HOUSE OF ASSEMBLY

Tuesday 8 February 2005

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

TSUNAMI

The Hon. M.D. RANN (Premier): I move:

That this house expresses its sadness and dismay at the terrible human and material cost of the 2004 Boxing Day tsunami in Southern Asia; mourns the death of more than 200 000 people, including 17 Australians and three people linked to this state; commends South Australians from all walks of life for contributing to the relief effort; and pledges South Australia's ongoing support for the long-term rebuilding effort in Asia.

In the final few days of 2004, a disaster of monumental proportions unfolded in Asia. On the morning of Sunday 26 December a severe earthquake off the coast of Sumatra generated tidal waves that devastated communities throughout the encircling region. The quake measured nine on the Richter scale, the worst the world had seen for 40 years. As the days went by and more television footage came in, the immeasurable scale of this tragedy became apparent. It seemed that every time we saw a new news bulletin the number who had passed away had doubled. No-one will ever know the exact death toll, but the United Nations' estimate of more than 225 000 people killed seems a grimly reasonable figure. Many more thousands were injured, separated from loved ones and then preyed upon by disease in the aftermath.

Besides the human cost, the effects on animals, property, homes and livelihoods were enormous. Night after night we saw images of whole villages, towns and cities not just flooded but washed away—whole families and entire communities simply vanished. Although the number of missing Australians mercifully fell, we still suffered a total of 17 fatalities. Three of these people had a connection with South Australia. They were Tony Broadbridge, the South Australian born 24-year-old Melbourne footballer, who was just newly married; Dinah Fryer from the Adelaide Hills, who was in Thailand when the tsunami hit; and Sujeewa Kamalasuriya, a Sri Lankan living in Adelaide who died while visiting his homeland. I join honourable members in extending the sincere condolences of the house to the families and friends of these three fine people who we are proud to call South Australian—and, indeed, in sending our sympathies to everyone who suffered a loss of some kind as a result of the tsunami.

Australians were shocked and appalled by the impact of the tsunami, and they felt great compassion towards its victims. But, as with the Eyre Peninsula fires, we quickly transferred our feelings into actions. I think honourable members would agree when I say that the grassroots response of Australians was extraordinary and unprecedented. Donations of money were rapid and generous and they occurred virtually everywhere, from local bank branches to track side at the Tour Down Under cycle race.

At the government level, the contributions were substantial and far-reaching, and they implicitly recognised that the relief effort would need to continue for months and years, not just weeks. Three days after the tsunami, the South Australian government donated $500 000, split equally between Red Cross and World Vision. The federal government's contribution was magnificent. It included immediate funds totalling $60 million for Indonesia, Sri Lanka and the Seychelles as well as for aid agencies, and then on 5 January the Prime Minister announced the $1 billion five-year Australia/Indonesia Partnership for Reconstruction and Development package.

The really heartening thing is that all this institutional assistance was complemented by ordinary South Australians selflessly giving their time, energy and expertise. I think all of us were inspired by the 25-member medical team of doctors, surgeons, nurses, paramedics and firefighters whom I had the honour of farewelling and then welcoming home at Adelaide Airport. At a time when most of us were looking forward to a quiet new year break, they instead mobilised. Led by the brilliant Dr Hugh Grantham, the team put together 10 tonnes of equipment and medical supplies and then flew off to Banda Aceh in Indonesia. Once there, they worked for long hours and in dreadful conditions. But, in running two makeshift operating theatres with intermittent power and no running water, they still managed to save lives and ease the suffering of victims.

It is an extraordinary circumstance. There is a 100-bed surgical hospital just above the tide line where the tsunami hit and, of course, with a number of dead bodies they were performing amputations and plastic surgery, cleaning out infections and dealing with a tetanus epidemic. They did a wonderful job, and I really think they did South Australians proud. I telephoned Hugh Grantham a few days after they had left, and he told me of the work they were doing in setting up the hospital and also of South Australia's leading a team of 10 nations in terms of the hospital efforts. He said that problems were posed by not having running water, including the fact that at 5 o'clock each night they went out into the monsoon rains with soap and shampoo in hand. It sort of brings a new meaning to surgeons scrubbing up for surgery! This practical demonstration of humanity and dedication was heroic.

Other South Australians including doctors, scientists and police officers were also deployed throughout the disaster-hit region. Forensic work is so important in identifying victims and, again, we are proud of the South Australian team that was involved with that difficult and terrible task. At home, a terrific range of people sought to make a difference, both as citizens and in a professional capacity. For example, staff from Centrelink, as well as other social welfare agencies, were stationed at Adelaide Airport to offer counselling to South Australians returning from the affected regions. Teachers from public, Catholic and independent schools voluntarily put together a comprehensive curriculum package on the tsunami. I was impressed by the musicians, performers, sports people and other prominent South Australians who put on a spirited concert in Elder Park on 16 January.

I was also proud of our state public servants, more than 400 of whom agreed to staff a Red Cross call centre within 20 minutes of the call for volunteers going out. Perhaps the most encouraging aspect of the tsunami relief effort is that it has maintained momentum. As I suggested earlier, a steady flow of assistance is much more valuable than a sudden spike followed by a dramatic fall-off. This is something that has been constantly reinforced by leaders of the relief effort, such as former premier Lynn Arnold, who is the head of World Vision for Asia, and the Reverend Tim Costello, the head of World Vision in Australia.

In this context, I (along with the Leader of the Opposition) was delighted to attend a luncheon at the Entertainment Centre on Friday that raised more than $50 000 from our

local business community. I am looking forward to taking part in a charity soccer match on Friday fortnight, an event organised by one of our most prominent local philanthropists, Gordon Pickard. So, I am coming out of retirement! The Boxing Day tsunami meted out havoc and destruction in a manner that at first seemed almost surreal. But, sadly, it was all too real. Thousands of communities across southern Asia will bear the scars for a very long time. If there is at least some positive aspect to this post-disaster, it is that South Australians quickly realised the need for urgent action and found their own way to pitch in and to dig deep.

They were stirred by the knowledge that, despite the oceans that separate us, we are indeed all one people and that our neighbourhood is the world. In helping the people of Asia, South Australians demonstrated not just their kindliness but also the energy, vigour and shrewdness that comes with a good heart. In supporting this motion, I join the house in honouring those who died, those who suffer, those who rescued, those who rebuild, and those who continue to heal.

The Hon. R.G. KERIN (Leader of the Opposition): It is with sadness that I rise to give the Liberal Party's total support to this motion that has been moved so ably by the Premier. The tsunami that swept across the southern regions of Asia on Boxing Day last year was a tragic event that I am sure none of us will ever forget. One of the biggest natural disasters in history, the tsunami affected 12 nations, leaving Indonesia, Sri Lanka, Thailand, India and the Maldives in particularly devastating predicaments. An estimated 1.5 million people were displaced around these regions, leaving them now in the process of rebuilding their lives, having lost not only all their material possessions but many of their loved ones.

The rising death toll is difficult to come to terms with. An estimated 280 000 people were killed in the disaster, with 120 000 officially confirmed dead in Indonesia alone. Unfortunately, 18 of those who perished were Australians, with the fate of a further nine yet to be confirmed. The response to the disaster by Australians as part of the international aid effort was characteristically rapid and effective. Citizens and businesses throughout the nation pledged some $235 million to relief agencies, with over $2 million worth of goods donated by commercial entities and corporations. In addition to our generous financial contribution of over a billion dollars, our federal government was also quick to deploy consular and defence force personnel, police and other staff to service the needs of the communities in the affected regions.

I am proud to note that many of the response teams consisted of South Australians, whose willingness to offer their expertise in these unfortunate circumstances is commendable. Those who served or are now serving in these areas from our state include medical practitioners and police, from the forensic services branch and the crime scene section. There is no doubt that their services have made a significant impact. World Vision is also making a large contribution by way of rebuilding schools for the children to continue their education, as part of the restoration process. At the lunch that the Premier and I attended last Friday, it was noted by Tim Costello that one discussion about how they would replace one of the schools was cut short when someone pointed out that the children who would have attended were no longer there.

That highlighted the effect of this disaster. Even with the vision of the disaster that we have seen on television, the extent of the death and destruction is incomprehensible. The number of volunteers assisting our great organisations such as World Vision has been quite amazing, and some of them are still there, having been there from the days after Christmas. It has again reinforced the confidence that we have in ours being a caring society.

The level of devastation is hard to believe, and there is no doubt that the reconstruction and recovery will take many years. Many communities lost many of their people, their houses, their infrastructure and their livelihoods. Particularly in Indonesia the task will be huge. We can be proud of the Australian financial response and the efforts of our military personnel and other medical and aid workers who have endured and will continue to endure the very difficult and trying conditions in which they are working.

The many who died will be represented in history as a statistic demonstrating the extent of one of our greater natural disasters. That does not truly reflect the human side of this tragedy. Many families have been totally destroyed. Many parents have lost children and spouses, many children have lost parents and siblings and many communities have been absolutely decimated. It is important that they know that Australia and the rest of the world will support them and do what they can, despite the huge difficulties, to help those remaining to rebuild their lives, their communities and their economies.

On behalf of the Liberal parliamentary team, I would like to express my deep sympathy for the victims of the tsunami disaster and to the Australian families of the loved ones who tragically lost their lives; and particularly to the families of the three South Australians we offer our heartfelt sympathy. I would also like to thank the South Australian people who have contributed to the relief effort by way of finances, time and expertise. Your support is certainly appreciated. I support the motion.

The Hon. L. STEVENS (Minister for Health): I wholeheartedly support the motion and, in particular, I extend my condolences to all those who lost their lives and who were so devastatingly affected as a result of the Boxing Day tsunami. While most of us watched the horrific images from the safety of our homes in Australia, there were those who were able to provide practical medical assistance to those affected by the tsunami. Tragedies of this sort often bring out the very best in people.

In commending South Australians from all walks of life for contributing to the relief effort I would like particularly to commend those people from the Department of Health who rose to the challenge of organising practical on-the-ground support. In particular, I thank Professor Brendan Kearney, Chief Disaster Officer, Department of Health; Mr Bob Hegarty, Emergency Management Support Officer, Department of Health; Mr John Vella and his team, Supply SA; Mr Lee Francis, SA Ambulance Service (who assisted greatly in terms of getting all the paramedics organised); and, of course, the two teams from South Australia, Echo 1 and Echo 2.

Obviously, I would like to take this opportunity to thank them for their fantastic work. The job was not an easy one. In fact, it was incredibly difficult but it was necessary. The contingent of 26 doctors, nurses, paramedics and a fireman spent two weeks of life-saving service in Banda Aceh. While they were there the team of specialist surgeons, anaesthetists, operating-room nurses and other medical and emergency experts re-established a 100 bed surgical and medical hospital

which had been a private hospital prior to the tsunami. This dedicated team operated on up to 20 cases daily, repairing and restoring broken and infected limbs and damaged bodies.

They treated numerous cases of tetanus (a life-threatening disease now rarely seen in Australia), and they saved children inflicted with aspiration pneumonia as a result of swallowing sea water. As the Premier said, they also did remarkable feats of amputations and plastic surgery; and we have seen the visual evidence of that in a set of slides they took to demonstrate to all of us the sorts of things with which they dealt. The team has had to contend with seriously difficult conditions. They had to operate without running water and only intermittent power, and without most of the support services taken for granted in our hospitals.

In fact, one of the pictures they brought back was a picture entitled 'Operating by torchlight', and it showed a group of them standing and operating on someone with someone else holding the torch; and that was all the light they had. They have done all this in the most traumatic circumstances imaginable. The hospital and medical equipment taken over by the South Australian team remains in Aceh for use by other international and local medical teams.

As the Premier said, he and I, together with the member for Wright, had the pleasure of being at the airport to welcome back this team. They were very tired, very happy and very pleased to be home and reunited with their families. After half an hour or so of well wishing, they each took their supply of tablets, handed out to them by Professor Kearney, and went home to have a very good rest, take those tablets and prepare to get back into living their everyday life.

At the airport Dr Hugh Grantham gave the Premier, the member for Wright and me a poem that he had written as the medical team leader. I know that this poem was published in *The Advertiser*, but I thought I would put it on the record in this house, because it certainly depicts their feelings and their experiences. The poem is 'Banda Aceh' by Hugh Grantham, South Australian medical team leader, and it reads as follows:

Mud, a quagmire of mud,
fermenting in tropical heat.
Shattered fragments of people's lives,
left festering in the mud.
A smell of decay permeating,
the humid sticky air.
Piles of remains by the road,
don't look too closely at the piles.
Our clothes stick and stink,
keep drinking more and more.
Round and round we pace,
never seeming to arrive.
Horrific wounds in trusting bodies,
scarred minds in immobile heads.
Coughing wincing spasms and death,
against the flash of a smile from tired eyes.
Work harder, fix it all,
don't let another precious life be lost.
Keep going, keep on going, all the way.
They need us, they must not suffer anymore.
Each little victory,
wound healed, patient breath.
Water fixed again, power on,
cost so much sweat and effort.
All our problems are so trivial,
What rights have we to tire?
When people who have lost so much,
can smile and say thank you.
Thank you Banda Aceh,
thank you for giving us
reasons to be grateful,
and the privilege to help.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Along with the Premier, the Leader of the Opposition, the Minister for Health and other members, I support the motion very strongly indeed. We all were affected by the sadness that this sort of natural disaster should ever occur on the scale it did. We were dismayed at the absolute magnitude of the devastation across the whole Indian Ocean and the impact it had on people. Of course, our deepest sympathies go to those people and those communities that are directly affected; to the people who have lost their fathers, mothers, children, all their relatives, seeing the expressions of absolute desperation and dismay on their faces. Days later people were wandering around the ruins, or what was left, absolutely dazed. We can just imagine the difficulty of piecing back together the individual lives and trying to piece back together some form of community.

We talked yesterday about the effect of the bushfires on the Eyre Peninsula communities. I particularly appreciated the contribution from the member for MacKillop. Just take that and imagine the impact that this will have across a number of nations around the Indian Ocean. I guess we all find it hard to come to grips with the devastation. But they need to know that they have our deepest sympathies and that they have our full support.

I want to touch on the response of Australians in particular and South Australians. To the medical teams that went, we are all proud of their contribution. We are proud of the fact that they stepped forward so quickly; people like Bill Grigg and others who, within hours, once again stepped forward, as they did with the Bali bombing, and as they do with any major disaster; the fact that they are such a professional group, and highly cherished in terms of the skills that they have, and willing to step forward and help people in an hour of need, even if those people are in another country and a long way from home, in a period of the year when they would love to be with their family and friends relaxing.

So, to the medical teams I raise my hat, as the minister did, and say thank you very much indeed, and also to the defence personnel, to the police officers and to the consular staff. It was an outstanding contribution. One person or one group that I admired particularly because we could see the trauma that they were going through night after night on television was that of the Australian Ambassador to Thailand and his staff. The stress and the impact that that must have had on that group of people, and then multiply that by all the other countries around the world who would have found their staff in very similar circumstances and, of course, for the Scandinavian countries in particular, the loss was so much greater. Also, there is the forensic staff who were there and still are there trying to identify bodies. I guess in many ways that would be the most difficult ongoing task that anyone could have, and I think that it is outstanding that there are Australians who have volunteered to go there to do that. And so our thanks and appreciation go to all of those people.

The other point I want to comment on is the response of Australians themselves. Who would have imagined that Australians would donate, very quickly, over $170 million to a disaster overseas. I put it to you. If you had asked me that question before Christmas I would have said, 'No, they would not have.' I doubt if anyone from Australia would have imagined that within a space of one month that Australians would have donated well over $170 million in a personal effort. I thought that that showed that Australians see themselves as part of a wider world community, and have a concern for their fellow humans around the world, particular-

ly in their hour of need and when they have lost everything. I thought that that was a very generous gift indeed from the Australian people, as it was from the Australian government.

The Australian government showed enormous leadership, not just to Australia, not just to Indonesia and the other surrounding countries, but to the world in stepping forth and saying, 'On top of this enormous contribution from Australians, this personal contribution, we are going to make a very substantial contribution as a government with a thousand million dollar contribution.' Frankly I thought it showed that Australia as a nation had indicated very clearly that we wanted to be part of a worldwide family, and we were part of that family, and although we are Australians foremost we will share our benefits and our advantages with people in other countries very willingly.

The London Economist put Australia at the very top of the donor countries both in terms of the contribution from the government, and, quite separately from that, despite the fact that we have a very small population compared to most other countries from around the world we were the country that gave the greatest dollar amount in terms of personal contribution. We were well ahead of any other country in the world in terms of the $175 million contributed, and on a per capita basis it would have been tenfold or up to one hundred fold of many other developed countries. *The London Economist* described the response as extraordinary, and I think that all of us believe that it was.

Australians have always seen themselves as having a strong national pride and a concern for the justice of others. I suppose that, with the two world wars and various other international conflicts, that is a testament to that Australian character. I think the tsunami response reflects that Australians recognise that they are more fortunate than others around the world, and that we are willing to share those benefits with those in their hour of need. So, to all Australians, those people who so readily donated time, went out and raised the money, it was an immediate response.

I walked into a small bakery shop where there was a big, big bucket with a lot of money in it, and they were urging people to give money to the tsunami. You went down the street in small country towns and you would see children out there with a bucket or some sort of article collecting money. Again, it highlighted the fact that everyone was touched, you could not help but be touched and, as Australians we showed the response that we needed to as a nation and, certainly, I think we should be proud of that response. But, today, we particularly show our sympathies and our ongoing commitment to nations like Indonesia, Thailand, Sri Lanka, India and the other smaller countries that were directly impacted by the tsunami.

Mr KOUTSANTONIS (West Torrens): I, too, rise to support the condolence motion. On a personal note, a young Adelaide High old scholar cricketer was taken from us tragically in Sri Lanka whilst visiting his family. Sujeewa, as mentioned by the Premier, was a stalwart of the Adelaide High Old Scholars' Association and of the cricket club. He was also a successful entrepreneur who somehow wrangled every cleaning contract for every state school in South Australia, and was very good at dishing out jobs to younger cricketers and their families. This was a man who was beloved by the Adelaide High community.

Sujeewa's memorial was held at Adelaide High. The assembly hall was filled; I have never seen it that full before. It was filled by students, teachers, old scholars, ex-teachers, and by people whom he had personally touched. We are talking about a man who played under 19's for Sri Lanka. He died when he was, I think, 38 or 39, but when he was 19 he played against people like Mark Taylor and Steve Waugh, and batted against people like McGrath. He would have had a very successful cricketing career, but chose to move to Adelaide for a better life, working at night school and working during the day as a cleaner, and became very successful and, ultimately, became very wealthy. He was taken from his friends and family far too quickly.

