LEGISLATIVE COUNCIL

Thursday 25 November 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:02 and read prayers.

STANDING ORDERS SUSPENSION

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) (11:03): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 23 November 2010.)

Clause 11 passed.

New clause 11A.

The Hon. T.A. FRANKS: I have spoken previously to this amendment; in fact, I believe it is consequential, so I will not proceed with it.

Clause 12 passed.

Clause 13.

The Hon. R.L. BROKENSHIRE: I move:

Page 9, after line 37—After subparagraph (vii) insert:

(viia) that any proposed gaming area is situated as far from any area within the licensed premises designed as a play area for children as is possible in the circumstances, with no part of the gaming area within 10 metres of any part of such a play area and no gaming machine visible from any part of such a play area; and

The intent of this amendment is to respond to the good work of the PokieAct group in its highlighting the unacceptable siting of pokies close to child play areas in licensed venues interstate. It is also a response to constituent concern we have been made aware of that children's play areas in licensed venues could either expose kids undesirably to pokies activity in venues and/or make it easy for a problem gambler parent to leave their children in the play area and keep an eye on them from the comfort of their machine while they play on pokies for hours on end. We believe there is good public policy in this amendment being included in legislation before venues are caught out in paying for the cost of plans and construction of a child play area too close to a pokies area in a licensed venue.

In conclusion, I know what the minister said in his summing up of the second reading, but we think that it makes good sense to have some regulation there so that, when licensed venues upgrade gaming premises, the children's area is well away from the gaming area. There has been an incident interstate where there was a deliberate attempt in this regard, and this amendment makes it absolutely specific. I believe it is a proactive and preventative measure for protecting young people.

The Hon. P. HOLLOWAY: The Hon. Mr Brokenshire's amendment seeks to prohibit the location of child play areas near gaming venues, that is, within 10 metres or line of sight. The government opposes this amendment. As I noted in my second reading closing speech, under the Gaming Machines Act 1992, the holder of a gaming machine licence can be fined up to $20,000 for allowing a minor to enter or remain in a gaming area on the licensed premises. In addition, section 15(4)(g) of the Gaming Act 1992 provides:

A gaming machine licence will not be granted unless the applicant for the licence satisfies the commissioner, by such evidence as the commissioner may require—

(g) that no proposed gaming area is so designed or situated that it would be likely to be a special attraction to minors.

Section 15(4)(g) provides the necessary protection the Hon. Mr Brokenshire is looking for and provides sufficient guidance from parliament to the commissioner to deal with a range of circumstances, including child play areas.

The Hon. T.J. STEPHENS: I will not be supporting the amendment. The government has given a reasonable explanation as to why this provision is necessary. I can remember taking my family on a trip to Las Vegas in America at one stage when my children were small. Interestingly, the rules there were that children could walk through any part of the venue but could not hover around any form of gaming or gambling activity.

It was interesting that for the first five minutes there was a real wow factor with my two younger children and within an hour or two they could not have cared less. All they were interested in was where the swimming pool was and the other amusements and rides for children outside that area. Part of me wonders whether it is not a disservice when we create this mystery and wow factor by excluding children and youths from gaming machines, thinking that if they see them they will automatically become addicted. I only recount my own experience where, after a very short period of time, they were very blasé about it and not remotely interested. With those words, I indicate that I will not be supporting the amendment.

The Hon. T.A. FRANKS: I rise to indicate that the Greens will be supporting this good amendment. We do not see the need for play areas to be within the line of sight of gaming machines and, when the gaming industry starts creating playgrounds in parks and investing in children's development elsewhere, perhaps we will look favourably upon them having similar facilities within their licensed venues. Until then, I would doubt their motives for having these sorts of initiatives.

The Hon. J.A. DARLEY: I rise briefly to indicate that I will be supporting this amendment. Like my first amendment, this amendment seeks to protect children from being exposed to gambling behaviour. More and more we are seeing licensed premises which also have poker machines introduce different forms of children's entertainment. Their close proximity to gaming rooms is completely undesirable and should be avoided at all lengths. Children need to be protected from exposure to activities that have the potential to make them more vulnerable to gambling. Short of prohibiting children from licensed premises altogether, this sort of amendment goes some way towards achieving that outcome.

The Hon. R.I. LUCAS: I oppose the amendment. I do not know whether or not it is an unintended consequence of the member's drafting but, on my reading, in essence it could potentially close down many small gaming machine venues. Let me give you an example. Anyone who has attended a number of hotels and gaming establishments will know that in a dining area there may well be what the member has defined as a play area. I am referring to the inside areas, as opposed to an outside play area. That dining area, with a small play area for children with games or whatever it might be, can be separated by a solid brick wall from the gaming machines on the other side, so there is no way in the world that the children, the families or anyone can see. The entrance door can be around the other side, but they will be within 10 metres.

The member's amendment—as I said, unintended or cleverly, I am not sure—does not talk about access to the gaming machines. In the circumstances I have outlined, which would not be uncommon in a number of establishments, it would be within 10 metres and that would therefore be ruled out by the member's amendment. So a number of hotels—and I am trying to think of a couple of examples in the member's local region in the southern vales area—may well be closed down as a result of the member's amendment. I do not know whether or not that is his intention.

There is a part which talks about whether you can see them or not—and that is already covered, I think, as the minister has already said. In the example that I have just given, as to this 10-metre rule that the member has, you could have an iron wall (certainly a brick wall) between where the play area is in a dining area and the gaming machines. It has no impact on the children at all. It is completely separated and not seen, heard or anything, yet the member in essence would be saying that is not allowed. I just think that is not a common-sense amendment because, as I said, potentially some venues in his own patch and a number of other areas that I am more familiar with in recent times that I have visited would clearly be impacted by the member's proposed amendment.

The minister has talked about the general reasons—about it being covered, etc.—but I do not think he has really addressed some of the practical issues such as that one—and there are others. If this amendment was to pass, there would be a number of venues which comply with all

the expected requirements from the welfare sector and others about making sure that children are not exposed to gaming machines and gambling but just because of accident of size of the venue, geography and layout of the venue, it would be, in essence, potentially closed down by the member's amendment. Given that I suspect the numbers are not there, I do not intend to grill the member who is moving the amendment in relation to his intentions or otherwise about it. I think it is just a further reason as to why this chamber would be well advised not to support this particular package of amendments.

The Hon. R.L. BROKENSHIRE: In response, I point out that it says 'any proposed gaming area'. It is not retrospective where an inspector might say, 'You've got this brick wall 10 metres from your gaming machines; you're in breach.' It is for new ones, updated or upgraded ones. It is going to happen; it happens regularly and people do whatever they can to entice their clientele. Look at what McDonald's and Hungry Jack's have done over the years to entice people into their venues with children's play areas. You could easily have slippery dips and the like put into a play area (a multipurpose play area for the whole hotel facility) where kids could be looking in.

From my point of view, it was a good amendment because it is proactive and preventative. We have put measures in place in this chamber over many years to protect children from seeing other business matters. One only has to drive down main roads to see what I am talking about. I do not think that we are inept or wrong in any way at all for trying to do anything that is proactive in the prevention of opportunities to entice young people into the glorification and coloured fanfare seen in a gaming area.

Amendment negatived; clause passed.

Clauses 14 to 18 passed.

Clause 19.

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

Page 12, line 31 to page 13, line 3 [inserted subparagraph (ii)]—

Delete subparagraph (ii) and substitute:

(ii) that at any other times gaming operations cannot be conducted on the premises before 12 noon on any day.

I note at the outset that my colleague the Hon. Robert Brokenshire also has an amendment relating to opening hours which I will be supporting if this amendment is defeated. The proposed amendment restricts trading hours of gaming rooms to 12 hours between 12pm and 12am. It does not mean that a venue cannot open outside of those hours; it simply means that gaming rooms situated within licensed premises cannot remain open for longer than 12 hours and cannot open before 12 noon on any day.

The aim of the amendment is to curb the current practice of what can loosely be referred to as venue-hopping by problem gamblers. At present, the Gaming Machines Act requires that all hotel and club venues be closed for gambling for at least six hours per day. This can be a continuous period of six hours, two separate periods of three hours, or three separate periods of two hours. In 2007 the Independent Gambling Authority reported on its inquiry into regulatory functions including codes of practice, game approval guidelines and gaming machine licensing guidelines. As part of that inquiry, the authority considered whether these six hours of closure that currently applies to venues should be contiguous and common across all gambling venues. It also considered positions in relation to longer closing hours for all venues. The authority recommended as follows:

The Authority is satisfied that there should be a common break (that is in opening hours). The Authority was also satisfied that, regardless of whether the codes of practice provisions allowed the Authority to mandate such a requirement, this was a decision which should be made by the parliament.

Accordingly, it is the recommendation of a substantial majority of the members of the Authority that the Gaming Machines Act be amended to require all hotel and club gaming rooms to be open no earlier than 10am and to close at midnight on trading days which commence on a weekday and at 2am following a trading day which commences on a weekend.

The government bill imposes longer closing hours on those gambling venues that do not have a responsible gambling agreement in place. For those venues that do not have an agreement in place, it is proposed that they be required to close from midnight to 10am on weekdays and between 2am and 10am on weekends. To put it another way, those venues will be required to remain closed for a common 10-hour block between midnight and 10am on weekdays and a

common eight-hour block between 2am and 10am on weekends. This aspect of the bill is consistent with the recommendation of the Independent Gambling Authority.

On the other hand, venues that do have a responsible gambling agreement in place will only be required to close for a period of at least six hours in each 24-hour period. The six hours can be made up of a continuous period of six hours, two separate periods of three hours or three separate periods of two hours. However, these venues will not be able to conduct gaming operations between the hours of 2am and 8am unless they also comply with the new provisions in schedule 1.

Those provisions impose the following additional requirements: ensuring that gaming machine managers or employees working at the premises have completed advanced problem gambling intervention training, ensuring that arrangements are in place for identifying and referring persons to gambling help services, and restricting the use of automatic coin dispensing machines during late trading.

The effect of these provisions is that those venues that do not meet the additional requirements just mentioned will be required to close for a continuous period of six hours between 2am and 8am. These provisions are not entirely consistent with the recommendations of the Independent Gambling Authority in that they do not go quite as far as recommended by the Independent Gambling Authority.

Subject to licensing conditions, some venues will still be able to operate for longer hours than recommended by the Independent Gambling Authority, and they will still be able to operate between the hours of 2am and 8am under the government bill. The changes certainly will not result in a common break across all venues and, therefore, will not overcome what can loosely be referred to as venue-hopping by problem gamblers.

The additional obligations imposed on those venues that have entered responsible gambling agreements are creditable but they do not, in my view, go far enough to curb problem gambling. Some members may be of the view that problem gamblers will always find a way to feed their addiction, whether it be at two in the afternoon or two in the morning. I accept that; however, that does not mean that we should not endeavour to create a safer environment, particularly when the state regulatory body recommends such measures. I think it is fair to say that it would be hard to imagine anyone but a problem gambler going to a venue and gambling at 5, 6, or even 7 o'clock in the morning.

Submissions to the Independent Gambling Authority by various community groups, including Anglicare SA and the collaborating community agencies, indicate that gambling between 2am and 8am is most common amongst vulnerable groups in the community, including problem gamblers. Recreational gamblers, on the other hand, tend to gamble at more socially acceptable times. I think this is well accepted.

It is not inconceivable to imagine owners of multiple venues who have signed up to responsible gambling agreements and who meet the additional licensing conditions coordinating the opening hours of their venues to ensure that there is always a gambling venue open within a 24-hour period.

I appreciate that my amendment goes further than that recommended by the Independent Gambling Authority. However, earlier closing hours combined with other harm minimisation measures—such as pre-commitment technology, problem gambling intervention and restricting access to ATMs and coin-dispensing machines—can make a real difference to the prevalence of problem gambling.

I have another amendment which relates to the additional licensing conditions as proposed by the government. I am proposing that, in the event that this amendment is supported, gambling venues also be required to meet those additional conditions; that is, requiring a gaming machine manager or employee who has completed advanced problem gambling intervention training to be present in the gaming area at all times and ensuring that the arrangements are in place under which the gaming machine manager or employee may immediately refer a person identified as engaging in problem gambling to a service to address the problem. I urge all honourable members to support this amendment.

The CHAIR: Perhaps we could get the Hon. Mr Brokenshire to move his amendment first and then members can make contributions. I understand that if the Hon. Mr Darley's amendment is defeated, the Hon. Mr Brokenshire wants to use his as a backup.

The Hon. R.L. BROKENSHIRE: Thank you, sir. I move:

Page 12, line 31 to page 13, line 3 [inserted subparagraph (ii)]—Delete subparagraph (ii) and substitute:

(ii) that at other times gaming operations cannot be conducted on the premises before 10am on any day.

I will come back, when I have heard from the minister, to make some further comment.

The Hon. P. HOLLOWAY: The government opposes both of the amendments. As I pointed out in my second reading closing speech, common closing hours are not as effective as other measures and the government opposes these amendments. Closing hours have been the subject of an exhaustive consultation process by the Independent Gambling Authority, commencing in 2002 and culminating in recommendations by the authority in the Review 2006: Regulatory Functions Final Report, released in May 2007, which noted:

the work undertaken to date on intervention initiatives in the casino and with gaming machine venues, and the promise these initiatives can offer in changing the way licensees and their staff relate to problem gamblers.

Programs like Club Safe and Gaming Care are genuine attempts by the industry to provide for better responsible gambling environments. The bill proposes longer closing hours as an additional incentive for licensees to sign up to programs like Club Safe and Gaming Care. The bill includes additional responsibilities for late trading club and hotel gaming venues so that customers during off-peak hours are able to have access to early intervention and other support measures for problem gambling that are at least as good as those available at other operating times.

The government's proposed extra responsibilities for late trading venues are aimed at resolving problem gambling behaviour rather than just shifting the behaviour to another time of the day. The government considers that this approach is more effective at addressing problem gambling behaviour.

The Hon. T.J. STEPHENS: I agree with the government's position and accept its explanation.

The Hon. R.I. LUCAS: My first question is to the minister. Is it the government's position, as outlined on this clause but also throughout the bill, that these responsible gambling agreements can only be entered into with industry bodies or associations? I mean, why couldn't an individual licensee undertake a responsible gambling agreement and have that approved, as long as it meets whatever the standards are that might be required by the regulatory authority?

The Hon. P. HOLLOWAY: My advice is that anyone can but the responsible gambling agency has to be approved by the IGA.

The Hon. R.I. LUCAS: Let me clarify the question while the minister takes further advice because, to be frank, those answers do not make much sense.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Exactly; yes. Just to assist the minister and the committee, I hope, the government's definition of 'responsible gambling agreement', which is used in this particular series of amendments, says:

...means an agreement in the form prescribed by the Authority under section 10A between a licensee and an industry body recognised by the Authority under section 10B;

That leads me to believe that the government is saying that the licensee, in essence, has to be a member of some industry body, whether it is Club One or the AHA or something like that, and it is the industry body that has the agreement with the Independent Gambling Authority, and if I am an individual licensee at the Whyalla Hotel, I am therefore required to be a member of the AHA or Club One, which in essence appears to me almost to require compulsory membership of some industry body.

The minister's first response to my question was that that is not the case. If I am the individual licensee of the Whyalla Hotel, I do not have to be a member of the AHA or Club One or any industry body. I can enter into a responsible gambling agreement with the Independent Gambling Authority and there is not an issue. I now seek clarification as to whether or not the minister's initial response is, on further advice, still his response.

The Hon. P. HOLLOWAY: My advice is that they do not have to be a member of the AHA or Club One and indeed I am advised that there are some licensees who are not members of Club One or the AHA—sorry, Clubs SA—but they have a responsible gambling agreement.

The Hon. R.I. LUCAS: I am delighted to hear that but can the minister, through his adviser, explain the definition in the government's bill, which states that the responsible gambling agreement is:

> ...an agreement in the form prescribed by the Authority under section 10A between a licensee and an industry body recognised by the Authority under section 10B;

If the practice is that an individual licensee does not need to have membership of an industry body like Clubs SA or the AHA—and I support that practice—is it possible that the government may well need to amend its definition of 'responsible gambling agreement' to cater for the current practice, which is of an individual licensee not being required to be a member of an industry body to have a responsible gambling agreement with the IGA?

The Hon. P. HOLLOWAY: My advice is that the relevant industry bodies here are Club Safe and Gaming Care, and so the agreement is with those bodies and not with the AHA or Clubs SA. It is with Club Safe and Gaming Care.

The Hon. R.I. LUCAS: Is the minister saying to the committee that an individual licensee has to be a member of those two industry bodies that he has just named: Club Safe and Gaming Care?

The Hon. P. HOLLOWAY: No, at this stage no venues are seeking to have a responsible gambling agreement with agencies other than Club Safe or Gaming Care. I will start again. Hotels do not have to be a member of the AHA or clubs a member of Clubs SA to have an agreement with Gaming Care or with Club Safe. I hope that makes sense.

The Hon. R.I. LUCAS: Let us nail the point. The definition of 'responsible gambling agreement' is that it is an agreement in the form prescribed by the authority between a licensee and an industry body. I am wanting absolute confirmation from the minister in terms of his answers, that is, that an individual licensee does not have to be a member of any of these industry bodies or associations, whether it be Clubs SA or Club Safe or, in the hotel sector, the AHA or Gaming Care. If I am an individual licensee, I can go to the IGA and, as long as I meet the definition or requirements of 'responsible gambling agreement', can I get a responsible gambling agreement without having to sign up to one of these industry bodies?

The Hon. P. HOLLOWAY: My advice is that anyone can set up any responsible gambling agency, but it needs to be adequately resourced. So, they would have to convince the IGA that they were adequately resourced to do it. For that reason my advice is that almost all venues have agreements with Gaming Care or Club Safe but some do not. Those who do not would have to convince the IGA that they are adequately resourced. They would set up their own responsible gambling agency.

The Hon. R.I. LUCAS: So, is the minister indicating therefore that there is not currently an example where a hotel group, for example, which might own half a dozen hotels of their own volition has established its own industry body or responsible gambling agency and negotiated its own responsible gambling agreement with the IGA, separate from either Gaming Care or Club Safe?

The Hon. P. HOLLOWAY: My advice is that 558 of the 565 gaming licensees currently have an approved intervention agency agreement in place, that is, 98.7 per cent of gaming venues, and that would be with Club Safe or Gaming Care, but it is not necessary for the licensee to be a member of either Clubs SA or the AHA in order to have access to Club Safe or Gaming Care.

The Hon. R.I. LUCAS: Are there any others who are not at the moment?

The Hon. P. HOLLOWAY: My advice is no, not at this stage.

The Hon. R.I. LUCAS: In theory they could?

The Hon. P. HOLLOWAY: Yes, in theory.

The Hon. R.I. LUCAS: That has clarified that. I suspect that in practice it will be very difficult, but I do not think any licensee should be required de facto to be a member of an industry body, whether it be the AHA—or Clubs SA for that matter—to have what they might see to be the benefit underneath the government's legislation. The minister says in theory that it is possible, but I suspect in practice it will probably be very difficult, but I accept that.

In respect of clause 19, as it relates to responsible gambling agreements, obviously I am opposing both the proposed amendments but I also personally oppose the government's position,

which is outlined in the bill. So, I not only oppose the amendments from the Hons Mr Darley and Mr Brokenshire but, with the greatest respect to all involved in this debate, this whole issue is a crock of Brokey's cows manure in relation to the argument about—

The Hon. R.P. Wortley: He's asleep.

The Hon. R.I. LUCAS: That's all right, I thought I would wake him up. Perhaps if I mention Daisy, Maisy and Clarabelle—they have just been mentioned in despatches.

With this whole debate about gaming hours and opening, I accept part of the argument that the minister has put, as well as my colleague the Hon. Mr Stephens, in relation to opposing this further extension, but the premise in the bill still heads down this particular path, that this attempt to alter gaming machine hours will in some way have any impact at all on problem gambling.

As I said in my second reading contribution about a range of measures, in my view this is just another example of political tokenism, where the government, and those who support it, are seen to be doing something in relation to tackling problem gambling. Again, in my view it will not make a jot of difference; I think even the Hon. Mr Darley conceded (although he went on to disagree with the position) that if you are a problem gambler you will do as much damage in 12 hours as you might in 18 or 24 hours, or whatever it is.

I will not go over my second reading contribution again, because I have indicated my views. However, I want to indicate that not only do I oppose the two amendments, I also oppose the government's proposition in the bill.

The Hon. R.L. BROKENSHIRE: I agree with the Hon. Mr Lucas that it is a token effort by the government with its amendment, which is why I am moving a further amendment, but I congratulate the government on at least having a go and recognising the fact that there are problems out there. I would love to see my colleague the Hon. John Darley's amendment get up rather than the one I have put up, because it goes a little further.

I live a little bit further out than most honourable members, but you get home at 3 o'clock in the morning and come back in here a few hours later—and do some other work in between—and as you are travelling back into Adelaide there are pokie machine venues open everywhere; they invite you in for breakfast, for goodness' sake. I am not sure that is the best place to have your breakfast, in front of a gaming machine. You leave here last night and you see, back around the corner of West and North Terraces—we haven't done it for a while, but it is still happening—that there they are at 2 o'clock, in all sorts of states, out the front of the nightclubs. I thought—

The Hon. R.I. Lucas: Are you going to close them down as well?

