A. DARLEY: I rise briefly to indicate that I will not be supporting any of the Hon. Mr Lucas's amendments unless, of course, he reconsiders his position and proposes that real money be replaced by plastic tokens not to be exchanged for cash. As I understand it, the amendments propose to allow notes to be inserted into poker machines, as well as tokens, and some form of ticketing. The tokenisation of money for the purposes of gambling on poker machines has been identified as being causally related to problem gambling. Tokens are said to facilitate the suspension of judgement and create a false sense of how much is actually being gambled.

Similarly, by allowing poker machines to accept notes in addition to, or instead of, coins, problem gambling behaviour is more likely to go unnoticed by gaming room staff. It will result in less face-to-face contact between gamblers and venue staff and, more particularly, cashiers, which increases the likelihood of problem gambling by individual patrons.

It also takes away the opportunity for a break in play for gamblers, which is important in allowing them to assess their level of gambling. I appreciate that the Hon. Mr Lucas has a much more liberal view towards gambling than I have; however, in my view, these amendments are counterproductive to harm minimisation measures.

The Hon. T.J. STEPHENS: I will be supporting the Hon. Rob Lucas's amendment, although, like the Hon. Rob Lucas, I am not overly optimistic about his chances of success but, nonetheless, I am happy to be a brother in arms with him on this. Much is said about problem gambling. My view, as I have said on the record before, is that if we are serious about problem gambling I believe the almost $6 million a year that goes into the Gamblers Rehabilitation Fund should be dispersed to non-government agencies, the concern sector, to actually work hard with problem gamblers.

I am extremely concerned that a lot of that money gets lost in bureaucracy. When we are talking about problem gambling, I would much prefer that we focus on that rather than having the recreational punter put up with the inconvenience of having to use coins all the time. I will be supporting the Hon. Rob Lucas's amendment, and it will be interesting to see how that plays out on the floor the council.

The Hon. R.L. BROKENSHIRE: Family First, as we often do on crucial matters, will be supporting the government because the last thing we need is more liberalisation—whether it is 1, 2, 3 per cent or more. I do not think we need to be bringing anything into this chamber that encourages people to put more money down the drain.

The committee divided on the amendment:

AYES (7)

Dawkins, J.S.L.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I. (teller)	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

NOES (14)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Finnigan, B.V.	Franks, T.A.	Gago, G.E.
Gazzola, J.M.	Holloway, P. (teller)	Hood, D.G.E.
Hunter, I.K.	Parnell, M.	Vincent, K.L.
Wortley, R.P.	Zollo, C.	

Majority of 7 for the noes.

Amendment thus negatived.

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

Clause 4, page 4, after line 23—After subclause (5) insert):

(5b) Section 3(1), definition of gaming machine—delete 'or other token' and substitute:

, a token or a gaming machine ticket

I indicate at the outset that I will speak briefly to the amendment and accept a loss on the voices rather than dividing, but nevertheless I do want it recorded. Subclause (5b) goes a step further than just providing the option of notes to be used. It actually provides what is available in some other jurisdictions known as ticket in, ticket out. I did speak a little about this in my second reading contribution and I do not propose to go over it again, suffice to say, that it does allow the option which occurs in some other jurisdictions where one receives a ticket out.

You do not get that sound of coins clanking at the bottom of the gaming machine, which I am led to believe is a seductive sound for the 1 to 2 per cent of gaming machine problem gamblers. Evidently, the seductive sound of the clank of coins at the bottom of the machine is one of the reasons that some problem gamblers continue. Of course, if you do not have that seductive noise of the coins clanking as you collect $1,000 or more (or whatever it happens to be) and all you get is the whirr of a machine indicating that you have won $1,000 (or whatever), then those who are concerned about the seductive noise of coins at the bottom of the machine may well be attracted to this notion. I suspect they will not be, but nevertheless that is the argument.

Again for the reasons I outlined in my second reading contribution, I think in other jurisdictions it exists. For those 98 or 99 per cent of gamblers in South Australia who do not have a problem, why should we in South Australia not have the option, as every other state has? Again I repeat what I said in relation to the last amendment, the challenge for those who argue for these restrictions is: prove to us that these restrictions have achieved anything.