The greatest tragedy about Sujeewa's death is that his entire family, other than his mother, one of his brothers and a very young niece, has been wiped out. The Sri Lankan community here has been magnificent in the way it has been fundraising for relief at home. People are just buying tickets and going home with no return ticket, going over to help how they can, whether it be cleaning up, giving money or helping to rebuild homes. The interesting thing is that the ethnic tensions that are going on in Sri Lanka, I think, have been put on hold while people deal with this tragedy.

Sujeewa's business partner was with him on holidays, and she credits her survival to his last act of bravery, which was strapping her onto a surfboard and telling her, 'Whatever you do, hold on to this; don't let go,' and she was the only one who survived where they were seeking refuge. So, he is a hero, and there is no greater gift than giving your own life for someone you love and, I think Sujeewa, as we speak, is in a better place than we are now, and his memory will never be forgotten at Adelaide High: it will never be forgotten by the old scholars and those of us who cherished his memory.

It was a bit strange because I was drinking for a fundraiser—a pub crawl—for Adelaide High old scholars. They insisted that I come along and give the youngsters a few lessons about drinking. Sujeewa was busy preparing to go back to Sri Lanka just before Christmas, but because it was a fundraiser he still made the time and effort to come. He was beloved by everyone. I have never seen a school community so disheartened by the death of someone who gave so much to the school and asked for so little.

To all the tsunami victims and survivors, I say that our thoughts and prayers are with you. To the South Australians who have given so generously, to the church community groups that have been raising money, to all the volunteers who went over and to everyone who gave what they could—whether it be $5, $500 or $5 000—thank you. I think it is the greatest tragedy to befall our region ever. I cannot see anything other than war being more destructive in our neighbourhood. I have been shocked by how many people have been touched by this. I am sure that everyone is very saddened by it. We will never forget people like Sujeewa who it took away from us.

The Hon. I.F. EVANS (Davenport): I rise to offer my support to those comments made by other members in relation to this motion. I live in a little place called Heathfield, and not much exciting happens in Heathfield. However, in the early 1980s we got excited because the Broadbridge family moved in some five houses up the road. The Broadbridges, being community-spirited, joined all the local clubs, as you would expect, and Wayne, being a former Port Adelaide champion footballer, joined the local football club and, indeed, was my coach.

I have had the pleasure of playing cricket with both Sam and Troy in the local club. My wife is involved in the netball club with Jane and Sarah, both of whom play and coach at the

local club. So, it was some shock to the whole community of Heathfield when we heard of Troy's demise. Troy was a fantastic athlete, as the record will show and, in fact, through his involvement in Little Athletics he still holds many records both locally and nationally, including the national 400 metres hurdle record, I think.

In Heathfield people barrack for either Port Power and Troy Broadbridge or the Adelaide Crows and Troy Broadbridge. It was that sort of impact on the community to see a young lad go right through to the top of his field. The Broadbridge family are very decent people. They have a very strong community spirit, and I am pleased that they have drawn great strength from their Christian faith during these events. I take the opportunity to put on record my family's sincere condolences for their loss.

The Hon. W.A. MATTHEW (Bright): I rise to support this motion and, in so doing, extend my sympathies with those of my parliamentary colleagues to the families of the victims of this dreadful tragedy. Like everyone I was deeply shocked by what occurred but, at the same time, very moved and proud to be an Australian in the light of the magnificent response that occurred in terms of financial donations and donations of effort.

Many were moved by stories of survival and death. I know that my own two daughters felt this tragedy in different ways. My 16 year old daughter's best friend is a girlfriend of one of the Broadbridge lads, and the service held in Adelaide was a very emotional time for them and their schoolfriends who wanted to attend. My 16 year old daughter had never actually been to a funeral before, and she gave her friends support by going along to the service. She was very moved by the experience but very proud that so many other people would turn out and pack out that tribute to a fabulous young lad who lost his life at such a young age.

My 18 year-old daughter and her friends wanted to look at how they could donate money and, being particularly moved by the death experienced by the Broadbridge family, looked at what money they could put together. One of her friends certainly set a benchmark. This young lady at 18 years of age is a university student who works at night stacking shelves in a supermarket. That young 18 year old girl gave $1 000 out of her hard-earned money to one of the Australian charity agencies to assist those people overseas. I think that for any person of that age who finds it hard to earn money to make that sort of gesture is a very strong indication of just some of the sacrifices that Australians and young Australians were prepared to make to assist those overseas who had suffered this tragedy.

I was particularly proud to see the South Australian response, together with the Australian response, and to see people such as Bill Greigg and Hugh Grantham go to the affected area and lead teams and contribute their effort again made me feel very proud. However, it was no surprise to see someone such as Hugh Grantham put up his hand. I had the privilege and pleasure of working with Hugh when I was minister for emergency services. Dr Hugh Grantham was on the medical advisory committee, and I very much appreciated and respected the advice he gave me as we dramatically restructured the ambulance service. His influence very much brought to bear the shape of the South Australian Ambulance Service as it is today and the professional service delivery that is there today. He influenced the establishment of the degree course at Flinders University (the Diploma in Applied Science in Ambulance Studies), and the introduction of paramedics into our South Australian Ambulance Service was very heavily influenced by Dr Hugh Grantham. I was not at all surprised to hear that he was lending his amazing expertise in a hands-on approach in Asia. I am sure that he would have personally saved many lives, as well as leading a team that did so.

However, I wish to address my closing remarks to the focus on other efforts Australians can provide, a subject which forms the last part of this motion. We are privileged to live in a country where we have fabulous scientific resources. We certainly have scientific resources to assist not just with the re-establishment of life in the parts of Asia that were affected but, importantly, in establishing early warning systems. It sent a shiver down my spine to again look at paper prepared by *Geoscience Australia* entitled 'Small threat, but warning sounded for tsunami research' which I read at the end of last year. It is a paper that *Geoscience Australia* released in September last year, just a few weeks before the tsunami hit. *Geoscience Australia* goes to lengths to point out that there is an international tsunami warning system for the Pacific Ocean but none for the Indian Ocean. Its paper details the modelling it had undertaken, looking at the effects of an 1833 deep sea earthquake off the coast of Sumatra and modelling that using today's modelling tools. The maps it produced are spine chilling, because they emulate exactly what occurred just a few months later with the impact through Asia.

Geoscience Australia put together this model principally to establish what is the tsunami risk for the north-west portion of Australia—effectively therefore the top of Western Australia. It deduced that there was indeed a risk of such a threat. It was for that reason that *Geoscience Australia* had been working with the Bureau of Meteorology and also Emergency Management Australia in its effort to establish an Australian tsunami alert service. *Geoscience Australia* itself indicated that it believed that the risk was small. But, regrettably, it has been proven that the risk is there. Thankfully, it did not reach the shores of Australia with the devastation that occurred in Asia, but at a future time it could well do so.

I think it is very important that our state government lends to the federal government whatever support and effort is needed to ensure that that tsunami early warning system is established, that Australia does play a major part and that our scientific expertise is utilised. The expertise is not necessarily available in poorer parts of Asia, but we have that expertise here. The mere fact that *Geoscience Australia* was able to model in advance of this tragedy the areas that would be affected demonstrates that that research is there.

In its paper, *Geoscience Australia* points out that it is one thing to be able to locate where a tsunami may start and its potential magnitude, but there is also a need to observe the spread of the initial wave to determine the height it will reach once it reaches the still waters of a continent. Because direct observation is needed, clearly cost is involved in establishing such a research centre. However, that money pales into insignificance against the cost of just one life, let alone the many lives that have been lost.

I believe that this parliament, this government and our federal colleagues can have an influence in trying to prevent lives lost in the future through being able to warn people to get to higher ground—even a few hours' warning. If that service had been available, it could have saved many tens of thousands of lives but, regrettably, because that alert service was not established, that warning was not possible. I will

certainly be doing all within my power, and I urge other colleagues to join with me, to convince our federal colleagues that this alert service must be established and that Australian expertise must be volunteered toward it.

Mrs HALL (Morialta): I, too, would like to support this motion and the sentiments that have been expressed so far during this debate. As we have heard, the tsunami disaster and the impact it has had across international borders is a catastrophe of bewildering dimensions. When I was preparing some things to say I could not help but think of a particular quote in an article (to which I will refer a little later) that really said it all. The article stated:

> At the body pit, Adelaide volunteer Paul Bilney is reflecting on the week that seared his soul, a time of experiences so profound that the memories may be a blessing and also a curse.

As we know, and as has been explained, the tsunami that hit on Boxing Day 2004 was the world's most severe earthquake in nearly 40 years. Since that time we have been mourning the loss of hundreds of thousands of innocent victims who fell victim to the power of nature. It was in those very early days almost surreal. In the first few hours it was reported that the death toll was estimated to be about 10 000, but on each subsequent day it seemed to be doubling in number. There was a sense of disbelief and helplessness, but soon the generosity and spirit of goodwill of the international community became obvious, especially from Australia.

We were, as we know, faced with a human tragedy of epic proportions, with an official death toll now said to be close to 300 000, even though we may never know the total figure. I think we all watched in horror at the initial pictures, and now we watch as a further tragedy unfolds, and that is the fact that millions of people are left without homes, food and clothing in some particular areas but, in particular, without loved ones, and I guess we have all read with horror the UN estimates that more than 1 million people are displaced and about 5 million are missing basic services.

One of the advantages of modern communications is the ability to access world news events at the touch of a button. CNN, BBC, ABC, Sky News, etc. and the print media have all provided us with up-to-date information and graphic vision of the terror, the haunted faces, the total bewilderment, the courage and the generosity. The nations of Indonesia, Malaysia, Thailand, India, Sri Lanka, the Maldives, Myanmar, the Seychelles, Bangladesh and Somalia are left with the monumental task of picking up the pieces.

Perhaps the only comforting aspect of this tragedy is the response that this catastrophe has inspired from nations all over the world and the generosity of spirit of Australians that so quickly became obvious. I urge colleagues to read a report in *The Bulletin* of 8 February entitled 'Tsunami crisis special report'. It details, as of the time of going to print, the top seven NGOs and the money that they have received in personal donations and where the money is being spent in terms of aid projects, emergency relief and ongoing and future redevelopment. It makes one feel incredibly proud when one looks at what is being done in just one segment of the rebuilding of those nations that have been affected. I had the privilege of visiting Thailand several weeks after the tsunami had hit. I must hasten to add that I did not go into the beach area, but I was very pleased to be talking to a number of people who had assisted.

I must add to the remarks the deputy leader made about the extraordinary work done by numbers of our staff at the many consular missions, in Thailand in particular, because numbers of people benefited from the coordination being conducted at the Australian Embassy in Bangkok. I understand that it was an absolute centre of communication, of flood and clothing distribution, and a home base for many volunteers, some of whom had actually flown from Australia just to lend a hand. Some of the volunteer efforts have been well reported and some have been well articulated here today, but I want in particular to pay tribute to one of the many South Australians who went to help in the relief effort. He happens to be a constituent of mine in the electorate of Morialta, and I believe he is a pretty special human being.

This particular volunteer is a guy called Paul Bilney who, with his wife, had been a frequent traveller to Thailand over many years, and who saw the pictures and felt compelled to give assistance to the aid effort. Paul and many others like him, in my view, have shown exceptional courage and generosity in giving of themselves to help others in dire need. In a recent article in the *Sydney Morning Herald* and the *Independent Weekly*, the story of Paul is told in very graphic detail. He described the experience of burying those bodies that had not yet been identified and cremating those that had been claimed by their families. Paul explained that until that stage he had only ever been to a family funeral, and there he was laying bodies in mass graves and cremating others by the hundreds, including small children.

He described the smell of decaying bodies in makeshift morgues. He described the emotion—his own and that of people around him, including a military commander he comforted while he cried on his shoulder. People like Paul Bilney have made a real difference to the lives of others in a time of unspeakable heartbreak. We thank them in a general sense, but I thought some of the quotes of Paul are really worth repeating. He states:

> I could only handle it for maybe 45 minutes initially. Apart from the horrible sight, the smell is just terrible. But the second sortie and the third sortie became easier and I was able to spend a couple of hours in there.

He then went on to talk about the volunteers from around the world and the emotional bonding that was not only natural but crucial. He said:

> We'd organised some hand signals between us to encourage each other. If someone was getting a bit shaky we'd signal.

He then went on to say that tears were confined to the evening hours when they were away from the temple. I believe, as has already been said, that Australians have every reason to be proud of the contribution our people and our country have made to the tsunami relief effort. The federal government has led the way with its billion dollars, and I pay tribute to the way Prime Minister John Howard and Foreign Affairs Minister Alexander Downer, in particular, have extended their hands of friendship and support to the affected regions during this extremely difficult time.

And not just in a monetary sense: the federal government, importantly, has made a sincere commitment to lend long-term assistance to a recovery effort that will take years, if not decades, to fully complete. Along with the federal government, I believe tributes should be given to the state governments of this country and to many of the local governments but, in particular, to the Australians who throughout have given with enormous generosity. They have supported cricket matches and concerts, made donations both to organisations such as the Red Cross and other NGOs and to more grass roots collections like the tsunami tin at the local butcher or supermarket, as has already been mentioned. We have mourned alongside those who have suffered and, importantly,

we have all made a commitment to our friends overseas that we will never forget and will not let them face this alone.

In South Australia we enjoy a wonderful friendship with multicultural communities of many diverse origins. South Australia is now the home to many people who have lost loved ones in their former homelands and seen their beloved countries crippled under the weight of the tsunami wave. To the members of our many multicultural communities, I offer my heartfelt sympathies.

The countries that we know that have been affected will have to rebuild not only their homes and their communities but also their economies, and I believe that tourism will be crucial to that success. Countries such as Thailand, Sri Lanka, Indonesia and the Maldives, in particular, rely very heavily on tourism. I have no doubt that the international tourism industry will support the commitment that it has already given to assist in the short and long term. I had the privilege of meeting with several tourism authorities during my time in Thailand. Not only were they devastated at a personal level but also, following extensive market research, they had just completed about four month's preparation to launch a campaign for Thailand's new tourism campaign.

It was due to be launched on 4 January. They are now rethinking that whole issue; and, of course, at the end of our briefings and meetings they urged me to say that tourism is so important for them to rebuild their economies and to re-employ their people. Again, I offer my condolences to the many individuals and survivors of the significant communities that have been devastated by this international tragedy.

Mr BRINDAL (Unley): I rise to support the motion, as did those colleagues who spoke before me and whose remarks I endorse, as well as those members who will not speak. I support the debate in the context that most members of this house will know that, over the last few years, I have developed something of a love affair with Thailand. I want to contribute to the debate in that context. Yesterday I was speaking to some of my friends in Thailand—and I have spoken also to some of my Islamic friends who are not actually resident in Thailand—about this disaster.

As I am the second oldest to speak, I feel that I can say this: I wonder how many times during a lifetime one has to suffer a loss of innocence. It is almost the case that the older you get the more you think nothing will shock you and the more shocked you get when something comes along and does just that. Some years ago we had Ash Wednesday. We have had floods, fires and all sorts of famines, and just when you think you will not see anything worse something worse comes along. I think that a lot of that comes from the attitude that we have—particularly in this country—that we are masters of our fate and monarchs of our environment. We are not.

The problem with tsunamis, earthquakes and fires (as we talked about yesterday with respect to the fires on Eyre Peninsula) is that no matter how much we pride ourselves on being the dominant species there are overwhelming forces which, despite all our technologies, are beyond our powers to control. The tsunami, I think, was a lesson in humility to that effect.

I want to share with this house a couple of things: one is the absolute uncaring and random nature of such disasters. Trevor Pickering is a friend of mine and well known to me, as is his own family, including his young, very militant, Labor-voting daughter (who, luckily, is living now in the United Kingdom so cannot exercise a vote for the government).

Trevor was in his room. His story appeared on a page of the newspaper but it did not detail these facts. The two women were further up on higher ground shopping so they were in no danger, but Trevor and his son (who is also a plumber) were in the hotel. The son climbed to the roof and was quite safe throughout the entire event. However, Trevor was in his room. The water came through the door. He could not get out of the room. The only thing that saved Trevor's life was that he managed to smash a skylight and get out onto the roof where one should have thought he would be safe.

But a second surge of water swept him off the roof. The next thing he knew, he was found by a Thai person and taken to a hospital. He had lost consciousness, been tossed wither and hither, I suppose, by the waters but luckily survived. There was one man, one South Australian, who lived—but who just as easily could have died. There are countless other stories of people who perhaps had a little less traumatic experience but died nevertheless in the process.

One of the terrible things about this is the totally random and arbitrary nature of the tragedy. It is not a tragedy just in the loss of life: it is a tragedy in the loss of human infrastructure and whole environments that are not there any more. I do not want to detail it to the house, because it betrays confidence, but in talking to a senior government minister and members of his family, I am in no doubt that experiencing that event, as our doctors have done, is something that will mark the rest of their life. It is something they will not forget and something, which no matter what, they will never erase from their mind. It has left an indelible impression.

One of the family of the senior minister talked about his father's inability to get the smell out of his nostrils—the fact that it is just with him and he cannot get past it. My cousin, Dr Timothy Semple, who is an anaesthetist who went with the South Australian team, made similar comments. All the journalists who reported on the tsunami repeatedly said that no vision can explain what it looks like. It is an area of total devastation, and some journalists compared it to the sort of waste of an atomic bomb.

I conclude by saying—and this is one of the reasons why I am so grateful to Thailand—that I was more than 50 years old when I realised that I had some inherent racial prejudice; and it was the gentleness and the essential decency and humanity of the Thai people that taught me to overcome that. In similar line to what the deputy leader was saying, I cannot imagine in my youth this nation donating so generously to countries to our north. In those days, they were not 'quite people like us'; they were somehow different; they were Indonesians and Sri Lankans and people from a different nation. But now—and I think it is a coming of age of this nation—we see them and we work with them and they are part of our community; they are part of our neighbourhood. This time it was not 'different people up there' to which this happened: it was our neighbours next door. For that reason I think we gave generously.

But we should be mindful of this—and this is a message I have from all my friends in Thailand: His Majesty the King of Thailand, who is revered by the Thai people, was very quick to give succour in terms of housing aid, but the Prime Minister of Thailand Thaksin Shinawatra did not mention the disaster for something like five days. There are some people who would say that shows, perhaps, a lack of compassion on the part of the Prime Minister. I was talking to one of my Thai friends about this last night. That is not so.