The Hon. R.L. BROKENSHIRE: I am not going to close them down, but I think the police commissioner is already on the public record as saying that we will have to do something about those hours. I think you might find that the government is looking at some of those issues as well, and I will support it 100 per cent.

We have some regulatory roles here in this parliament. I said it in my second reading contribution, but when I was in the House of Assembly and had an electorate office there was a very prominent tavern virtually 50 metres or so from that office, and you would see the mums and dads coming and dropping off their schoolchildren, and then going into the gaming venue. I do not believe it is in the best interest of a family to be in there at that hour of the morning; there are a lot better things to do in that early part of the morning.

We have gone for 10 o'clock, because we acknowledge that some of the senior citizens might want to go in and have lunch, and put a couple of dollars in a machine beforehand. As I said before—and I will finish with this—in the first instance I support the Hon. John Darley's amendment; but, if not, I will strongly push my own.

Amendments negatived; clause passed.

Clause 20 passed.

Clause 21.

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

Page 14, after line 12 [inserted subsection (4)]—After paragraph (b) insert:

(c) for each gaming machine entitlement assigned to a licensee under this section—a statement to that effect; and

(d) for each gaming machine entitlement obtained by a licensee through a transfer allowed by section 27B—the paragraph of section 27B(1) allowing the transfer.

This amendment looks at what is quite a concerning issue, that is, gaming machines that were received without any fee attached to them being subsumed into the new register without the recognition that a licensee got them for free. It is a big issue; it could amount to a multimillion dollar gift to the gambling industry. In establishing the approved trading scheme for gaming machine entitlements, we will now be seeing those entitlements traded.

In the future, we may see them pocketing the windfall and having tradable entitlements, and it will be an asset that possibly could cost future governments buckets of money to buy out if we want to reduce pokie numbers in the future. In my proposal, I have suggested a register. I see that the government has a single register, but we would have a more nuanced approach. The register would recognise those licences that were established free and those that were traded, and then there would be no question of compensation for those that were the original freebies.

The Hon. P. HOLLOWAY: The Hon. Tammy Franks' proposed amendment seeks to differentiate between gaming machine entitlements in the register of entitlements on the basis of whether they were purchased or granted before the reduction in the number of gaming machine entitlements. As I mentioned in my second reading closing speech, the government opposes this amendment. A gaming machine entitlement is a gaming machine entitlement regardless of how it was obtained. There is therefore no point in distinguishing on the register between entitlements granted and entitlements that were purchased: they will all have the same value.

The Hon. T.J. STEPHENS: I will be opposing the amendment. Where are we heading with this, Hon. Ms Franks? What about the fishing industry? What about people who pioneered the fishing industry and now have licences worth many, many dollars? Is the Hon. Tammy Franks saying that, if you were to choose to take away the entitlement and all the work they have put into a fishing licence, possibly they should have no right to it? All of these gaming machine entitlements were obtained legally; nobody has obtained anything illegally. I am not at all attracted to the intent of this amendment.

The Hon. R.L. BROKENSHIRE: We will be supporting the Hon. Tammy Franks' amendment. In fact, I put on the public record that I personally believe the Hon. Tammy Franks has done a good job in putting forward quite a few proactive amendments. I do not see anything wrong with better reporting and transparency programs and, effectively, I think that is what the Hon. Tammy Franks is trying to do. With the River Murray situation at the moment and water licences, we have no real register there and we have no transparency. Day in and day out, things come up in this parliament and generally around trying to establish what is happening and to keep some transparency and openness in reporting practices. It is very difficult, and I do not think it hurts to have a little more transparency in reporting. So, I will be supporting the general intent of this amendment.

Amendment negatived; clause passed.

Clause 22 passed.

New clause 22A.

The Hon. R.L. BROKENSHIRE: I move:

Page 14, after line 25—After clause 22 insert:

22A—Substitution of section 27E

Section 27E—delete the section and substitute:

27E—Statement of parliamentary intention with regard to gaming machine numbers

(1) It is the intention of parliament that, by 31 December 2011, there be a reduction of 3,000 gaming machines from the number of gaming machines approved for operation under this act immediately before the commencement of section 27A.

(2) If it appears to the commissioner that the target referred to in subsection (1) will not be met, the reductions are to occur through a scheme for the acquisition of gaming machines by the government, at a price and in a manner determined by the commissioner, from licensees.

I advise my colleagues that the fundamental difference with this amendment is that we do not want a pro rata reduction because that could produce injustices; rather, we want the commissioner to

determine the manner in which we have a buyback after 31 December 2011 of however many machines are required to secure the original 3,000 gaming machine reduction target.

I was in the other place when this proposal was put forward with a lot of fanfare and media publicity about how wonderful it was going to be, because we were going to see this reduction in poker machine numbers, with the expectation that this would be a good thing to assist with problem gambling, which was recognised by the government at the time. I think that was close to six years ago.

We still do not have the 3,000 gaming machines. I think the Hon. Rob Lucas said yesterday that we have probably just over 2,000. I think it is about 2,200. How long do we have to wait? What is proposed by the government will not work, because the industry drove the original concept. They objected to what was happening at the time; they wanted that cap. It was never going to work and they have realised that. Now we have this amendment in here. If they cannot get their own act together by the end of December 2011, let the commissioner get in there and fix it.

The Hon. P. HOLLOWAY: As I mentioned in my second reading closing speech, the government opposes this amendment. This amendment would require the government to figure out a scheme for acquiring the outstanding gaming machines with compensation at a price fixed by the commissioner if the targeted reduction in gaming machine numbers is not met by 31 December 2011.

Regarding compensation, I should point out that, when the Independent Gambling Authority undertook its inquiry into gaming machine numbers in 2003, it noted that no premium had been paid for a gaming machine licence that gave the right to operate gaming machines. The Independent Gambling Authority pointed out that it would not be appropriate for the government to pay compensation and recommended that this be included in the legislation, which it was when the compulsory reduction in gaming machine numbers took place in 2005. It should be noted that the amendment proposed by the Hon. Mr Brokenshire is asking the parliament to reverse its clear intention, documented in section 27E, which provides:

> It is Parliament's intention to make no further reduction in gaming machine numbers (beyond the reduction resulting from the implementation of this Division) before 30 June 2014.

The government does not intend further compulsory reductions in gaming machine entitlements in line with parliament's intent. The bill removes the fixed price on gaming machine entitlements in order to stimulate the market. The fixed price was identified by the Independent Gambling Authority as the reason some venues do not want to sell their machines. With the forfeiture requirements in the approved trading system, there will be a reduction in gaming machines when entitlements are traded until the 3,000 reduction is achieved.

The government is confident the amendments proposed will significantly accelerate the reduction in gaming machine entitlements. More importantly, the trading system provides an avenue for venues that want to exit the gaming machine industry. This was a key objective of the Independent Gambling Authority's original recommendations. Setting an artificial deadline could have the reverse effect. It would create uncertainty in the market, affecting decisions on whether to buy or sell gaming machine entitlements and for how much. The whole point here is to open up the market, not introduce further measures that could end up becoming a new impediment. So parliament's intention in section 27E is to provide certainty. The proposed amendment would only create uncertainty as it does not state the basis or the price at which entitlements would be removed.

The Hon. T.J. STEPHENS: I will not be supporting the amendment. The last part of the government's explanation is the one that puts the nail in for me. Finally, we are going to remove the cap. We are going to encourage people to trade their machines, let market forces dictate, let machines drop out of the system and speed up the process, but who will actually buy one when they think they may lose them in the short period thereafter? I have no attraction for the amendment at all.

The Hon. R.I. LUCAS: I do not support the amendments. My question is to the minister: while it will be impossible to accurately predict, what is the range of estimates the government has been provided that the entitlements will trade for, should this legislation pass? That is, the $50,000 limit is being removed, and the government will have received advice as to the best guess, and that is all you could put on it. What is the range of values that the government understands these machines might trade at?

The Hon. P. HOLLOWAY: The government does not have an official guess. We think it should be left up to the market. I think that giving a figure will not be helpful. If you want market forces to work it is best to let the market work. For the same reason, we are opposing the amendment by the Hon. Mr Brokenshire. It is probably not helpful for us to try, even if we did have figures (which we do not and they would only be a guess), and it would probably only damage the chances of the market working.

New clause negatived.

Clauses 23 to 27 passed.

Clause 28.

The Hon. T.J. STEPHENS: In my second reading contribution I highlighted a concern that I had about the government interfering in the process between private enterprise and the suppliers to private enterprise with regard to gaming machines. There is a provision which states:

...provides for an inducement to enter the contract, other than a discount based on the number of machines, components or items of equipment to be supplied.

To be fair, I have not had the industry knocking down my door and supporting my line of argument on this but I still say to the minister that I think he is fundamentally wrong. This industry has matured and we have come a long way since it was introduced when we were frightened of a range of things. What right does government have to poke its nose into an arrangement between private enterprise when we have all these regulations in place? The minister still has not convinced me with his reply.

The Hon. P. HOLLOWAY: I am not sure if I can satisfy the honourable member or not. I point out that the introduction of gaming machines in South Australia was contingent upon strict government controls, one of which was to make the State Procurement Board the middleman between manufacturers and purchasers of gaming machines. At the time, parliament believed that preventing direct communication between manufacturers and purchasers would lessen the opportunities for kickbacks and corruption. The industry is now mature and the State Procurement Board is considered no longer necessary as a middleman for the sale of gaming machines.

Measures that would lessen the opportunity for kickbacks and corruption have been included in the bill. The measures in the bill are aimed at balancing the negotiation positions between gaming machine venues and gaming machine suppliers. Gaming machine suppliers have substantial bargaining power and have the potential to more directly control gaming operations in South Australia by way of revenue-sharing arrangements or rental agreements. Given that, the whole purpose of the government's actions is to balance that negotiating position.

The Hon. T.J. STEPHENS: You have not satisfied me but we will move on.

Clause passed.

Clauses 29 to 38 passed.

New clause 38A.

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

Page 19, after line 19—After clause 38 insert:

38A—Substitution of section 51B

Section 51B—delete the section and substitute:

51B—Cash facilities on licensed premises

(1) The holder of a gaming machine licence must not provide, or allow another person to provide, a cash facility on the licensed premises that allows a person to obtain by means of that facility any amount of cash.

Maximum penalty: $35,000.

(2) The minister may, if he or she is satisfied that there are no other cash facilities available within a three kilometre radius of the licensed premises, exempt a licensee (conditionally or unconditionally) from the operation of this section.

(3) A licensee who contravenes a condition of an exemption granted under subsection (2) is guilty of an offence.

Maximum penalty: $35,000.

I have withdrawn my previous amendment because it was never intended that EFTPOS facilities not be provided at gambling venues for the purpose of paying for goods and services. Instead, it was intended to remove the ability to withdraw cash from any cash facilities situated within licensed premises that also have poker machines. This new amendment achieves that. It provides that the holder of a gaming machine licence must not provide or allow another person to provide a cash facility on licensed premises that allows a person to obtain, by means of that facility, any amount of cash.

Under the act, cash facility is defined to include automatic teller machines, EFTPOS facilities and any other facility as prescribed by regulation that enables a person to gain access to his or her funds, or to credit. Under this revised amendment, patrons will still be able to use a debit or credit card to pay for meals, drinks and the like, but they will not be able to withdraw additional cash. These restrictions will not apply to licensed premises that do not have poker machines.

The amendment is also subject to an exemption which provides the minister with the ability to exempt a licensee from these provisions if he or she is satisfied that there are no cash facilities available within a three kilometre radius of those licensed premises. The reason for this exemption is that there are, as I understand it, a number of licensed premises, particularly those situated in regional areas, where ATMs are not readily available. In those instances, the operators of the licensed premises will be able to apply to the minister for an exemption from the operation of this section. The amendment will, in effect, result in the removal of ATMs from gambling venues, subject, of course, to the exemption already outlined.

I should also point out that I have proposed two alternative amendments relating to cash facilities. In the event that this revised amendment is defeated, I will still proceed with the second amendment. I acknowledge that removing cash facilities from gambling venues will not, in itself, eliminate problem gambling; however, it will give gamblers the opportunity to reflect on their level of gambling and think twice about going down the road to an ATM and withdrawing more cash. It will provide a break from gambling and a break from the trancelike state that gambling addicts often say they experience when they are gambling on poker machines.

The statistics relating to ATM usage by problem gamblers have been well canvassed in this chamber in the past, particularly by my colleague Senator Nick Xenophon. I think it is enough to say that the great majority of problem gamblers identify access to cash in gambling venues as critical in terms of controlling their behaviour. This view was supported by Mr Robert Chappell of the Independent Gambling Authority when he presented evidence to a Senate inquiry into a number of gambling related bills in 2008. During the course of his evidence, Mr Chappell stated:

> It is quite clear that access to cash it is a clear and burning issue and, in the absence of any other way of giving people the means of controlling their behaviour in a venue, access to cash is an excellent proxy for giving people the ability to commit to expenditure.

As I mentioned earlier, in the event that this amendment is not supported, I will be proceeding with an alternative amendment that gives effect to existing provisions in the act which have been slightly amended and which provide a daily limit on the amount that can be withdrawn from the cash facility located within a licensed premises.

My preferred position would be for cash facilities to be removed from licensed premises with poker machines altogether, especially because setting daily limits on cash withdrawals does not overcome the problem of problem gamblers using multiple cards to access cash. However, failing that, I think the alternative amendment is still a worthy compromise. 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 the amendment. In its gambling inquiry report released in June 2010, the Productivity Commission recommends that cash withdrawals from ATMs and EFTPOS facilities should be limited to $250 a day, except for casinos. The next set of gambling legislative amendments will consider this proposal, taking into account section 51B of the Gaming Machines Act 1992, which limits cash withdrawals from ATMs located on licensed premises to $200 per transaction, with only one transaction allowed per day.

It should be noted that this section is yet to be proclaimed due to technological constraints in the past. Public consultation on any proposals reducing the amount of cash that can be withdrawn from ATMs should be undertaken in order to fully understand the impacts of such

proposals on gamblers, venues and any other stakeholders. It is important that there be no unintended consequences from the bill we are currently considering.

As I noted in my closing speech, under the Hon. Mr Darley's original proposed amendment, it would not have been possible for a customer to pay for a meal by EFTPOS in a pub or club that has gaming machines. That unintended consequence has been addressed, but there may be others, and that is why the government will suggest that public consultation is important.

The Hon. T.J. STEPHENS: I will not be supporting the amendment. I have a bad habit, when I go to the hotel or club or whatever, if I do not have a lot of cash on me, of using a credit card. I have a very bad habit of leaving the establishment and leaving my credit card there. I could be caught up in the excitement of the moment; I could be encouraged to move on somewhere else. Often, my beautiful wife says, 'Terry, it's time we went' and I dutifully exit.

What I do try and do is pay cash because, ultimately, I am not confronted with the problem. It is a pain to go back and get your credit card the next day, let alone that it is a bit embarrassing. I am sure that I am not a lone soldier in regard to this. I find it offensive that I cannot go to any licensed establishment and get cash; it is just a simple part of democracy, as far as I am concerned, so I am not going to support the amendment.

The Hon. T.A. FRANKS: I rise also to oppose this amendment. I believe that limits on cash withdrawals are perhaps something that should be considered and, as the technology advances, that may be a wise way to go. As to restricting ability to get cash out: as somebody who has a Visa debit card, I cannot access money in an ATM that is anywhere near a poker machine. When I was nine months pregnant, that was actually a real problem one day; I needed cash, I was heavily pregnant, it was the height of summer and at that time I did curse Nick Xenophon.

I would like to point out that I have also lived in a suburb where the ATM at the supermarket went down and the only ATM nearby was that in the licensed venue that has poker machines. Again, I was unable to buy my groceries that morning.

The Hon. R.I. Lucas: You and your children were starving as a result.

The Hon. T.A. FRANKS: I do not think I was in any danger of starving but I certainly was inconvenienced and I know that many people share that inconvenience. I do sympathise with the intent of restricting cash and a limiting on cash to those people who are problem gamblers. I think that this area of restriction, however, has a lot of impacts not only upon myself—clearly I have had personal experiences—but also on people who are just going about doing their normal daily business. I will not be supporting the amendment.

The Hon. R.I. LUCAS: I was almost swayed to support this until I heard that contribution from the Hon. Ms Franks, so she has convinced me not to support the amendment. I note that I do not support the amendment. The general point I wanted make is not just opposing this amendment but the minister, in his response, has raised this whole issue of the next stage of regulation that this government and the federal government are looking at in relation to restricting cash out to $250 (it used to be $200), etc.

Again, it is my strong view that this is just political tokenism. It will have no impact on problem gamblers. Everyone who drives or walks around the community and opens their eyes will see ATM machines growing almost on every corner. The days of when they were owned by the banks are long gone. We have specialist companies that are providing ATM machines in the most convenient, as they see it, of locations; everywhere. You put these restrictions on, but there are already or there will be ATM machines 50 or 100 metres around the corner. The Hon. Mr Xenophon argues that the problem gambler will go outside and that will help him stop his gambling. Trust me, it will not stop the problem gambler; the problem gambler will go out, get a breath of fresh air, get the $250 (or whatever it is) and go straight back in again.

The Hon. P. Holloway: Pay a bigger fee.

The Hon. R.I. LUCAS: Yes, pay a bigger fee, because it is $2 or whatever it is per $100, as well as the bank fee; they will pay a bigger fee and go back in and gamble. This whole area, not just this amendment, of restricting cash out and the limits the commonwealth government is talking about are tokenism with no evidence that they will have any impact on problem gamblers, and I oppose those propositions as well.

New clause negatived.

New clause 38A.

The CHAIR: The Hon. Mr Darley has another amendment, to try to insert a new clause 38A.

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

Page 19, after line 19—After clause 38 insert:

38A—Amendment of section 51B—Cash facilities withdrawal limit

(1) Section 51B(1)(b)(ii)—delete 'some other' and substitute:

a lesser

(2) Section 51B(2)—delete 'thinks that good reason (eg, the location of the licensed premises) exists for doing so' and substitute:

is satisfied that there are no other cash facilities available within a 3 kilometre radius of the licensed premises

(3) Section 51B(4), definition of *prescribed day*, (b)—delete 'a day fixed by proclamation' and substitute:

the day falling 3 months after the day on which the Governor assents to the *Gaming Machines (Miscellaneous) Amendment Act 2010*

The amendment primarily seeks to bring into operation section 51B(3) of the act which provides a cap on the amount that can be withdrawn from a cash facility on licensed premises on any one day. Under the amendment, those provisions will become effective three months after the day on which the Gaming Machines Miscellaneous Amendment Act 2010 is assented to. I understand that section 51B(3) was inserted into the act by the government in 2001.

The amendment also ensures that a sum greater than $200 cannot be prescribed by regulation. Lastly, the amendment reins in the broad discretion currently available to the commissioner in setting a higher daily limit for venues. Instead, the commissioner will only be able to set a higher daily limit for venues on a case-by-case basis if he or she is satisfied that there are no other cash facilities available within a three kilometre radius of the licensed premises.

The reasons for this are similar to those outlined in relation to my previous amendment: that is, the discretion will be exercised in relation to those venues that are situated in areas where ATMs are not readily accessible. During my second reading speech, I referred to the recent findings of the Coroner concerning the death of Ms Katherine Michelle Natt. Members will recall that Ms Natt worked in the gambling industry, struggled with a gaming addiction and tragically took own life at the age of 24.

The Coroner found that Ms Natt's suicide was a direct result of her inability to cope with a poker machine addiction and the resulting financial consequences of that addiction. During the inquest, the Coroner was presented with evidence relating to the level of spending on poker machines by Ms Natt. In his findings, the Coroner outlined some of that expenditure based on bank statements which record withdrawals from ATMs situated at various licensed premises that Ms Natt frequented.

Those statements showed that on one evening Ms Natt withdrew multiple sums of money totalling $760 within just over an hour from an ATM situated at a gambling venue. On another occasion, she withdrew multiple sums of $200 from an ATM situated in another gambling venue amounting to $1,400. The withdrawals were made at 4:06am, 4:12am, 4:13am, 4:27am, 4:38am and 4:39am. On the same day she withdrew two further sums of $200 at a different venue again. So, on that one day she withdrew a total of $1,800 at two different venues.

On a different occasion, Ms Natt again withdrew four sums of $200 and one sum of $100 in five transactions in just under half an hour. Again, some of those transactions were literally only minutes apart. The Coroner found that although there was no direct evidence that Ms Natt had spent the money withdrawn from the ATMs on those occasions on poker machines, he considered it reasonable to infer, based on the evidence before him, that the entirety of those monies was gambled on poker machines.

This is the exact sort of situation this amendment is aimed at. There is no telling whether Ms Natt would have stopped gambling on any of those days if she had access only to a set limit of cash within the venues she frequented. However, at the very least, setting such a limit has the potential, as I said earlier, to help problem gamblers stop and think about their actions before heading to an alternative ATM situated around the corner or down the road. As far as I am aware,

Ms Natt was not identified as a potential problem gambler at any of the venues where she gambled despite her frequent visits to the ATM.

If we are serious about minimising the harm caused by poker machines, then this sort of measure should be adopted in conjunction with other harm minimisation measures. I appreciate that unfortunately there will always be individuals who fall through the cracks. That is not to say that this is acceptable. We should be making every effort to ensure not only that problem gamblers are identified, but that we eliminate so far as possible anything in licensed premises which problem gamblers consider a significant impediment in terms of their gambling behaviour. In doing so we would also be helping problem gamblers to help themselves.