As I said, I am still listening. I heard nothing when I moved my last amendment and I suspect I will hear nothing during this whole debate at all. It sounds terrific to put all these restrictions in, but, ultimately, no-one ever demonstrates, with any proof or any evidence, that it has made a jot of difference to the 1 or 2 per cent of problem gamblers. I accept that I will lose this amendment on the voices and, if that is the case, then I will not be dividing.

The Hon. P. HOLLOWAY: The Hon. Mr Lucas has introduced amendments to allow gaming machines to accept tickets in place of coins in pubs, clubs and the casino in South Australia. As I mentioned in my second reading closing speech, the government opposes these amendments. This would be a significant change to the way money is inserted into gaming machines. Ticket-in, ticket-out systems use printed tickets to carry funds. These tickets carry a bar code, which can be read by a bar-code scanner to determine the cash-out transaction which took place and, therefore, exactly how much money is on the ticket.

Tickets can usually be exchanged between gaming machines. At the end of play, tickets can be redeemed for cash at a kiosk or retained for use at a future time. The player has a choice whether to insert coins or a bar-coded ticket and, if the amount to be withdrawn is under a certain amount, winnings can be withdrawn in coins or via a ticket.

The proposed amendments provide the commissioner with the power to approve ticket-in, ticket-out systems with no guidance on the details; for example, whether there should be a limit on the amount of money that can be inserted into an electronic gaming machine via a ticket. It would be possible, therefore, for the commissioner to approve a system with tickets which carry a high value, which would be inconsistent with the Productivity Commission's recommendations. It is premature to implement a measure of this nature without considering the potential impacts in detail. There may be unintended consequences and, as such, the government believes it has no alternative but to oppose these amendments.

The Hon. T.J. STEPHENS: I actually want to give a big rap to the ticket-in, ticket-out system. If you are genuinely concerned about harm minimisation, it really makes it easier for a gambler to set themselves a limit. If you go with a pocket full of cash, it is quite easy to knock it all off, whereas, if it was, ticket out, maybe our problem gamblers would have the option to play within their limit and then become recreational gamblers. I support the Hon. Mr Lucas's amendment. Again, given that we were belted last time, I think it is something we should keep in mind. I hope that the minister and his department will look at it seriously in the coming months.

We hear a lot about problem gamblers, and I think this is a genuinely sensible measure. I am sure the casino would like to see it implemented. Obviously, the casino has serious concerns about problem gambling, as does the Hotels Association. It is concerned about a viable industry. I am looking forward to seeing how this particular debate unfolds in the future. I am sure that we can do something well.

Amendment negatived.

The CHAIR: There is a further amendment, which is new subclause 5(c), as proposed by the Hon. Mr Lucas.

The Hon. R.I. LUCAS: All of the remaining amendments I deem to be consequential on the test votes that we have already had, both through division and on the voices. I do not propose to proceed further with my amendments.

Clause passed.

Clause 5.

The Hon. R.I. LUCAS: Clause 5, I believe, refers to the unusual situation we have of having gaming machine outlets on commonwealth land. The clause provides:

> The government may, by regulation, apply provisions of this act, with or without modification, to a person who is not required to hold a gaming machine licence because of a commonwealth law as if the person holds a gaming machine licence.

Can the government outline precisely what restrictions the government's legal advice believes it will be able to implement by regulation?

We were advised in the briefings that codes of practice were to be applied. What is the extent of the government's legal advice, given that up until now we have been told that places like Roulettes and others that are on commonwealth land meant therefore that state gaming law did not apply to them?

The Hon. P. HOLLOWAY: I can provide some information. First, by way of background for the benefit of the committee, the commonwealth Airports (Control of On-Airport Activities) Regulations 1997 made under the Airports Act of 1996 generally prohibits gambling activities on airport land. Two gaming machine venues in South Australia continue to have the right to conduct gaming operations on airport land. Commonwealth regulations 138(2) and 139F require a person authorised to conduct gaming operations on airport land to comply with any law of the state or territory that applies to gambling activity, except licensing laws or laws that are inconsistent with the regulations.