The Thais are Buddhist and the Thais, much more than we, as are people of the Islamic faith, are much more accepting of that which is and are prepared to get on with that which will be in the end. They have suffered tragedy and loss, but in many ways, in a way that we in the west do not understand, having suffered the loss, they look to the next sun and look to get on with their life and rebuild from where they can. They are more accepting than we. It is not because they do not care: they do care, but they have a slightly different way of looking at the world. And if we can honour those people, as we can honour the friends of the member for Davenport, and those people more immediately known to us who have lost their life, we will do so by understanding our neighbours better; and we do not need a tsunami to actually encourage us to go up there to help.

As we debate this motion relating to people who are suffering because of the tsunami, one should visit Cambodia to look at the absolute chaos that still endures after Pol Pot and his regime. There is no disaster there, it is over, but the suffering and the need is still there. One should go into Myanmar to look at the impressive military regime. There are plenty of places in that region which are absolutely deserving of our compassion and sympathy. And, if this tsunami motion does one thing, it should wake us up to our place in the world and make us as generous all the time as we have been. I conclude by quoting what the minister quoted from Hugh Grantham: this tsunami should give us all in this nation reasons to be grateful. Let us never forget that.

Mr SCALZI (Hartley): I will be brief, and I speak as a proud South Australian and Australian on the response that Australia had made to the diaster on Boxing Day, as indeed South Australia made in response to the disaster on the Eyre Peninsula. I do not believe that we can understand ever as they understand. We cannot feel the pain as they feel the pain. No amount of reading or seeing it on television will ever make it real for us. All we can say is that we know, as we try to reach out and understand, in the hope that they know that they are not alone to bear the pain and the reconstruction on this rock called earth, as God's help, Allah's help, Jehovah's help, and the Lord of Heaven's help will ultimately set them free.

The SPEAKER: I add my own condolences to those people who have not only had family members lose their lives but also suffered severe loss of property and anything else that they value in the course of this disaster, unknown as it was, and unpredictable, given the state of science and the availability of equipment, or the lack of it, in the Indian Ocean at that time. I commend all members for what they have had to say in relating circumstances that have affected them in a compassionate way, endeavouring to place on the record the feelings that other South Australians like themselves must have.

Briefly, I say of my own experience in Utara Sumatra of which Aceh, Banda Aceh in particular, is a part, having had connection to that part of the world for over 40 years, and having seen the consequences of the Sukarno era doublecross for people of ethnic origins, and suffered the loss of a friend then and, in consequence, made an effort. The Punjaitin family have been known to me for that long and, perhaps sufficient to say, that they are a strong Christian family in the north of Sumatra—that is what Utara Sumatra means—and a large family. One of their number, incredibly, rose to become one of the most trusted men in Indonesia during the Sukarno era in spite of the fact that he was Christian, and he lost his life that fateful day when the six generals were sought out and slaughtered at night. Suharto survived because he was not where he was thought to be. Perhaps I will not go there anymore except to say that I do not know how many young people, who subsequently have written to me thanking me for the little help I have given them in their lives, have been afflicted by the disaster because they do not have the means of properly communicating, but the messages that I have received over the last month or so have affected me.

The other two things that I wish to draw attention to is that it is sad that India felt so compelled to appear to be utterly self-reliant, that it could not accept the offers of help from other parts of the world which may have eased the pain and assisted in the recovery of those many people in India who were affected by the tsunami—Myanmar, no less so, because of the arrogance of its government and, equally, some of the governments in East Africa. We do not know the extent of the damage and the loss because it is not officially revealed and never will be.

The other remark I wish to make is that, as an amateur student of geology and geomorphology, I am astonished that there are people in the state who claim, from their professional expertise, that there is insignificant risk of any such thing occurring in our vicinity of the world, especially when I look at what I know to be the block faulting in the vertical plane where huge slabs of the continental shelf are stacked against each other like dominoes on the continental shelf between Cape Jervis and the South-East, shown and clearly illustrated, if anyone wants to see it, by the steep drop in Deep Creek through Waitpinga, to then claim that, offshore there, with an adjustment in one of those blocks, or more of them, would not create the drop in sea level immediately, causing the rush from all directions of the water that then produces the rise when receding back into the surface of the ocean generating the tsunami wave.

It astonishes me that we continue to ignore that risk, and I said so to the people who are responsible, for instance, on the Public Works Committee for the extension of Victor Harbor Hospital on the very banks of a tidal river, which would be wiped out by something far, far less significant on our south coast in the wave it would produce, simply because it is not so far above the high tide datum, not sufficiently far above it to escape it, and there is no buffer whatever between the coast and that location.

We need to be alert to that, and to think about it when we are planning what we will do in future. I do not seek to be alarmist, no-one does, but we ought to be aware of such things. It is about as stupid as planting a gum tree where it will spread its limbs across the roof of your house and across where your children play, or other children who may dwell in the house after you, and expect that it will never drop a limb when you know the nature of the species. The state of nature itself means that it is not a matter of if; it is a matter of when, and, accordingly, it is a disaster that could have been averted, but was not simply because of sentimentality.

Having made those remarks, I invite all honourable members to rise in their place in silence to pass the motion moved by the Premier, that the House of Assembly expresses its sadness and dismay at the terrible human and material cost of the 2004 Boxing Day tsunami in southern Asia, mourns the death of more than 200 000 people, including 17 Australians and three people linked to the state, commends South Australians from all walks of life for contributing to the relief

effort, and pledges South Australia's ongoing support to the long-term rebuilding effort in Asia.

Motion carried by members standing in their places in silence.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

- AustralAsia Railway Corporation—Report 2003-04
- Public Sector Management Act 1995, Section 69—Appointments to the Minister's personal staff
- Remuneration Tribunal, Determinations and Reports of the—
  - No. 1 of 2004—Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman, Ombudsman and Health and Community Services Complaints Commissioner
  - No. 2 of 2004—Alternative Vehicle Request from Master Anne Bampton
  - No. 3 of 2004—Members of the Judiciary, Members of the Industrial Relations Commission, State Coroner, Commissioners of the Environment, Resources and Development Court
  - No. 4 of 2004—Amendments to Determination No. 5 of 2001—Conveyance Allowances
  - No. 5 of 2004—Amendments to Determination No. 2 of 2002—Travelling and Accommodation Allowances

By the Treasurer (Hon. K.O. Foley)—

- South Australian Government—Final Budget Outcome 2003-04
- Regulations under the following Acts—
  - Police Superannuation—Salary
  - Superannuation—
    - Commutation
    - Julia Farr Services

By the Minister for Police (Hon. K.O. Foley)—

- Australian Crime Commission—Report 2003-04

By the Minister for Energy (Hon. P.F. Conlon)—

- Regulations under the following Act—
  - Electricity—Aerial Lines

By the Attorney-General (Hon. M.J. Atkinson)—

- Courts Administration Authority—Report 2003-04
- Public Trustee Office—Report 2003-04
- South Australian Equal Opportunity Commission—Report 2003-04
- Summary Offences Act—
  - Section 74B—Statistical Returns for Road Block Establishment Authorisations
  - Section 83B—Statistical Returns for Dangerous Area Declarations
- Regulations under the following Act—
  - Criminal Law (Sentencing)—Identity Theft
- Rules of Court—
  - Magistrates Court—Rules—Insurance Claims
  - Administration and Probate—Rules—Administration Guarantees

By the Minister for Multicultural Affairs (Hon. M.J. Atkinson)—

- South Australian Multicultural and Ethnic Affairs Commission—Report 2003-04

By the Minister for Health (Hon. L. Stevens)—

- National Health and Medical Research Council—Ethical guidelines on the use of assisted reproductive technology in clinical practice and research
- Public and Environmental Health Council—Report 2003-04

By the Minister for Transport (Hon. P.L. White)—

- Regulations under the following Act—
  - Motor Vehicles—Refunds

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

- Development Act—Development Plan Amendment Reports—
  - District Council of Mount Barker—Mount Barker Regional Town Centre Car Parking and Urban Design
  - District Council of Tumby Bay—General Farming Zone—Coastal Zone—Residential

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

- Correctional Services Advisory Council—Report 2003-04
- Regulations under the following Act—
  - Environment Protection—Waste Depot Levy

By the Minister for Administrative Services (Hon. M.J. Wright)—

- Regulations under the following Act—
  - Freedom of Information—Children in State Care Inquiry

By the Minister for Gambling (Hon. M.J. Wright)—

- Rules—
  - Authorised Betting Operation—Rules—Betting Exchanges

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

- Regulations under the following Acts—
  - Education—Nomination of Board Members
  - Senior Secondary Assessment Board of South Australia—Subjects and Fees
  - Teachers Registration and Standards—Nomination of Board Members

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

- World Police and Fire Games Corporation 2007—Charter 2004-05

By the Minister for State/Local Government Relations (Hon. R.J. McEwen)—

- Local Government Grants Commission South Australia—Report 2003-04
- Local Council By-Laws—
  - City of Victor Harbor—
    - No. 2—Moveable Signs
    - No. 3—Local Government Land
    - No. 4—Roads
  - Flinders Rangers Council—
    - No. 1—Permits and Penalties
    - No. 2—Moveable Signs

By the Minister for the River Murray (Hon. K.A. Maywald)—

- Murray-Darling Basin Commission—Report 2003-04

By the Minister for Consumer Affairs (Hon. K.A. Maywald)—

- Regulations under the following Act—
  - Liquor Licensing—Dry Areas—
    - Hallet Cove
    - Peterborough
    - Port Adelaide
    - Port Lincoln
    - Christmas and New Year.

QUESTION TIME

The SPEAKER: Before I call on the deputy leader, I point out that the Deputy Premier will take questions addressed to the Premier.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Attorney-General. Given the degree of public interest in the fact that the Contala report highlights that funds for child protection and crime prevention programs were allocated from the Crown Solicitor's Trust Account, why did not the Attorney-General confirm to the house yesterday in question time that these funds came out of that account?

Yesterday, the Attorney-General was asked to confirm whether any or all of the crime prevention and child protection programs were funded from the Crown Solicitor's Trust Account. The Attorney-General responded, 'I will get back to the house promptly.' The review of the Crown Solicitor's Trust Account August 2004, which was prepared by Deb Contala and given to the Attorney-General on 20 August last year, specifically identifies the crime prevention transactions both into and out of the Crown Solicitor's Trust Account.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Deputy Premier): The Contala report and the—

The Hon. DEAN BROWN: Sir, I rise on a point of order.

The Hon. K.O. Foley: You have no point of order, Dean.

The Hon. DEAN BROWN: On a point of order, sir—

The SPEAKER: Order! With the greatest respect, the Deputy Premier needs to know that there is only one set of standing orders in this place, not one for everyone else—the 45 of us—and one for him, and that it is entirely disorderly for him to interject in the fashion to which he has become accustomed. It is not only disorderly but it is also disruptive. The deputy leader has a point of order?

The Hon. DEAN BROWN: Yes, Mr Speaker. My point of order is that the question is quite specific to the Attorney-General in that I asked why he did not reveal this to the house yesterday. Only the Attorney-General can answer that question, so I cannot see why the Deputy Premier would want to jump to his feet and defend the Attorney-General.

The SPEAKER: The chair understands what the deputy leader is saying and makes the observation that it is quaint, if nothing else—that is, the extent to which it is possible for government ministers to read each other's minds. However, it is not within the province of the chair to determine which minister will answer such questions. Notwithstanding that, the chair points out that this is not an opportunity to debate the material contained in the explanation given by the deputy leader, much of which in itself borders on debate, but it is an opportunity for a minister to say—and only say—why such information was not provided yesterday. Other than that, the Attorney-General made the point that he would examine the record and get back to the house.

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I am happy to answer the question. Yesterday I was asked about three matters. One was the Office of the Public Advocate, the funding of the fit-out of the Office of the Public Advocate's office and provision of funds for information technology. The advice of my department is that Ms Lennon's testimony to the select committee in another place is false and that that was not funded from the Crown Solicitor's Trust Account. Because of the importance of precision in this matter and that no mistakes, however minor, are made in answers, I took the other two matters on notice regarding the Layton report recommendations and the crime prevention program.

What I can tell the house regarding the Layton report is that the documentation does not support Ms Lennon's statement that an amount of $300 000 was placed in the Crown Solicitor's Trust Account for the recommendations arising from the Layton report. On 3 February 2004, Kate Lennon did approve the deposit of $300 000 with the descriptor 'contractual related costs associated with business reform processes relating to the provision of social housing and justice matters'.

An amount of $90 000 of these funds was paid to South Australia Police for additional policing in the Anangu Pitjantjatjara lands. This was not a Layton report recommendation. On crime prevention I will come back promptly with an answer to the question that the Leader of the Opposition asked yesterday. The important thing here is that I should have been able to have confidence in my chief executive to manage the finances in accordance with her duties under the Public Sector Management Act, but she deceived me, as she deceived the Auditor-General and the Treasurer.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, I think you have already ruled that this is not a chance for the Attorney-General or the person answering this question to debate other issues. It was a very specific question as to why we were not given this information yesterday when the Attorney-General had apparently seen this Contala report we are talking about and had failed to answer the question yesterday.

The SPEAKER: Order! The deputy leader now transgresses into the same territory into which the Attorney-General may have ventured, that is, the territory of debate in the answer. The Attorney has made plain what he has done, his knowledge of the situation at this moment, and given an assurance to provide the rest of the information. Accordingly, I think it is time to move on.

LAND TAX

Mr CAICA (Colton): My question is to the Minister for Tourism. What impact will this government's land tax relief package have on South Australian tourism operators?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Colton, whose electorate covers coastal and tourism operations of some significance. Yesterday, the government unveiled its $245 million tax relief package, which will affect 121 000 South Australians paying land tax. These restructured arrangements will be particularly significant for the tourism industry. In fact, this is the first time since the 1990-91 year that South Australian land tax arrangements have been reformed and the first time that there has been a reduction in the amount of money collected. The new package will actually eliminate 44 000 land tax payers who will now find their properties fall below the level at which land tax is collected. The impact for tourism operators will be particularly significant.

It is particularly true that properties have risen in value along coastal resort areas, and this has impacted on rental property as well as on caravan operators and bed and breakfast businesses. Coastal properties will benefit from the new provisions with a significant reduction in their overall land tax costs. However, for caravan parks the exemptions are particularly important, because now they, with the residential parks, will be exempt from land tax. That is particularly important because, with the rising values of property in coastal areas, the pressure has been on development, and those coastal caravan parks might otherwise have been lost

to the caravan and camping population of the state and there would have been a fall in tourism activity had those sites all been lost.

The SPEAKER: Could I invite the minister to give the facts and not the reasons? They are debate. The facts are not.

The Hon. J.D. LOMAX-SMITH: The impact of alterations in land tax costs also will be significant in the bed and breakfast industry. As members know, previously the upper limit beyond which land tax was payable on businesses that operated from the principal place of residence was a square metrage, which was 28 square metres. Now there will be tax relief on land tax for all owner-occupied bed and breakfast facilities where the operation of the business occupies less than 25 per cent of the floor area of the building, excluding garden areas. This is a very significant impact for those owner-occupied—

The SPEAKER: Once again, I point out to the minister that it is a pejorative remark to say that it is significant or very significant. That is debate, not fact.

The Hon. J.D. LOMAX-SMITH: I am sorry, sir, I thought that it was significant.

The SPEAKER: Notwithstanding that, depending on how the rejoinder is interpreted, it could be taken as insolent.

The Hon. J.D. LOMAX-SMITH: I am sorry, sir; I will find another adjective. Where the bed and breakfast operation involves between 25 and 75 per cent of the floor area of the property, there will be a gradation in land tax, so that there will be significant relief for owner/occupied bed and breakfast establishments. I apologise, sir; there will be relief for bed and breakfast operators where the business is the principal place of residence. In fact, many operators have told me that this reduction in land tax will have an impact on their businesses because many are seasonal with low cash flows and are operated in a way that will contribute to our state's strategic plan, and are important in providing tourism business to regional areas.

The tourism industry has been very cooperative in bringing to the SATC the issues that it has had to address. It has been committed to opening its books, explaining its cash flow and pointing out the risks under the previous regime. The tourism commission has played a major role in collating that information. The tax package put together by the Treasurer has really been brought about as a result of the input of the industry and the support of the tourism commission. I think that the bed and breakfast industry and the farmstay, caravan park and general tourism operators will benefit from the reduction in land tax costs. I believe that the package the Treasurer has put together, as well as being an enormous fund of relief, will particularly target the tourism industry in South Australia.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. I.F. EVANS (Davenport): Will the Attorney confirm that his department forfeited $7 million back to Treasury at the end of 2001-02 as a result of the Treasurer's new carry-over policy, and explain what impact this had on program delivery within the justice portfolio for the financial year 2002-03?

The Hon. K.O. FOLEY (Deputy Premier): When I became Treasurer, and on advice from Treasury, I moved very swiftly to implement across government tighter budget management, tighter financial controls, as well as over two budgets eliminating $1.5 billion of previous Liberal government expenses and savings over a four-year period. I will clarify those numbers. My memory is such that I best double check those numbers, but there was a large cut to Liberal Party expenditure. We make no apology for a very tight carry-over policy. It is simply that, under the former treasurer (Hon. Rob Lucas), we had a very—

The SPEAKER: Order! The deputy leader.

The Hon. DEAN BROWN: I rise on a point of order, sir. The question was very specific about the $7 million in the Attorney-General's Department. That is what the answer should be confined to.

The SPEAKER: Yes; I uphold the point of order.

The Hon. I.F. EVANS: My question is directed to the Attorney-General. After the Attorney-General became aware that $7 million from his department was to be handed back to Treasury at the end of 2001-02, did the Attorney-General have discussions with his CEO to work out priorities about which programs were to be cut and which would be delivered?

The Hon. K.O. FOLEY (Deputy Premier): I have made it very clear: the carry-over policy was about this government's tight budget management. If public servants choose to deceive the Treasurer, deceive the government—

Members interjecting:

The SPEAKER: Order! The question inquired as to which government programs within the Department of Justice were reduced as a consequence of the repayment to Treasury of the money which had been appropriated. It is not about whether or not there was merit in the government's policies. I am sure members know that is not in question; it is not in doubt. It is not an opportunity in question time to debate such matters, simply to provide the factual material sought by members from ministers.

The Hon. K.O. FOLEY: I will take the question on notice and provide an answer.

The Hon. I.F. EVANS: I rise on a point of order. The question was: did the Attorney-General have discussions with his CEO to work our priorities for programs which were to be cut and programs which were to be delivered? That is different from the words you used, Mr Speaker. The question was, specifically, whether the Attorney-General had discussions. How the Treasurer will answer that, I am not sure.