During the second reading debate the minister indicated that the government is opposed to this amendment and that section 51B has not been proclaimed because of technological constraints with ATMs in the past. With respect, financial institutions and ATM providers have had nine years to overcome these constraints. We know it is possible to set daily limits to the amounts that can be withdrawn from individual accounts at an ATM. We know that it is possible to set limits to each transaction at an ATM. Surely nine years is long enough to come up with some way of taking that one step further and limiting those transactions to one per day. I urge all members to support the amendment.

The Hon. P. HOLLOWAY: As I mentioned in my second reading closing speech, the government opposes the amendment that would automatically implement a limit on cash withdrawals from ATMs at licensed venues of $200 per transaction per person per day. I previously noted that this is one of the matters being considered by the ministerial select council on gambling reform. I will not repeat the points I made in the previous debate we just had.

In its gambling inquiry report released in June this year the Productivity Commission recommends that cash withdrawals from ATMs and EFTPOS facilities should be limited to $250 per day, except for casinos. There would be no limit on the number of transactions. I am advised that South Australia's proposal in section 51B may not be consistent with the Productivity Commission's recommended approach and may not be supported without specific amendments to the ATM software. It is important that we work with our colleagues interstate to adopt a nationally consistent approach so that only one ATM software change needs to be developed.

For example, I am advised that the impact on problem gamblers of a limit of $200 in a single transaction per day is that they may seek to withdraw all the money at once in case they need it, and then they may gamble all of it. It may be better if there is no limit on the number of transactions. In this case, gamblers may withdraw smaller amounts, with each visit to the ATM acting as a break in play, which gives an opportunity to make a conscious decision to end gambling. So, it is possible that this proposed amendment could have unintended consequences, which the government is seeking to avoid by working at the national level and committing to consulting with stakeholders.

The Hon. T.J. STEPHENS: I accept the government's explanation and oppose the amendment.

New clause negatived.

New clause 38B.

The CHAIR: If successful this will become new clause 38A.

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

Page 19, before line 20—Before clause 39 insert:

38B—Insertion of section 52A

After section 52 insert:

52A—Prohibition on coin dispensing machines

The holder of a gaming machine licence must not provide, or allow another person to provide, on the licensed premises a machine designed to change a monetary note into coins.

Maximum penalty: $35,000.

This amendment seeks to remove automatic coin-dispensing machines from gambling rooms. At present there are no restrictions relating to the use of coin-dispensing machines in gaming rooms. The government's bill proposes to restrict their use only during late trading. Under the proposed

changes those venues that have a responsible gambling agreement in place and operate between 2am and 8am, by virtue of meeting additional licensing conditions, will not be able to operate coin-dispensing machines during those hours, that is, between 2am and 8am. At all other times all venues, irrespective of whether or not they have a responsible gambling agreement in place, will continue to be able to operate coin-dispensing machines in their gaming rooms.

I do not believe that simply restricting the use of these machines during late trading goes far enough. There is absolutely no reason why patrons should not present at a counter and request change from an employee or cashier. This provides an intervention point where an employee has the opportunity to make an assessment as to whether a person may have a gambling problem, and to make an appropriate referral to counselling or arrange for a barring order. Coin-dispensing machines make it more difficult for gaming room staff to get an idea of how much someone is gambling and therefore make it a lot more difficult to identify problem gamblers.

Indeed, the lack of person-to-person contact increases the chances of a problem gambler slipping through the cracks and the behaviour going unnoticed. Having to physically present to a cashier creates a break in play which may allow a problem gambler to consider their behaviour. Like ATMs, a higher proportion of problem gamblers access coin-dispensing machines when compared with recreational gamblers. I note that the results of a survey conducted by Relationships Australia in 2004 also indicate that problem gamblers access more money if a coin-dispensing machine is available in a venue.

Again, this is a sensible harm minimisation measure that will assist in combating problem gambling. 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. The Gaming Machines (Miscellaneous) Amendment Bill 2010 proposes to prohibit coin-dispensing machines during late trading hours—that is, from 2am to 8am—as well as other measures that are aimed at early intervention and harm minimisation for problem gamblers. It is not proposed to ban coin-dispensing machines at all times of the day. This may be considered in the future; however, public consultation on any proposals reducing the use of coin machines should be undertaken in order to fully understand the impacts of such proposals on gamblers, venues and any other stakeholders.

The Hon. T.J. STEPHENS: I oppose the amendment.

The Hon. R.I. LUCAS: I oppose the amendment, but I also oppose the provisions in the government bill. I think my views in relation to coin machines or anything else I moved—particularly in relation to note acceptors, for example, on gaming machines—are probably evident from the amendments I moved earlier in the debate, and are inconsistent not only with supporting the amendment but also with the government's position on the bill. Again, I think it is political tokenism. I do not believe there is any evidence to demonstrate that it will have any impact at all on problem gambling, and I therefore oppose the government's proposition as well.

New clause negatived.

Clause 39 passed.

New clause 39A.

The Hon. R.L. BROKENSHIRE: I have a number of amendments here that are really consequential to what I put earlier with respect to child play areas. Given the lack of support for those amendments, it would be a futile exercise for me to spend any more time on these amendments, so I will not proceed with those relevant to child play areas in the interests of efficiency in this chamber.

Clauses 40 to 44 passed.

New clause 44A.

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

After clause 44 insert:

44A—Amendment of section 69—Right of appeal

Section 69—after subsection (6) insert:

(6a) For the purposes of this section, a person who has objected to an application under this act is entitled to be joined as a party to any proceedings relating to the application.

This amendment relates to who has standing at an appeal under section 60 of the act. During the second reading debate I mentioned that there were a number of matters on which I sought clarification from the minister regarding the operation of the act. The minister provided me with a written response regarding some of those queries, including this one.

In his letter the minister confirmed that currently individuals and community groups can object to an application for a grant or transfer of a gaming machine licence. Those parties are considered to be a party to the proceedings, and can lodge an appeal pursuant to section 69 of the act where they are dissatisfied with the decision of the application. However, as further highlighted in the minister's letter, the act does not specifically address whether an objector under section 30 has standing at an appeal if the appeal is instituted by another party, that is, other than the community group or individual.

A good example of this scenario involves the Hackham Community Sports and Social Club. In that case, a number of community groups and individuals objected to the application for a transfer of licence. In addition, two venues within close proximity to the proposed site also objected. An appeal against the decision of the application was instigated by council for the two venues. Individual objectors and community groups wishing to be involved in the appeal then sought leave from the court to be party to the proceedings.

Whilst, in practice, it is considered that a court would accept that all parties to the original application would be entitled to be parties to the appeal if they wished to participate, it is not entirely clear that this is, in fact, the case. The purpose of the proposed amendment is simply to make it explicitly clear that all parties to the original application will be entitled to be parties to an appeal if they so wish. I urge all honourable members to support the amendment.

The Hon. P. HOLLOWAY: The amendment would make it explicitly clear that an objector would have the right to be heard at an appeal. It is considered that a court would accept that individuals and community groups that have objected to an application for a grant or transfer of a gaming machine licence are entitled to be a party of any appeal proceedings. This amendment makes it explicitly clear. As I mentioned in my second reading closing speech, the government supports the amendment.

The Hon. T.J. STEPHENS: The opposition supports the amendment.

New clause inserted.

Clauses 45 to 48 passed.

New clause 48A.

The Hon. J.A. DARLEY: I will not proceed with my amendment to insert new clause 48A.

Clause 49.

The Hon. R.L. BROKENSHIRE: I move:

Page 21, line 7—After 'subsection (3)' insert:

and substitute:

(3) The annual report of the commissioner must include the following information in relation to the financial year to which the report relates:

(a) the number of expiation notices issued for offences against this act;

(b) the number of prosecutions commenced for offences against this act;

(c) the number of persons barred by order under section 59 and the number of orders made under that section against each such person.

I mentioned earlier that I support the Hon. Tammy Franks with respect to anything that improves reporting and transparency processes, and this amendment is simply about better transparency and reporting.

When we did some investigation into the situation around barring of patrons, etc., it was only people who were self-barring. There were no reporting processes on the part of the hotels. In fact, I have said in this place that, in my opinion, the casino is the only establishment doing a really good job in relation to being responsible with the barring of patrons. Our concern is that we have all these offence provisions, but what is the point if they are not investigated or expiated?

This amendment is about giving parliament better information on how well pokie enforcement is working, rather than the government issuing a press release announcing that they have shut down machines at one venue for a short period of time for breaches they have discovered. All we are asking with this amendment is that the annual report of the commissioner must include information in relation to the financial year to which the report relates.

We have not won much in this place today; the Hon. John Darley has won one amendment. I ask colleagues and the government, through the Leader of Government Business, to consider this amendment. I know the government says that the commissioner has the right to put this in his report, but we are here to legislate, as I have said at least a couple of times today. I just want to know that when we pick up the annual report we can see the number of expiation notices issued for offences, the number of prosecutions under this bill, the number of persons barred by order under section 59 and the number of orders made under that section against each such person.

I think it is time the parliament had an opportunity of being able to see some more transparency in the reporting. Alternatively, we will have to continue to do what we do now—an FOI—and that is a lot more work and cost. The government complains about the cost of FOIs. You have the information: put it in the annual report, and we will leave you alone and give due consideration to what is in the report.

The Hon. P. HOLLOWAY: The Hon. Mr Brokenshire has introduced an amendment to specify some of the details that must be included in the commissioner's annual report. This includes information about expiation notices issued, prosecutions commenced and information on barring. As I mentioned in my second reading closing speech, the government opposes this amendment. Section 74(2) of the Gaming Machines Act provides:

> The Commissioner must, no later than 30 September in each year, submit to the Minister a report on the administration of this Act during the financial year ending on the previous 30 June.

The act currently does not specify any details that are required to be included in the annual report. But the commissioner's annual report already includes information on the administration of the act—inter alia the monitoring and compliance, complaint investigations, disciplinary actions and barring—and the government is confident that the IGA and OLGC annual reports are comprehensive. Expiations have been introduced in this bill, and I would expect that information about expiations will be included in the commissioner's annual report in future. It is not necessary to specify this level of detail in the act.

Regarding barring, a consultation paper will be released in the coming months on proposed amendments to address the IGA's recommendations from its inquiry into barring arrangements. Any amendment relating to barring should be dealt with as that part of the process.

The Hon. T.A. FRANKS: The Greens are pleased to support this quite worthy amendment. We agree with the Hon. Robert Brokenshire that getting things out on the public record and better transparency of information is something to be commended. We are disappointed that this government does not see that that is a necessary part of our democracy. It is a shame that we do see so many FOIs under this government. It would be a lot cheaper, a lot quicker and probably a lot less interesting for the media should information be more readily available. We are happy to support it on those grounds.

Members interjecting:

The ACTING CHAIR (Hon. B.V. Finnigan): Order!

The Hon. T.J. STEPHENS: I am almost too frightened to give an opinion now, Mr Acting Chair. I am prepared to support this amendment. I do not think that it is an unreasonable ask. I do not think there is anything to hide and, to make Mr Brokenshire's day, we will support his amendment.

The Hon. R.I. LUCAS: In response to the minister's interjection, I think he would have to acknowledge that his government is the most secretive government in the state's history.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I will not be diverted by that interjection. I support the amendment of the Hon. Mr Brokenshire. I do not think there is any problem at all with transparency and accountability on all of these issues. Whilst, we come from diametrically opposed views on

gambling and gaming in particular, this amendment is essentially about transparency and accountability.

Personally, I would love to see in the annual report how much impact all of these politically tokenistic gambling reduction measures actually achieve in a year and have that reported on publicly by the commissioner and others, but perhaps that is asking for too much. I support the Hon. Mr Brokenshire's brave attempt at forcing accountability on this most secretive government in the state's history.

Amendment carried; clause as amended passed.

Remaining clauses (50 to 56), schedule and title passed.

Bill reported with 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 23 November 2010.)

The Hon. R.I. LUCAS (12:38): I rise to support the second reading of the government bill. It is a relatively non-controversial bill—from our viewpoint, anyway. In essence, it demonstrates the fact that as we introduce legislation in this parliament we need to be ever-mindful of any unexpected consequences or loopholes which may be created. What we are seeking to do here is correct an error made by the government about five years ago in 2005. The debate in the House of Assembly makes it clear that up until about then we did not have a problem in South Australia and that the Motor Accident Commission was able to use and admit into evidence the readings of oral fluid and blood samples taken compulsorily. The consequential certificate of analysis was able to be used not only for offences against the Motor Vehicles Act but, when the Motor Accident Commission sought to take action for return of moneys under the Civil Liability Act, the certificates of analysis were able to be used by the Motor Accident Commission.

In or about 2005 the government introduced legislation because it had a particular problem at that time. It made changes (and obviously did not think through the consequences of the changes) and made an error. We are now being asked, again, to correct another error from the government. The responsibility for this rests with the Treasurer, who is responsible for the Motor Accident Commission.

The government, or the Motor Accident Commission, has got itself into trouble in a number of recent court cases where it sought to use the certificates of analysis to demonstrate that a driver had, in fact, been intoxicated or in a drunken state and, because of the error the government made in its legislation, it has been unsuccessful in its pursuit of those particular cases.

So, now we are being asked to return the Motor Accident Commission and the government back to the position that existed prior to 2005. I do not think any member would argue against the fact that, if there were evidence against a driver who demonstrated that they were driving in an intoxicated state, clearly, that information or evidence should be available for both road traffic offence actions and any civil actions that the Motor Accident Commission might pursue because, obviously, it would have flow-on impacts on the CTP scheme—third-party insurance and third-party premiums charged to all drivers.

The Liberal Party is prepared to assist the Treasurer through another embarrassing bungle. Sadly, from the viewpoint of the people of South Australia, bungles by the Treasurer and his government on an increasingly broad range of matters are becoming all too frequent. This has not attracted much publicity yet but, as I said, it is just a further example of a government in disarray, a government in chaos, a government disintegrating before our very eyes. Nevertheless, we are prepared to assist the government through this embarrassing period and support the second reading of the legislation, because it is in the best interests of the people of South Australia that we do so.

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) (12:42): I thank the Hon. Mr Lucas for his contribution. It is interesting that he should suggest that, when the government gets some very technical

amendments drafted and the court should make a finding against it, somehow or other it is the result of a government in chaos. I really think that is absolute rubbish.

The Hon. S.G. Wade: Legal adventurism costs taxpayers thousands of dollars in court costs.

The Hon. P. HOLLOWAY: So, I assume that means that, under a future Liberal government—

The Hon. S.G. Wade: We'd take the advice of the Solicitor-General, not the Attorney-General.

The Hon. P. HOLLOWAY: Well, who do you actually think drafts legislation? I really wonder whether the shadow attorney-general has any idea who actually drafts legislation. I do not want to reflect on the very good drafting people we have, but it does happen from time to time that a judge or court will make findings or interpret things differently from the parliament. The judiciary like to think they are useful occasionally. After all, when legislation comes through this parliament, it is all of us who look at it and, if there are loopholes, sometimes they are pointed out by members of this parliament but, more often than not, they are not.

As we have seen often enough throughout the history of this and other parliaments, sometimes the intention of this parliament as expressed in the legislation will not be the same as that which is interpreted by members of the judiciary. Even members of the judiciary themselves will often disagree on the meaning of a particular piece of legislation. That is why you will often get divided verdicts among the judiciary. So, let us just end this nonsense that, somehow or other, when a court decision is made interpreting a piece of legislation that has been drafted on a technical matter in a particular way, it reflects adversely on the governor of the day.

I thank the Hon. Mr Lucas and the opposition for their indication of support, as well as the Hon. Mr Hood, who spoke earlier. I should have mentioned that. I thank him and other members of the council for their indication of support to ensure that this issue in relation to the use of breath testing is corrected.

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

CRIMINAL LAW (SENTENCING) (SENTENCING POWERS OF MAGISTRATES COURT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

The Hon. R.I. LUCAS (12:45): I rise to support the second reading of this bill. The minister, in introducing the bill, indicated that this was consequential and perhaps the next stage of amendment in this particular area, after some amendments which were introduced in 2006, I think debated in 2007 and then came into force on 1 January 2008. Those original recommendations reflected recommendations of the SafeWork SA Advisory Committee which comprises employer, employee and government representatives.

The Liberal Party expressed some concerns with aspects of the legislation at that time in 2006-7. However, as a testament again to the benefits of having a bicameral system and, in particular, a hard-working, efficient and competent Legislative Council, significant amendments were made by, I think, all non-government members of this chamber. The government saw the good sense in those amendments and the bill was significantly amended and improved, certainly from the viewpoint of all non-government members in this chamber. As a result of those changes, the concerns initially expressed by the Liberal Party were removed and the Liberal Party supported the compromise package that went through both houses of parliament.

However, there has been perhaps, to use my words, an unintended consequence of those changes. One of the changes was a significant increase in penalties. The government advises that for many years industrial magistrates have heard the majority of occupational health, safety and welfare cases in South Australia. Whilst there might have been (and might still be) differing views from some within the business community about whether industrial magistrates should be doing all that work, nevertheless that has been the case for a number of years in South Australia. The government advises the current sentencing limit for industrial magistrates is $150,000.

One of the changes in the 2006 legislation was that the division 1 corporate offences were significantly increased to a maximum penalty of $600,000 and division 2 corporate offences were

significantly increased to a maximum penalty of $300,000. The government further advises that the vast majority of convictions under the Occupational Health, Safety and Welfare Act are in fact division 2 corporate offences which attract this maximum penalty of $300,000.

As indicated earlier, the government says that the current sentencing limit for industrial magistrates is $150,000, so there is clearly, under the existing arrangements, a potential issue. What this bill seeks to do is to give industrial magistrates the capacity to hear and sentence in relation to all division 2 offences and, from the government's argument, in the wording of the second reading explanation:

> ...[provide] consistency for the court system, as well as for employers and employees. It should be recognised that the penalties apply only when there has been a criminal conviction where a corporation has failed to provide a safe working environment for employees and other persons engaged at the workplace.

The government went on further to argue that the alternative to this particular proposition, if we do not increase the sentencing capacity of industrial magistrates, is that these occupational health and safety matters that might attract a penalty of over $150,000 would need then to be conducted in the District Court.

We are already advised that the District Court has a large number of cases to deal with; there are timing issues and waiting-list issues there. The government argues that prosecuting occupational health, safety and welfare cases in the District Court would be considerably more time-consuming for all the parties concerned. The government further argues that if any party disputes the decision of an industrial magistrate, the option to initiate an appeal to a higher court remains available.

As I said, whilst industrial magistrates have evidently handled these cases for many years, there are some within the business community who have the view that these issues would all be better handled by the District Court rather than by industrial magistrates. That is the situation that I am advised has existed in South Australia for a while: industrial magistrates are handling them.

We do confront the alternative of leaving the situation as it is and that is we have division 2 corporate offences up to a maximum penalty of $300,000 which would mean a division 2 corporate offence up to half that maximum—$150,000—would continue to be heard by industrial magistrates and those between $150,000 and $300,000 would be handled by the District Court.

So, the government's proposition, on the surface of it, makes sense to the Liberal Party. We have had no strong representations—or to be fair, we have had no representations—to oppose this particular proposition although, as I said, there are some who have general concerns about the whole notion of industrial magistrates. On that basis, the Liberal Party indicates its preparedness to support the legislation through the parliament.

The Hon. D.G.E. HOOD (12:53): I will be brief. Like the Hon. Mr Lucas indicating the Liberal Party position, it will come as no surprise to members, I am sure, that Family First intends to support such a provision. This bill retrospectively increases the sentencing power for industrial magistrates from $150,000 to $300,000. I continue to be amazed that bills in this place do not simply have amounts that are tied to the CPI or something similar—and I know that is not necessarily what is happening here—so that we would not have to come back to a number of bills to increase penalties or dollar amounts or whatever it may be over periods of time.

The Hon. J.M.A. Lensink: Hear, hear!

The Hon. D.G.E. HOOD: I think it is just a common-sense amendment, and it seems that the Hon. Michelle Lensink agrees. That aside, I acknowledge that, on 1 January 2008, legislation came into effect that resulted in penalty increases for breaches of the Occupational Health, Safety and Welfare Act 1986 as a result of consultation and the recommendations of the SafeWork SA Advisory Committee. In short, penalties can now be as high as $300,000 for division 2 offences which involve serious breaches that resulted in a criminal conviction. However, magistrates currently have a limit to their sentencing capacity of $150,000.

Currently if magistrates were not granted an increase in sentencing capacity, then OH&S matters that may attract a penalty fine over $150,000 would need to be referred to the District Court. I should point out that this may involve many cases as the criterion is that, if a case may even possibly attract a penalty above $150,000, it would have to be referred. It would not surprise me if we see many more cases falling into this category than is anticipated.

The District Court already has a vast backlog of cases: we know that. The 2009 judges' annual report noted a worrying decrease in the clearance rate of cases. The combined clearance ratio for criminal cases before the Supreme and District Courts in 2007 was 106 per cent, that is, the number of cases finalised was 106 per cent of the number of cases lodged with the courts, and the courts were clearing some of the backlog.

In 2008 the number had fallen below the crucial 100 per cent figure to 98 per cent. Last year saw a very worrying clearance ratio of just 88 per cent, that is, the court cleared only 2,402 cases of the 2,749 cases lodged with it, and the backlog was again increasing, despite comment to the contrary. The courts are only just keeping up, and in fact in the last reported year were not keeping up with the work presented to them. The Courts Administration Authority annual report for 2006-09, the latest report available, notes regarding the District Court:

> Total disposals in 2008-09 increased by 98 (5 per cent) from the previous year, significantly less than the increase in lodgements. The net effect is an increase in the total matters pending and deterioration in the rate of clearance.