Currently the responsible gambling provisions of the Gaming Machines Act 1992 attach to a gaming machine licence. As a result, those provisions do not currently apply to the two gaming machine venues operating on airport land because they are not required to be licensed. That is essentially what we are seeking to do. With the amendment we will be able to impose licence conditions without a licence, so one of the regulatory measures that will apply will be the responsible gambling code of practice and the advertising code of practice. They will be able to be imposed without the licence being in place.

The Hon. R.I. LUCAS: Has the commonwealth government accepted the state government's intentions to regulate in this way, or is there some dispute from commonwealth representatives that the state has the power legally to impose these regulations?

The Hon. P. HOLLOWAY: My advice is that, if clause 5 is passed, a regulation will need to be prepared to identify which sections of the act would apply to airport gaming venues. This will be the subject of consultation with the venues affected and the Australian government. Part 2 of schedule 1 of this bill amends the Independent Gambling Authority Act to extend voluntary barring provisions to gaming venues operating on airport land. I guess the answer to the honourable member's question is that we will have to consult at the regulation stage, but clause 5 is the enabling provision in terms of regulations to be made.

The Hon. R.I. LUCAS: As I understand what the government is saying, there has been no consultation at all with the commonwealth in relation to this provision, so it is possible that the commonwealth position will be that on legal grounds it opposes the state's attempt to assert its right to regulate gaming machine establishments on commonwealth land when previously it had been accepted by most involved in this issue that the state did not have the power to regulate gaming machine establishments on commonwealth land.

The Hon. P. HOLLOWAY: I am advised that there have been discussions with the commonwealth. Obviously, the final consultation will depend on the form of regulation, but I am advised that there have been discussions. To reread what I said a moment ago, under those commonwealth regulations a person authorised to conduct gaming operations on airport land is required to comply with any law of the state or territory that applies to gambling activity, except licensing laws or laws that are inconsistent with the regulations.

In other words, providing that nothing is inconsistent with the commonwealth regulations and it does not interfere with licensing, then those commonwealth regulations require the operator of gaming machines to comply with state or territory law. There have been discussions, and my advice is that we would expect that the regulations that we draw up will be acceptable to the commonwealth.

The Hon. R.I. LUCAS: Does the government believe that it has the power to regulate the hours of operation of gaming machines already on these establishments, or does it propose that under the new regulations it will gain the power to restrict the hours of operation of gaming machines on these establishments on commonwealth land?

The Hon. P. HOLLOWAY: My advice is that that would be part of the consultation that we would have if this clause is passed. That would be part of the formal consultation before regulations were introduced.

The Hon. R.I. LUCAS: Does the state currently limit gaming machine hours in those establishments on commonwealth land?

The Hon. P. HOLLOWAY: I do not believe so.

The Hon. R.I. LUCAS: The minister is outlining that the proposition is that they will be consulting with the commonwealth in an endeavour to limit the gaming machine hours on those premises on commonwealth land so that the intention of the regulations will be to restrict the hours of operation of the establishments on commonwealth land?

The Hon. P. HOLLOWAY: Just to reread what I said, if clause 5 is passed a regulation will need to be prepared to identify which sections of the act would apply to airport gaming venues, and that would be the subject of consultation. That would be a matter that would have to be discussed with the commonwealth and consultation with the venues as well, of course. So it will be consultation with both the venues affected and the Australian government. It will depend on those negotiations as to whether that will apply or not.

The Hon. R.I. LUCAS: I accept that it depends on the negotiations and consultation. What I want to know is the state government's policy position. Is the state government going into those negotiations and consultation with the intention of trying to negotiate a restriction on the hours of operation of those premises on commonwealth land?

The Hon. P. HOLLOWAY: The objective would be to try to get as much uniformity as possible in relation to operations.

The Hon. R.I. Lucas: Which is to restrict, isn't it?