The Hon. K.O. FOLEY: I will get back to the house with an answer.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport will come to order.

APPRENTICESHIPS

Mrs GERAGHTY (Torrens): My question is to the Minister for Employment, Training and Further Education. What initiatives are being pursued to encourage a renewed interest in the skilled trades and apprenticeships?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the honourable member for her question. I know that both she and the member for Fisher have a particular interest in this area. This week school leavers will know whether they have missed out on TAFE or university offers. They will know the outcome in relation to the applications that they submitted for these areas. This is an opportunity for those people who have missed out to think about the tremendous opportunities that are available in the trade apprenticeship areas.

The Hon. DEAN BROWN: I rise on a point of order, sir. While I am interested in the answer, I think that the Chair of Committees actually gave notice today of a motion specifically on this subject. I believe that under standing orders that precludes this question being asked.

The SPEAKER: The deputy leader raises an interesting point. He and all members need to bear in mind that the matter referred to by the Chair of Committees in his motion is not yet in the possession of the house until it appears on the *Notice Paper*. It is, therefore, in order for any member, including that member, to ask a question about it. That same question, presumably tomorrow, if there is no other reason why the proposition is disorderly, would not be an orderly question. At present, it still is.

The Hon. S.W. KEY: Thank you, sir. I think it is probably important for members in this house to note that efforts have been put in place to ensure we do attract as many people as possible to consider trade apprenticeships. We have put in a telephone hotline, which is staffed by people who know the system very well. They can answer people's inquiries on a case by case basis and help them to link into the system. We have people answering the phone, not a computerised answering system. Callers will get the best possible advice about the opportunities available and how they would go about pursuing such interest. The information that is available will include the current apprenticeship occupations available in South Australia; contracts of training; qualifications they can achieve; and finding employers and group training organisations that are willing to take them on as apprentices. We are also emphasising the fact that this is a time when South Australian employers are looking to take on apprentices, and we want to ensure we match up, as much as possible, that demand with the supply of very talented people we have in South Australia who should consider these trades.

At present, we have very strong employment indicators. This is a state with a predominance of small to medium size businesses, and we want to ensure that we assist those businesses with their skilled needs and ensure that the pre-apprenticeship pilot program, which is identifying the areas of skill shortage, is put to good use.

There is an apprenticeship hotline number that we are publicising as far as possible—1800 373 097—and this is a free call service which started on Monday 7 February 2005 and will operate on weekdays between 8.30 a.m. and 5.30 p.m. I not only commend the service to members but also ask them to consider encouraging as many people as possible to think about apprenticeships as a real option for the future.

CROWN SOLICITOR'S TRUST ACCOUNT

Mr HAMILTON-SMITH (Waite): During 2004, was the Attorney given a folder of material titled *A Summary of Carryover and Cost Pressure Submissions for the Attorney-General's Department for the year 2004-05*? Was this briefing paper prepared by his department and approved by acting CEO Bill Cossey, and did it contain a list of budget items that needed review?

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport is out of order.

The Hon. I.F. EVANS: Sorry, Mr Speaker. I was not sure if he heard the Treasurer tell him to take it on notice. I was just bringing it to his attention

The SPEAKER: Order!

The Hon. M.J. ATKINSON (Attorney-General): The unlawful transactions have been reversed, those responsible have resigned or been demoted, the public interest has been protected, and the system has worked. I will be happy to take the question on notice and get a reply for the member for Waite, but I can say that the one thing that the Liberal opposition will not accept in this matter is that the government changed in March 2002. The new government is entitled to spend money on its priorities and cut the previous government's programs, and that is exactly what we did on coming to office. So, that is the short answer to the member for Davenport's question. I notice that Ms Lennon told the select committee, 'We were like, I hate to say it, a mini treasury in some cases.'

An honourable member interjecting:

The Hon. M.J. ATKINSON: Exactly. That is Ms Lennon's wrongdoing. She set herself up as a mini treasury, a mini government, to decide what the government's priorities should be without consulting the government. For instance, Ms Lennon, as chief executive officer of the Attorney-General's Department, asked for Treasury approval for—

Mr HAMILTON-SMITH: Point of order, Mr Speaker—

The Hon. M.J. Atkinson: You don't like it, do you?

Mr HAMILTON-SMITH: On a point of order, sir, the minister said he will come back to the house, and he is now straying into debate.

The SPEAKER: I do not uphold the point of order.

The Hon. M.J. ATKINSON: As an example, Ms Lennon, as chief executive officer of the Attorney-General's Department, asked for Treasury approval for $100 000 for 'Learning framework and chief executive's scholarships.' Treasury approval was not given, yet $77 000 was expended from the Crown Solicitor's Trust Account.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, I have read the question again and I see nothing—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —in the question relating to what the Attorney-General is now saying, and I believe not only that he is debating an issue but also that it is not even the issue around the question that was asked.

The SPEAKER: I do not have the advantage that the deputy leader obviously has in that he has a copy of what the member for Waite wrote down as being the question that he intended to ask. I cannot say that the remarks being made by the Attorney-General are irrelevant to the nature of the inquiry made by the member for Waite. Certainly, I heard the Attorney-General say that he would bring back some of the information to the chamber. Whether he intended that that meant all of the information, I think, the time was unclear to me, and what he now speaks about is not irrelevant to the nature of the inquiry made by the member for Waite, but if he transgresses and goes into pejoratives about what is on foot, what is not, and what is done and what has not been done in support of an argument of the government's position that will be debate and we will move on. The honourable the Attorney-General.

The Hon. M.J. ATKINSON: So, the example I gave the member for Waite and the house is an illustration that those who indulged in this practice with the Crown Solicitor's Trust Account had decided to spend money on some things the Treasurer and the Auditor-General had decided not to spend money on in the new financial year, or had not contemplated spending money on. What was happening here was the setting

up of a $6 million discretionary fund by the former chief executive Kate Lennon. As the Auditor-General said, it enabled the department to retain funds and to reallocate those funds at the discretion of the department. The Rann Labor government governs South Australia, not Kate Lennon.

Mr HAMILTON-SMITH: I have a supplementary question to the Attorney. When he remembers the document, will he come back to the house and tell us why it was prepared, under whose authority, for what purpose, and will he tell us if he remembers the attachment dated 13 May 2004 to the document he has forgotten about today but hopefully will remember tomorrow?

The Hon. M.J. ATKINSON: I have a very good memory.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: That's why I know that Kate Lennon never mentioned the Crown Solicitor's trust account to me, and that is witnessed by people who attended the meetings—my Chief of Staff, Mr Andrew Lamb, the Deputy Head of the department, Mr Terry Evans and Mr Kym Pennifold, the former financial officer of the department who gave testimony that at meetings he attended with me and with Ms Lennon the Crown Solicitor's Trust Account was never mentioned. He was brought to the committee as the Liberal Party's witness. I have not forgotten any documents. We will look at the records and we will give the member a detailed and accurate answer.

Mr BRINDAL: Point of order, Mr Speaker: I draw your attention to statements to this house by the Attorney-General over a number of years in which he claimed, in every case, in explanation to this house that his memory was far from perfect. He just asserted to the house that he has a good memory. I wonder, in the heat of the debate, whether he is not misleading the house and you should caution him, sir.

The SPEAKER: To my certain knowledge, I can tell the member for Unley, whilst there is no point of order, the Attorney-General is extraordinarily modest.

ST ELIZA'S SUPPORTED RESIDENTIAL FACILITY

Mr RAU (Enfield): My question is to the Minister for Housing. What is the operating status of St Eliza's supported residential facility in Cheltenham?

The SPEAKER: Can I ask the honourable speaker to repeat the question? I had difficulty hearing it.

Mr RAU: Yes, certainly, Mr Speaker. My question to the minister is: what is the operating status of St Eliza's—

An honourable member interjecting:

The SPEAKER: Order!

Mr RAU: I would like to remind him all the same.

The SPEAKER: Neither the Minister for Infrastructure nor the member for Stuart need to provide assistance to the member for Enfield.

Mr RAU: I am grateful, Mr Speaker, of course. I will have another try. My question to the Minister for Housing is: what is the operating status of St Eliza's supported residential facility in Cheltenham?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for his question. Members may recall that an article appeared in *The Advertiser* a couple of weeks ago highlighting the alleged plight—and I say the word 'alleged' advisedly—of St Eliza's, a supported residential facility in Cheltenham. I visited that facility; it is, of course, in my electorate. So, I was rather alarmed when I returned from leave and saw the quotes that were attributed to the member for Heysen concerning this facility; for example, that 30 intellectually disabled people would be thrown onto the streets because of government inaction. This was the suggestion, and just remember here that it was actually 25 residents, but the details do not seem to trouble those opposite.

These 25 residents—very frail and vulnerable people—wake up in the morning and, if they read the paper, would presumably wonder if they were going to have a place to live. This was allegedly because the Charles Sturt City Council was not processing a licence of the new owner expeditiously enough and were imposing a 'massive bill' for fire safety upgrades. When we checked, the situation could not have been more different. As it turns out, there was little chance of the sale not proceeding at that time. The council was doing everything it could to process the application—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: Well, if the honourable member could just listen. She is—

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The honourable Deputy Leader is out of order.

The Hon. J.W. WEATHERILL: I think it behoves those who have spread this misinformation and troubled a lot of vulnerable people to listen to some material about what, in fact, occurred. The licence had to be processed consistent with the Supported Residential Facilities Act. This was despite the fact that the application was received on short notice and the current owner had not provided clear information about the sale process. Notwithstanding that the Charles Sturt City Council issued a licence to the new licensing manager. The new management officially took over the facility at midnight on 2 February.

The fire safety issues that Ms Redmond alluded to had actually been addressed over the last two years, with the council agreeing to a two-year upgrade plan with the current owner. In fact, the first stage of the upgrade was completed; there was no evidence that the second stage was not going to be completed on time, and the fire safety issues were known to the prospective owner, who had agreed to meet the remaining requirements of the upgrade. Of great concern is that you would leap into the media making wild claims getting one side of the argument, having 25 frail and vulnerable people wondering whether or not they were going to have a home to go to. This is a consistent pattern by those opposite.

Members interjecting:

The Hon. J.W. WEATHERILL: I notice that another press release from the Deputy Leader of the Opposition about an SRF in the Victor Harbor area is doing the rounds today—one scare campaign after another on the back of the most vulnerable people in our community. It is unacceptable, and those opposite have a duty of care to check the facts before they make such wild claims.

CROWN SOLICITOR'S TRUST ACCOUNT

Mr HAMILTON-SMITH (Waite): My question is to the Attorney-General. After the departure of Kate Lennon from the Attorney-General's Department, did either the acting chief executive Bill Cossey or the Deputy Chief Executive Terry Evans brief the Attorney on the status of the video-

conferencing project? Were carryover funds for this project ever discussed with him? Prior to 30 June 2004 the conferencing project funds had been committed, contracts were approved and let, and most of the construction work was finished. The opposition has received a copy of an internal departmental document which shows that an additional $95 000 was needed to cover the increased cost of the tender for construction—part of the videoconferencing project. The document shows acting CEO Bill Cossey gave his approval for the additional funds to be paid from the Crown Solicitor's Trust Account.

The SPEAKER: Order! The explanation engages in debate and will not be permitted in future.

The Hon. M.J. ATKINSON (Attorney-General): Of course I had discussions with public servants about the videoconferencing project. It was something less than a success. On the question of where funding for it came from, I will endeavour to get an answer for the member. The truth of the matter is that literally tens of thousands of financial transactions occur in my department and, as the Auditor-General has said, a minister cannot be across every one of them. Indeed, as the Auditor-General told the member for Waite, when he was a minister he did not go into that detail: no minister does.

MINISTERIAL EXPENDITURE

Mrs HALL (Morialta): My question is to the Treasurer. What is the total amount being paid by ministerial offices and government departments for ministers, their staff and public servants to attend the Cherie Blair gala charity dinner to be held tomorrow evening, and why was taxpayers' money not allocated instead to the Child Research Institute at the Women's and Children's Hospital based in Adelaide? The opposition has been advised that proceeds from the dinner will go to the Sydney-based Children's Cancer Institute Australia once all expenses are paid and Mrs Blair is paid her appearance fee of some $200 000. Today, the Queen Elizabeth Hospital's Research Foundation—

The SPEAKER: Order! The member for Morialta is engaging in a practice which is expressly forbidden, that is, supporting the justification for a question with argument. That is not permitted in standing orders, nor is it permitted for ministers to do likewise in giving factual information in response to such inquiries.

The Hon. K.O. FOLEY (Treasurer): I am not sure of that answer. However, I will say this—

Mrs Hall: Are you going?

The Hon. K.O. FOLEY: No, I'm not going at all. I should have thought that members opposite, after their track record in government and use of government expense accounts, would be the last ones to be throwing stones in relation to this issue. I am happy to take that question on notice and get an answer for the member.

POLICE, EXPENDITURE

Mr BROKENSHIRE (Mawson): Will the Minister for Police explain why the South Australian government spent less money on policing in the last financial year than any other state government? The Productivity Commission Report released recently states that 'All jurisdictions except South Australia increased their real expenditure over the past 12 months.' There has been a fall in real recurrent expenditure on police services of 11 per cent in the past year in South Australia—from $254 per person to $230 per person. Table 5A-16 shows that the South Australian government has reduced per capita spending on police from the second highest of the states to the lowest.

The Hon. K.O. FOLEY (Minister for Police): The figures contained within the Productivity Commission Report are misleading in that the way—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will presumably seek the call again some time in the future; I hope not later today if he persists with that behaviour.

The Hon. K.O. FOLEY: The variation from the 2002-03 numbers of $387 million and the 2003-04 numbers of $352 million was due to a higher recruit expenditure in 2003-04 and reflected a one-off increase in workers compensation expenditure of some $19.1 million due to a revised methodology for assessing workers compensation and an extra $14.9 million in community road safety funding (revenue from own sources) not being included. That expenditure was shifted, which meant that the 2002-03 number was higher than it would normally have been due to one-off factors. When comparing the two, they give a misleading distortion.

This government has continually increased expenditure on police above that of the former government. The national average—and this is an important statistic—in relation to the number of police officers per 100 000 in 2003-04, before the recruitment campaign is fully operational and in full swing, is 243, compared with an average of 226. This government is building new police stations and recruiting up to 200 more police officers. This government is spending more today on police than previous governments, because we are committed to increasing police resources. Members opposite cannot use distorted or one-off figures to suit their argument. The truth of the matter is that, from the lows of the mid 1990s, when the deputy leader was premier and even the time when the former police minister (now shadow police minister) was in office, there are more police today—and there will be more police at the end of our first term of government—than at any time in this state's history.

POLICE, STAFFING

Mr BROKENSHIRE (Mawson): My question is to the Minister for Police, based on his last answer. Will the minister therefore explain the decline of 56 in the number of sworn police staff in the past financial year, as revealed in the Productivity Commission Report? The Productivity Commission Report states that the number of sworn police for the 2002-03 financial year was 3 766 compared with only 3 710 in 2003-04—a 56 reduction, not an increase.

The SPEAKER: Order! The explanation again is debate. The information essential to understand the thrust of the inquiry was contained within the body of the question.

The Hon. K.O. FOLEY (Minister for Police): As a former police minister, the member knows how difficult the police recruitment program is when it relates to recruiting to attrition. One can take a snapshot of time with police numbers and, depending on recruitment programs, the cycle of training of officers in courses and the attrition rate at a particular snapshot of time, work force sizes vary. Establishment numbers—the number of police for which the police department is funded—continue to increase under this government. Yes, police officers retire. There are times when it is difficult to recruit police to graduate exactly as police officers retire; that is obvious. As a former police minister, the member

knows full well exactly how that cycle works. To take a snapshot of time to suit your argument is a very easy thing to do when looking at police numbers.

The police are funded at a higher level than at any time in this state's history. This government is funding police for an extra 200 officers above attrition to have the largest number of uniform police in this state's history. But the member for Mawson is a critic of recruitment policies of the Police Commissioner—

The SPEAKER: Order! Notwithstanding the observations, validity or otherwise, that is debate.

FOOD EXPORTS

Mr WILLIAMS (MacKillop): Can the Minister for Agriculture, Food and Fisheries tell the house what initiatives he has put in place to arrest the almost 30 per cent decline in food exports from South Australia experienced over the past two financial years, from almost $3 billion worth in the financial year 2001-02 to $2.2 billion in the financial year 2003-04?

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): The member for MacKillop is well aware that we have a significant number of strategies sitting underneath the broad objectives—

Members interjecting:

The Hon. R.J. McEWEN: Mr Speaker, I know that you at least are interested in the future of this state, particularly the wealth generation which commences with our primary industries and which, through value adding, generates so much of what we do, unlike the member for Waite, who just interjects in an inane way. Sitting underneath that broad platform of taking the exports of this state to $25 billion, the biggest single component of that, $15 billion, is a whole range of commodities that are encompassed within the question of the member for MacKillop. Sitting within each of them are long-term strategies around wine, food, value adding, aquaculture and fishing. One must look at general trend lines and not take one-off snapshots when one looks at the way in which each of those industries is working to achieve those objectives.

I am very encouraged, as I was last week in the Premier's Wine Council. When we suggested that a growth of about 4 per cent annually was ambitious, the members of that committee told us that we were underestimating the growth in that area, and they were more ambitious. We said, 'No, work within the constraints that we know today. Aim high, but aim realistically.' They said to us, 'We are going to achieve beyond that.' The answer to the member for MacKillop's question is that we have plans within each of those commodities. We are working closely with the industries. We will achieve that objective of $15 billion by 2013 because private enterprise wants to work with us to achieve that for all South Australians.

PERINATAL PRACTICE GUIDELINES

Ms RANKINE (Wright): My question is to the Minister for Health. How will the new perinatal practice guidelines improve care for pregnant women and their babies, and are they accessible to the public?

The Hon. L. STEVENS (Minister for Health): I thank—

An honourable member: I've had my visit.

The Hon. L. STEVENS: I am glad you have had your visit. I thank the member for Wright for the question and for her interest and work in this area. With the recent launch of the new perinatal practice guidelines, mothers-to-be can be confident that their doctor or midwife will provide the very best of care during their pregnancy and the birth of their baby. The guidelines are an important initiative for maternity care in South Australia's public hospital system. They are medical guidelines based on systemic research and identification of the best available evidence. They outline principles for managing pregnancy and newborn related conditions and/or performing a procedure related to pregnancy or the newborn.