So the courts themselves have acknowledged the problem: they are simply not keeping up. People say that they need more resources, which is possibly true, but they can be more efficient as well, and that is something that never seems to be levelled at them. I have a close acquaintance with a number of people in the legal profession who claim they wait inordinate amounts of time for decisions to be handed down, and there seems to be very little scrutiny of the efficiency of that whole process. The report also goes on to note:

> The increasing trend in lodgements and the increasing backlog has also placed pressure on the staff of the District Court Registry.

Again, the courts are acknowledging that there is a problem. There are certainly issues in need of addressing in the District Court. It is appropriate to move matters that can be moved to the Magistrates Court, which operates with far less backlog and far lower cost per case on average. Our industrial magistrates are acknowledged to have the requisite skills to deal with these matters. There are benefits in timely administration of justice, and an option to appeal matters to a higher court remains open under this bill.

In short, Family First sees this as a sensible and fairly non-controversial bill. More must be done to clear the backlog of the courts, and it is not just simply a matter of more resources. Governments of both sides are often accused of not giving courts enough resources. Perhaps there is truth in that, but it is hard to measure those sorts of things. But there is also such a thing as efficiency. You can pour endless resources into anything, but if they do not use them well you will not get a good outcome.

There are two sides to the equation: the first is whether they have enough resources. The government and opposition are in agreement to try to do the right thing and give them the resources they need, with which Family First agrees, but it is up to the courts to be efficient with those resources. There is no measurement: we do not know whether or not they are efficient. There is no way of determining whether we are getting value for money in terms of the throughput in these situations. That being said, Family First supports the bill.

The Hon. P. HOLLOWAY: I thank the Hons Mr Lucas and Mr Hood for their indications of support. The Hon. Mr Hood talked about the possibility of penalties being indexed or changed in some way in legislation. If I recall, we had some years ago divisional penalties that were adjusted, but a change was made to that a decade or so ago. I gather that the reason for doing that was to make the penalties more clear because often, if you look at an offence and it is a division 6 fine, it was not necessarily obvious what that related to. It may have been the previous government that changed that system. Whereas we had that system in the past, for whatever reason with which I am not familiar we moved away from it. I put that on record to say that something had been done in the past, but for whatever reason it has been changed. I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. M. PARNELL: I did not make a second reading contribution, but I will just say now that the Greens support this legislation. My question is a simple one; it applies specifically to this legislation but it is a question I have had in relation to other legislation as well. It relates to what the minister said in his concluding contribution to the second reading, that when it comes to

penalties in legislation we have this arrangement for divisional penalties. My understanding of why we have divisional penalties is that it enables penalties to change over time, perhaps with inflation, without having to change the penalty in each individual act.

In his second reading speech the minister said that the vast majority of convictions under the Occupational Health, Safety and Welfare Act are division 2 corporate offences attracting a maximum penalty of $300,000, so it makes sense for the magistrates to deal with those as a jurisdictional limit. However, my question is quite simple: why do we put in legislation offences with divisional penalties yet, when it comes to the jurisdictional limits of our courts, we put in a dollar amount? It seems to me that if the intention were to limit the jurisdiction of the industrial magistrates to division 2 offences, why do we not say that in the legislation? Why do we actually nominate the amount of $300,000, which we will have to change if we subsequently change the divisional penalties that apply across the statute books?

The Hon. P. HOLLOWAY: I am not sure why we have moved away from the trend towards putting divisional penalties. I think it might have been when the Hon. Mr Lucas was in government. I am not sure when the change was made; it was a long time—

The Hon. R.I. Lucas: You can't blame me for everything.

The Hon. P. HOLLOWAY: I am not saying that, but I think it happened then. There may actually be good reasons, in the sense that when you have in the act that it has a divisional penalty it is not necessarily clear what that might be. It has the advantage that you could index it; and, of course, in some cases it related prison terms with a financial penalty, so you could adjust it. There may have been very good reasons, but I am simply not aware—

The Hon. R.I. Lucas: Why don't you take it on notice and get advice on it.

The Hon. P. HOLLOWAY: We will do that, because it is probably a legal matter. There is a complication because they are talking about penalties for magistrates. There has been an agreement with the Chief Magistrate; as I understand it, we try to keep the penalties for industrial magistrates in line with the penalties that can be imposed by magistrates in the other legal stream. If division 2 penalties were to increase dramatically then a defendant should have the right to elect to go to the courts. I guess there are a lot of complications behind this, but as for the actual history of it, it is probably something that is best taken on notice.

I would be happy to write to the honourable member when we can put together the history of it. I would be interested myself to know what were the actual arguments at the time by whichever government it was that tended to move back towards putting monetary amounts into acts. However, I will take that on notice.

The Hon. D.G.E. HOOD: Would the minister table that response when he gets it, because I would be interested in it as well?

The CHAIR: Perhaps he can write to both of you.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

[Sitting suspended from 13:05 to 14:17]

EUTHANASIA AND PALLIATIVE CARE

The Hon. D.G.E. HOOD: Presented a petition signed by 5,364 residents of South Australia. The petitioners pray that this honourable house will support a 'culture of life' by opposing the current euthanasia proposals and urge the government to assign more resources to palliative care and initiatives that enhance and/or improve the quality of life for people with disabilities and/or illness.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answer to a question be distributed and printed in *Hansard*.

HOUSING SA WATER POLICY

124 The Hon. R.L. BROKENSHIRE (15 September 2010). Can the Minister for Families and Communities advise—

1. What is the method by which water usage is calculated for all Housing SA tenants?

2. Is the first 120 kilolitres at the lowest billing rate per kilolitre passed directly on to Housing SA tenants in shared water meter situations?

3. Why do private tenants get over 130 kilolitres of free water usage per year pursuant to standard form private leases, but Housing SA tenants do not?

4. Can the Minister assure that Housing SA billing across all Housing SA tenants for water usage (plus the percentage amount attributed to Housing SA's own watering needs) does not exceed the amount SA Water bills to Housing SA for the same?

5. Does the Government have a legal basis for talking a tenant's water bill out of their rent account, in some cases before the tenant has ever received the water bill?

6. Does the Government have a moral basis for doing the same?

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): The Minister for Housing has provided the following information:

1. Those tenants who have a separate meter have been charged for water usage since 1991. The charges are based on actual meter readings and are in line with those set by SA Water. Where a tenant vacates or is allocated a property during a reading period the meter is read and their charges are based on the number of days of occupation. In a shared meter situation, tenants' water bills are determined by averaging the consumption for the units connected to each shared meter, after first reducing total usage by 30 per cent as Housing SA's landlord contribution. Where a tenant vacates or occupies, charges are based on the number of days of occupation and a daily rate is based on the average used. SA Water rates are based on three tiers, however, tenants in shared metered sites are charged at the first two tier rates only.

2. In a shared meter situation Housing SA receives only one allocation of the first 120 kilolitres at the lower rate; which is then shared equally across all tenants in the properties attached to the meter. While SA Water charges quarterly for water usage, Housing SA charges its tenants on a six monthly basis. This means that the first 120 kilolitres consumed at the first tier rate is split across two billing periods (60 kilolitres per reading), as is water consumed at the second tier rate. Housing SA's 30 per cent contribution does not reduce the allocation to tenants at the lowest tier.

3. Private tenants do not automatically receive an allocation of free water usage per year. This depends on the lease agreement between the tenant and the landlord. In the absence of an agreement, a prescribed limit applies under the Residential Tenancies Act 1995 which is fixed at the supply charge for the premises, and the water rate for the supply to the premises of 136 kilolitres per financial year. Housing SA does not pass on sewer or supply charges to tenants.

4. Housing SA was no longer able to sustain the financial impact of providing a free allocation of water to tenants and maintain all other services, such as rent subsidies to those tenants who are unable to meet the cost of a market rent.

Housing SA's policy and procedures ensure all tenants are charged no more for water usage than that which is charged to Housing SA by SA Water. Housing SA charges all tenants in properties that share a meter only at the first two tier rates irrespective of the actual charge by SA Water. The cost of water per kilolitre is based on land use codes. Where a land use code attracts a three tier pricing structure in shared metered sites, Housing SA will only charge two tiers. Tenants are provided with water bills in whole kilolitres and not a part thereof and the 30 per cent that is deducted as the landlord contribution is done so at the second tier rate.

5. The legislative basis for charging tenants for water usage is derived from provisions in the South Australian Housing Trust Act 1995 and the South Australian Housing Trust (Water Rates) Regulations 1995. The latter specifies the limit to which Housing SA is responsible for water rates. In accordance with these powers Housing SA tenancy agreements contain

provisions relating to the payment of water charges. Housing SA maintains a single account for each tenant that is used for rent, maintenance, water and other charges. Accounts are issued to tenants at least 14 days prior to the amount being deducted from their Housing SA account.

6. Housing SA has a moral obligation to provide social housing to those South Australians most in need and if debts are not paid this will impact on its ability to provide that service.

PAPERS

The following papers were laid on the table:

By the President—

Legislative Council Report, 2009-10

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

Reports, 2009-10—
- Art Gallery of South Australia
- Courts Administration Authority
- Criminal Investigation (Covert Operations) Act 2009
- Department of the Premier and Cabinet
- ForestrySA
- JamFactory Contemporary Craft and Design
- Review of the Execution of Powers under the Serious and Organised Crime (Control) Act 2008
- South Australian Museum Board
- South Australian Office of the Public Advocate
- State Coroner
- State Emergency Management Committee
- State of the Sector Report by the Commission for Public Sector Employment

Project Coordination Board (formerly known as the Economic Development Board)—Reports, 2007-08, 2008-09 and 2009-10

RESI Corporation Charter

Potable Water and Sewerage Prices South Australia—
- Part A—Transparency Statement, 2010-11
- Part B—Metropolitan and Regional Potable Water and Sewerage Pricing Process—Inquiry into—Final Report
- Part C—Metropolitan and Regional Potable Water and Sewerage Pricing Process—Government Response

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

Reports, 2009-10—
- Administration of the Radiation Protection and Control Act 1982
- Department of Health
- Environment Protection Authority
- South Australian Multicultural and Ethnic Affairs Commission

Partial Transfer of National Wine Centre Land—Report pursuant to Section 23 of the Adelaide Park Lands Act 2005

STATUTORY OFFICERS COMMITTEE

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) (14:21): I bring up the report of the committee.

Report received and ordered to be published.

PRINTING COMMITTEE

The Hon. J.M. GAZZOLA (14:21): I bring up the first report of the hardworking Printing Committee 2010.

Report received.

COOPER BASIN GAS PROJECT

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) (14:21): I table a copy of a ministerial statement relating to the Cooper Basin gas project made earlier today in another place by my colleague the Premier.

NEW ZEALAND MINING DISASTER

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) (14:21): I table a copy of a ministerial statement relating to the New Zealand mining disaster made earlier today in another place by my colleague the Premier.

PUBLIC INTEGRITY

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) (14:21): I table a copy of a ministerial statement relating to public integrity made earlier today in another place by my colleague the Premier.

Members interjecting:

The Hon. P. HOLLOWAY: Why wouldn't they laugh about public integrity? It is one thing they know nothing about.

Members interjecting:

The PRESIDENT: Order! Okay, you've had that bit of fun.

Members interjecting:

The PRESIDENT: Order! That makes two of us.

QUESTION TIME

GAWLER EAST DEVELOPMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning questions about the Gawler East development.

Leave granted.

The Hon. D.W. RIDGWAY: As the minister knows, the development has been widely criticised in Gawler for its failure to deal with the traffic management problems and, in fact, potential congestion in the main street of Gawler. As members would be aware, it is a plan to convert by Delfin Land Lease some 219 hectares of Gawler into 4,000 new homes. At the outset the developer said that a commitment deed would be prepared to address the concerns of social and environmental outcomes; in particular, one of those needs would be in relation to the transport infrastructure and the construction of adequate roads. This commitment deed would be a binding agreement between Delfin, the Town of Gawler, the Barossa Council and the state government.

Recently, I met with the developers who expressed concern that the opposition had not been informed about the commitment deed. In fact, I believe the minister asked the Chief Executive of the Department of Planning and Local Government (Mr Ian Nightingale) to meet me—which he did—and he told me that the commitment deed was now in place and that it had been signed off. Last week, I met with residents and officials in and around Gawler and was quite concerned to learn that the deed had not been signed and that Barossa Council now has no intention of signing the deed. My question to the minister is: has the deed been signed and, if so, when was it signed and when will it be made publicly available?

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) (14:25): My understanding is that the deed itself has not been signed but there was an agreement that was signed between the parties in relation to intentions as far as infrastructure was concerned. My understanding was that, because of the election and the fact that Gawler council was in a caretaker period, that there would be—

The Hon. J.S.L. Dawkins: The Barossa Council.

The Hon. P. HOLLOWAY: The Barossa Council. I will come to that in a moment because the Barossa Council is really peripheral to any agreement on Gawler East. The Barossa Council is peripheral and is a tiny part. There is just a tiny landlocked part—

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

The Hon. P. HOLLOWAY: There is a tiny landlocked part of Barossa East in the Gawler East development. In the main arrangements traffic is the big issue. Traffic is not going to go back east into Barossa, it is going to go to the west and that is where the traffic issues lie. In particular, the Hon. Mr Dawkins will be well aware as to where the traffic flow needs to go, which is south of the town of Gawler towards the Tiver Road direction. That is where the key infrastructure issues are.

I understand that, in relation to the Town of Gawler and the developers, there has been some agreement signed but, as I said, I do not think it is the final deed. They were waiting for the election to take place so that Gawler council would be in a position to sort things out, and I think there were also some matters in relation to transport. My advice at the time was that there had been a general agreement.

DPAC held its meeting in Gawler on 30 July and, on 26 August 2010, after considering submissions received in response to consultation and the advice of DPAC, I approved the DPA with amendments. Those amendments included the insertion of a policy that seeks to prevent development that would result in the capacity of the road network being exceeded, insertion of policy seeking protection of key electricity and gas transmission infrastructure, adjustment of policy regarding the risk of and protection against bushfire, and also adjustment of policy regarding a range of design matters, including the height of buildings at interfaces and setbacks.

However, as I have indicated on a number of occasions, development plan amendments have traditionally been simply the zoning of land. For the first time this government is seeking to incorporate consideration of infrastructure within the process, and that is completely new to this state; it is appropriate but it is new. I find it rather amazing that a number of people should be criticising the government, particularly in relation to not just Gawler East but also Mount Barker, for example.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: They don't. Do you really think that people—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Saying that has to be one of the greatest pieces of stupidity of all time. Do you think that, when Governor Hindmarsh landed, suddenly the tramline was running so that he could hop onto a tram and come into the city? We are talking about new areas and you actually have to have a plan. We are talking about a development plan. The first thing to do is to have a plan and ask, 'Where are we going to put the township? It will grow so, first of all, let's look to see where it will be located physically and where we should put the infrastructure.'

The honourable member seems to think that you should build the infrastructure and then do the plan afterwards. The fact is that it has to be concurrent. We are still going through the development plan in places like Mount Barker; it has not even been approved. The honourable member is saying that we should have infrastructure before we even approve a plan. It is absolutely ludicrous, and there are a whole lot of ill-informed people in this city who are jumping on the bandwagon.

First of all, you have to get some idea about what you want to do before you start building things, and that is exactly what we are going through. In relation to Gawler, my understanding—and I will check it; as I said, I have not had a briefing on Gawler East for some time—at the time was that the formal final deed had not been signed, but there had been some agreements, certainly with Gawler council, and that these were to be finalised following the election. I am happy to supply an update to the honourable member in relation to the progress on that matter.

DOMESTIC VIOLENCE

The Hon. J.M.A. LENSINK (14:31): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question on the domestic violence death review process.

Leave granted.

The Hon. J.M.A. LENSINK: The minister issued a press release on 20 October, announcing improvements to the domestic violence death review processes and, in that media release, stated that a senior research officer would be employed in the Coroner's Office. I quote:

> The position for the dedicated officer which was funded in the state budget will be advertised in the next fortnight.

I think it is fair to say that improvements to domestic violence processes share bipartisan and, indeed, multipartisan support from members across this chamber. However, I have been unable to find a position description advertised for the position that was announced. My questions to the minister are:

1. Has the position, in fact, been advertised and, if not, when will it be?

2. Will it be a full-time position?

3. Will it be a temporary or permanent position?

4. What is the salary range?

5. Where will the officer physically be located; will that be at the Coroner's Office or at the Office for Women?

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) (14:32): Indeed, the South Australian government has worked very hard to put in a number of strategies to help ensure that future domestic violence deaths are prevented. We did announce the position for a research and investigation officer in relation to the South Australian Coroner's Office to look into domestic violence related deaths in this state.

The Coroner's Office has been working in conjunction with both the Office for Women and also the Attorney-General's Department to put together, I think, a person specification statement and to commence the implementation of that position. The recruitment process has commenced. The position was advertised in *The Advertiser* on 30 October 2010. The new position will work with the Coroner and will complement other initiatives in relation to the government's Women's Safety Strategy, such as Family Safety Framework, etc., to ensure a positive working relationship across services.

The position will research and investigate opened and closed cases of death related to domestic violence and will work as part of the Coroner's Office team. The position will be located at the Office for Women rather than at the Attorney-General's Department so that we have control over that position. If the Coroner believes that the cause or circumstances of death are a matter of substantial public importance, particularly if they relate to public health and safety, he can decide to hold an inquest. Inquests must be conducted where death has occurred in custody. In cases where an inquest is not deemed necessary or desirable, the Coroner then can make a finding as to the cause of death. This section of the Coroners Act precludes the Coroner from making recommendations.

Where an open case progresses to an inquest, the Coroner has a variety of legislative requirements to complete as outlined in section 25 of the Coroners Act. I am advised that, when an open case involves domestic violence situations, a senior research officer will assist the Coroner in his investigation. I am advised that the research officer's reviews of closed cases will include the examination of data collected from relevant case files and from the national coronial information system.

The data interrogation may reveal manner of death, sex, age, ethnicity and location. The data and narrative collected from police briefs, medical reports and specialist opinion may identify points of intervention, action taken by agencies, points of collaboration between agencies and also social indicators in identifying possible risk factors. It is also my understanding that this research officer will have the opportunity to overview a number of closed cases. The position is a full-time one; there is funding for it into the four years of the forward estimates. I am also advised that the position is advertised as an ASO7.

WHITE RIBBON DAY

The Hon. S.G. WADE (14:36): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about violence against women.

Leave granted.

The Hon. S.G. WADE: Adelaide's White Ribbon Day has a focus on human trafficking. I ask the minister: what is the government doing to deal with or prevent human trafficking in the South Australian sex work industry?

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) (14:37): I thank the honourable member for his important question. The issue of human trafficking is not a responsibility within my portfolio. Obviously, it is an area that I am interested in but it is outside my purview. I continue to work with other ministers and the federal government wherever possible to encourage them to look at strategies for reducing this phenomenon.

I understand, from the reports that I have heard, that here in South Australia we have been incredibly fortunate. In fact, the incidence of human trafficking, particularly in the sex trade here in South Australia, is not a common occurrence. I understand that it is more prevalent in cities like Sydney. We are very fortunate here that it is not a significant problem and we need to make sure that it stays that way.

WHYALLA MINERAL EXPLORATION

The Hon. R.P. WORTLEY (14:38): My question is to the Minister for Mineral Resources Development. Will the minister please provide details of any further investment opportunities being considered for the Upper Spencer Gulf?

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) (14:38): I thank the honourable member for his question. In answer to previous questions, I have been able to highlight the growing number of opportunities opening up for the Upper Spencer Gulf. Just this week, I mentioned OneSteel's decision to proceed with the development of Iron Chieftain as part of phase 2 of Project Magnet in the Middleback Ranges.

I have also announced that Arafura Resources has selected Whyalla as the preferred location for its $1 billion rare earths complex, a project that has been declared a major development to ensure the highest level of environmental assessment available under South Australian law.

Today I am delighted to inform honourable members in this place of an announcement by Beach Energy of a joint investigation with Japan's Itochu Corp. into the potential to supply unconventional gas sourced from the Cooper Basin to a mini-LNG plant in the Upper Spencer Gulf. This $1 billion proposal to export unconventional gas to Japan has the potential to create jobs as well as extend the life of production from the Cooper Basin.

Beach Energy and Japan's Itochu estimate that the project has the potential to create more than a thousand jobs during the construction phase and hundreds of jobs during its operations. Conventional natural gas reserves in the Cooper Basin will eventually be exhausted, and the potential to harness nonconventional gas would extend the longevity of supplies of this important energy source.

The selection by Beach and Itochu of Port Bonython as a potential site for a mini-LNG plant again underlines this government's ability to attract international investment. Beach and Itochu have indicated the Upper Spencer Gulf as a preferred site for a future LNG plant, providing significant employment and investment potential for the Upper Spencer Gulf. In a statement issued to the ASX today, Beach and Itochu said the planned facility would be a mid-scale LNG plant and offloading terminal with a capacity of a minimum of 1 million tonnes a year of LNG. A plant of this scale would require about 60 petajoules of gas each year.