The Hon. P. HOLLOWAY: In other words, those provisions of the act that apply to machines licensed under South Australian law would apply, as much as can be achieved, to those on commonwealth territory.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

The Hon. R.I. LUCAS: Can the minister outline the purpose of the government seeking the power of the commission to refer questions to the court? What has brought about the need for this particular legislative change?

The Hon. P. HOLLOWAY: The initiative reduces red tape for contentious matters. Currently, the commissioner must make a decision, even if it is a contentious matter that is likely to be appealed. This new power is similar to section 21 of the Liquor Licensing Act and will allow the commissioner to refer a matter to be considered by the court immediately rather than requiring an applicant to go through the appeals process after the decision has been made by the commissioner.

Clause passed.

Clause 9.

The Hon. R.I. LUCAS: This issue has been quite controversial in some quarters, and this relates to the power to disclose information to certain authorities. Can the minister outline what is

the problem that is sought to be resolved by this amendment, and which authorities will have information revealed to them that previously had been prevented by the existing legislation?

The Hon. P. HOLLOWAY: I am advised that this is a technical amendment that addresses the Office of the Liquor and Gambling Commissioner's concerns that the powers currently in the act are too narrow. The new provision will allow the OLGC to release more information in a non-confidential form, for example, gaming statistics.

Clause 9 would allow the commissioner to release non-confidential information to researchers. This provides an increased level of government transparency. One way of releasing information in a non-confidential format is to combine venues in a geographic location, or over several geographic locations, if there are only a few venues in those locations.

The Hon. R.I. LUCAS: My understanding is that that sort of non-identifying information has been released dating back over the last 10 or 12 years. That is, establishments have been grouped in either local government areas or post codes, or whatever it is, and, as long as there has been at least (I don't know what the number is) a minimum number of establishments so that you cannot identify the particular establishment, that sort of non-identifying information has been revealed for some time. Certainly, that sort of information was being released, I think, even when I was treasurer back in the period 1997 to 2002. If that is the case, why, then, do we need this particular change; and what further flexibility or capacity will it give the regulatory authorities to release information?

The Hon. P. HOLLOWAY: I cannot add much more to the answer that I just gave other than that the OLGC had some concerns in relation to the matter, that it may not have been releasing all it could do, and it wished to make the situation clearer. Essentially, clause 9 would allow the commissioner to release non-confidential information to researchers, and this clause simply clarifies the powers. There may have been information released but, clearly, the OLGC had concerns, and this addresses those concerns that they can release that level of information.

The Hon. R.I. LUCAS: The only brief comment I would make is that, if that is the government's answer, it would appear that, potentially, the commissioner may have been releasing information under the current arrangements when he did not have the legal authority to do so. If that is the case, we may well have a position where the commissioner has not had the legal authority to release information of a confidential nature in relation to various establishments, because, clearly, it has been occurring and now we are providing for it.

As I said, having asked the minister the question, the obvious conclusion would seem to be that the government has had some legal advice that there is some doubt about the legal authority of the commissioner to have done what he has been doing over a period of time. That obviously raises interesting legal issues for those who might have been impacted by release of information over the last few years. This power is certainly not retrospective and I do not intend to pursue it at this stage other than noting those comments.

The Hon. P. HOLLOWAY: My advice is that the OLGC is not aware that it had released any information contravening legislation. However, as I said, it was concerned that this should be made clearer and that is why the amendment to the act is here, but it should not be taken to imply that they have released information that they should not have.

Clause passed.

Clause 10.

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

Page 6, after line 25 [inserted section 10A]—

After subsection (1) insert:

(1a) Without limiting the generality of subsection (1)(b), the social effect principles must include principles—

(a) requiring the socio-economic characteristics of the local community to be taken into account; and

(b) describing the level of social effect on a local community and, in particular, on problem gambling within a local community that is considered unacceptable.