Uniform state wide protocols of this nature previously have not been available in South Australia. These guidelines are not just a state first: they are also a first in the nation, and they have been collaboratively developed by clinicians in this state for use right across the country. The Department of Health funded development of the guidelines, and the web site will enable obstetricians, general practitioners, trainee medical officers, registered midwives and pharmacists in metropolitan and rural areas to access the guidelines via the internet. This will save clinicians valuable time in obtaining information that they need and will enable them to have access to a uniform process of clinical assessment, decision making and practice.

The perinatal practice guidelines web site was launched in December last year by the Chief Executive of the Department of Health, Mr Jim Birch. It may be accessed through the Department of Health web site or on www.health.sa.gov.au/ppg/. Developing the guidelines has been a tremendous collaborative effort by clinicians in Adelaide's major metropolitan hospitals, and I would like to commend all those involved.

FOOD INDUSTRY

Mr VENNING (Schubert): My question is to the Minister for Agriculture, Food and Fisheries. Is the minister considering any alterations to the targets outlined in the State Food Plan given the significant reduction in the industry's value over the past two years? The State Food Plan prepared by the former (Liberal) government set out to increase the value of the state food industry by $6 billion by 1997 and $15 billion by 2010. At the time of the last election, the government was approximately $500 million ahead of this target but is now almost $1 billion behind it, a deterioration of $1.5 billion dollars per year.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I actually answered that question when answering the previous question from the member for MacKillop. At that time I made very clear that the industry, in partnership with the government, is very confident about the ambitious targets that have been set and believes that they can be met. I only stand here, I might add, as the minister because, at a lunch before Christmas, the member for Schubert told the guests at our table that he was an ex agriculture minister, was offered that by the Labor government, but only once he declined did I take up the offer! I need to put on the record that, notwithstanding, I am happy to work with the member for Schubert and anyone else in this place who wants to work with the industry in achieving those ambitious targets.

CLEAN UP AUSTRALIA DAY

Ms CICCARELLO (Norwood): My question is to the Minister for Environment and Conservation. What preparations are being made for this year's Clean Up Australia Day?

The Hon. J.D. HILL (Minister for Environment and Conservation): Today I am pleased to join the founder of Clean Up Australia, Mr Ian Kiernan, to launch this year's event, to be held on Sunday 6 March. Ian and I both used the launch to call on the rest of Australia to adopt container deposit legislation as South Australia has had for 30 years now. Ian noted that in South Australia 9.6 per cent of rubbish is beverage containers, whereas the national average is 40 per cent. The difference is as a result of the container deposit legislation in this state. Clean Up Australia Day started through Ian's personal commitment. It is now in its 15th year and has become an institution in all Australian states and territories, an institution that shows what can be achieved by the community, business and government working together.

KESAB is coordinating this year's Clean Up Australia Day effort, and the day depends heavily on community spirit for its success. The South Australian volunteer effort is often recognised as leading Australia. This year we expect 30 000 to 40 000 people to be putting on their gloves and supporting the clean-up across South Australia. KESAB, Tidy Town groups, schools, businesses and local government will be working with Clean Up Australia again this year. Last year, 7 045 sites across Australia were cleaned up, 505 of which were in South Australia. An estimated 8 383 tonnes of rubbish was collected nationally across sites on roadsides, parks, waterways and coastal areas, and we hope that 2005 improves again on these figures.

SA FOOD INDUSTRY INVESTMENT

Mr GOLDSWORTHY (Kavel): What is the Minister for Agriculture, Food and Fisheries doing to encourage investment in the South Australian food industry? Food and beverage industries in South Australia have experienced significant private investment during the life of the Food Plan, yet 2003-04 saw the lowest level of investment for six years.

The Hon. J.D. LOMAX-SMITH: On a point of order, Mr Speaker, could you rule on the use of the word 'significant'?

The SPEAKER: Yes. Not only that word but all others being used in the explanation are clearly points of debate that would be better dealt with after question time. The explanation is not really needed for the minister, or me or any other honourable member, to understand the question.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): It occurs to me that I have not been apprising this house in enough detail. We have been negotiating with a range of primary industries around our shared goal to reach $15 billion in exports by 2013. What I could do for you, Mr Speaker, is provide to you the new wine plan we released last week. I could also provide to you details of the aquaculture plan; obviously, the food plan; and I could provide you with details of some very good work we are doing at the moment with the chicken meat industry, in terms of the enormous potential to expand that industry in this state. I could apprise you of updates of our beef plan, our sheep meat plan and our pig plan.

Members interjecting:

The Hon. R.J. McEWEN: I could take the time of the house now to go through each of those plans, but I think it would be more fruitful to provide you, Mr Speaker, with all those plans. Should members wish to explore in further detail with me or the industry what the industry is doing in each of those areas in partnership with the government, that may be appropriate at that time. All I need say in closing is that the industry is very encouraged by the partnerships we have. It is very encouraged by the plans we are signing off on and is confident that in partnership with this state government it can achieve the objective. It is sad that those opposite always want to talk down the industry, talk down the goals and be negative. I believe that anyone can point to problems—

Ms Chapman interjecting:

The SPEAKER: The honourable member for Bragg.

The Hon. R.J. McEWEN: Anyone, even including the member for Bragg, can point to problems. The challenge for us in partnership with industry, the challenge we are accepting, is the challenge to find solutions and grow the wealth of this state.

The Hon. I.F. EVANS (Davenport): As a supplementary question, if the government has all those plans, why was the private sector investment last year the lowest level of private sector investment in the industry for six years?

The Hon. R.J. McEWEN: I have just told this house on three occasions that these are industry plans. They are plans that we have developed in partnership with industry. The member for Davenport actually misrepresents the situation in his question. Having said that, the member for Davenport, as a man from a business background, knows that investments are always cyclical. The important aspect here is that we have a long-term vision.

Members interjecting:

The SPEAKER: Order! The member for Playford.

Members interjecting:

The SPEAKER: Order! The member for Playford has the call, not the member for MacKillop or the Leader of the Opposition.

DEMERIT POINT BROCHURE

Mr SNELLING (Playford): My question is directed to the Minister for Transport. What is the government doing about motorists who, because they continue to disobey the road rules, are attracting a high number of demerit points?

The Hon. P.L. WHITE (Minister for Transport): The state government has introduced a simple and informative demerit point brochure, which is being distributed to South Australian motorists who accumulate six or more demerit points. As well as the current warning letter which advises drivers if they have accumulated six demerit points, a brochure is automatically sent to those drivers who have lost half their available demerit points.

The brochure was introduced in August last year following a concern that the Transport SA statistics showed a 30 per cent increase in the number of licensed drivers or riders who had accumulated six demerit points from November 2003 to August 2004. Over that same period of time the number of licensed drivers with seven or more demerit points increased by an astonishing 70 per cent. At December 2004 there were 17 336 drivers with six demerit points; 7 721 with seven; 4 148 with nine; and 1 221 with 11 demerit points. At the same time for the previous year (2003) there were 13 172

drivers with six demerit points; 3 537 with seven demerit points; 2 521 with nine; and 579 with 11 demerit points.

Members can see that that was quite a significant increase; and it demonstrates, I think, that the road safety reforms introduced by this government in December 2003 and subsequently are having a significant impact in terms of penalising drivers who do the wrong thing by speeding, drink driving, running red lights or driving whilst talking on a hand-held mobile phone. Also, it should be said that it probably indicates better detection and very effective policing, and I acknowledge the contribution of the South Australia Police in doing that. In fact, we have had the very pleasing result of the lowest road toll in the last 50 years; and, in the last three consecutive months, for the first time ever, single digit road toll figures, which is very good.

Talking to traffic police about their jobs, I have learnt that, over the last few months, when they stop someone for one of these offences they warn them about the penalties that may be introduced down the track as a result of the announcements the government has made for increased penalties on a range of driving offences. Obviously I do not draw a direct parallel between that and the reduction in the road toll but, in fact, I think that is having some deterrent effect. The brochure follows a recommendation by the Road Safety Advisory Council. It is intended to inform offending motorists that they are at least half way to facing the possibility of losing their licence.

More importantly, it provides information on the penalties for certain offences so that they can see that they do need to be careful. Around 1 000 demerit point notices per week are sent to motorists who have lost six or more demerit points. Of course, accumulation of demerit points is an indication that a motorist has committed a number of offences. As we know, the offences for which they attract demerit points indicates the sorts of behaviours that, unfortunately, do result in injury and death on South Australian roads. The message is that if you do the right thing and abide by the law you will not lose demerit points.

The government has set a target of reducing by 40 per cent road fatalities in the state by 2010. A significant number of initiatives have been put in place over the last two years to further us towards achieving that goal, with a raft of initiatives to come because, after all, road safety is such a high priority for this government and the transport portfolio.

CONTROLLED SUBSTANCES (REPEAL OF SUNSET PROVISION) BILL

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: Members will recall that during the debate on the Controlled Substances (Repeal of Sunset Provision) Bill in December last year, the member for Finniss asked me to provide some additional information to the house. This information pertained to the number of people diverted through the Police Drug Diversion Initiative between 1 October and 6 December 2004. I undertook to obtain this information for the member for Finniss, and have since been informed by my department that the number of diversions during this time period was 121.

GRIEVANCE DEBATE

LAND TAX

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to grieve concerning the new regime of land tax which was announced by the government yesterday but which is yet to go through this parliament. I want to highlight to the house, first, the huge impact that land tax is having on our community and, secondly, how ineffective the revised package from the government is in terms of many people in the community. I take as an example a supported residential facility at Victor Harbor, Genesis Care. This facility houses long-term people who have mental illness and severe disability. It currently has eight residents. It is licensed to have up to 12 residents. Many of the residents have been there for a long time. In fact, some have been there for 10 years or more. This supported residential facility is really home for these people.

In about 1998 Genesis Care had a land tax bill of just over $300. That has increased so that last year it was $1 370. This year the original account received was for $6 815—it increased in one year from $1 370 to $6 815. Even after yesterday's revised package by the government, the land tax bill will be $5 400. That is a fourfold increase in land tax since last year—a fourfold increase to $5 400. When the proprietors looked at what the impact of yesterday's package would be next year, and taking advice from a former valuer-general that there is likely to be at least a further 20 per cent increase in land values (which is already coming through the system and which is virtually pre-determined), it is estimated they are likely to end up paying a land tax bill next year of about $6 550.

The land tax bill is now such a burden on the proprietors of this supported residential facility that they have no option but to close the facility before the end of June this year. That means that eight very vulnerable people will no longer be able to call Genesis Care their home, as they have for up to 10 years. That is a real shame. As the proprietor has indicated, the factor which has driven them to decide to close Genesis Care has been the land tax. The land tax has increased from $300 just a few years ago to $5 400.

The proprietor has taken up the issue on the basis that similar supported residential facilities around the state are facing huge increases in their land tax and an enormous land tax burden. I know small businesses in my electorate that now face a land tax bill of $7 500, and increases similar to those I have given to the house today—increases of three to four times in one year alone. There can be no justification, and for the Deputy Premier to say yesterday that he has done something of some merit, when these people will still face a fourfold increase, such as will occur at Genesis Care, shows how insensitive this government is, and how it has lost its social conscience when looking after the most vulnerable people in the community.

Why should people in a supported residential care facility not get exemption from land tax if land tax is to be imposed at the levels we are talking about? Why should they not get exemption from land tax? Effectively, it is their principal place of residence. Members in this house do not pay land tax on their principal place of residence. If these people have called this place home for 10 years, equally they should not be paying land tax.

The proprietor wrote to the tax department and, because it was to be paid over four months, he asked whether that period could be extended. He received a letter today which states that it will not be extended, but, if he does not pay within seven days, the full amount, not the quarter, legal action will be taken against him immediately: court action will be taken immediately and penalties will be imposed. That is how this government is now dealing with issues such as this. It has no social conscience whatsoever.

Time expired

ROTARY CLUBS

Mr CAICA (Colton): Like many other members of the house, I am fortunate to be invited to many functions because of the position I have. Recently, I was invited to attend a meeting of the Rotary Club of Henley Beach. I have attended several Rotary meetings since being a member of parliament, and I wish to grieve today to recognise and congratulate Rotary on the work that it does within our community.

In less than two weeks Rotary International will be celebrating its 100 years of existence. Members of this house know the work that Rotary has done at both the global and community level. One of the outstanding contributions it has made is its quite successful efforts to eradicate the world of polio—a function it took over many years ago. It has been very successful at doing that. Indeed, it has spent somewhere in the vicinity of $US500 million on the eradication program under the auspices of PolioPlus.

Of course, Rotary has been a catalyst that continues to make a difference in addressing environmental degradation, illiteracy, world hunger and the problems of children at risk. The 1.2 million Rotarians, who belong to more than 31 000 Rotary clubs in 166 countries, each are involved at the community or local level through the international exchange program and vocational and career development. Two of the clubs in my area—the Rotary clubs of Henley Beach and Kidman Park—like all Rotary clubs, abide by the motto, 'Service above self', and that shines through in the work they undertake. That is not just those clubs but of course all the clubs in South Australia and beyond.

What do the Rotary clubs within my area do? They have involved themselves heavily in Youth Opportunities, a program that is undertaken at Findon High School to endeavour to have the school students there with some difficulties focus on career development, and it has been an outstanding success at Findon High School. They have provided fundraising activities and money to the Findon High School Severe Disabilities Unit, the Conductive Education Unit there, and that has been an outstanding contribution. At Henley Beach the Rotary Club raises money for the Queen Elizabeth Hospital Palliative Care and, indeed, provides drivers for Meals on Wheels, amongst many other community initiatives that they undertake.

So, I use today to congratulate Rotary for its outstanding contribution and thank its members for making a difference to the lives of so many. I know that all members in the house will join me in congratulating Rotary's 100 Years of Service Above Self. I would also issue some words of caution. These words of caution not only apply to Rotary but, indeed, all service clubs whether they be Apex or Lions—that I think need to re-focus on their recruitment processes and their succession planning because, without being disrespectful, I was the youngest person, I believe, at the meeting that I attended for the Henley Beach Rotary Club.

I recalled many of the people there that I had met as a youngster like Mr May the hairdresser who, of course, would not be doing any business if he relied on people like me to cut hair these days, and many others. The point is that they have been in Rotary for many years, they are retired, and I think that Rotary, amongst other clubs, needs to look at succession planning and the way by which they are going to recruit members because as each member of this house knows, we as members of the community, and as members of parliament, rely on the service that is provided by these particular clubs. So, they need to look at broadening their support base, broadening their criteria, and looking at ways by which they can continue to provide the outstanding service that they have given to the community over the many years.

I understand that some of the Rotary clubs are doing better than others and increasing their membership but I understand that others are not. So, it is not simply a problem that is confronting Rotary but all service based organisations. We need Rotary, along with those other organisations, and I am sure that Rotary will deal with this challenge as it has with so many of the other issues that it has tackled both locally and globally. I stand here today to salute Rotary for the contribution that it has made to the community in which we live.

STUDENT TEACHERS

The Hon. G.M. GUNN (Stuart): I would like to raise an issue concerning the placement of student teachers. I received a letter from a constituent of mine who lives at Lyndhurst, whose daughter is a trainee teacher. She makes a number of relevant comments which I think the house should be aware of, and hopefully the Minister will act upon. The letter reads:

> I spoke to you a while ago about these matters of teaching placements. I found out a bit more so I thought I would drop you a line. This letter concerns placements at Magill that might also include other centres for teacher education. My daughter is currently training to be a primary teacher. In the first year, the second semester students do placements for one week. These can be anywhere as lecturers do not visit. The longer placements, four to six weeks, that are required in the second and third year training must take place in the city. In the fourth year students can go anywhere in the world but must follow uni guidelines. My daughter understands that she cannot arrange placements for teaching practice in country locations due to the lack of funds and the availability of lecturers to check students once a week. Given the difficulty in attracting teachers and other professionals in the country this makes no sense at all.
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> Students need to know what it is like before they are likely to apply for a country posting. The time for finding out is while they are training. Even if funds prevent students from assessing all country locations in any given year it would be possible to offer placements in one or two regions, doing all the country areas in rotation which would allow lecturers to stay in an area, build up their knowledge of what is happening away from the city. I am appalled that students can only access Adelaide or schools close to the metropolitan area. It could be just a lack of funding but it could also be that lecturers do not want to be away from home and are using funding as an excuse. I think it is worth asking questions. My daughter loves her training and was surprised that she was precluded from applying for country placements. There will soon be such a demand for teachers everywhere that it is vital that country schools have a profile when students make choices.

This is a very important matter as it is important that we get people who understand, who have grown up in the country, and give them the opportunity to have training and placements in country areas because they are the ones most likely to want to go there on a permanent basis. Most teachers, once you get them there, like teaching in country areas and many of them stay permanently. I am advocating to the Minister for Education that all steps possible are taken to remove barriers so as training can take place in rural and regional centres. It

is hard enough to get teachers to come there. It is hard enough to get relief teachers. We should remove all impediments and ensure that there are opportunities given so that people can understand that it is a good lifestyle and it will be rewarding.

The second matter that I would like to refer to is a matter that has been referred to in this house on a number of occasions and concerns the lack of reticulated water to sections of Terowie. A constituent of mine who has gone to live in Terowie—his address is PO Box 252—is most concerned that SA Water is unable, and probably unwilling, to want to improve the water supply. He says: There are currently only ten houses connected to the mains in Terowie, and with a population of 150 this is not good enough. SA Water has said that mains water is only on West Terrace and a few were connected a few years ago. SA Water carts water to the area and no connections will be put into the system.

I understand that SA Water has limitations; however, at the end of the day it is not a lot to ask in the year of 2005 that people have the ability to have water connected to their homes, particularly in a town, at fair and reasonable cost. I understand that SA Water is not keen to extend mains anywhere, and I have had experience of this reluctance over many parts of the state. We know what happened west of Ceduna out at Penong and they eventually nearly got there and, unfortunately, Sir Humphrey was not going to agree to extend any further. That in itself was unfortunate. We know the condition of the water at various other locations are less than—

Time expired.

MUSICA DA CAMERA

Ms BEDFORD (Florey): Last Saturday, I visited the Art Gallery to attend a concert of Travelling Baroque music, representing the Premier in his role as Minister for the Arts. The Premier makes sure groups such as *Musica da Camera* continue to receive funding to ensure they have the ability to provide an exciting program each year. One concert I attended last year featured music from the French court of the 16th or 17th century, featuring dances in period costume performing dances of that era. That such detail and information has survived is amazing, and I often wonder about our legacy to future audiences.