Beach Managing Director, Reg Nelson, told the ASX that South Australia appears to be an excellent choice for a future LNG facility and that such a project would generate significant employment for the state. Mr Nelson said an opportunity such as this will further accelerate the next phase of the Cooper Basin as one of Australia's major sources of long-term gas supply.

Mr President, I am sure you are aware that our state remains Australia's biggest onshore producer of oil and gas. Most of this originates from the Cooper Basin in the state's north-east. Since 1969, gas has been produced from the basin to supply south-eastern Australian markets.

Billions of dollars of investment by the Santos Joint Venture have led to oil being produced from the basin since 1982.

Since the major turnover in licences at the turn of the century, the Cooper Basin has attracted a record number of explorers and very high tenement work programs, as well as a sharply increasing oil discovery rate. This turnover changed both the tenement map and the make-up of Australia's exploration industry through a number of company-making discoveries.

As the Greens candidate for Giles said during the election campaign this year, the Rann government is all about jobs, jobs, jobs. While this was meant as a criticism of this government—because I think he said, 'All we ever hear from this government is jobs, jobs, jobs—enough's enough'—it is a badge that we wear with honour.

The employment generated by the LNG project proposed by Beach and Itochu should it be given the green light—and by that I do not mean the capital 'g' Green light but the small 'g' green light—will assist the government in reaching its employment target of 100,000 new jobs by 2016. While this government welcomes the potential investment, I can assure honourable members that Beach and Itochu will be subject to the usual regulatory and statutory approvals for this proposed development.

WORKCOVER CORPORATION

The Hon. T.A. FRANKS (14:43): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question about WorkCover.

Leave granted.

The Hon. T.A. FRANKS: As members would be aware—

Members interjecting:

The Hon. T.A. FRANKS: As members would be aware, if they listened, under the current WorkCover provisions, the termination of weekly payments is enabled whenever WorkCover or its agent disputes aspects of a worker's claim. These provisions impose financial hardship and emotional distress on injured workers since claim disputes often drag on for many months. As such, they also undermine workers' financial capacity to challenge WorkCover decisions and, in the process, increase the sense of powerlessness experienced by many when they are feeling particularly powerless and vulnerable.

This led the Labor Party at its last state conference on 25-26 October 2009 to move into its state party platform that the Labor Party supports continued payments to workers whose claims are the subject of dispute. They took that policy to the South Australian people at the election. My questions are:

1. If it is in your platform, when are you going to actually implement it?

2 When is this party of the workers—the historical workers' party in this country—actually going to start standing up for workers?

3. How will you face the state conference this weekend having not fulfilled this promise?

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) (14:45): It is rather odd that the honourable member is asking about internal party matters. I will be happy at the end of question time today to make a statement on what the government proposes to do in relation to the section 36 provisions of WorkCover.

WHITE RIBBON DAY

The Hon. I.K. HUNTER (14:46): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about White Ribbon Day.

Leave granted.

The Hon. I.K. HUNTER: The United Nations has declared 25 November the international day for the elimination of violence against women. It is known as White Ribbon Day, after the white ribbon was adopted as a symbol for the campaign, which originated in Canada and has since

spread around the world. Will the minister inform the house what the government is doing to spread the White Ribbon Day message?

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) (14:46): I thank the honourable member for his most important question and his ongoing personal support for this particular initiative. This day, 25 November, White Ribbon Day, marks the beginning of the 16 days of activism against gendered violence campaign, which ends on 1 December, with the United Nations Human Rights Day.

As members would be aware, the White Ribbon Foundation runs a national campaign for White Ribbon Day every year, and White Ribbon Day ambassadors play an important role and are critical to the success of the campaign. Ambassadors are highly respected men, leaders in our community, who are willing to take a stand and be positive role models to other men in the community, whatever their sector, background, age or belief. We know that often domestic violence can be cyclical.

We know it often relates to learned attitudes and behaviours. We know that someone who has been subjected to domestic violence or violence at a young age often goes on to repeat the same patterns of violence. It is most important that we have these alternative, positive role models for men, particularly young men, and it is most important that we have a network of ambassadors out there showing an alternative and portraying a particular set of social attitudes that indicate that violence in any form is abhorrent.

Ambassadors support the campaign in many ways, such wearing a white ribbon or wristband in the lead-up to White Ribbon Day, and encouraging others to do the same or sharing the white ribbon message with local communities, particularly in rural and regional areas. These ambassadors play a vital role as role models for other men as they pledge to never remain silent about violence against women.

It is great to see my parliamentary colleagues, including the Hons Stephen Wade and Mark Parnell, who are white ribbon ambassadors and were at the Adelaide white ribbon breakfast held this morning. I also acknowledge in this place a number of other white ribbon ambassadors: the Hons Ian Hunter, John Gazzola, John Darley, Mark Parnell (who I have mentioned), Robert Brokenshire, Russell Wortley and John Dawkins, who has given longstanding support to this campaign, which is appreciated very much.

I was delighted to announce at the breakfast this morning that the government is providing a local coalition of men taking a stand against violence, and I have provided them with a grant today of $30,000 to take their important message out further into metropolitan and country communities to speak out against violence to women. I am very much looking forward to working with the coalition of men supporting non-violence.

They will use the grant to engage with ambassadors, doing things like running training sessions and coordinating events for next year's White Ribbon Day in South Australia, and also to develop the white ribbon ambassador program. I presented a letter confirming the grant to the coalition's Trevor Richardson at lunchtime today at Men in the Mall—a wonderful event.

I congratulate and acknowledge the hard work of my colleagues, the Hons Ian Hunter and John Gazzola and their staff for organising and running this year's event. It was a fabulous success. Hundreds of people went by there today, taking an interest and stopping and talking to a wide range of celebrities, including a number of sports stars who were there. It is always quite overwhelming, and quite touching, to see those men who are prepared to come out and publicly lend support to this event and this campaign.

It is pleasing to see men taking a lead role in White Ribbon Day activities. We know that violence against women is not just an issue for women: it is everyone's issue, a shared issue. It is a shared issue because the women victims are people's mothers, daughters, aunts and such like; and we also share it because each and every one of us wants to know that our children, and men and women, can move freely in our society without being threatened by domestic violence. It is very much a community issue, and it will not be until each and every one of us accepts responsibility for taking steps to eliminate domestic violence that we will eradicate it from our community.

CORONER'S ANNUAL REPORT

The Hon. D.G.E. HOOD (14:51): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question regarding the annual report of the State Coroner tabled just today.

Leave granted.

The Hon. G.E. Gago interjecting:

The Hon. D.G.E. HOOD: All over it; in fact, I have a copy here. I note that the report of the State Coroner has been tabled just a few moments ago by the minister in another place; as I said, I actually have a copy here. The interesting point is that Family First has it on good authority that the report was actually given to the government back on 31 October. That aside, the 2008-09 report—that is, the previous report—noted some worrying issues regarding an intractable backlog of cases before the Coroner. The report noted that, as at 30 June 2009, there were some 32 outstanding inquests, including two dating back to 2005, four from 2006, and 18 from 2008. In the preface to the 2008-09 report the Coroner noted:

> …such lengthy timeframes cause me much concern. I am aware that the timeframes cause families heartache, and at times, hardship. I regret that the timeframes contribute to a family's grief and anxiety. With current resources and planned budget cuts I cannot see the timeframes improving in the near future. In fact, the reverse is likely to occur.

Looking at the current report that has just been tabled, it tells a story that I think most people would have expected of a Coroner's Court seriously backlogged and getting worse. Indeed, a paragraph on page 14 of today's report indicates that there are now some 39 inquests awaiting hearing, up from 32 in the last financial year. The Coroner notes, 'This is a sharp increase in the category of deaths awaiting inquests compared to the previous year.' My questions are:

1. Does the Attorney accept that the case backlog in the Coroner's office is getting intractably worse, that it is indeed very serious, and that it does add to the grief and anxiety of families already suffering from heartache, as the Coroner has indicated?

2. What does the Attorney plan to do to deal with this very serious problem?

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) (14:54): I thank the honourable member for his questions and compliment him on his diligence in reading the report so quickly. I will refer those important questions to the Attorney-General in another place and bring back a reply.

COUNTRY FIRE SERVICE

The Hon. R.I. LUCAS (14:54): I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of CFS stations.

Leave granted.

The Hon. R.I. LUCAS: In the financial year 2009-10 the Rann government announced a significant program of capital works involving a number of CFS stations and facilities such as the life saving club at West Beach. The first stage of this program involved CFS stations at Wilmington, Hamley Bridge and Balaklava, and the life saving club stage 1 facilities. SAFECOM awarded the construction management services contract to a company named Unique Building Pty Ltd. Earlier this year, three CFS stations (at Wilmington, Hamley Bridge and Balaklava) were knocked down, with the promise that new stations would be built by the start of the critical fire season next week.

I have been advised that there has been for some months a major contractual dispute between SAFECOM and its contracting company, Unique Building Pty Ltd. I am told that eight subcontractors are owed $280,000. They are obviously very angry as small businesses needing to employ people within their businesses, some with unpaid bills of up to $40,000 to $50,000 each as a result of this ongoing dispute.

I am told that SAFECOM, just prior to the end of the financial year (in June of this year), made an up-front payment of $1.5 million to Unique. I am now told that SAFECOM, after taking legal advice, is demanding repayment of $740,000 from Unique, under the contract. I am aware of a 19-page letter from SAFECOM to Unique alleging, over those 19 pages, significant nonperformance of many provisions under the contract. That letter was sent in the last week of August or the first week of September.

There are many claims in that 19-page letter, including, I am advised, claims that the contractor does not carry significant covers of insurance, which are required under the terms of the contract. I am told that two months later, as of this week, there has been no response from Unique to the demands two months ago from SAFECOM.

I have been advised that for the last six weeks, all work has stopped on the CFS stations and the surf lifesaving club. The CFS stations, I am advised, have been told that the earliest possible completion now is likely to be the end of summer, in February.

CFS representatives from the Wilmington area have advised me, for example, that their station has been knocked down and that their equipment is currently being housed in three or four separate locations spread over the town, placing them at a considerable disadvantage in terms of having to manage any fire in the coming fire season.

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

The Hon. R.I. LUCAS: The Hon. Mr Dawkins says, 'Particularly given their proximity to Mount Remarkable and the recent significant fire there.' My questions to the minister are:

1. On what basis did SAFECOM make a payment of $1.5 million in June 2010 to Unique Building Pty Ltd, and did that prepayment comply with all government guidelines relating to capital works payments and, in particular, the guideline that prevents prepayment by any agency in one financial year for work to be completed in the following financial year?

2. When will the work recommence on the building of the CFS stations, and when are the stations now expected to be completed?

3. Given that Wilmington, Balaklava and Hamley Bridge will not have CFS stations during the coming critical fire season, what action can be taken by SAFECOM to assist CFS brigades in those areas in terms of tackling the potential fire risk in their communities in the coming summer season?

4. Will the minister ensure that urgent action is taken by SAFECOM to help resolve this dispute and, in particular, to ensure that the small business subcontractors, currently owed up to $280,000, are paid as soon as possible?

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) (14:59): I will refer those questions to the Minister for Emergency Services in another place and bring back a reply.

RETAIL SECTOR

The Hon. B.V. FINNIGAN (15:00): My question is to the Leader of the Government and Minister for Industrial Relations. Will the minister provide the chamber with details of the education and compliance activities in the retail sector conducted by SafeWork SA?

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) (15:00): As members were made aware earlier this month, the Hon. Tammy Franks raised concerns about workers in the retail industry, particularly young workers. I would like to take this opportunity to inform members of the work this government is doing to educate and ensure compliance in the retail industry.

From 1 January 2010, the South Australian government referred certain industrial relations powers to the commonwealth. This means that from the beginning of this year the full private sector in South Australia—including non-government community services, private schools and universities—is now covered by the commonwealth Fair Work Act 2009. To assist South Australian employers and workers transitioning to the national system, the government has entered into a contractual arrangement with the Fair Work Ombudsman from January this year to provide a range of education, information and compliance services.

SafeWork SA inspectors have the capacity to investigate allegations such as those raised by the honourable member in their capacity as Fair Work Inspectors. The government, through the efforts of SafeWork SA, is currently collaborating with the Fair Work Ombudsman as part of the Shared Industry Assistance Program, which will deliver information and education sessions in key metropolitan and regional shopping precincts for the South Australian retail industry. The focus of the education and information sessions includes the Retail Industry Modern Awards as well as

other key rights and obligations in the workplace. The requirements for keeping time and wage records will also be covered.

The information and education sessions will begin by the end of this month and finish in early January 2011. They will be held in six major shopping centres in metropolitan Adelaide as well as surrounding retailers. SafeWork SA has structured the content and timing of the informative presentations to be unobtrusive and suit the requirements of small to medium retailers, taking into consideration the busy Christmas shopping period. SafeWork SA's Fair Work Inspectors are now currently visiting more than 200 small businesses along metropolitan shopping streets and precincts as well as country areas to provide them with specific information related to the introduction of the Modern General Retail Industry Award 2010.

In addition to this, SafeWork SA's Fair Work Inspectors are also in the process of auditing 220 employers in the food industry along major streets and shopping precincts in Adelaide as well as a number in country regions to ensure compliance. SafeWork SA will also be participating in a national retail audit being conducted by the Fair Work Ombudsman in the first half of 2011. This audit has three phases, with education sessions being conducted through to January 2011. The actual audit will begin in February and finish in April 2011 with a final analysis and report being completed by mid-2011.

Many young workers usually land their first job in the retail and fast food industries. Considering this, SafeWork SA will be conducting more than 40 education and awareness sessions in public and private schools, TAFEs and universities in the first quarter of 2011. SafeWork SA inspectors will provide a presentation designed specifically for students as they transition from education to employment. The presentation includes advice to young workers on industrial matters, including keeping records of employment such as payslips, starting and finishing times, meal breaks, overtime, tax file number declaration forms, training contracts, payroll deductions, and uniform allowances.

In addition, inspectors will focus on the elements of the fast food industry and the general retail industry modern awards dealing with lawful and unlawful payroll deductions, and the requirement for employers to provide and maintain, without cost to the employee, any protective clothing or special clothing such as uniform, dress or other clothing as well as the employer's obligations to pay employees laundering and other allowances. I trust that answers those questions that have been raised previously in relation to the activities of SafeWork SA in relation to the education and compliance activities of the retail sector.

DISABILITY CARERS

The Hon. K.L. VINCENT (15:04): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about female carers of people with disabilities in South Australia.

Leave granted.

The Hon. K.L. VINCENT: One in five people in South Australia cares for a person with a disability and, furthermore, I understand that roughly 40 per cent of carers have some sort of disability themselves. I speak specifically of family carers, whose caring duties go unpaid and are performed only from necessity and, I would hope, compassion and love. Many family carers have essentially given up a previous life to care for the person they love, often because the lack of adequate government support means that there is no other option. Although I acknowledge and congratulate male family carers of people with disabilities, it is stated on the ABS website that 71 per cent of carers are, in fact, women.

I note that we have a Carer's Recognition Act and there are awards such as that entitled Women Hold Up Half the Sky to recognise women but it is the view of some carers that these are not really practical ways to acknowledge their mental, emotional and physical needs when undertaking their caring duties. Therefore, I ask the minister: what practical measures is the government currently taking to acknowledge female family carers in order to promote their physical and mental wellbeing? Given that our population is both growing and ageing, what measures will be taken to ensure adequate support for our state's carers in the future?

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) (15:06): I thank the honourable member for her most important questions. Indeed, carers do play a vital role in our community. Many are involved in providing a

wide range of services, often to family members but sometimes to friends. Their contribution often enables a person to live a far more independent life in their own home or in a home-like environment. It entails a great deal of volunteer time and a great deal of personal commitment and dedication. There is a carer's allowance, of course, but often the carers' contributions are simply enormous.

It is not just the amount of valuable time that carers dedicate—and the difference that can make to the life of a person with a disability—but also the personal sacrifice that many carers make, often in terms of giving up if not all at least some level of paid employment and also time out from opportunities to pursue other personal interests and, to some extent, even time dedicated to other members of the family. The sacrifices can be enormous and we certainly value carers extremely highly.

The issue of carers, including female carers, is the responsibility of the Minister for Families and Communities. It does not come within the purview of my portfolio but, obviously, it is an area in which I have a great deal of interest. I believe that the Minister for Families and Communities works very hard to ensure that carers are looked after. For instance, one of the projects being conducted at the moment—I am not too sure whether investigation or inquiry is quite the right word—is work done in looking at ways to protect the interests of vulnerable people and how measures can be strengthened to ensure those protections.

Unfortunately, in some cases, that includes protections against carers because there have been reported cases where abusive relationships have evolved. There are many people with disabilities who are particularly vulnerable but who may have very few alternatives available to them in terms of advocates to support their interests. That is one example of a particular project that I believe is currently under way where the minister is looking at ways of strengthening those provisions. I am happy to refer the questions to the Minister for Families and Communities and bring back a response.

MEN IN COMMUNITY PROGRAM

The Hon. J.S.L. DAWKINS (15:10): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Health, a question regarding the Men and Community Program.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently become aware of the Men in Community Program, which has been successfully running in rural areas of the state for some time. Men in Community has been funded by the commonwealth government for rural areas declared for exceptional circumstances funding and has been administered by the state Department of Health in cooperation with Men's Health SA. This program has been proven to deliver relevant programs to people who do not usually access help until it is critical.

It covers many issues from communication between men and women to physical and mental health. It also runs programs specifically for young men and other programs encouraging men to engage in more exercise. I understand that Men in Community has been very successful in getting rural men to attend and participate. It is anticipated that 1,500 men will have taken part in the program by the time funding runs out on 30 June 2011. My questions are:

1. Given the success of the Men in Community Program, will the minister consider funding this initiative once the federal exceptional circumstances funding expires on 30 June next year?

2. In doing so, will the minister also examine the continuing utilisation of the skills of the Men in Community presenters who have experienced life in small to medium-sized rural communities?

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) (15:12): I thank the honourable member for his most important questions, and I will refer those to the Minister for Health and bring back a response.

CONSUMER PROTECTION

The Hon. CARMEL ZOLLO (15:12): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about shoppers' rights.

Leave granted.

The Hon. CARMEL ZOLLO: As we are rapidly approaching a very busy retail period, with Christmas not too far away, consumers need to be aware of their rights. Will the minister advise the chamber of the work that the Office of Consumer and Business Affairs is undertaking to protect consumers in the lead-up to Christmas?

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) (15:13): I am sure that members are well aware of the approaching time of Christmas, as shoppers are looking out for gifts. During this hectic time, it is important that traders are not misleading shoppers about their rights and that they do not get caught up in the spur of the moment and end up being taken advantage of.

It is most reassuring to be told that officers from the Office of Consumer and Business Affairs (OCBA) are out and about this week. They are monitoring traders' warranties and refund practices. As I have said in this place before, consumers may be entitled to a refund if an item is faulty, does not match the description as advertised or does not do what it is supposed to do. Alternatively, consumers may be entitled to have the item repaired or replaced.

OCBA is most concerned when a trader appears to indicate that a refund is not a consumer right in any circumstance. The most common misleading statements that OCBA tends to come across are things like signs that say, 'No refunds on sale items' or simply, 'No refunds'. These signs are, in fact, illegal.

Given the nature of many of the goods purchased at this time of year, it is important to note that, in cases where shoppers have simply changed their minds about a purchase, they are not entitled to a refund or a replacement. Nor, if they get it home and decide it is a bit too tight or if their partner takes one look at it and says, 'You look terrible in that; get a refund' (I have, unfortunately, been the victim of a few dud decisions myself), the shopper has to wear that. They are not entitled to a refund or replacement simply because they do not like it, they changed their mind, the colour does not match or, as I said, it is a wee bit too tight or too loose.

Nevertheless, it is always interesting to note that there are many retailers who do provide refunds or, more commonly, exchanges when the shopper changes their mind. They do that out of their own store policy and they often do that to create goodwill with their shoppers. I commend those retailers who do offer that extra bit of a buffer zone for poor decisions.

One interesting area that OCBA officers are looking at is traders' refund policies with respect to sale items. Some consumers and traders mistakenly believe that refund rights do not apply to sale items. As part of the monitoring process, OCBA will be reminding traders that the consumer's right to a refund does not change just because the price of the goods has been reduced. If the goods are faulty, do not comply with the description advertised or do not do what they are supposed to do—irrespective of whether it is on sale or not—one is still entitled to either a refund or replacement or repair.

Stores caught breaching the fair trading laws will be issued with a formal warning. Any repeat offenders will be prosecuted. The maximum penalty for making misrepresentations to consumers is $20,000 or $100,000 for a body corporate. Under the new Australian Consumer Law, which commences on 1 January 2011, the maximum penalty for making a false or misleading representation will be significantly increased to $220,000 or $1.1 million for corporations. You can see that the penalties will be quite stiff.

Shoppers who spot a refund sign that they believe may be incorrect should raise the issue with the store, and we also encourage them to report it to OCBA. To report concerns or simply to obtain information and advice about consumers' rights, I encourage consumers to contact OCBA. Of course, consumers can always obtain a wealth of information and advice about their rights on OCBA's website. I wish all honourable members happy Christmas shopping, and I hope that they do not come across any improper signs and, if they do, they are encouraged to report them.

WORKCOVER CORPORATION

The Hon. J.A. DARLEY (15:18): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question regarding WorkCover.

Leave granted.