This clause inserts new provisions in the act aimed at strengthening the social effect test. Under the changes the Independent Gambling Authority will have the power to prescribe the following: an inquiry process that must precede an application for a social effect certificate or, if required by the commissioner, a variation of a gaming machine licence; principles for assessing the social effect of the grant or variation of a gaming machine licence; and principles for assessing whether a game is likely to lead to an exacerbation of problem gambling. The Independent Gambling Authority will also have the power to prescribe the form of a responsible gambling agreement, as well as various codes of practice relating to advertising and responsible gambling.

The amendment deals with the first aspect of the new provisions relating to the social effect test. It seeks to incorporate some minimum benchmarks into the principles that may be prescribed by the Independent Gambling Authority. Those benchmarks will require the Independent Gambling Authority to include principles which require the socio-economic characteristics of the local community to be taken into account, and principles which describe the level of social effect on a local community and, in particular, on problem gambling within a local community that is considered unacceptable.

As I understand it, under the bill a gaming machine licence will not be granted unless the applicant holds a social effect certificate. In order to apply for and be granted a social effect certificate, an applicant will have to conduct a social effect inquiry. The social effect certificate will be granted only if the Liquor and Gambling Commissioner is satisfied that the grant of a gaming machine licence would not be contrary to public interest on the ground of the likely social effect on the local community and the likely effect on problem gambling within the local community.

The commissioner will consider the results of the inquiry undertaken by the application as part of the entire process involved in determining whether to grant the social effect certificate. There are, of course, a number of other factors that the commissioner will consider, as spelt out in clause 14 of the bill. Any social effect principles set by the Independent Gambling Authority must be applied by the commissioner in assessing the social effect of the grant of a licence, so the commissioner will have those in mind when making his determination.

The proposed amendments will result in the commissioner also taking into account principles set by the Independent Gambling Authority that relate specifically to the socio-economic characteristics of the local community and the level of social effect on that local community and, in particular, on problem gambling within that community, that is considered unacceptable. I believe that the proposed amendment further strengthens these good measures by ensuring that any adverse effects of problem gambling within a community are appropriately considered prior to granting a gaming machine licence. I urge all honourable members to support this amendment.

The Hon. P. HOLLOWAY: As I mentioned in my second reading closing speech, the government opposes this amendment. Parliament has given the Independent Gambling Authority functions and powers as specified in the Independent Gambling Authority Act 1995 and other gambling legislation. This includes the power to approve codes of practice and prepare guidelines that are disallowable in parliament. Section 11(2a)(a) of the Independent Gambling Authority Act specifies that the Independent Gambling Authority must have regard to:

> the fostering of responsibility in gambling and, in particular, the minimising of harm caused by gambling, recognising the positive and negative impacts of gambling on communities;

This object will guide the Independent Gambling Authority when it undertakes consultation as required by measures in this bill to develop the social effects inquiry process and the social effects principles. These objects have guided the development of codes of practice across clubs, hotels, the casino, SA Lotteries and wagering. It is not necessary to complicate these processes by having additional specific details in the act.

The Hon. T.J. STEPHENS: I indicate that I agree with the government on this particular amendment. We will not be supporting it. It is clear that the IGA already prescribes these matters. We have no evidence or we have not heard any inclination for anything to be granted in a soft manner, so we do not see any need for it.

The Hon. R.L. BROKENSHIRE: We support the Hon. John Darley's amendments. They are sensible amendments. They are proactive amendments to assist in issues around problem gambling. I just remind colleagues that, by strengthening this legislation, we probably would have had a lot easier situation with respect to the Norwood Community Club (which is associated with the racing club) wanting to shift its gaming machines across the road from the Norwood Football

Club to Richmond Road (to the west of the parliament), West Richmond, simply because it was targeting the socioeconomics of that area for its gain, not for the best interests of the community.

The Hon. A. BRESSINGTON: I indicate that I will also be supporting this amendment. I think that the Productivity Commission showed that, at the very beginning of their introduction, gaming machines were targeted at low-socioeconomic areas; and I think that it was Reverend Costello who brought that point to light. I have to say that, living out in the north, it is a concern for me to see so many people there really sucked into this because of the availability of poker machines out there.