Early music is one of my great loves shared, thankfully, by a dedicated group of Adelaideans, many of whom were part of the capacity audience in the auditorium that bears the name of the gallery's former director Ron Radford. Our former colleague from another place, Anne Levy, was there as was the member for Waite and his family. I am happy to report that it appeared that Thomas enjoyed the entertainment which was superb and enthusiastically received by an appreciative audience.

Musica da Camera is Australia's most established Baroque ensemble and comprises internationally regarded and accomplished musicians. The core trio is soprano Tessa Miller, harpsichordist Lesley Lewis, and Lynton Rivers on the recorders. Tessa and Lesley are both Churchill Fellows and, along with Lynton, each tours and performs extensively, as well as leading workshops both here in Australia and widely overseas. Indeed, the UK's *Birmingham Post* recently noted that, 'As an ensemble and as soloists *Musica da Camera* are a real find'. Last year cellist Zoe Barry officially became part of the ensemble. She has been widely recognised for her hugely varied work as an onstage musician and composer.

Musica da Camera regularly performs in Adelaide and regional South Australia. Recent highlights include its 2004 program *Catches and Rounds*, which featured a presentation of specially commissioned works for old instruments by distinguished composer Tristram Carey. *Catches and Rounds* was brilliantly supported by the narration of talented Australian film and stage actor, Adelaide's own Paul Blackwell, who will again work with the ensemble in this year's season. Also, in 2004, *Musica da Camera* collaborated with local ensemble *Syntony* for the Adelaide Festival Fringe, with guest appearances by stellar violinist Lucinda Moon and Jane Downer on oboe as part of the Adelaide Baroque Ensemble. *Musica da Camera* tours regularly both nationally and internationally, and in 2004 its members flew to Hong Kong to present its *Fiamma* program and its current program *Travelling Baroque*, which it will take to Canberra this month.

Cantatas, trio sonatas, solo sonatas and suites were part of the food of the Baroque musical life. Designed for intimate audiences by today's standards these genres were the workshops for the larger structures of opera and orchestral symphonies and concerti that now dominate Western musical tradition. Rather than being entirely experimental or second rate, these chamber works remain breathtaking, by dint of their ergonomics of expression, mistakenly known as simplicity, but more truthfully for their craftsmanship. The tradition of using the cantata grew within the Lutheran community as part of its form of worship which is, of course, a link to the South Australian heritage. For the Travelling Baroque program, the ensemble welcomed Jane Downer as part of its line-up. Jane completed her Bachelor of Music in Adelaide, and now works as a freelance oboist in the UK and on the continent, performing with many notable orchestras and highly regarded early music groups, too many to list in my time today. She is a teacher on many levels and in many capacities, and is also a virtuoso of the recorder.

While on things musical, I would like to put on record my sincere thanks to the Australian Symphony Orchestra, whose work is so widely acknowledged within the community, for the kind donation of two tickets to a recent concert to one of my local Neighbourhood Watch groups in Valley View. The Valley View Neighbourhood Watch is sincerely grateful for these tickets which were raffled, and the funds raised have gone into the group's work within the community. This is another example of how important the performing arts are, both music and drama, in South Australia. They not only feed the soul of the population here but they play a very important part in making sure that the community is able to raise funds and continue its important work.

POLICE RECRUITMENT

Mr BRINDAL (Unley): It takes a lot to shock me, but I was indeed shocked by an exchange which occurred in this chamber between the Minister for Police and the shadow minister for police. It actually arose from my dismay at what I saw this government put forward which shows that the tradition of the anglophile is alive and well, at least on the government benches of South Australia. We, as this house knows, have a dearth of police, and we need to recruit. So, what did we do? In the good old tradition of, 'We want people who look just like us' we go to the UK and say, 'We will recruit people from the UK.' Then, the shadow minister says, 'Well, look, why go to the UK; the policing record of the US and Germany and one another country is even better?'

We have the extraordinary situation where the police minister and Treasurer of this state gets up and accuses the shadow minister of being a racist and brick bashing. I have news for him. Brick bashing might have an element of truth in it, but racism goes on race, and all of those races to which the shadow minister referred were Caucasian races. They are people who, if they come here, and put on a police uniform look just like us and make the good citizens of South Australia feel comfortable. What appalled me, given the heartfelt contributions to the tsunami debate and other matters, is that we can sit in this place as part of Asia and absolutely arrogantly go past all of our neighbours and recruit for police from countries in Europe.

If this is a multicultural nation where every day we go out in the street and see New Zealanders, Cambodians, Chinese, Indians, Vietnamese, Somalians, Thais and Japanese, why is it that the government ignores all of those countries in its recruitment program? It may well be that to be a policeman in South Australia you need to be a citizen of South Australia—that is fine. I accept that premise, but it is as easy for a Vietnamese or a Thai or a Cambodian to become a citizen of Australia once they gain entry as it is for somebody from Britain, Canada or the US.

The fact is we are part of the Asian community. We are a multicultural country with people from every colour and creed accepted as members of our community. But if you look at our policing forces, how many Vietnamese officers are there? It has been a problem for some time to get into the Vietnamese community to find out what is going on because no policeman looks like a Vietnamese. It is a problem that the Commissioner is trying to address, so far with only limited success. I will leave that to one side, but only raise it in the context that we are short of police; we need to recruit. But failing to recruit in the countries to our north where people want to come here means that we could miss out on some of the brightest and best who are more than willing to come here to take up policing duties and provide us and our children with role models in authority—people in uniform who could actually represent this community, who do not all look white Anglo-Saxon and—God help us—Protestant but who, in fact, reflect the varied and multicultural facets of the Australian community.

I am appalled that the Executive Government should in its wisdom overlook our neighbours—Thailand, Indonesia, Singapore, China and all the countries to our north—and simply say, 'Well, they are not good enough. We need to recruit police. Let's go to the good old mother country and bring bobbies.' It strikes me that this part of this nation was not settled by convicts and did not need gaolers to keep them under control. Maybe some of the ministries come from the eastern states and think that they need to send home for a new set of gaolers to keep the errant population of Australia under better control. I think what we are doing reeks of paternalism, colonialism and racism, and I hope that the Executive Government will rethink its recruitment program for police and get them from wherever there are good people.

CHILD ABUSE

Mr SNELLING (Playford): I was rather amazed to hear the member for Unley just a moment ago attempt to defend the indefensible and the comments of the member for Mawson in the house yesterday. The member for Mawson bandied about the chamber a half-baked report that no-one had ever heard of and attempted to tarnish the reputations of all British police men and women with this so-called report that he purported to be some sort of evidence to the effect that British police were not good and perhaps we should not be looking to Britain to deal with our shortage of police officers. I think the Minister for Police was quite right to be outraged by what the member for Mawson was suggesting. There are some very good reasons for the Police Commissioner, as far as I can see, to look to Britain to source experienced police officers. Importantly, British police officers are experienced in a very similar legal system to ours here in South Australia. They are familiar with a similar culture. There are many good reasons why we should be looking to British police officers to try to help the shortage that we have. Let's face it, the reason why we are having to look to Britain and the reason why there is a shortage is because this government has undertaken the greatest expansion of the police force in this state's history—something that members opposite let go for too long.

However, that was not the reason why I rise this afternoon: I actually rise to applaud the Premier's announcement about impending changes to the law dealing with child molesters. I encounter considerable concern from my constituents about the abuse of children. I remind the house that I think it is important that we do not allow the odd notorious paedophile to overshadow the fact that many children are abused within the home. Nonetheless, I welcome the Premier's announcement that under new legislation paedophiles, who are either unwilling or unable to desist from molesting children, will be able to be incarcerated for good.

Under the system, the Attorney-General will be able to make an application to the Supreme Court for an order to lock up indefinitely the child sex offenders who, as I said, are either incapable or unwilling to cease offending. Protection of children will also be placed at the top of the criteria that will be used by judges in determining whether or not to grant such an order. The age limit which attracts a higher penalty—at the moment the age is 12, for which the highest penalty is life imprisonment—will be increased to 14 years of age. I think that is a welcome move as well. I congratulate the Premier, and I welcome this move of the government. It will certainly be welcomed in my electorate. The community has made its feelings of horror in relation to the abuse of children well known to us, and it is about time this parliament acted in order to put into effect harsher penalties to properly provide for the protection of children.

SELECT COMMITTEE ON THE REGULATION OF THE TATTOOING AND BODY PIERCING INDUSTRIES

Mr RAU (Enfield): I move:

That the select committee have leave to sit during the sitting of the house for the remainder of the session.

Motion carried.

STATUTES AMENDMENT (DRINK DRIVING) BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 1371.)

Mr MEIER: Mr Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr WILLIAMS (MacKillop): Last evening, when we were debating this bill, I was making the case that I support measures to ensure that those who are incapable of operating, or have impaired capability to operate, a motor vehicle are not out on our roads. What concerns me is that over a period of time, without completely understanding what we are doing, we have now made it possible for people who, in my opinion, do not have an impaired ability to drive a motor vehicle to be almost turned into criminals. My specific concern is what we have done to an offence which used to be an expiable offence for those with a blood alcohol level between .05 and .08 (which I think is referred to as category 1).

Historically, we know that, when drink driving first became an offence, governments across Australia, with the scientific evidence available to them, came to the conclusion (and I think it was generally accepted in the scientific community amongst those scientists who studied this phenomenon) that people's ability to operate a motor vehicle started to become impaired at a blood alcohol level of about .1, and jurisdictions conservatively set the cut-off point at .08 per cent. I think jurisdictions at the time were quite comfortable with that.

As with all law and order issues, we tend to see a ratcheting up, or an auction, of who can be tougher. In politics, it is between the two major parties. There tends to be this auction about 'I'm tougher than you,' and 'No, we're tougher than you,' and that is what has happened with regard to drink driving offences. South Australia resisted taking action against those drivers in that category 1 area (.05 to .08) for many years. Finally, we were forced into a position by a federal government that wanted to obtain uniformity in road rules across Australia. Again, that federal government was involved in this auction.

Eventually, South Australia was forced into a position where it made drink driving with a blood alcohol content of between 0.05 and 0.08 an offence. But, I think very sensibly, South Australia made that an expiable offence, where a driver detected with that level of blood alcohol could expiate the offence by simply paying the fine. No court appearance was involved and there was no loss of demerit points.

I can accept that that is set out to those drivers in what is known as the category 1 offence as a warning that, even though they are most likely not causing any added danger on the road, they are starting to get towards the limit and they should consider their actions. I do not have a problem with that. What I do have a problem with is when we treat them in the same way as those with a blood alcohol content over 0.08, where it is recognised that shortly after that level impairment of driving skills does occur.

The situation in South Australia at the moment is that we have placed a restriction on the police in relation to random breath testing. We allow them to conduct breath testing in a random manner on only a certain number of prescribed dates during the year. That was a compromise reached in the last parliament because a number of members were unhappy with the situation of losing demerit points for that very low level of offence, one which I would continue to argue should involve merely a warning. The compromise that was reached to get a raft of legislation through the parliament a few years ago was that we would restrict the ability of the police to blood alcohol test in a random fashion to certain specific dates, recognising that those dates were around traditional celebratory times for our community, when the chances of people doing the wrong thing were probably higher. It also recognised that we had probably gone a bit too far with regard to the category 1 offence.

My opinion has not changed. I still believe that, for those category 1 offences, we should merely be saying to the community that this is a warning. Once they get to the category 2 and three offences, I have no trouble with throwing the book at drivers. However, one thing that we risk when we become too draconian with drivers is that we create a situation (and this has already occurred in South Australia and in other jurisdictions) where there is a disproportionate number of people on our streets who, because we have been so tough, just flout the law and say, 'We will drive, anyway, without a licence.' Not only do they drive without a licence but we also find in a lot of cases that they are driving an unregistered vehicle and, consequently, do not have third party personal accident cover. I think that is an indication that, in relation to the driving laws in South Australia, we might already have gone a little too far.

Another thing that concerns me is that I have made a request to the South Australian Accident Investigation Branch to be provided with details about accident investigations and the causes of accidents. I do not accept this mantra that speed equals an increase in accidents. I do not accept this mad mantra that we have to clamp down on speeding and clamp down on people with very low levels of alcohol in their blood and we will cut the number of road accidents. I have asked for information from the Accident Investigation Branch so that, when I am trying to determine whether or not to support measures that are brought to this house, I can make that determination on the basis of full and complete knowledge.

I found it quite distressing that the Accident Investigation Branch refused to provide that information to me. We are charged with making and amending laws with regard to road traffic rules and regulations in this place, yet the Accident Investigation Branch has refused to provide to my office the information and data it has gleaned over many years with respect to accidents and the investigations it has carried out in South Australia. I think it is almost impossible for any one of us to stand up in this place and say that, if we take a particular measure, we will have a certain impact on the road toll, because we do not have the data, and it appears that we are not allowed to have the data. That concerns me greatly. I do not believe that, as a parliament, we should enact any new measures to strengthen road traffic rules—driving rules—until we have a full and thorough release of that information so that we can all sit down and go through the data and the information that has been collected and see for ourselves what sorts of measures might be taken to try to modify people's driving habits.

The reason why I have these concerns is that I represent a rural electorate, and alcohol consumption is a big part of our social interaction and our social life. People in the communities that put me into this place to represent their interests have to drive a motor car to interact. The people whom I represent are forced to drive a motor car to interact with their neighbours, friends and relatives. They have to drive a motor car to attend all social and sporting functions. They have no alternative: there is no such thing as public transport. For the majority of the people whom I represent it is probably impractical, if not impossible, for them to hire a taxi, so they are forced to use their own mode of transport. By continually strengthening and introducing more and more draconian

driving, or traffic, measures we are placing significant restrictions on the ability of country and rural people to socially interact with each other.

We are applying almost impossible conditions for those people to lead a normal social life, the sort of social life that their cousins in metropolitan Adelaide, with the accessibility of both public transport and private taxi-type transport, enjoy. These measures obviously impact much more in country areas than they do in metropolitan Adelaide. I cannot in all conscience support the measures outlined in this bill. I think it is just a knee-jerk reaction and more about trying to appease the lowest common denominator in public opinion. That has been the problem. That is why we keep ratcheting up these measures over time, and I think it is time we called a halt to it.

Like the member for Stuart, who said last evening that some of us drive large distances and spend many hours behind the wheel of a motor car, I am well aware from my own experience that fatigue plays a large part in the ability of people to handle a motor car. There are a lot of South Australians, again in country areas, for whom, probably through lack of experience, fatigue becomes a huge issue. A lot of the measures we are taking do absolutely nothing to counter that. In fact, I think some of them increase the effects of fatigue on drivers. The authorities, the people who are supposedly advising us, have at last started to pay a little bit of lip service to the impact of fatigue on our road accident statistics. Because I have been unable to avail myself of the data and the information behind the investigations that have occurred in South Australia in recent years, I have been unable to quantify exactly how big a part fatigue plays, but in country areas I think it plays a great part.

As an example, we have had a dramatic reduction in the number of fatal accidents on the Duke's Highway, which runs across the northern boundary of my electorate, because we have redesigned the road. We have put in passing lanes every five kilometres between Tailem Bend and the Victorian border, and that has significantly reduced the amount of fatigue for people driving on that road, because now they can relax when they are driving. That road carries a huge amount of heavy transport, with B-doubles travelling back and forth between Adelaide and Melbourne, and the average driver can be quite relaxed and can sit behind a B-double knowing that in a couple of minutes he will have an opportunity with the passing lane to pull out and pass that vehicle and be on his way, whereas, prior to putting in those passing lanes, drivers were always looking for an opportunity to pass, and that obviously induced stress and fatigue in the driver.

That is a classic example of how reducing the fatigue in drivers has made an incredible difference to the safety record of that road. We are now currently doing the same thing on the Sturt Highway, and I hope that it has the same dramatic impact. I am concerned about the road toll and the road statistics, but I do not think we are tackling it in the right way. I do not think that the measures here will do a heck of a lot other than make it more difficult, particularly for country people. What I do know is that it is going to help the current government which, in its last budget, said that it was going to collect $77 million in this financial year from road traffic offences as opposed to $55 million in the previous financial year—almost a 50 per cent increase. I believe that the measure we are debating here today has more to do with increasing the road traffic fine revenues by almost 50 per cent than it has to do with saving people's lives.

Mr MEIER (Goyder): I want to make a few comments in relation to some of the issues that the member for Stuart raised, including that of unmarked cars stopping people. I do understand the fears that can exist. Only recently I was followed fairly closely at about 12.30 at night from Kulpara through to Kadina, and I was certain it was a police car because it had come from nowhere. I was doing about 113 and slowed to 110, and it slowed to 110. I slowed to 105 and it slowed to 105. I thought: all right, joke over, pull me up if you want to. I was going to pull over and have a go at what I thought was the police car but I thought I would go through to Kadina in case it was something else, and thank goodness I did. When I got into Kadina, I pulled up under a lighted area and it was an old model Ford Fairlane that went past me and nothing to do with the police.

But I felt intimidated and was ready to ring the chief inspector and say, 'You teach some manners to your police force.' I did not have to do that, because the police were not offending at all, but I do know what went through my mind and how I felt when I was followed for some distance when I thought I may have been picked up for being slightly over the speed limit. On another occasion, probably nearer 1 o'clock in the morning about three or four years ago, I had been coming back from a function and again was getting near Kadina. A car had gone past the other way, and I saw it turn down the track. It followed me into Kadina and then put its lights on into Kadina and it was a police car. I hopped straight out and said, 'What can we do for you?' The officer said, 'Mr Meier: I see. We didn't realise it was you. We're just looking for someone who's committed an offence. Have you seen any cars down your way?'

I believe that they may not have been within their legal right to pull me over, because we have had to pass legislation in more recent times to give them that right, so it was interesting. Anyway, I said, 'Good on you for being observant, for doing the right thing and for at least questioning me as to whether I was able to help you.' Nevertheless, despite those fears, I do see a need for random breathalysers to apply where police may wish to apply them. I think if there was a deviation from the accepted norms of the police, such a furore would be made about it that it would be the one and only time.

Let us hope that it does not occur. I can see the sense in going down this track. The whole issue of drink driving and suspending licences on the spot worries me a little. In fact, it worries me significantly, because extenuating circumstances may apply. I will not go into details. The member for Fisher also identified that he could see no harm because people could appeal to the Magistrates Court if they felt that they had been unfairly treated; in other words, their licence taken away. My only comment is that that would be totally and utterly useless.