The Hon. J.A. DARLEY: In 1990, WorkCover introduced a bonus/penalty scheme as an incentive to employers to improve the safety of workplaces. The basis of this scheme was to either reward or penalise employers based on the cost of claims by their workers in a two-year period. It was thought that penalising employers with high cost claims and rewarding employers with low or no cost claims would encourage employers to improve and maintain high standards of safety in the workplace for their employees.

However, following a review in 2009, WorkCover made the decision to abolish the bonus/penalty scheme as it did not believe the scheme was operating effectively. Consultation from stakeholders was sought in late 2009 for alternatives, with the view that a new scheme would be operational as of July 2010. This would have ensured that there would be no period where employers incentives did not exist. I understand that WorkCover has suggested an experience-rated system as an alternative; however, I understand that, to date, no scheme has been implemented to replace the bonus penalty scheme which ceased to operate on 30 June 2010. My questions are:

1. Can the minister provide any details of what will replace the bonus/penalty scheme?

2. Can the minister advise when a new scheme will be introduced and when this will become operational?

3. Can the minister advise why there has been such a delay in implementing a replacement scheme when it was envisaged in WorkCover's consultation report from November 2009 that a new incentive scheme would be operational by 2010?

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) (15:20): I thank the Hon. Mr Darley for his important question. The bonus penalty scheme for WorkCover ceased on 30 June this year following a WorkCover board decision back in July 2008. The honourable member is correct: WorkCover has been carefully examining alternative schemes and considering a way forward.

The task of identifying an appropriate system to collect money from employers to cover the cost of the South Australian workers compensation scheme is not easy. The scheme needs to collect a set dollar amount each year to cover the estimated costs for that year. Any revised approach, including adjustments for individual employers, would be an allocation method aimed at distributing the cost of the scheme across all employers within the scheme.

The bonus penalty scheme was flawed. I think from memory there were a lot more bonuses than there were penalties. I think it was about $50 million a year. It was not a self-funding scheme where bonuses offset penalties; rather, it was about $50 million in deficit with more bonuses being paid than were recovered in penalties, so it was not a true revenue-neutral scheme in that regard.

While the scheme had its problems, I understand that WorkCover's new Chief Executive Officer, Mr Rob Thompson, believes that experience rating does have a place in workers compensation schemes based on his career in insurance and many workers compensation schemes. I understand that most Australian jurisdictions have an experience rating system of some kind.

In August 2010, the WorkCover board gave Mr Thompson imprimatur to canvass with employers their interest in an experience rated premium system as the future employment payment method in South Australia on the basis of the preliminary feedback from employers. The WorkCover board at its September meeting agreed that more detailed consultation on the features of a new employer payment system for South Australia is justified.

I understand that WorkCover commenced a staged consultation process in October and to date a total of nine workshops attended by close to 140 employers have been held to provide stakeholders with information regarding employer payment systems and to gain preliminary input into the design of such a system. I am advised that WorkCover hopes to release two discussion papers in December 2010, one on experience premium rating and the other on retro paid loss.

I recognise the employer community's desire for a timely replacement to the previous bonus penalty scheme. WorkCover will keep all stakeholders, especially employers, informed of developments as they occur. I conclude with this point: certainly it would be my expectation that

any scheme like that would be revenue-neutral in the sense that it would not add additional costs to the scheme as the previous bonus penalty scheme did.

WORKCOVER CORPORATION

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) (15:23): I seek leave to make a ministerial statement about proposed reforms to WorkCover's dispute resolution processes.

Leave granted.

The Hon. P. HOLLOWAY: I can inform honourable members that this government is taking steps to simplify WorkCover's dispute resolution processes to deliver faster results for injured workers. The proposed changes will create a more equitable process, with speedier outcomes for injured workers without undermining the financial strength of the WorkCover scheme.

Such reforms support our objective of providing certainty for all parties in dispute, with the ultimate aim of enabling a quicker return to work for injured workers. A healthier workers compensation scheme is not only to the advantage of workers and employers but also benefits the wider South Australian community.

Since the introduction of legislative reforms in 2008, injured workers weekly payments are discontinued, regardless of the dispute being lodged with the Workers Compensation Tribunal. The changes I am proposing will seek to suspend any disputed decision to reduce or discontinue payments for a period of up to 28 days. Let me make clear that workers will continue to receive weekly payments during this period. This will help financial certainty for injured workers.

Integral to the establishment of this expedited dispute resolution process will be the creation of a dispute resolution officer within the Workers Compensation Tribunal. Several stages of the dispute resolution process will also be modified to reduce the time taken and resources used to review a decision, with the tribunal coordinating the process and issuing final orders to the claims agent or self-insurer. Under the proposed amendments to the act, an injured worker will receive a more detailed and informative written notification from the claims agent of discontinuance of weekly payments. This will allow the worker to better understand the reasons put forward for discontinuing their payments.

If a notice of dispute is lodged, the Workers Compensation Tribunal registrar will initially check the claims agent has provided sufficient evidence to support its decision to discontinue payments, and that the claimant has responded meaningfully to the issues raised in the notification. A dispute resolutions officer will then expeditiously determine whether the discontinuance was correct on non-medical grounds, or refer the case to a medical panel where the decision involves medical grounds. If the resolution finds against the initial determination made by a claims agent, the tribunal will issue a final order to reinstate income maintenance for the injured worker and backpay any amounts that may be owed.

A judicial appeal will remain an option for all parties if they wish to have the decision reviewed. The decision of the dispute resolutions officer will stand pending the outcome of the appeal. I can now inform members in this place that a formal consultation process will be initiated with all relevant stakeholders. I welcome feedback on these proposals to simplify and speed up the dispute resolution process and look forward to bringing the required amendments before this place in the new year.

GAWLER EAST DEVELOPMENT

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) (15:27): I seek leave to clarify an answer I gave during question time.

Leave granted.

The Hon. P. HOLLOWAY: In reply to a question asked today by the leader in relation to Gawler East, I inform the council that a letter was sent from the Chief Executive Officer of the Department of Planning and Local Government, Mr Ian Nightingale, to the Chief Executive Officer of the Town of Gawler on 20 September 2010. Gawler council asked before the council elections for this letter that captured the negotiations regarding road infrastructure. The chief executive of the department advises me that currently negotiations are progressing re that infrastructure agreement.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (END OF LIFE ARRANGEMENTS) AMENDMENT BILL

The Hon. A. BRESSINGTON (15:28): I seek leave to make a personal explanation.

Leave granted.

The Hon. A. BRESSINGTON: Last night during the voluntary euthanasia debate I gave an example of a woman, 23 weeks pregnant, and her husband, who were being coerced into going to Victoria for an abortion on the presumption that their baby had Down syndrome. This example was used to demonstrate the fact that slippery slopes do exist and was not in any way an endorsement of aborting Down syndrome babies. Should anyone have believed that this example was offensive, I suggest we take note and deal with what is occurring on a daily basis in these so-called pregnancy advisory clinics.

INNAMINCKA REGIONAL RESERVE

Adjourned debate on motion of the Minister for State/Local Government Relations:

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).

(Continued from 23 November 2010.)

The Hon. M. PARNELL (15:29): I rise to conclude my remarks on this motion, and in so doing take the opportunity to thank the minister for providing me with answers to a number of questions that I raised. I understand the minister will read those answers into the *Hansard* record. This motion provides for some important improvements in relation to the ability of traditional owners to undertake activities with some autonomy, including providing them with freehold title to some parcels of land. I understand, from the minister's response, that we do not yet know exactly which parcels of land will be transferred to the traditional owners, but I would hope that the government will be generous in its dealings with these people.

Lest any members think that I have made a bit of a mountain out of a molehill, given that this is a relatively small area that we are talking about, I remind members that we have had lodged today, just before question time, a ministerial statement from the Premier referring to considerable economic development proposed in the north-east corner of our state in relation to the Cooper Basin gas project, which the Premier describes as one that will create more than 1,000 jobs during its construction phase and hundreds of jobs during the operation of this proposed liquefied natural gas project.

It has also come to my attention that the Queensland government proposes to seal the road to the Queensland border which, as I understand it, is some 50 kilometres from Innamincka. So I feel that the pressure for development on this remote area will only increase; hence the importance of making sure that we have proper planning rules in place to ensure that development is appropriate, sensitive to the local environment and, in relation to traditional owners, sensitive to their wishes as well. With those few words in conclusion, I advise that the Greens support the motion, and I look forward to the minister reading into *Hansard* answers to some of the questions I posed earlier.

Debate adjourned on motion of Hon S.G. Wade.

MURRAY-DARLING BASIN PLAN

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) (15:34): I table a copy of a ministerial statement relating to the Murray-Darling Basin Plan and referral to the Natural Resources Committee made earlier today in another place by my colleague the Minister for the River Murray.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

Adjourned debate on second reading.

(Continued from 23 November 2010.)

The Hon. S.G. WADE (15:34): I rise to speak on the Statutes Amendment (Criminal Intelligence) Bill 2010 on behalf of the Liberal opposition. It is disappointing that yet again the government is rushing through key legislation. We are told that the drop-dead date is 4 December, but the bill was tabled only on 27 October. We have been given merely a month to digest a bill dealing with very significant matters. The bill responds to the High Court judgment in the K-Generation case, which was handed down on 2 February 2009, some 22 months (almost two years) ago.

The government's failure to progress this matter and to engage other parties in this parliament is particularly disappointing, given the new Attorney-General's assurances that he would take a distinctively consultative approach. I am disappointed the government did not take the opportunity to bring this matter before the parliament earlier.

The government says that they were holding off on the bill to implement K-Generation, awaiting the Totani judgement, in anticipation of any changes to the Serious and Organised Crime (Control) Act necessitated by a High Court judgement in Totani which could be dealt with at the same time. However, I submit that that argument lacks credibility. Once the government was called back to the High Court in the Totani case in June, waiting for the Totani judgment had to be at the expense of the time available to this parliament to deal with this bill.

Further, the government is miscommunicating on the bill. I understand that government officers have been telling legal stakeholders not to worry about this bill, that it is routine. We do not agree that this bill is routine and, if it was, the government should have done the parliament the courtesy of an early briefing on the issue, even before the bill was ready for tabling.

One of my concerns with this bill, which I will discuss further later, is that the government may well be rushing to implement a regime which may yet be found to be invalid. There were comments in the Totani judgment which suggest that the court may be more comfortable with some of the words we are getting rid of rather than the words we are keeping. After the government's self-indulgence in taking the Supreme Court decision in Totani on appeal to the High Court, the opposition wants to avoid the government wasting even more money on legal disputation.

As we go through consideration of this bill today, I urge the council to hold the government to account for the shortness of the time. It is the government which failed to bring in the bill earlier; it is the government which has chosen not to sit the optional week of parliament. The government must not be allowed to use a crisis of its own making to avoid proper scrutiny and due consideration of legislation.

I thank the government for the briefings by officers and for the support from both the Attorney-General and his office. In particular, I acknowledge the briefings we received from Matthew Goode, of the Attorney-General's Department; Assistant Commissioner Tony Harrison, of SA Police; and Debbie De Palma, a legal officer of the Crown Solicitor's Office working with the police. I have a high regard for all three officers, and I found their briefings informative and quality.

The opposition is deeply grateful for and respectful of the hard work of our police in supporting the safety of our communities. Their work is often dangerous, and we put a high priority on making sure that police have access to the tools they need to do their job. That is why we called for the provision of tasers to our police on the streets in the face of continued mocking from this government. One of the tools the police need is appropriate police powers—police powers managed within a consistent framework. A sound framework supported by law and accountability will help the police do their job. In particular, police powers in a consistent framework support public confidence in the police and the broader justice system.

Since 2003, the Rann government has introduced a series of pieces of legislation which have permitted secret evidence, which in these bills is called 'criminal intelligence'. It has been particularly applied in licensing, regulatory and court processes and, according to the minister's second reading explanation on this bill, the government has been using this tool in the name of disrupting the activities of organised crime. After seven years, the opposition thinks it is time for a stocktake to look at what impact the laws have had, the benefits and the detriments.

In coming to this bill and the discussions around it, the opposition is not responding to any known abuse of the criminal intelligence powers. South Australia is extremely fortunate to have a world-class police force, and the evidence made available to us is that criminal intelligence is used sparingly and cautiously. But a world-class police force needs a world-class legal regime supporting their operations. Criminal intelligence, after all, represents both an opportunity and a risk to both policing and the justice system.

The use of criminal intelligence significantly increases risks in a range of areas. Criminal intelligence increases the risk of miscarriages of justice. Without the subject person's direct awareness of the allegations against them, there is a real risk that they will not be able to rebut rebuttable assertions and, therefore, miscarriages of justice ensue. Criminal intelligence increases the risk of corruption. For example, a rival (commercial or otherwise) can offer hearsay to damage another party without them being able to defend themselves against malicious claims.

Thirdly, criminal intelligence increases the risk of political misuse. Fourthly, criminal intelligence can undermine standards of police investigation. There is a risk that police will become less diligent in their investigative work and rely on criminal intelligence as a short cut to robust evidence. Criminal intelligence can also undermine public trust in the justice system. Open courts and open justice support public confidence in both of those processes.

It is the opposition's view that special powers require special accountability. In this regard, we believe that the Rann government has failed to provide both an adequate focus and an adequate level of accountability. In the amendments that we will move to this bill we seek to improve both focus and accountability.

In relation to focus, it is a fundamental principle of the rule of English law that a person has the right to know the case against them. It is a right which should only be waived in exceptional circumstances. The government asserts that the development of serious and organised crime in this state means that the police need special powers such as criminal intelligence. In his second reading speech on this bill, the Attorney-General said:

> The development of criminal intelligence provisions in a number of acts was directed to the destruction of the activities of organised crime.

In that context, the Liberal opposition will move to amend the bill to make that focus clear. At this stage we assume that the police do need the tool of criminal intelligence, but we want to minimise the risks by focusing the tool on the fight against organised crime. In our view, the fight will be enhanced by giving the police a sniper rifle rather than a shotgun. We have tabled amendments which we consider will focus the tool.

I stress to the council that we have made it clear to the government and other members of this house that we are not wedded to a particular form of words to achieve a focus. We are disappointed that, in spite of our best efforts to engage the government in improving the words, we were left to our own devices. We have done the best we can but we still remain open, ever hopeful, that the government (or for that matter any other member of this house) might help this legislation be even better.

I appreciate the opportunity to discuss our amendments with Assistant Commissioner Harrison and Debbie De Palma, and I share their concerns that the amendments need to be workable. Since we met with the assistant commissioner and Debbie De Palma, we have significantly redrafted what we understand is the key phrase which is how we define 'serious and organised crime'. We certainly believe that those provisions are workable.

We have changed our amendments to make it doubly clear that we do not consider that focusing this legislation should require that a person be proved to be a member of a proved organisation. The Rann Labor government has a record of ramming ill-considered laws through the parliament, and the South Australian Liberals will work to balance the needs of community safety and the rights of individuals.

Secondly, we seek a change in the practice in terms of accountability. Recent briefings on criminal intelligence have shown a lack of checks and balances. In our view, there should be more guidelines for officers in the use of criminal intelligence. There should be an improvement in record-keeping and there should be an improvement in reporting and review.

The former attorney-general, Mr Atkinson, labelled the Serious and Organised Crime (Control) Act 2008 as draconian and the Attorney-General Rau has called criminal intelligence 'a breach of procedural fairness and natural justice'. Despite these admissions, the Rann government has neglected to ensure that strong checks and balances are in place. Given the government's failure to properly monitor the use of secret evidence, we cannot be sure that it is doing more harm than good.

The fight against organised crime is all about making our communities safer. However, to support ongoing public confidence these laws need to protect rights in the process. That is why, in this bill, we are moving for an independent review and ongoing accountability. I now turn to the

detail of the bill. The Statutes Amendment (Criminal Intelligence) Bill 2010 was introduced into the House of Assembly on 27 October.

The Rann government has introduced a range of bills since 2003 providing for the use of evidence which cannot be challenged in judicial or administrative proceedings, commonly referred to as 'criminal intelligence'. Broadly, criminal intelligence is information which is critical to a decision but which cannot be made public or, in particular, disclosed to the individual to whom it related because to do so could prejudice criminal investigations. Secondly, it could enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or, thirdly, endanger a person's life or physical safety.

Once information has been declared to be criminal intelligence, the information is accepted as evidence in a proceeding without being first made available to the other parties to the proceedings to be able to test the reliability of the evidence. A person applying for a licence or a party to legal proceedings is denied the right to know the case and to know of and respond to evidence that is prejudicial to their application or their case. The government has acknowledged that this is a breach of procedural fairness and natural justice.

There is a range of acts which include provision for criminal intelligence. To overview them briefly, they are the Serious and Organised Crime Control Act 2008, the Serious and Organised Crime (Unexplained Wealth) Act 2009, the Summary Offences Act 1953 which deals with anti-fortification, the Casino Act, the Firearms Act, the Gaming Machines Act, the Hydroponics Industry Control Act; the Liquor Licensing Act and the Security and Investment Agents Act. In 2009 the government tabled the Second-Hand Goods Bill 2009, and that included provision for the use of criminal intelligence but it was not proceeded with.

The Summary Offences (Weapons Amendment) Bill 2010, which is currently before this council, also proposes criminal intelligence. Clearly, the government wants to incrementally and persistently increase the use of criminal intelligence. The statutory formulation of criminal intelligence has evolved over a range of bills, such that there are, in broad terms, three generations of provisions.

The first is what I call the original set which was used in the Summary Offences Act re fortification, secondly, what I call the K-Generation set of formulations, and, thirdly, the Kourakis set, a revised formulation of criminal intelligence recommended by the then Solicitor-General to make the provisions more amenable to High Court approval. In the end, the second generation of criminal intelligence was upheld by the High Court in the K-Generation case.

As indicated, that case was brought down at the beginning of 2009. At that stage, the government decided that, to reduce the risk of legal challenge, all the criminal intelligence formulations should be made consistent with the K-Generation model. Bills drafted subsequent to the decision have been drafted to reflect the second generation model; however, some third generation models had already passed the parliament and were in the process of being proclaimed.

The government's response was to only partially proclaim them, not proclaiming what I call the third generation elements. Under section 7(5) of the Acts Interpretation Act 1914, the third generation elements of these bills would be automatically proclaimed with the elapse of two years (which would be 4 December 2010) and hence the deadline that this council faces. All other acts amended by this bill, I understand, are already fully proclaimed.

The government recently defended the Serious and Organised Crime Control Act 2008 in the Totani case. The judgement of the High Court was a strong one, with a six to one judgement, and it struck down a key clause of the SOCC Act. While the court focused on the matters before it, there was a range of obiter dicta statements that related to criminal intelligence. For example, favourable remarks were made about the formulation of criminal intelligence in SOCCA legislation in contrast to the formulation in K-Generation.

Whilst there are some elements of the third generation model which are likely to be held to be contrary to the K-Generation judgement, some elements may be preferred. So, I am not convinced that the government's latest formulation is the one that will be most amenable to the High Court in their challenge, and the parliament should be realistic in planning for challenges.

This legislation and the Serious and Organised Crime (Control) Act—whether it is the current act as amended or a new act—are likely to face a series of challenges into the future. After all, it is only a matter of weeks since we received the judgement of the High Court in the Totani

case. The High Court is scheduled to commence hearing the Wanhou case, a challenge to the New South Wales bikies law, in the next week or so.

The Supreme Court of South Australia has already started hearing another appeal by Mr Totani against another aspect of the SOCCA legislation. It is clear that the millions of dollars that the government has spent on the anti-association laws has been money that may well have been better spent on more direct policing of criminal organisations. That is an assessment that we, as a parliament, and we, as an alternative government, need to consider in the weeks and months ahead, when we consider what priority and what level of investment we will be putting into anti-association laws in comparison with other elements of the crime-fighting tool kit.

Given a 6:1 ruling from the High Court and another wave of legal challenges on the way, we need to stop and soberly assess where we can best get value for money in protecting our communities from crime. For our part, the SA Liberals are actively considering all future options.

The government makes much of the fact that other states have followed South Australia in enacting legislation to deal with serious and organised crime, including provisions to use criminal intelligence, but I think it is worth this council noting that no other state has followed South Australia in the use of criminal intelligence beyond the SOCCA-type act. So, I ask the parliament: if there is no other state or territory that needs to use criminal intelligence in its general criminal laws, licensing laws or regulatory laws, why does South Australia need to?

Even if K-Generation reflects the law going forward, the Liberal opposition is concerned that police and court policy and practice may not fully reflect the judgements of the courts and, as such, may fail to properly protect the rights of our citizens and also leave those proceedings subject to challenge.