You do see the impact of it every day, and, working in hotels out that way for quite some time, I can tell members that, in my experience in the hotels I worked in out there, very little consideration was given to whether people could afford to put a further $20 or $50 into those poker machines. It was all about revenue and it was all about making the bottom line more attractive.

I heard the Hon. Rob Lucas say before that gambling is an addiction and that the only way for people to overcome this is for families—those who are affected by the gambling—to be offered support and intervention. In one respect that is very true, but also there needs to be some sort of a social conscience from this place about what we are doing with poker machines.

I acknowledge also that, if you take away the poker machines, a gambling addict will probably go over to Keno, go to the TAB or find some other way to gamble their money because that is the nature of their addiction. However, we have got to understand that it is our responsibility to get in the way of these things as much as we can. We see with drug addiction that, when people get in the way and make life a little harder for an addict to be able to satisfy their addiction and they are not enabled and they are not rescued from it, they do find a way to make their life more manageable. I believe that this amendment by the Hon. John Darley emphasises the need for a social conscience.

The Hon. T.A. FRANKS: I indicate that the Greens support the Hon. John Darley's amendments, and this one in particular. We do believe that socioeconomic factors are very important in any analysis of problem gaming and problem gambling in low-socioeconomic areas. We see people with little money, little spare cash—those least able to afford to lose that money but those most in need of the hope that that money can give them. We thank the Hon. John Darley for putting a lot of these other amendments on the agenda that we will be talking about today. As we will not be voting on all of them, I would like to thank the Hon. John Darley for all his work and the range of amendments he has put before us.

The committee divided on the amendment:

AYES (8)

Bressington, A.	Brokenshire, R.L.	Darley, J.A. (teller)
Franks, T.A.	Hood, D.G.E.	Parnell, M.
Vincent, K.L.	Wade, S.G.	

NOES (13)

Dawkins, J.S.L.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Holloway, P. (teller)	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Ridgway, D.W.	Stephens, T.J.	Wortley, R.P.
Zollo, C.		

Majority of 5 for the noes.

Amendment thus negatived.

The Hon. T.A. FRANKS: I move:

Page 7, line 31 [inserted section 10A(5)(a)]—After 'licensees' insert:

and to the advisory committee established under section 13

This amendment deals with enabling a consumer advisory committee, which would allow community service organisations to engage in policy debate and formulation to a similar level to

that achieved currently by the gaming machine industry—in fact, possibly outflanked by the gaming machine industry, which has three representative bodies.

I understand that the government will be opposing this, saying that the current working group is sufficient, as it does have consumer representatives on it. However, it also has industry representatives, so I certainly support the calls that my office has had—and no doubt offices of other honourable members here—that there be more of a level playing field when it comes to consumer advocacy and for those working with people who are affected by problem gambling to have a stronger advocacy voice.

The Hon. P. HOLLOWAY: In my second reading closing speech, I stated that the government opposes the amendment. Regarding a consumer advocacy committee, we already have the Responsible Gambling Working Party, whose scope is much broader than that proposed by the amendments that have been tabled in response to this bill. The working party has eight members, including a chair, and was established in November 2006 by the then minister for gambling to report on strategies that could be implemented to support customers to make commitments about their level of gambling on electronic gaming machines. Members are directly appointed.

There are three community members who each represent a specific area: Mark Henley (advocacy), Eve Barratt (Gambling Help Service), and Rosemary Hambledon (Consumer Voice). The remaining representatives are from each of the industry gaming providers: the Casino, hotels and clubs, and the industry workers' union. The chair, Ms Cheryl Vardon, is CEO of the Australasian Gaming Council and is also from industry. Having Ms Vardon as the chair takes a neutral position and, importantly, brings a broader national overview to the working party.

As I said, the government opposes this amendment. I point out that the working party is respected by other jurisdictions as a model of how to inform and progress electronic gaming machine policy. The working party presented a panel discussion, the 2009 National Association of Gambling Studies conference, and received positive feedback about the members' demonstrated ability to work together and achieve outcomes regardless of the differing viewpoints. This is the major strength of the working party, as well as its ability to engage with and listen to other stakeholders. We believe that that is the appropriate approach.