I sought to appear before the Magistrates Court on a speeding offence last year and it was six months before a date was set for me to appear. I made inquiries, and I said, 'Okay, what is required?' The person to whom I was speaking said, 'I hope you know what you are doing pleading not guilty. Your case will not be looked at favourably if you are guilty.' I said, 'Well, how long will it take to be heard? Remember that I had waited six months to get to court. He said, 'Oh, it will be at least another three months, maybe four months, before we will be able to hear your case.'

I decided to plead guilty, but I had to go back to court, anyway, on a slight technicality. In fact, in retrospect I wished that I had not pleaded guilty because I still do not feel

that I was. In other words, that would have been at least nine months—possibly 10 months—from the date of the offence before I could appear in court. If the government is saying, 'Look, if you have your licence suspended incorrectly because of a drink driving charge you can go to the Magistrates Court', but you would have lost your licence for nine months. There is not much point going to court in addition to costing you a lot of extra money.

I do have some concerns. Nevertheless, there is no doubt that we must tackle the issue of drink driving. It has been tackled for a long time. We have made significant progress. Many offenders are still out there. I think that the comments made by the member for Schubert that drugs also need to be brought into this issue is very relevant, because it appears that so many accidents are caused as a result of drug abuse. Hopefully, that issue can be incorporated in due course. There are many other areas in this legislation which I will not deal with. I know that we will consider some of the matters further in committee and, in that respect, I await further debate.

Ms BREUER (Giles): I would like to have spoken last night if we had stayed so that I could have followed the ravings of the members for Stuart and Schubert, which was all in the name of country drivers.

The Hon. G.M. GUNN: I rise on a point of order, Mr Speaker. I draw your attention to the standing order which indicates that a member must not be disparaging or reflect on another member.

The SPEAKER: I uphold the point of order. The member for Giles must not impugn the reputation of other members.

Ms BREUER: I apologise, Mr Speaker, for impugning the reputation of the member for Stuart: he does enough of that himself.

The SPEAKER: That compounds the felony. The member for Giles will simply move on.

Ms BREUER: I am sorry, Mr Speaker. I should not do it; I cannot help it. I listened to the members for Stuart and Schubert last night talking about the issue for country drivers and, as a country driver, that is why I wanted to speak after them, but I am happy to speak now. Of course, I have the biggest electorate in the state. Certainly, I do as much driving around in my electorate and between here and Adelaide as any other member in this place except, I must admit, for the member for Stuart who does live in the far west—much further than any other member in this place.

The feeling I got last night was that there was some sort of paranoia about this legislation. It really distressed me because we are talking about drink driving; we are talking about issues of drink drivers. Last night members talked about the issue of unmarked cars stopping motorists in the middle of the night, and particularly stopping women in the middle of the night on country roads. It sounded absolute drivel to me. How often would someone be stopped in the middle of the night on a country road unless they were doing something wrong?

How often would women be stopped in the middle of the night on a country road unless there were extreme circumstances, such as women working in a pub and they finished at midnight or they were nurses and they were on their way home after their night shift? Women do not drive around in the middle of the night very much except for very good reasons. It is not as though thousands of women are driving around in the middle of the night. Again, why would you get stopped unless the police were suspicious that there was something wrong and that you were doing something?

That is what this legislation is all about. I am also very aware that if you are stopped the police must park their car behind you, they must show their police lights and they are not allowed to breathalyse you unless they are in uniform. This is just paranoia, in addition to this rubbish about people's rights. I very much support people's rights, but I do not support drunks' rights. We must see the difference between people's rights and the police having the right to be able to talk to people to check out whether they are drinking. If you are driving around at two in the morning, if you have not been to work or you are not going to Adelaide or somewhere, then, probably, you have been drinking. I see no problems with this.

Why are they stopped? They are stopped so that the police can see what they are doing. The police must have reasonable grounds to be stopping people at that time of night and checking things out. Of course, we know that the word spreads in country towns. It is a very good network, and the message gets out that the police are out there, whether they are in plain or marked cars or whatever. People know that the police are around. We are talking about drinking and driving, and it is not okay to drink and drive. I thought that it was pretty disgraceful for the member for Stuart to say last night that he would name police officers who were being vindictive.

I thought that was disgraceful. The police are trying to do their job and the member for Stuart is talking about their victimising people. The honourable member said:

> Imagine giving this sort of power to the police officer who caused all the trouble up at Burra.

Why not say their name? The honourable member also said:

> The woman you have at Peterborough at the present time. . .

Why not give her name? That is disgraceful. That is picking on police officers doing their job. I think that the member for Stuart should be ashamed of himself, abusing his power in this place and making comments like that. However, back to country drivers. Many country drivers are killed on country roads. We get upset in the country when they tell us that we should buckle up and that we should not be speeding, but the fact is that many of our road deaths are country drivers.

It seems to me there are three major causes of death. Certainly, speed has caused problems. I have had a go at the member for Stuart today. However, I do agree with him about the issue of speed. I think you can be reasonable out there on country roads and do reasonable speeds. I think a lot of the problems with speed are caused by problem drivers who go too damn slow on the roads: it is the caravans, trucks and slow drivers who stick to 100 km/h or 90 km/h. People get caught behind them on country roads; they get angry; and they take silly risks. I am sure that is the cause of a lot of the deaths. The drivers doing 130 km/h on highways, who know what they are doing with good cars on good roads, certainly do not cause that problem. But speed does cause deaths and, very often, it is kids, when they are speeding on gravel roads. They get themselves into trouble and they kill themselves by going too fast.

Fatigue also causes deaths in the country. Unlike the member for Stuart and me, people who are not used to driving long distances get tired. We can drive for four or five hours and not think too much about it, but other people cannot do that. Even then, we should stop every couple of hours for a cup of tea or a rest of some sort.

Alcohol also causes deaths. We all know that and that is what this legislation is about. It is a problem for young

people, particularly in country regions. There are no taxis in most country regions. People are going long distances and the roads are usually empty at the time they are driving around, so it is very tempting for young people to get themselves into trouble. They get drunk and drive home from the pub. It is a real issue. But a drunk is a drunk is a drunk.

The member for Schubert talked about the importance of the wine industry. We are not talking about the consumption of wine. We all believe the wine industry is important. We all consume its products. We are not talking about consumption but, rather, driving with alcohol in the body. We must not do that. We know it impairs one's judgment and assessment of risk. We must not drive with alcohol in the body. It is a fact of life. We do not need science or testing or anything else to prove that.

I thought the member for Schubert made unreasonable remarks when he said that we should be testing for drugs. He went on about testing for drugs but, in the same breath, seemed to be trying to prevent us from passing this legislation to test for alcohol. I could not work out the logic in his argument. We need to test for drugs—and we will do that at some later stage—but we should be pushing this legislation to test for alcohol, as well. It is just silly.

This week, an article in *The Adelaide Review* reports on Frank Abraham's work with Drug Arm. A group of people go out into the suburbs on weekends to keep kids out of harm's way. That is their role. They talk to young people, pick them up and take them home. The article states that the volunteers of Drug Arm's South Street Outreach Service arrive at parks to pick up people. Frank Abraham was asked about the sorts of things they see when they are out there, and he talked about the different issues that happen. The article states:

> . . . I was expecting Drug Arm to relate stories about drugs—like what's the most dangerous drug on the street? 'Alcohol, no doubt,' he says. 'The damage that it does to young bodies is tragic sometimes. Binge drinking is worse than any drug taking I've seen, especially with these pre-mixed drinks, the lolly waters. They just down them without knowing what they're doing.'

This fellow is out there all the time with young people. He is saying that drugs are not the big issue: alcohol is the issue. Yet the opposition seems to be saying that we should not be pushing this legislation but that we should be worrying about drugs and forgetting the big point.

I thought the member for Mitchell made some very good points last night. However, he was talking about the issue of significant punishment and the penalties imposed. I do not care about significant punishment. We are talking about innocent families who lose loved ones, or young people who need lifelong rehabilitation because of the injuries they receive. It is ridiculous talking about penalties like that. We are talking about people who lose their life and the pain it causes in families. If they do not lose their life but are seriously injured, they live with it for the rest of their life. It is a lifelong sentence for them. I do not think we should be worrying too much about people's rights and punishment. These issues need to be resolved. We need to get the message out that drink driving is a serious problem. It is not a revenue raising exercise, as members have tried to say. The government would put up the fines, but it would not try to stop people from driving. The government would just be putting up fines. The arguments about revenue raising—'It is just a revenue raising measure'—are absolutely ridiculous.

I fully support the legislation. I think it is overdue. It is important legislation, particularly for country areas. It has to have a major impact out there. We have to get the message through to young people. Many of the older generation have changed. We no longer drink and drive. Once upon a time we did drink and drive; we did not think too much about it. You would think you were okay. I have always thought that when you think you are okay, you are probably not and you should stay home. I think a lot of older people are more careful about their drinking and driving, but certainly young people still drink and drive. The drinks they consume nowadays are so potent; a couple of them and I am just about under the table. I think we have to get the message out to the young people. It is getting worse; the older I get, the longer it takes to get over the hangover, as well. I fully support this legislation, particularly in relation to country people.

Mrs REDMOND (Heysen): I have to respond to some of the comments made by the member for Giles, particularly the nonsense about people's rights and, more particularly, her comments about women driving alone at night. That is my one objection to this legislation. I will be supporting the legislation, but I have a concern—and maybe the minister will be able to answer it before we go into committee to save my arguing the toss during the committee stage—about the provision for pulling over people in what are called marked cars. I was comforted by the use of the term 'marked cars', but it was suggested to me that a car might be 'marked' in a way other than what I understand to be a marked car—that is, a fully badged police car that is readily identifiable as a police car. I can tell members that I frequently drive for extensive periods alone at night.

I have driven down the other side of the river from Waikerie to cross the river, and I have come in from the far Riverland areas. A couple of weeks ago I drove alone to Melbourne and back again. I have driven alone to Sydney and back again. I frequently drive long distances alone, and I drive at night if that is the way that my day works out. My only concern with this legislation is that I do not want to see someone who is not clearly identifiable as a police car being able to pull me over because quite frankly there are many circumstances where, if I could not readily tell that the car was a police car, I simply would not be pulled over; I would refuse to stop. Now that might get me into all sorts of strife.

I do not drink alcohol at all so I do not have any difficulties about complying with this legislation as far as being pulled over. The police always find that I am a bit odd because I get so happily jubilant about the fact that they have pulled me over. On some occasions I have said to them, 'You have pulled over the only sober lawyer in the whole of Adelaide,' when they have attacked us on the night after the Bar Association drinks, and I have driven home all the drunk barristers before heading home myself. I do not have any objection, and I think that we need to do more to prohibit drink driving, but I would like the minister to answer this issue of if I am alone as a female, driving at night. I disagree with the member for Giles—there are many of us out there driving alone at night and it can be risky, and there is no way in the world that I am going to be pulled over unless I can tell that it is one of our state's police cars trying to pull me over. I would like the minister to address that issue in her closing comments when the debate comes to an end before we go into committee, and that might save me a bit of time in the committee stages.

Mr CAICA (Colton): I will be very brief in my contribution. One of the things that most firefighters dread on a

Saturday night, or on any night generally but most particularly Friday and Saturday night, is being charged with the responsibility of riding on the fire appliance Tender 204, which is the vehicle accident rescue tender. It is a job that needs to be done and all the firefighters that I worked with would do that job, but not one of them that I know found it a very pleasant experience; that is, having to attend motor vehicle accidents at all hours of the night and having to scrape, quite often, bodies or cut bodies out of the car and free people from it. The worst part about the whole circumstance is that quite often it is a result of drink driving, and quite often a lot of those accidents occur because the driver has clearly had too much to drink and should not have been in charge of a motor vehicle.

So, I would suggest to the house that this is good legislation. In fact, any legislation that aims towards reducing the cost of human life, and the damage to property and human life from drunk driving is good legislation and, unlike many people in the house, I know that. I acknowledge the concerns raised by the member for Heysen. I have been, believe it or not, pulled over on occasions by police officers for a variety of minor reasons in the course of those police officers undertaking their responsibilities—so there was no problem with that—but I would fully expect that there would be mechanisms by which those police officers will be identified, and the circumstances described by the member for Heysen will not be a problem. Given my past experiences I have seen the damage caused by drunk drivers. We are never going to completely eradicate them but any legislation that reduces the incidence of road fatalities and the damage caused through car accidents, particularly those caused by drivers under the influence, can only be good legislation.

The Hon. P.L. WHITE (Minister for Transport): I thank all members for their contributions. A range of questions has been asked and I will address some of the key issues that have been raised and, of course, answer anything that is not covered in committee. I acknowledge and appreciate some of the comments by the lead speaker for the opposition, the honourable member for Mawson and shadow minister, and for his support for some of the measures in this bill—I give credit where credit is due. I know that last time some measures of a similar ilk were debated in this place the Liberal opposition was steadfastly against it, and I think that the honourable member for Mawson has done a good job in bringing his colleagues along to shift that position.

Members would remember that in the debate in 2002 when the former minister for transport, the Hon. Michael Wright, tried to introduce full-time, mobile random breath testing, the Liberal opposition opposed that and instead parliament reached a compromise for mobile random breath testing for long weekends and the like at half a dozen specified periods throughout the year. That particular piece of legislation has been in operation now for a little more than 12 months and we have found during that time that the mobile random breath testing is several times more effective at detecting drink drivers than the stationery random breath testing that we had before. I think that it is pleasing that most of the Liberal Party—I guess I am presuming there; we have not had a vote so I cannot presume, but at least the official spokesperson for the Liberal opposition has indicated support.

I think that the opposition appears to have a bit of a mixed approach to the measures contained in this bill. I appreciate that different members have different views and I understand that amongst the Liberal backbench there are a number of country members in particular, and they have made themselves known to this house through the debate last night and today, who are not pleased with some aspects of this bill.

I am disappointed that the opposition appears to indicate that it will not support an immediate loss of licence for those who blow above 0.08 blood alcohol concentration. The statistics—and I can go through those shortly—are very overwhelming. When you look at the number of South Australians who die with a blood alcohol content in that range, I believe the evidence is quite compelling.

I am also a little disappointed at an early indication that we had last night that the opposition will not support the government in what is essentially a technical amendment dealing with the category 1 range of blood alcohol (BAC), which is between 0.05 and just below 0.08. When the government last brought legislation forward to this place—and that, again, was the former transport minister, the Hon. Michael Wright—to amend the penalties applying to that category of offence, it was opposed by the Liberal opposition. I do appreciate that that was opposed, but then there was debate in the upper house, and the intention of parliament when that bill was debated in 2003, I believe was, was enacted.

The problem was, however, that, in drafting, an unintended consequence ensued. It was very, very clear that the intention of the parliament—and this came from a number of speakers, including from the opposition—was that the way that the expiation system would operate for category 1 offences would be that, essentially, drivers and riders had one chance, and then on a second offence they would have their licence disqualified or suspended. Unfortunately, in the drafting there was a technical mistake, and the effect of it was that, under the legislation, a driver with a category 1 offence would not necessarily ever be convicted. It would be possible to have expiation after expiation after expiation; in other words, many, many offences because, unless you go to court—you either appeal your fine, you don't pay, and you go to court and you are found guilty, you do not receive a conviction. That was the technical problem, so I am disappointed in that, but we can discuss that as we move to that particular amendment.

I note that there are some members who reiterated the previous position of the opposition. Some members, including the member for MacKillop, just this afternoon talked about the unfairness of being pinged for category 1 offences. I think that we need to remember that people die on our roads with a blood alcohol content in the category 1 range. In fact, in 2003, 9 per cent of all those who died had a blood alcohol content in that range. From the government's point of view, we need to crackdown on drink driving. We need to remember that, if people do not drink and drive, they will not, under the legislation, lose their licence unless they test positive to three tests: the alcotest on the side of the road and two evidentiary tests thereafter. So, these are people who have tested positive.

One of the areas raised was the use of unmarked police cars for random breath testing. The previous speaker and a couple of other speakers raised the issue that it could be a frightening experience, and could cause concern if a police vehicle was not readily identified as police vehicle. When an unmarked police car pulls over a vehicle, I think one would have to say that there can be little doubt that it is a police vehicle, because police procedures require the unmarked vehicle to, firstly, as the member for Giles rightly pointed out, position itself behind the target vehicle—that is a police

procedural requirement—it requires the police to activate the emergency beacons—the red and blue flashing lights which are positioned either on the dashboard or the outside of vehicle; they are required to flash the headlights in time with the red and blue lights—this is done automatically—they press a button and all this happens—and there is the police siren if necessary. In discussing the measures in this bill, a senior police officer described it as a situation that, when you press a button on the dash, the car lights up like Christmas tree, and I think it is the case.

The suggestion that SAPOL officers in unmarked cars should hold up illuminated signs which read 'Police' has also been suggested. I appreciate the suggestion. I investigated that with the police who have reservations about that approach. The use of illuminated police signs to signal drivers to stop is something that was used in the 70s and 80s to stop vehicles, but that was a time when police did not have as standard equipment the emergency lights and sirens that they now have fitted.

That was a different time. All unmarked police cars used in traffic enforcement are fitted with a standard emergency warning pack that consists of that siren, flashing red and blue lights fitted front and rear, and flashing headlights. This equipment clearly identifies the vehicle as nothing but a police vehicle. The hesitancy for the police in going back to the 1970s and 1980s was one of occupational health and safety risk, in fact. According to the police, particularly for a solo traffic officer, you are expecting them to do something with one hand while driving, perhaps at speed, and stop as well. That was a concern for the police. It was suggested in debate that, due to the random nature of this measure and random mobile breath testing, it will be applied in a non-random and discriminatory manner by members of the police against specific groups such as men with long hair, people driving powerful cars, Aboriginal people, what have you. Numerous constraints currently operate to prevent inappropriate use of these powers. I think we do have a very fine standard of police in this state. I suspect that most members of the house would agree with that.

In response to that charge, the view of the police is that, internally, they are constrained by workload, professional practices and standards, general orders, supervision, personal integrity, internal disciplinary procedures and the SAPOL Professional Conduct Branch. Of course, external constraints apply including the Police Complaints Authority, scrutiny by the courts, media and parliament. A person who believes that they have been inappropriately targeted or harassed can lodge a complaint with the officer in charge of the police, the local service area, and that can be referred to the Professional Conduct Branch. The Police Complaints Authority is informed or, alternatively, the aggrieved person has the option of lodging the complaint directly with the Police Complaints Authority or the Anti-Discrimination Commission, whichever applies. So, there are currently constraints on the operation of police in this state and I believe that we should give our police some credit in the way that they do their job in South Australia.