To put it bluntly, the High Court's endorsement of the statutory formulation in the K-Generation case was given on the basis of a range of assumptions about how criminal intelligence would be handled by the courts. We are concerned that the state may be open to litigation if proper court processes are not put in place to ensure that the judgement of the court is respected. In this context, I would like to quote from correspondence that the opposition has received on this bill from the Law Society:

> Integral to the validity of the legislation…was the fact that the courts (Licensing and Supreme) could determine (1) whether the Police Commissioner's classification of information as criminal intelligence fell within the statutory definition of 'criminal intelligence'; (2) what weight to attach to the criminal intelligence; (3) the necessary steps to maintain confidentiality, including the ability to disclose to whomever it considered appropriate the whole, a part or a summary of the criminal intelligence with appropriate conditions; and (4) whether it will afford an opportunity to the aggrieved party to be heard in relation to the criminal intelligence.
>
> The High Court arrived at such a view after interpreting the legislation by a well-established and conservative principle of interpretation that statutes are construed so that they do not encroach upon fundamental rights and freedoms at common law. Specifically, the legislation was interpreted to give effect to the rule of law that courts sit in public and accord procedural fairness.
>
> It was by no means clear on the face of the relevant provisions of the Liquor Licensing Act that the safeguards (1) to (4) mentioned above were contained in the Act, even less so to a lay person. That much was obvious by the three separate judgements of the Court and the variety of submissions by the parties and interveners. It was also obvious by the manner in which K-Generation's legal representative conducted his/her client's case at first instance.
>
> By way of example, the provision in K-Generation which indicates that the Court/tribunal must test the Commissioner's classification is the definition of 'criminal intelligence' as follows:
>
> - criminal intelligence means information relating to actual or suspected criminal activity…the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement.
>
> The underlined phrase 'could reasonably be expected' was considered by the High Court to be significant because it was interpreted to mean that whether information was criminal intelligence was to be determined by a court by reference to the criteria outlined in the definitional provision. Neither the Licensing Court at first instance nor any party before it so interpreted this provision.
>
> Another example concerns confidentiality and procedural fairness. The provision in K-Generation which indicates the existence of the safeguards (3) and (4) above relevantly provides as follows:
>
> - …the Commissioner, the Court or the Supreme Court must…take steps to maintain the confidentiality of…criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives…
>
> The High Court considered that this provision, properly construed, gave the Licensing Court (and Supreme Court) a degree of flexibility in the steps to be taken to maintain confidentiality. The legislation did not direct the

Licensing Court as to the particular steps to be taken, nor did it deny the Court the assistance of submissions by the aggrieved party(s) as to what those steps should be. Importantly, the underlined phrase 'including steps…' does not mandate the taking of steps to hear argument in private in the absence of the aggrieved parties. That phrase simply outlines the limits of the range the Court may act in. Again, neither the Licensing Court at first instance nor any party before it so interpreted this provision.

The question the High Court in K-Generation considered was whether s28A was a valid law, not whether it was well or appropriately drafted. Indeed, the Court acknowledged the legislation departed from rules normally observed in legislation affecting courts in this country.

It is, of course, preferable for legislation to be clear on its face so it can be understood (as much as possible) by the community as a whole, not just the legal community. It is in its failure in this respect that the Bill is open to some criticism.

I should pause there and just say the Law Society is now talking about the bill before this council. The Law Society's advice continues:

Whilst it seeks to standardise those provisions the High Court considered were valid, it does so without apparent regard to the clarity of the legislation. It would be preferable if the Bill could expressly, and in plain language, outline for all to read in a readily understandable way the important and fundamental features that led to the High Court ruling the legislation was valid.

The principal concern is to avoid in future the situation that occurred at first instance in K-Generation. One must not assume that all future litigants, including their legal representatives, will correctly read the legislation in light of K-Generation.

For those of us who have had to wade through the judgement in Totani, it would be cruel and unusual punishment to expect ordinary citizens to read statutes with a High Court judgement in the other hand.

The Liberal opposition, in response to the Law Society's comment, is not closed to the prospect of enumerating the details of the court procedures in relation to criminal intelligence. However, given the 4 December deadline, we do not have the time to do so in this round of amendments. In any event, we do not consider it is always the best practice to codify these matters. It may well be that guidance on these matters may better sit in other documents such as police policies or Magistrates Court rules.

In our proposed amendments, we specifically ask for review on the compliance of police and courts with relevant judicial considerations. When members read those elements in the amendments, I would remind them that the cases that we had particularly in mind were K-Generation and Totani. It is important that our laws and our practice reflect both statute law and common law.

Advice we have received from the government indicates that criminal intelligence is not regularly used and is being managed to an international standard that is commonly used throughout the world. The Liberal opposition, nonetheless, sees the value of reviewing where we are and where we are going with criminal intelligence. Considering that these tools have been put in place in the context of the serious and organised crime efforts, we believe that it is appropriate that this accountability and review be managed within the SOCCA framework.

There is a review of the SOCCA legislation scheduled for 2012. The SOCCA legislation was proclaimed on 4 September 2008. An annual review is due to the minister by 30 December 2010, and the review must be tabled within 12 sitting days. I know that the council is eagerly awaiting the tabling of the next report. A four-year review is due to commence on 4 September 2012.

The Liberal opposition also sees the need for enhanced recording and reporting of the use of criminal intelligence. In the absence of reporting an assessment, it is difficult to establish how useful criminal intelligence is over and above other tools, including public interest immunity, and what impact it is having on the rights of parties. The information we have been given suggests that criminal intelligence is not being widely used, but that is not to say that the police may not use it more in the future.

I will summarise in very broad terms the amendments that have been filed in my name. Through those amendments, the Liberal opposition seeks to focus criminal intelligence on serious and organised crime in accordance with the intention of the government. We will seek to strengthen reporting and review, particularly through a review of the use of criminal intelligence, an enhanced annual review, a four-year review and enhanced powers to the reviewer.

We will maintain parliamentary oversight through the use of a sunset clause for each criminal intelligence provision and align those sunset clauses with a sunset clause in the serious and organised crime act. I look forward to consideration of this bill in the committee stage.

Debate adjourned on motion of Hon. R.P. Wortley.

INNAMINCKA REGIONAL RESERVE

Adjourned debate on motion of Minister for State/Local Government Relations (resumed on motion).

The Hon. K.L. VINCENT (16:02): I apologise for my absence earlier, so I will be brief. I wish to thank the Minister for Environment and Conservation for providing me with a briefing on this matter. I understand that the excision of the Innamincka township is in fact in line with the Indigenous Land Usage Agreement that was signed by the traditional owners of the YY people a number of years ago. I do hope that I am not offending anyone but I am not actually even going to attempt to pronounce the actual name. I know that Hansard has enough difficulty understanding me as it is, so forgive me.

I was assured during that briefing that the traditional owners were comfortable with the excision of the township from the Innamincka Regional Reserve in view of the ILUA. However, I felt that it was my duty to make contact with the representatives of the traditional owners to ensure that they were fully informed of what was happening. I understand that the ILUA provided for the excision. I just wanted to be sure that there were no other issues that had cropped up since then, so to speak. My office has been in contact with the representatives of the traditional owners on a number of occasions and, as result of these discussions, I advise that I will be supporting this motion.

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) (16:04): I thank honourable members for their contributions in support of this motion: the Hons Mark Parnell and Kelly Vincent. The Hon. Mark Parnell asked a number of questions during his second reading contribution, and I will now provide the answers for the record. He asked a question in relation to which conservation groups were consulted. I have been advised that The Wilderness Society was advised on the proposed excision and raised no concerns as the proposal supports the aspirations of the YY people to connect with their country.

As I mentioned in this place yesterday, the township ILUA was entered into between the state and the YY people to settle the native title claim over the township. The ILUA requires the state to seek parliament's approval to excise the township from the regional reserve, so that a number of allotments can be freeholded to the YY people as part of the negotiated native title benefits package. The ILUA has been registered with the National Native Title Tribunal and is binding on all parties. The South Australian National Parks and Wildlife Council was advised of the proposal and raised no concerns.

Questions were asked about the freehold blocks, the size of the blocks and whether there were any blocks outside the 182 hectares being excised. I have been advised that the agreed blocks will be transferred to the YY Aboriginal Lands Corporation to hold on behalf of the YY people. This is the body that has entered into the ILUA with the state. The blocks are approximately 0.12 hectares each. There are no freehold blocks in the Innamincka Regional Reserve outside the 182 hectares being excised. The existing freehold blocks are located within the township boundaries, as are the crown land blocks, and will be considered for freeholding.

There are 150 blocks in the total of the township; around 50 are currently freeholded, four will be freeholded to YY as part of the ILUA and the remaining 100 blocks will be assessed for future freeholding opportunities and will remain in the care and control of DENR on behalf of the minister. There was also a question about whether development applications are assessed against the management plan for the park, the development plan or a combination of both. I have been advised that the development by a crown agency on land dedicated under the National Parks and Wildlife Act is exempt from approval under the Development Act.

It is not assessed against either the management plan or the development plan. Development by any other party is assessed against the provisions of the development plan and a number of other instruments, including, for example, building rules. It is not assessed against the reserve management plan. However, it should be noted that under the National Parks and Wildlife Act a reserve management plan must be prepared, having regard to the provisions of any relevant

development plan and the overarching planning for the state. This ensures consistency between the two planning documents. In essence, the development plan takes precedence in assessing development applications.

There was also a question from the Hon. Mark Parnell on whether there was any consistency at present between the development plan and the reserve management plan. I have been advised that the Innamincka Regional Reserve management plan was adopted in 1993. The township is part of the broader Innamincka zone, which covers the main area of visitor interest along the Cooper Creek. The management plan emphasises the need for careful development within the township that is compatible and complementary to the built environment of the township and development that does not detract from the surrounding natural features of the reserve.

The management plan is entirely consistent with the development principles for Innamincka township that are described in the development plan. It is considered that the development plan provides a sufficiently high requirement for development to be consistent with the reserve's environment and heritage values. The Department for Environment and Natural Resources is revising the Innamincka Regional Reserve management plan in consultation with the YY Parks Advisory Committee, which has been established as an outcome of the ILUA for Innamincka Regional Reserve and the Coongie Lakes National Park. It is expected that the draft management plan will be released for public consultation in 2012.

There was a question about whether the township came under the provisions of exempt land under the Mining Act, and I have been advised that, yes, the existing provisions of the Mining Act place the township, associated infrastructure and the airstrip within definitions of exempt land. Finally, there was a question about whether the land will need to be surrendered in the pastoral lease over the Innamincka Regional Reserve. I have been advised that, yes, that is required. However, DENR has advised that the pastoral lessee has already surrendered that portion of their pastoral lease that is being excised from the regional reserve. I thank members for their support.

Motion carried.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. B.V. FINNIGAN (16:10): I thank honourable members for their contributions on this bill. What the government is trying to do with this piece of legislation is relatively straightforward. It is to ensure that the police are able to use maximum powers in accordance, as much as possible, with the decision of the High Court in K-Generation, in particular. That is the aim of the bill, and the reason we wish to deal with it expeditiously.

The Hon. Mr Wade indicated a number of amendments. He has now filed a different set of amendments, but they are quite similar. South Australia Police has very clearly advised the government that it believes the amendments, in particular regarding the definition and scope of criminal intelligence, would make the bill unworkable, would severely compromise the ability of police to do their job and limit the scope of the criminal intelligence provisions.

As I said, the Hon. Mr Wade has filed revised amendments which, instead of inserting a definition of criminal organisations, relate to two or more people involved in criminal activity. The advice we have received from SA Police and from those involved in prosecuting serious and organised crime, in particular, and more generally crime across the board, is that the revised amendments are not acceptable, and the government is adamant that it will oppose those amendments.

Those amendments still significantly limit the scope of the criminal intelligence provisions and, rather than the existing definition of criminal intelligence, which the opposition wants to do away with but which captures all these criminals, it would instead narrow the scope. Obviously we will deal with it in more detail in the committee stage; however, the government is firmly of the view that the amendments proposed by the Hon. Mr Wade would make the job of South Australia Police a lot harder, make these provisions unworkable and limit the ability of the police to do their job.

Obviously it is very important to ensure that, as much as possible, the criminal intelligence provisions are in accordance with the decisions of the High Court. The government has carefully considered the constitutional issues that the High Court raised in the K-Generation case, in particular, and wants to ensure that its provisions are consistent with that decision and thus, as much as we can be confident of it, be constitutionally valid.

The government opposes the amendments to be moved by the Hon. Mr Wade, particularly in regard to the definition and scope of criminal intelligence. It believes they would impose an intolerable restriction on and limit the scope of the bill, and prevent police from being able to do their job. We really want to get this bill dealt with expeditiously and on the statute so that whatever work the police are able to do, using the provisions of this bill, will not be under a potential constitutional threat inasmuch as that can be provided for.

Obviously, a number of pieces of legislation are being reviewed in light of the Totani decision. So, this issue most likely will be revisited next year, but in the interim we would not want police operations to be compromised by either keeping in place a provision which is not as constitutionally sound as it could be or by substituting the Liberal amendments, to be moved by the Hon. Mr Wade, which would significantly limit the scope of these criminal intelligence provisions and hinder the ability of the police to do their job in tackling crime. However, we will deal with those issues in more detail in the committee stage. I thank honourable members for their contributions, and I commend the bill to the house.

Bill read a second time.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (EXEMPTIONS AND APPROVALS) AMENDMENT BILL

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

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) (16:19): I move:

That a message be sent to the House of Assembly granting a conference as requested by the house; that the time and place for holding it be the Plaza Room at 5pm on 25 November 2010; and that the Minister for Mineral Resources Development (Hon. P. Holloway), the Hon. B.V. Finnigan, the Hon. S.G. Wade, the Hon. J.S.L. Dawkins and the Hon. D.G. Hood be the managers on the part of this council.

Motion carried.

PRINCE ALFRED COLLEGE INCORPORATION (VARIATION OF CONSTITUTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 November 2010.)

The Hon. J.S.L. DAWKINS (16:20): I rise to support this bill. At the outset I declare that I am an old but not very distinguished scholar of Prince Alfred College, and I also invested significant funds in that institution when my son passed through its halls some years ago. This bill seeks a minor amendment to the Prince Alfred College Incorporation Act 1878 to remove the requirement in section 19(4) for a minimum of 12 members to approve any change to the college council's constitution but retaining the requirement for three-quarters of the membership of the council to support such an amendment. This more flexible approach has been sought by the Prince Alfred College council after consultation with the South Australian Synod of the Uniting Church in Australia. I understand the synod supports the change which is in line with its own governance arrangements.

The Liberal Party supports the change, but I want to make a few comments on the process under which this matter has been dealt with by our esteemed colleagues in the lower house. In the process leading up to this matter being debated in the House of Assembly, the Minister for Education sought from the Liberal Party an agreement to set aside the requirement for this bill to be referred by the presiding member of the relevant house to a select committee as a hybrid bill.

When the act was last amended in 2007, standing orders were suspended in the House of Assembly so as to pass the bill without constituting a select committee. However, in this council we recognised that because it was a hybrid bill there needed to be a select committee, and one was constituted in this house. I served on that select committee and, while it proceeded uneventfully, it proceeded in a proper way. In that time for taking evidence was set and advertised and the general public were given the opportunity to participate.

The Liberal Party resisted the request for a suspension of standing orders in the House of Assembly this time, because that bill, the Prince Alfred College bill, originated in the House of

Assembly and that is the place where such a select committee should operate. As such, the select committee took place I think in the last sitting week; it was established and met all on the one day, and it brought down its findings without any ability for anybody from the public to participate.

I very much doubt that there were any difficulties there but it just seems to me that the process has not been fulfilled by the House of Assembly. It reminded me of a previous situation which related to the Renmark Irrigation Trust when there were some changes. We dealt with some changes to the Irrigation Bill and the Renmark Irrigation Trust Bill in a relatively joint fashion back in March 2009. It was interesting on that occasion. The House of Assembly as the originating house determined that the Renmark Irrigation Trust Bill was a hybrid bill and, as such, a select committee needed to be established. That was done, but it seemed to me unusual.

I am just reading my comments from *Hansard* of 7 April 2009. It seemed to me unusual that the select committee, which was established within one afternoon and which I think sat only briefly, decided not to advertise, contrary to what would normally be the case with a select committee on a hybrid bill. It then determined that enough consultation had been done and the recommendation of the select committee was that the bill go forward through the House of Assembly.

That is almost the same process as the lower house has undertaken with the Prince Alfred College Incorporation (Variation of Constitution) Amendment Bill. I am concerned about our colleagues in the lower house. First, they want to avoid the responsibilities of having a select committee and suspend standing orders to do so, in the knowledge that the Legislative Council will probably fill the vacuum, as was the case last time a Prince Alfred College bill came through the parliament.

If they are forced to go through the process of having a select committee, then they do it in a very slapdash way, in my view. If you are going to have a select committee then you need to advertise that fact. You do not have to do it over a long period but at least you give people an opportunity to give evidence. To establish a committee in one day, have a meeting an hour or two later without giving anybody the ability to participate, and then close it down and say that all is okay, to me is ludicrous. However, having made those comments about parliamentary process, I reiterate that the Liberal Party is very pleased to support this 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) (16:27): I thank the Hon. John Dawkins for his second reading contribution and support for this bill. There being no other speakers I simply conclude by saying that this is a very minor administrative amendment and I hope it will be dealt with expeditiously through the committee stage.

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

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

In committee.

Clause 1.

The Hon. S.G. WADE: I understand that the government has had access to advice from the Law Society raising concerns that the bill before us does not appropriately deal with the police commissioner's power to delegate. Can the government confirm that it has received that advice and advise the committee whether it thinks the Law Society's concerns are well founded?

The Hon. P. HOLLOWAY: I have been advised that the Law Society sent a letter dated 22 November to the shadow attorney-general, as I understand it, so we have only just received a copy. I can assure the honourable member that we will take the contents of that letter into account when we deal with the more substantive considerations of these matters. I gather that the matters here deal with a much broader range of issues than are dealt with in this bill.

Clause passed.

Clauses 2 and 3 passed.

New clause 3A.

The Hon. S.G. WADE: I move:

Page 3, after line 1—Insert:

3A—Amendment of section 3—Interpretation

(1) Section 3(1)—definition of criminal intelligence—delete 'criminal activity' and substitute:

serious and organised criminal activity

(2) Section 3(1)—after the definition of *police officer* insert:

serious and organised criminal activity means criminal activity involving 2 or more persons who are reasonably suspected of associating for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity (within the meaning of the *Serious and Organised Crime (Control) Act 2008*);

There are a number of amendments, but I think members would have realised, even from earlier drafts, that there is a cluster of three. This would be the first cluster, which I might characterise as the cluster on focus or scope.

It is the opposition's view that, as the government indicated in its second reading explanation, these acts have developed over the years as part of the government's efforts to deal with serious and organised crime. Criminal intelligence provisions have risks to the justice system and to policing, so we believe it is appropriate that they be focused. We believe that the government's expressed focus on serious and organised crime should be reflected in the statutes and so we move this amendment; particularly new clause 3A(2) has a key element, if you like.

The opposition, in putting this focus into the statute, was very keen to make sure that we support the police in dealing with serious and organised crime. The converse is also true: we were keen to focus the police on serious and organised crime. Police should not have access to extraordinary powers to deal with ordinary crime.

In that regard, I would remind the council that no other jurisdiction uses criminal intelligence outside its Serious and Organised Crime (Control) Act or its equivalent. In that regard, we drafted an amendment which was focused on the government's own Serious and Organised Crime (Control) Act definitions of 'members', 'criminal activity' and 'organisations', and we approached the government in all good faith hoping that we could reach an agreement.

I just remind the council of the sequence of events. On Wednesday 9 November, Ms Vickie Chapman in the other place outlined the amendments that the opposition was proposing. She went into further detail in a further contribution in the House of Assembly on 10 November. That was 15 days ago.

On Friday 19 November, six days ago, I met with the Attorney-General and provided our proposed amendments, which include an earlier draft that has been made available to members in this house (although not formally filed). The Attorney-General's response was to arrange for us to meet with senior police and legal advisers. We welcomed the opportunity and we were grateful that they were able to meet twice with me and the member for Bragg in the other place.

The police expressed their concern about the original form of the amendment and they suggested it would be unworkable. We differed in our interpretation of how the clause would operate but we indicated our willingness to receive alternative amendments from the government. Yesterday morning the draft amendments were distributed to the crossbenchers. Later that afternoon, I met with the Attorney-General, and I understood that we had an undertaking from the government that they would come back with an alternative set of words that might provide focus to the bill without unnecessarily encumbering the police.

This morning, we were advised by the Attorney-General's office that they were not going to offer an alternative so we were faced as an opposition with the prospect of not having any attempt by this parliament to indicate the need for focus with these extraordinary powers or to offer a set of words. Now, we could have gone ahead with the words that relied on the government's own SOCCA act but, with advice from the police that they are unworkable, we are concerned about the prospect of a dual test within those amendments, and we decided it was a responsible thing to do to provide an alternative set of words that more clearly would be workable.

Why do I think that they would be workable? My key conviction that they would be workable is the fact that they are working in other states. The definition provided in this amendment is based on Victorian provisions in relation to organised crime offences. Similar words are used in the Victorian Major Crime Investigative Powers Act 2004 and also in their consorting offence in section 49 of the Summary Offences Act 1966 of Victoria. The definition I propose would apply to a broader range of offences than the equivalent Victorian provisions because it uses the SOCCA

definition of serious criminal activity whereas the Victorian provision only applies to serious indictable offences punishable by imprisonment for 10 years or more.

My definition is probably also a little bit less onerous in that the Victorian provision requires that the offending involves substantial planning and organisation, forms part of systemic and continuing criminal activity and has a purpose of obtaining profit, gain, power or influence or in the case of investigative powers legislation, sexual gratification where the victim is a child.

I believe it is workable because it is working in another state. I believe it is not too narrow because it is broader than another comparable jurisdiction. I believe this is a significant stepping back from the focus that we originally suggested. It is clearly more inclusive than our original set, and I would reserve the opposition's position as to whether it is sufficiently focused.

As these bills develop over time, I would suggest that the opposition and all parties should consider where the balance should be. In that regard, I would urge the committee to take the opportunity to start on the path. If we do not take the opportunity to express this parliament's conviction to balance community safety with established principles of our legal system, we are saying to the government, 'That's fine; let's have a shotgun, not a sniper's gun.'