The Hon. T.J. STEPHENS: We agree with the government's position. We believe that the Responsible Gambling Working Party works well. I must say that I take advice on gambling matters from Mark Henley, certainly, who contacts me from time to time, and I am very keen to hear what he has to say. I listen to what the industry groups say and then we try to get a balance. We believe that this particular gambling working party works very well, so we do not see the need for yet another committee.

The Hon. A. BRESSINGTON: I indicate that I will be supporting the Hon. Tammy Franks' amendment. We heard the Hon. Rob Lucas say not so long ago that there has been absolutely no indication that any of the measures we have taken have reduced gambling. We hear that everything is working quite well; everything is working fine and we agree with the government on this. When we are consulting about a problem and referring to consumer advocacy groups, surely they are the ones best qualified to offer solutions to problems, not people with vested interests in the industry, and not these sorts of committees with representations of half of one and half of the other so that an agreement can never be reached on what would be a reasonable solution to a problem.

We have a national gambling problem, so we now have a national gaming oversight committee that is doing nothing and has achieved no outcomes—but it is all okay; it all works fine! The most frustrating thing about this place is that we can look at stuff that is not working and, when it suits us, we can ridicule and criticise it, depending on what side of the fence we are on. We will get an opposing view that it is all working fine after we have just had an hour and a half debate on how things have not changed since we have tried to get a handle on gambling. So, maybe trying something new for a change would be useful.

The Hon. T.J. STEPHENS: I will respond from my part. I made it quite clear earlier that I believe that we need meaningful measures with regard to harm minimisation for gambling. We have this Gamblers Rehabilitation Fund, and I am critical of the way the government administers that fund; nearly $6 million goes into that fund. I have made it quite clear that I believe that that fund should be administered by non-government organisations who would provide meaningful assistance, counselling and education over the sector. I am not saying that everything is perfect at

all. That is my solution. That is where I would like to head. I just do not believe we need another committee; I just want to make that clear.

The Hon. A. BRESSINGTON: I would just like to respond as well, and I am not going to have a debate about it.

The PRESIDENT: Well, that is very good, because I would not allow you to debate about it.

The Hon. A. BRESSINGTON: I know you wouldn't, Mr President; that is why I am not going to. But I would just like to point out about harm minimisation. There are three prongs: reduce the harm, reduce the supply, reduce the demand. What do we talk about here when we debate any of these amendments? That is the official harm minimisation policy: demand, supply, reduce harm. Anything we debate in here about gambling has nothing to do with harm minimisation, nothing to do with those three prongs of harm minimisation.

The Hon. John Darley introduces amendments to try and restrict supply; we will see how that one gets up. The Hon. Tammy Franks introduces amendments about reducing harm: have an advisory group that knows the problems and would be able to pinpoint the solutions and we do away with that. It is like every other debate in this place: selective. We will use the term harm minimisation, but we will never actually apply the three-pronged approach in any solutions that we are trying to find.

The PRESIDENT: The Hon. Mr Lucas wants to enter what is not a debate.

The Hon. R.I. LUCAS: Well, it is a committee stage of a bill. It is certainly my view that we should have reported progress at 6 o'clock. I think that is one of the problems the Hon. Ms Bressington has just highlighted, where some wish to apply the traditional harm minimisation approach that we apply to an illicit substance or product like drugs to what is a legal product. That is where I come to a significant parting of the ways. You can talk about reducing supply in relation to drugs because it is harmful. You cannot convince me, and I suspect you cannot convince the Hon. Ms Bressington, that drugs at any level for individuals are going to do any good.

That is a different approach to that. But we are not talking about drugs or illicit substances. We are actually talking about a service or product which, for 98 or 99 per cent of us, is not a problem. It is a recreation; we enjoy it. We are quite entitled to spend our money on a legal product however we wish, so long as we are not causing a problem for ourselves, our families or our acquaintances. It is a legal product, so to equate it in moral terms, as some do, with drugs harm minimisation or whatever is else it might happen to be, to me is the wrong way to approach it.