I would urge the committee to support this clause. The government has had weeks to provide alternatives. If the committee does support it and the government feels compelled to acquiesce today, I would remind members and remind the government that this parliament is scheduled to meet again in February. Criminal intelligence is rarely used, as I have conceded and, in that context, I doubt if there will be many court hearings over Christmas and the New Year where criminal intelligence might be an issue.

If the government, having failed to take the opportunity to engage the parliament in developing a better definition (if there is one), wants to have another go, I would indicate the opposition's willingness to have the best legislation we can. Based on Victorian experience, based on the soundness of the words, I would suggest that the definition that I have in my amendments is very responsible, but it shows commitment from this parliament to focus special powers on special situations, and that is serious and organised crime.

The Hon. P. HOLLOWAY: I gather we will take this as a test clause for at least the first set of amendments that has been filed by the Hon. Mr Wade. The first of these sets is about the definition and scope of criminal intelligence. Perhaps before I get to the arguments, I note that during his comments the Hon. Mr Wade made the comment along the lines that criminal intelligence is not used elsewhere. I have been advised that, for example, criminal intelligence is used in New South Wales in relation to the Security Industry Act. My advice is that in fact there are examples and there may be others where criminal intelligence is used elsewhere.

To get to the impact of these amendments, the government is adamant in its opposition to the first two sets of amendments including the one before us. If I can cover first the legal effect of the proposed amendment to the definition of criminal intelligence, the proposed definition of criminal intelligence would significantly limit the scope of the criminal intelligence provisions.

The criminal intelligence provisions could only be used where the criminal offending involved members of organisations suspected of being criminal ones. However, some organised crime is completely unrelated to members of organisations suspected to be criminal ones or involves those with links to those organisations who are not members on any definition.

The existing definition of criminal intelligence, which the opposition wants to do away with, captures all these criminals. Since the applicant has to demonstrate that a serious organised criminal group is involved in order to use criminal intelligence, it would have to use criminal intelligence in order to use criminal intelligence or otherwise not proceed, which is absurd. The definition of criminal intelligence is information that, if made public, would enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety.

The opposition's amendment restricts that to serious and organised criminal activity. Could the opposition explain why it wants to, for example, put a person's life at risk just because the criminal activity concerned is not serious and organised? The practical application of the proposed amendment to the definition of criminal intelligence also needs to be considered. I am told the opposition's amendment would, in some cases, make SAPOL's job a lot harder and that the provisions would have limited practical application.

I am told that known members of criminal organisations are unlikely to apply for firearms and other licences. The proposed definition of criminal intelligence is too onerous. In addition to the existing stringent requirements, the opposition's amendments would require SAPOL to establish the existence of an organisation, establish membership of that organisation, establish that there was a proper basis for suspecting that the organisation was a criminal one and, finally, that the criminal activity involved the member.

If we go to some of the consequences of the opposition amendments, they would wind back the clock in the fight against organised crime, as organised crime today is very fluid and diversified. Some individuals who might not currently get, for example, a firearms or other licence could get one under the opposition's amendments.

Some individuals who might have a firearms prohibition order imposed on them under existing provisions might not, under the opposition's amendments. Some individuals who might currently be refused permission to work in industries that are known to be infiltrated by organised crime and pose a threat to the safety of South Australians may get approval under the opposition's amendments. Some individuals who might currently be barred from the casino or licensed premises may gain entry under the opposition's amendments.

The proposed amendments would also impact on the number of matters investigated and prosecuted under the newly proclaimed unexplained wealth legislation. They are the government's reasons for strongly opposing the first set of amendments. This will be a test clause for them, and I will outline the government's arguments to the later set of amendments when we come to them.

The Hon. S.G. WADE: I appreciate that the minister is representing a minister in another place and is put in a predicament in representing him but, with all due respect, a number of those points would have been legitimate criticism of my first amendments. For example, the minister gave a series of what I would call tests, for example, the existence or membership of an organisation, whether the organisation was criminal or involved in a crime, and what have you. They are all criticisms of the earlier draft amendments which were offered to the government and which it rejected.

There is no mention of an organisation in my amendments: it says two or more people. 'Two or more people' does not need to be an organisation: it is two or more people. If the minister can find my reference to an organisation and why it requires the proof of an existence, proof of membership, and so on, I would be glad to see it, because I cannot. In terms of the issue of scope, the minister asks why we would want to limit the use of criminal intelligence to serious and organised criminal activity. I pose a question back to the government: you told us that it was focused on serious and organised criminal activity.

We believe that the English legal system has developed with a good balance of rights and opportunities. Public interest immunity has strongly developed over centuries of English law to significantly facilitate the state in criminal investigations. It may well be that enhancements to those laws are warranted, but this government tells us that this tool is for serious and organised crime. We took it at its word, we are trying to provide that focus, and now it is telling us that it does not want that focus.

The Hon. P. HOLLOWAY: It is one thing to talk about the evolution of the legal system; unfortunately, there is a very rapid evolution in technology as well as in criminal behaviour. I guess the fact that successful organised crime, wherever it may be around the world, can learn very quickly from other organised crime, or be in contact with it, due to the recent incredibly rapid changes in communications for example, as well as other technology, means that we need to keep up with it. One of the great criticisms by criminologists of governments and organisations fighting against crime has been their slow response and the fact that they do not appear to be able to keep up with changing trends.

However, to address the real point raised by the Hon. Mr Wade—which was, I think, a challenge to me to show why, with his new amendment, it would be necessary to establish membership of an organisation, with the basis for suspecting that the organisation was a criminal one, etc.—one has only to look at the definition he is putting in 3A(2), as follows:

'serious and organised criminal activity' means criminal activity involving 2 or more persons—

yes, he has changed that, but it is two or more persons—

who are reasonably suspected of associating for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity (within the meaning of the Serious and Organised Crime (Control) Act 2008);

I think that answers his question. That is exactly why SAPOL would need to establish those facts, because the honourable member's definition provides '2 or more persons…reasonably suspected of associating for the purpose of organising' criminal activity.

The Hon. S.G. WADE: I strongly dispute that interpretation; I think, on the plain reading of it, it would not be so. Let me give the committee an example. Let us say that the police had footage of three pub robberies, and three people involved with quite distinctive balaclavas or disguise equipment to the point that it was clear to police that the same group of people was involved. The police became aware of one of those people, and were therefore able to locate the group. That would fall within my definition.

It is not an organisation, they have not said that they are related to each other, they have not made a bond; it is just (to use a business analogy for a criminal purpose) a small business. Clearly, it would be associating for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity. This is not a mini SOCCA, this does not require a process of a declaration of an organisation or proof of membership and so forth. I appreciate that they were legitimate concerns raised by the police in relation to my previous definition but the opposition, in good faith, has come back with a definition that it believes significantly broadens it, and in that sense significantly loses the focus that we hoped to achieve. However, I certainly believe that the revised definition would encompass all serious organised crime and more.

The Hon. D.G.E. HOOD: I have a question for the mover of the amendment. He has chosen to trigger his amendment at the involvement of two people; I presume that is because we are talking about organised criminal activity here, and there is a presumption that organising something involves a person. Could the honourable member just clarify for me: why not one person?

The Hon. S.G. WADE: I think this question again highlights the extent to which we have stepped towards the government, if you like. The government says that every criminal, no matter how they are acting, should be subject to these special powers—powers which the previous attorney-general called draconian and which the current Attorney-General has said are a breach of natural justice and due process, etc.

The member is quite right: to avoid having criminal intelligence put against you, you would need (to use a business analogy again) to be a sole trader. Two or more would potentially bring you under this provision. I defer to the Victorian precedent; the Victorians have found that this is a workable definition.

Our view is that, in the interests of starting the process of ensuring that we keep special tools focused on special circumstances (for example, a full assault on serious and organised crime), we submit to the parliament that this is a better evolution of the English legal system. In response partly to the previous comment by the minister, we are not asking that we go back to some quaint, archaic English system. We are not seeking to remove criminal intelligence; we are just seeking to focus it.

The Hon. M. PARNELL: To assist the committee in determining whether or not a division will be required on this clause, I take the opportunity now to put the Greens' position. The first thing I would say is that the Greens believe that our police force should have appropriate tools and more resources in order to do their job of keeping the community safe and detecting and prosecuting crime. Having said that, the Greens do not support criminal intelligence as a concept.

We believe it is a breach of the fundamental legal right that people have to know the case against them and to be able to test the evidence in a court of law. That is why we voted against the serious and organised crime act and why we voted against those clauses where criminal intelligence reared its head. It is interesting to note that we voted against the clause in the serious and organised crime bill that was found to be unconstitutional, and it was only the Greens and the Democrats who took that position in this parliament.

In relation to this amendment, the Hon. Stephen Wade provided an initial set of amendments and has now provided the revised set. I would say that the Greens preferred the original set. However, in relation to the revised set, we are inclined to support these amendments for the reason that they limit the range of situations where criminal intelligence can be used and therefore represent a small improvement on the status quo, but that does not mean that the Greens are supportive of the bill as a whole.

The Hon. A. BRESSINGTON: I rise to indicate that I will also be supporting the amendment, but probably for different reasons from those of the Hon. Mark Parnell. I do believe there is a need for criminal intelligence, but I believe that it needs to be contained so that we do not cast such a wide net that just about anybody could be considered to be a threat or possibly considered to be participating in criminal activity. It is a concern of mine that the net is a bit broad as it stands without this amendment.

As the Hon. Stephen Wade said, if there are problems with this amendment, the government has until February to identify what those problems are and, if it is found to be not workable, it can be brought back to parliament and we can reconsider it based not on what-ifs, maybes, could-bes and may-haves and all of those hypotheticals but based on firm solid evidence on how it is not workable and why.

The Hon. D.G.E. HOOD: I think what is happening here is that we are almost arguing about a very, very narrow difference. I think the original amendments the Hon. Mr Wade originally presented were substantially different from the government's bill, and that created the disagreement between the government and the opposition about what this should and should not do.

I think the Hon. Mr Wade would agree with me that his second set of amendments have brought the bill substantially closer to the government's position, and he seems to be acknowledging that fact, and it seems that the amendment will pass.

For the committee's information, I advise that I have had contact with Assistant Commissioner Harrison today, and he indicated to me that he is very keen on these amendments not being passed. I do not know whether other members have spoken to him; that is a matter for them.

It is a while since I have voted against one of the Hon. Mr Wade's amendments or probably an opposition amendment, but Family First will be on this occasion. The reason for that is that I do not want to stand in the way of what the police are saying they need. I am not an expert in these matters, but I believe the police are, and they know what they need.

You could easily argue: are they going to set the bar too high, are they always going to ask for more? Yes, that is possible. I think the amendment that is being proposed here is actually not substantially different to what is actually in the bill. Given that we are talking about involving two or more people; the bill would allow it to be one or more persons and, other than that, there is not much difference, as I see it. That being the case, I am happy with this law applying to one person as opposed to two people and, for that reason on this occasion, I will oppose the amendment.

The Hon. K.L. VINCENT: I rise briefly (or not rise, if we are getting technical) to indicate that, while my personal views on criminal intelligence are very similar to those of the Hon. Mr Parnell and the Greens, I do not see that as a reason to not support these amendments, and I will be doing so.

The Hon. J.A. DARLEY: I will be supporting the opposition's amendment.

The committee divided on the new clause:

AYES (11)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Parnell, M.	Stephens, T.J.
Vincent, K.L.	Wade, S.G. (teller)	

NOES (8)

Brokenshire, R.L.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Holloway, P. (teller)	Hood, D.G.E.
Hunter, I.K.	Zollo, C.	

PAIRS (2)

Ridgway, D.W. Wortley, R.P.

Majority of 3 for the ayes.

New clause thus inserted.

Clauses 4 and 5 passed.

Progress reported; committee to sit again.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without amendment.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (EXEMPTIONS AND APPROVALS) AMENDMENT BILL

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

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) (17:08): I move:

That the sitting of the council be not suspended during the conference.

Motion carried.

WILLUNGA BASIN PROTECTION BILL

Adjourned debate on second reading.

(Continued from 12 May 2010.)

The Hon. M. PARNELL (17:09): I rise to support this bill. I note that this is the same bill that the Greens supported in October 2009. In some ways it is disappointing that the bill has come back. It would be nice to have a situation where the government had taken on board last year the message behind this bill, which is that we do need robust protective measures to make sure that important agricultural areas such as the Willunga Basin are protected from inappropriate development. If such measures were in place, we would not need to reconsider a bill such as this.

I do not propose to speak at any length. My contribution on 15 October 2009 is on the record. I am disappointed that the government has not seen fit, or if it has seen fit, it has not seen fit to share with us moves it is making to ensure that important agricultural and horticultural regions are protected from inappropriate development. We have had ample opportunity in the last year for the government to put in place measures in relation to the state planning strategy or other measures that would give these important peri-urban areas, if you like, that level of protection.

One of the disappointments that I continue to have with our planning system is the over-reliance on the concept of highest and best use of land. What that means is who can make the most money from a piece of land, and it does not take into account the long-term cost, the opportunity that is lost, if inappropriate short-term gain is the priority.

In a competition between food production and urban development, a competition fought out with chequebooks, property developers will nearly always win. But is the community better off? No, we are not. We do need a stronger level of protection for areas such as the Willunga Basin. When I spoke to this bill last year, I said that I was not necessarily convinced that this was the best model. There are lots of ways that we could protect the Willunga Basin, but this is one model. I know that the honourable mover has moved this in good faith to make sure that the issue of the protection of the Willunga Basin is firmly on the government's agenda.

I think the ball is in the government's court. The government needs to go back to some of the thinking behind documents such as the 30-year plan, the population projections, the overambitious projections that underpin that plan, and go back to the drawing board. Whilst at the drawing board, the government needs to get out a very thick black textacolour and draw some lines around areas that are inappropriate for urban development, not because they would not be nice

places for houses—they would be—but because they are better places for food production. With those brief words, the Greens will be supporting this bill now as we supported it in 2009.

The Hon. J.M.A. LENSINK (17:12): The Liberal Party will also be supporting this bill. However, I understand that there has been an agreement that the bill be adjourned and discussed next year. The spokesperson on this issue, my leader the Hon. David Ridgway, is not here, so he is not able to present our view, but he will indicate that view in the new year.

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

ADJOURNMENT DEBATE

VALEDICTORIES

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) (17:13): I take this opportunity to wish all members the very best for the Christmas and New Year period. This has obviously been a very busy and very productive session. We have dealt with a lot of major legislation in some major policy areas, and I believe that it has been incredibly productive.

I also thank all members in this place for their cooperation. We often discuss issues where individuals or parties align around different perspectives, and they are often very vocal and passionate in the way they express their views.

Nevertheless, at the end of the day we come together, we get the job done and we work together in an extremely cooperative way, so I thank all members. In particular, I would like to thank the whips for the work that they have done in organising what seems to be an increasingly complex lot of work. They are unflappable—

Members interjecting:

The Hon. G.E. GAGO: Well, almost unflappable. I do not think I have misled the parliament, but I appreciate them and, on behalf of everyone else, I am sure that they appreciate the important work that the whips do.

I would like to thank the table staff: Jan, Chris, Guy and Chris, and also Margaret and the messengers, Todd, Mario, Karen and Antony.

I record the government's thanks to parliamentary counsel. Their infinite wisdom and assistance are tremendously appreciated as well as the incredibly impartial way that they deal with all members, making each and every one of us feel like our issues of concern and matters before us are of the most importance. So, a big thank you to them.

I thank the Hansard staff as well, who have been incredibly cooperative, patient and understanding, particularly to those members who are inclined to mumble. I do not think I am one of them, but they are very kind in their interpretation, and I thank them very much for all the work that they have done throughout the year.

My thanks to the kitchen and dining staff, the library staff and the building staff. If I have left anyone out, I thank all staff members who assist in the running and management of this place.

I wish to thank my own staff. Their support and hard work, diligence and commitment always go way beyond what I ever ask of them. They are a wonderful team and I appreciate everything that they do. On behalf of all members, I would like to thank their staff members for their contribution during the year in keeping us well-informed, well-briefed and most of us here on time—but, again, I will not name names.

Mr President, I wish to thank you for your infinite wisdom, guidance, patience—

Honourable members: Hear, hear!

The Hon. G.E. GAGO: —and direction. It is greatly appreciated. Your advice and direction are held in high regard by everyone. Your wisdom—I have already mentioned wisdom but I will say it again—is held in very high regard and you are well-respected by all in this chamber.

Finally, I wish all members, their staff and families a happy and very peaceful Christmas and new year period, and I look forward to everyone returning refreshed and rejuvenated for a very challenging 2011.

The Hon. J.M.A. LENSINK (17:19): I would like to endorse all of the remarks made by the minister, apart from her introductory comments where she mentioned that it had been a particularly productive year. It is probably not the time to refer to the fact that we have only had 30 sitting days this year, but we do look forward to a much more productive year next year.

Members interjecting:

The Hon. J.M.A. LENSINK: Well, we must always correct the record. We wouldn't be doing our job if we didn't do so. I would like to thank the table staff: Jan, Chris, Guy and Chris; Margaret behind the scenes; our attendants, who work with us every day as well: Todd, Mario, Karen and Antoni; Hansard; and the catering, library and building staff. Parliamentary counsel, I think, deserve particular mention for turning our concepts into legislation. I would also like to give a special thanks to the whips, who sometimes have a challenging job in managing to get us all in order.

Mr President, your great sense of humour, I think, stands you in good stead in managing us. The edges get a bit frayed from time to time, but I think we generally manage to hold ourselves together a little better than is the case in the other place. I would also like to acknowledge all of our support staff who put in a great deal of effort in assisting us in our job in this place. I wish everybody a safe and happy Christmas and look forward to deliberations next year.

The Hon. M. PARNELL (17:21): I will not detain the council for long. On behalf of the Greens, I would like to fully endorse all the remarks made by the Leader of the Government and the Deputy Leader of the Opposition, and to add our thanks to all of those people who were listed, the people who make our workplace here productive and efficient. Whilst we would have been happy to come back next week and do more work, we are pleased to be able to thank all the people who work here at Parliament House and who work with us in our various roles, and I too look forward to a productive 2011.

The Hon. K.L. VINCENT (17:21): I will also be brief. I would just like to say that this has obviously been an amazing year for me in many respects, sometimes in a sad respect but most of the time in a very joyful manner. I would like to thank all the staff here, my staff, and dearly beloved friends, Megan and Sam, for their support and contribution to my growth in this year. To Mario, who always picks up everything that I seem to drop constantly and helps me get to the lift, even when I do not need help, it is much appreciated—and he puts my desk away because he is afraid that people will destroy it for some reason.

The Hon. J.M.A. Lensink: Yes, you have to watch those schoolchildren!

The Hon. K.L. VINCENT: We do. It is a very special desk, as we all know. It would not be here if I were not here; it would not be here if the staff of this council were not so willing to accommodate me. I have said many times before that the changes that have happened to this place are not just for me: they are for every person with a disability, which means that they have special mobility needs. I am very honoured to be the person who has helped to bring that issue to light, and I would like to thank all those people who made those changes happen so well and extremely quickly. I and the disability community are very grateful. As Jan so rightly said on one of my first days here, this is the people's parliament, so all people should be able to access it equally, and that in itself is a big step. I look forward to making many more steps next year, and I thank you all very much.

The Hon. A. BRESSINGTON (17:23): I rise to wish everybody a very merry Christmas and a happy New Year and to thank all the staff who have been listed—I would not even dare try to remember them all for fear that I would forget some. I also thank all my colleagues in here for an interesting year, and you yourself, Mr President. Again I say, as I said last year and the year before, you are well respected in that chair and you do a wonderful job. As the Hon. Michelle Lensink said, your sense of humour sometimes can be a bit scary but most of the time we survive it. For everybody here, I hope that you all have a wonderful time with your family over the break, and I too look forward to 2011.

The PRESIDENT (17:24): As I always do at this time of year, I wish everybody a very merry Christmas and say thank you very much to the chamber staff, especially Jan and Chris, our staff in here; and, outside of here, Hansard, catering and all the staff that come under the auspices of the JPSC. Also, I would like to take the opportunity to thank the members of the JPSC for a very fruitful year. Many people here who are not members of the JPSC do not know exactly what the JPSC does, but I can assure you that they work very hard and make some very fruitful decisions.

I would also like to take the opportunity to thank the Hon. Mr Dawkins, in particular, who always offers me a spell during the long days, and I am very grateful for that. It has been a pleasure this year to welcome our new members, because we had an election earlier in the year, and I think the council has done very well with those new people on all sides of politics who have been elected this year. I congratulate those people who selected in them in preselections, because I think they have made a wonderful contribution to the council, and I have certainly enjoyed their contributions.

I also have a lot less trouble getting out of bed to front up to work because I have watched Kelly since she has been elected here and the marvellous things that she has achieved and how she comes in and does not whinge half as much as I do. She has certainly made me have a fresh look at my energy reserves over the years and think, 'Well, if Kelly can do it, I can do it even better,' but I don't think I can do it as well as she does.

Thanks very much for your support throughout the year. I have really appreciated it and I wish you all a merry, happy and healthy Christmas with your families.

[Sitting suspended from 17:27 to 17:51]

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) (17:51): I wish everyone a very happy Christmas and New Year break.

At 17:52 the council adjourned until Tuesday 8 February 2011 at 14:15.