To apply the traditional harm minimisation approach of reduce supply—where we will get rid of the gaming machines or whatever is—in the end, if you want to go down that approach, you ban them. I think that is ridiculous because, as with any other product, as I said, you could do as much gambling and harm on your mobile phone these days, as I highlighted in the second reading debate. I will not repeat that. I do not think you can just say that this harm minimisation approach must apply and, therefore, we do not support various amendments which are consistent with the harm minimisation approach. I do not believe it works, and I accept that.

I prefer the proposition that the Hon. Mr Stevens has put, in terms of an approach where you actually provide direct assistance and more direct assistance, more money and more resources to the families and the problem gamblers directly, rather than all these things that we are talking about which, as I highlighted before, sound great but do nothing. In the end—in two years, five years or 10 years—we are still going to have one or two per cent of problem gamblers. Spend more than the $6 million a year directly on the problem gamblers and their families in direct assistance in counselling, education and support.

That will do more good than the countless hours that we debate in here, working out whether there should be an extra hour opening, or whether or not there should be 1,000 fewer machines or 500 more machines or whatever it is. It will not make a jot of difference. You will be having the same debate in five or 10 years; we will still have one or two per cent of problem gamblers and, until you actually increase the level of money and provide the direct support and assistance to those who need it, you will not make a jot of difference.

The CHAIR: The debate is finished. I intend to put the amendment. The Hon. Ms Franks has put her argument in persuasion, and it is her amendment, so I intend to put it.

Amendment negatived.

The Hon. T.A. FRANKS: I move:

Page 7, line 42 [inserted section 10A(8)]—Delete '5' and substitute '2'

This amendment seeks to ensure that, in fact, we do not change the review period. The current structure is every two years; the new legislation we have before us extends that to every five years. There has been no great case put for moving from having reviews every two years to five years. I note that the codes of practice are still being developed. As we see changing gambling technologies—and we have talked ad nauseam in this debate about seeing technology change at an enormous pace—I think it is actually wise to keep two-yearly reviews.

The Hon. P. HOLLOWAY: The Hon. Tammy Franks has proposed an amendment to the bill to retain the review period for codes of practice at two years rather than the five years proposed by the Gaming Machines (Miscellaneous) Amendment Bill 2010. As I noted in my second reading closing speech, the government opposes the amendment.

The proposed change in the review period for codes of practice from two years to five years reflects practical experience from the Independent Gambling Authority. The process of reviewing codes of practice under all of the gambling regulation acts is a substantial piece of work that requires the authority to undertake extensive consultation at the early conceptual stage as well as when the revisions of the codes of practice are developed.

Consultation is undertaken with clubs, hotels, wagering operators, the casino and SA Lotteries. The concerned sector, including welfare agencies, also provides input into the process. All of these organisations put a substantial amount of work into a review of the codes of practice. It is important to acknowledge the work of stakeholders and to ensure that it is focused on changes that actually have an impact in terms of harm minimisation and not just going through the motions because it is required by the legislation.

The government considers that a two-year review period is too short to consider the impacts of changes to codes of practice. The government is keen for codes of practice to be assessed for their effectiveness and to be amended accordingly. This change from a two-year period to a five-year period supports this. It is important to note that the proposed new section does not prevent the authority from conducting reviews on a more frequent basis; in other words, it has the capacity to have these reviews more frequently if it considers it desirable to do so.

The Hon. T.J. STEPHENS: We agree with the government's position. We will not be supporting the amendment.

Amendment negatived; clause passed.

Progress reported; committee to sit again.

STATUTES AMENDMENT AND REPEAL (AUSTRALIAN CONSUMER LAW) BILL

The House of Assembly agreed to the bill without any amendment.

CONTROLLED SUBSTANCES (THERAPEUTIC GOODS AND OTHER MATTERS) AMENDMENT BILL

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

At 18:15 the council adjourned until Wednesday 24 November 2010 at 11:00.