The view that the proposal for immediate loss of licence is unfair because it reverses the onus of proof and imposes a penalty of licence disqualification before a person has been found guilty by a court is something that was also discussed in debate last night. I think, at base, this view really does not take into account the fact that immediate licence suspension by a member of the South Australia Police would not be based on arbitrary or idiosyncratic criteria but on the basis of those three breath tests: the alcotest (the preliminary alcotest) and the two evidentiary breath analyses that under law have to be conducted not less than two nor more than 10 minutes apart in accordance with procedures and standards set out in the Road Traffic Act 1961. The accuracy of breath analysis instruments is already well-documented and accepted by the judiciary; in addition, those instruments must now meet very strict international standard provisions. A review process is also weighted in favour of the disqualified driver. The sole purpose of that process is to review the issue of the immediate suspension/disqualification of the licence, and it is not intended that the merits of the prosecution or defence can be tested at that point to the magistrates but an applicant only has to establish that there is a reasonable prospect that they would not be convicted of the alleged offence. Whilst the Commissioner of Police is a party to these proceedings, he can decide whether or not to intervene in those proceedings.

Moreover, the courts and SAPOL have indicated that 80 to 85 per cent of individuals appearing before a court for drink driving charges plead guilty. One of the problems that we have in this state is that the time taken to hear the full court case can be weeks or months and, in that time, some people use lawyers to delay proceedings and get in their car and repeat offend, putting the public and themselves at risk in so doing. This can go on for years and, at the end of that time, what most often happens is that they plead guilty. So, I hope the parliament will not agree to any amendment that in effect inserts more chances for loopholes for clever lawyers to get through. Don't forget that people charged will have tested positive to three tests.

The argument has also been put that in our society it is the right of citizens to go about their business unrestrained by the forces of the state unless there is a reasonable suspicion of someone committing a crime or harming themselves or others or impending harm. That was raised by the member for Mitchell.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. P.L. WHITE: Before the dinner break, we were talking about the claim made in the debate that breath testing interferes with a driver's privacy and freedom of movement. In response, I would simply suggest that the interruption of a person's rights when they are the victim of injury or a fatal crash arising from someone's actions in terms of drinking and driving should be more of a concern. It is clear that drink driving costs lives. It causes injuries—sometimes, very serious injuries—and heartbreak for families, communities, loved ones and friends. As well as those social costs, there is also an economic burden on the community not only through insurance costs but also through health and medical costs.

I will now address the issue that has come through in the debate from some members about the effect of the immediate loss of licence—disqualification—for people living in country areas and the claim that things are different in the country and this is all a bit too harsh. The impact of losing a licence needs to be balanced with the sad reality of drink driving in country areas of South Australia, because drink driving is a problem in the country regions of our state. Between 1997 and 2003, nearly 70 per cent of drivers or riders who had an illegal BAC and who were killed were driving in rural areas, and this is particularly the case for drink drivers with the higher reading. So, it is a stark reality that country regions are at the sharp end of this problem.

Also very troubling is a survey undertaken by the Royal Automobile Association of South Australia, which was published last year in an issue of its *SA Motor* journal. The survey found that almost half of the country people surveyed—mostly young men—also admitted to regularly drinking and driving. Full-time mobile breath testing is particularly effective in rural areas, where static breath testing stations experience the problem alluded to by the member for Mawson—that is, scouts warn people that the breath testing stations are about. People wait for the breath testing stations to leave and then get into their cars, the result being that their behaviour does not change.

The inability to conduct successful random breath testing operations in country locations has long been a significant problem, particularly in smaller communities, I understand, where the presence of additional police and random breath testing units is quickly made known throughout the community. So, those who are prone to drinking and driving will rely on alternative, locally known routes to reach and depart the town. The experience of police in these situations is that the use of static random breath testing does not act as a deterrent in the way we would wish. A single police vehicle with the ability to stop any vehicle on any road at any time could somewhat overcome that difficulty.

The introduction of full-time random mobile breath testing will also increase the effectiveness of the drink driving campaign in rural areas and hopefully reduce the incidence of drink driving as people understand that there will be more chances than ever of being caught. That is a positive step to reduce the impact in close knit regional communities of injuries and fatalities resulting from drink driving.

Finally, the continuing myth about the lack of impairment at a level of .05—that it is not having a significant effect on the prevention of drink driving—needs to be addressed. There was an assertion that a person's ability to drive is not impaired at .05, which is simply not correct. Research shows that drivers with a BAC of .05 of a milligram have 1½ times greater risk of being involved in a crash than do drivers with a zero blood alcohol content. Of course, as the severity of the crash increases, the association between blood alcohol content and crash risk becomes more marked.

The experience from Australian states suggests that lowering the permissible blood alcohol content limit to .05 has benefits other than reducing the number of alcohol-related crashes involving drivers with a BAC of between .05 and .08. The evidence shows not only that it reduces the level but also that there is a reduction in the number of people in the higher categories as a result of those campaigns. The suggestion that there is no impact at that level is clearly wrong.

In conclusion, I thank members for their contribution. I know that many people feel passionately about this issue and that there has been some shift in some aspects of ideology for some members. I appreciate that, because it will be to the benefit of the public of South Australia. I look forward to the remainder of the debate.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr BROKENSHIRE: I would like the minister to put on the public record some clarification with respect to this clause. I know that the minister alluded to this in the winding up of her second reading speech. However, on behalf of some of the members of our party, I seek advice from the minister about why she believes this clause needs to be in the bill, as I understand that this was debated back in 2003. I know that a number of members of parliament support the general principles of what we are trying to achieve here tonight—and the key principle is to allow 24-hour, seven-day random breath testing—and, of course, there are some other amendments here that tighten up on the general legislative framework around drink driving. My understanding and that of my colleagues is that this clause will mean that, if a person is at an expiable offence on the basis of its being 0.05 to 0.079—in that range in the category 1—as the legislation now stands, they can effectively have multiple expiation notices without that leading to a situation where there is a loss of driver's licence.

After discussing this matter, the opposition has some concerns about it, given the intent of 0.05 to be a warning, I guess, a prelude, to loss of licence at 0.08, given that we need to remember it was only a few years ago that 0.05 came into being. Prior to that, of course, a person could drink and drive up to 0.08. The opposition has raised some concerns about that with me, as shadow minister, and I seek some clarification from the minister.

The Hon. P.L. WHITE: The member for Mawson's description of what the current bill would mean is correct. It would mean that someone would have one chance as a person who had a category 1 offence; that first offence could be expiated. The second offence also could be expiated, but once a person is on to that second offence a disqualification would apply. That was the intent of the parliament when this clause was amended in 2002-03. At that time was there was an amendment in the upper house by the Hon. Sandra Kanck, I believe, along those lines, which was supported by the parliament. However, there was a technical drafting situation and, as a result of that amendment, it was worded in such a way that a person had to be convicted for the first time; until they had that second conviction they would not have their licence disqualified. So, there was one chance with the first conviction and no second chance on the second offence; if a person was convicted a second time it would mean that their licence was disqualified. However, if you expiate an offence you do not record a conviction. So, therein lies the technical problem.

Mrs Redmond interjecting:

The Hon. P.L. WHITE: Some members opposite say that may be a problem because that might be something that they agree with. However, the point is that the parliament did agree that, for the category 1 offences, there should be, for the first offence, the expiation with no disqualification, and then all offences after that a disqualification applies.

For the honourable member's benefit, I will quote what was said by the then shadow minister (Hon. Malcolm Buckby) when this bill came back into the House of Assembly and there was debate on the changed clauses, to give the context of what the Liberal Party said at that point in time. The Hon. Mr Buckby said:

> In relation to the level of 0.05 and 0.079, the whole idea behind this was that we believed that it was somewhat harsh not to give somebody a warning shot, so to speak, and for them to lose their licence automatically if they have a level of, say, 0.51 when they are picked up.
>
> So, we fully support the loss of licence for a second, third and subsequent offence without question because, at that stage, they have had one warning. It is then a matter of, 'That is enough,' and if they do not heed that warning, so be it; they deserve all that they get. I am very pleased that the government has seen the sense of this range of amendments and that the Democrats, in putting this forward in the upper house, also have seen the sense in it.

Respectfully, I say to the opposition, please think carefully about what you would be saying to the public of South Australia if you persist in not agreeing to this clause. The former Liberal spokesperson has put on record the clear intent and position of the Liberal Party at that time. Not to approve this clause would mean that the current Liberal opposition is watering down those laws. I want to make that very clear to members of this house.

Clause passed.

Clause 5 passed.

New clause 5A.

The Hon. P.L. WHITE: I move:

Page 3, after line 13—Insert:

5A—Amendment of section 47A—Interpretation

(1) Section 47A(1)—after the definition of **gross vehicle mass** insert:

prescribed circumstances—a requirement to submit to an alcotest or breath analysis under section 47E, or a direction to stop a vehicle for the purpose of making such a requirement, is made or given in prescribed circumstances if the member of the police force who makes the requirement or gives the direction believes on reasonable grounds that the person of whom the requirement is, or is to be, made has, within the preceding 2 hours—

(a) committed an offence of a prescribed class; or

(b) behaved in a manner that indicates that his or her ability to drive a motor vehicle is impaired; or

(c) been involved as a driver in an accident;

(2) Section 47A—after subsection (2) insert:

(2a) For the purposes of this act, a member of the police force exercises random testing powers if, in accordance with section 47E—

(a) the member requires a person to submit to an alcotest or breath analysis or directs a person driving a motor vehicle to stop the vehicle for the purpose of requiring a person to submit to an alcotest or breath analysis; and

(b) the requirement is made, or the direction is given, otherwise than in prescribed circumstances.

(3) Section 47A(3)—after '47B(4),' insert:

47B(6),

The current provisions relating to breath testing in the Road Traffic Act focus on how random breath testing is to be conducted. These amendments (new clauses 5A to 5C) shift the focus onto why the person is being stopped for a breath test. The provisions clearly differentiate between a person being stopped for a routine random breath test, that is, either a static breath test or mobile random breath testing, and those situations where the person's driving behaviour gives rise to the belief that they may be driving whilst impaired by alcohol. There are other clauses in the bill that rely on that split.

New clause inserted.

New clause 5B.

The Hon. P.L. WHITE: I move:

Amendment of section 47B—Driving while having prescribed concentration of alcohol in blood

Section 47B(7)—delete subsection (7)

New clause inserted.

New clause 5C.

The Hon. P.L. WHITE: I move:

Amendment of section 47DA—Breath testing stations

Section 47DA(3) and (4)—delete subsections (3) and (4)

The Hon. G.M. GUNN: I move:

After 'delete subsections (3) and (4)' insert:

and substitute:

(3) If a breath testing station is established in the vicinity of an event being held outside metropolitan Adelaide for the purpose of enabling alcotests to be conducted in relation to persons who have attended the event—

(a) signs advising of the establishment of the breath testing station must be displayed in positions where people arriving at the event are likely to see them; and

(b) a person who attends at the breath testing station and requests an alcotest is entitled to have an alcotest conducted by a member of the police force at the breath testing station (however, the person may not submit evidence of the result of such an alcotest in any proceedings for an offence against this act).

(4) In subsection (3)—

Metropolitan Adelaide has the same meaning as in the Development Act 1993.

The purpose of this amendment is clear and simple: if we wish to deter people from driving while they are affected by alcohol, first, we must make them aware that, when they go to these events, there is the possibility they will be tested. They should be aware of that. Secondly, if people wish voluntarily to have themselves tested to make sure that they do not contravene these provisions, they should be able to do that. Surely it is better to prevent people from breaking the law than their taking the chance. Some very large public events are held, such as rodeos, which huge numbers of young people attend—7 000 or 8 000 people.

We have already had one box-on in relation to one event not too far from the member for Light's electorate. We have an annual event at Carrieton every year. Large numbers of young people take their swags and, after the event, they roll them out. The people who run the event put on a breakfast the next morning, but some of them still want to be sure that they are not over the limit. Limited breath testing was available at one event this year. It needs to be there. This is a sensible approach to stop people from getting into motor cars until they are sure that they are within the legal limits.

Now, in itself that must be a good thing. If we are looking at sensible community policing, if we want to keep people on side and if we want to prevent their contravening the law we need to take steps to allow them to comply with the laws. The purpose of this parliament is not to make things as difficult as possible for people, but to give people options. The first option is: if you intend to drive, do not drink. That is the option I always follow. These are happy occasions attended by huge numbers of young people. Bands play afterwards. It is held just after Christmas, so people are in the festive spirit.

This is a sensible solution. It will not cost very much, but it will be a very important road-safety issue. It is a course of action which will enable the police to have good public relations with this large section of young people. It is far better to do that than to bring them into conflict with the police. What happens now is that the stations are not set up close to the event. They go down the road a fair way. Let us use a bit of commonsense. Let everyone know what they are going to do and let us help them. I commend the amendment to the committee. I ask the minister to support it, because it is a sensible road-safety issue.

Mr BROKENSHIRE: I think I understand where the member for Stuart is coming from. The honourable member's amendment provides that 'signs advertising the establishment of a breath-testing station must be displayed in positions where people arriving at the event are likely to see them'. Is the honourable member saying that he wants a message in people's faces indicating that there will be breath-testing stations in the general area and that people need to be aware of them? Is this a reminder advertisement or notification to people about drink driving? Is that what the honourable member's amendment is saying?

The Hon. G.M. GUNN: That is correct. It is not a very expensive or difficult thing. At the last one of these events that I went to on 27 December, it was announced over the address system that breathalysers could be operating in the area. Normally, there are only one or two gates to these events, because they must now have crowd controllers and security people present. The biggest event I know about does not allow the consumption of alcohol in the car park, and you cannot take alcohol into the establishment. Once inside you end up with a wrist tag to identify you to the crowd controllers.

It is very simple to put up a couple of signs that say, 'Breath-testing stations may be established' so that people are fully aware of them before they start drinking these cans of whatever it is. Some of this stuff is pretty potent. The young ones seem to like this Bundy and whatever it is.

An honourable member interjecting:

The Hon. G.M. GUNN: No. Not being one to participate in that sort of activity, I am not sure—but, in my youth, I might have. However, that is a day or two ago. I appeal to the minister to accept these amendments, because they are put forward in good faith.

Mr BROKENSHIRE: I am clear now that the honourable member is saying that, when significant major events are held outside the metropolitan area (and, frankly, I think that it should be anywhere), there should be appropriate signage reminding people that it is an offence to drink drive and that, after that event, breath testing may occur. Of course, the intent and purpose of this bill is that there will be 100 per cent random breath testing 24 hours a day, seven days a week. From that point of view, hopefully, it will be pretty clear—provided the message gets around and the marketing occurs—that you can be caught anywhere, any time if you drink and drive. I think that the minister would agree with that.

There does need to be marketing. I believe that we should be doing much more in a proactive and preventive way. People have a go at the hoteliers a lot of the time, but often hoteliers provide mini buses. They drive their clientele to and from functions in mini buses. I see that as being proactive, because they are looking after the wellbeing of the broader community by providing that service. It is a pity we do not get that service in the rural areas where I live. Nevertheless, it is happening in metropolitan areas. I do not see anything wrong with being proactive in reminding people about drink driving. The member for Stuart moved an amendment and I gather, given it has been well drafted by parliamentary counsel, we can qualify, hopefully, at what events we expect to have the alcotesters.

It gets back to the point I raised in my second reading contribution. If we are going to be serious about preventing death, road trauma and the grief that follows that for the whole community, then we need to give people better indications about drinking and driving. I talked about having properly certified breath analysis equipment in licensed venues. At Oakbank, when I was police minister—and I have not been there in the last several years—I know there was alcotesting. The police had a marquee set up and they were inviting people to be breath tested. I saw that as a good thing and, as I walked past, a lot of people were utilising that facility. It built up a good PR between the police and the community. It also gave responsible people, even if they had no intention whatsoever of driving because they had consumed alcohol, a chance to see their alcohol level after a few drinks. I do not believe it is a great expense at all for the government to support that. I see that as a proactive, positive approach, and I personally will support this amendment.

Mr HANNA: Since the departure from the parliament of the Hon. Chris Sumner and, indeed, over the last three years under the Labor government, I believe we have seen less emphasis on crime prevention, more emphasis on punishing people and a massive increase in the amount of money taken from offenders. Obviously, there is a deterrent effect at work, but it seems to me that the best way of dealing with crime is crime prevention. This amendment is a perfect example of where crime prevention can address the true purpose of the legislation. After all, we all agree that we want less harm caused to people and property as a result of people who lose control of their vehicle as a result of drinking alcohol before they get into a car.

Given the circumstances of country events such as rodeos, does it not make sense, first, to let people know that, if they are going to such an event, when they come out they may be breath tested; and, secondly, to give potential drivers the option of a freely provided alcotest to give them an indication of their blood alcohol level so that they can make a wise choice about whether or not to drive. If people are not capable of controlling their vehicle, we do not want them driving. It is better to get in first, warn people and give them the opportunity to make a wise choice, rather than let them commit the crime and then punish them. It seems to me that crime prevention is the best way of dealing with it. I will be supporting the amendment.

Mr KOUTSANTONIS: I point out to members that a person can be pulled over at a random breath test station, blow under the legal limit and still be charged with drink driving. Because a person blows under the legal limit does not mean they cannot be guilty of driving a vehicle under the influence of alcohol. I have had police officers, who are branch members, tell me that they have often given infringement notices to people who were under the legal limit but who, obviously, were incapable of driving. The idea of police just standing by and saying, 'Here's a breath test, you are under .05, you're right to drive,' is not the correct way of doing it. Police say, 'This is the legal limit and, if you exceed that limit, you should not be driving,' but people react differently to alcohol. I do not think there is a simple measure. I do not think you can say, 'You can do whatever you want under .05.' One glass of alcohol has different effects on different people, depending on how much they weigh, their age, how much they have had to eat and whether they are male or female.

I am worried about the theme of crime prevention that the member for Mitchell raises. I understand his passion for crime prevention, but I think police have looked into this matter at some length. I support the minister on this.

Mr Hanna interjecting:

Mr KOUTSANTONIS: Well, because it was the first in the nation.

Mr Hanna interjecting:

Mr KOUTSANTONIS: The point is that there is an arbitrary limit. I am not the minister and I am not an expert, but .08 and .05 are arbitrary limits. Police also exercise their own judgment. I know that the member for Mitchell is opposed to minimum mandatory sentencing and I think he wants to ensure that the police have the right to exercise their own judgment in these issues. I think the current system works well and I do not see any reason for change.

The Hon. P.L. WHITE: I oppose the honourable member's amendment, because there is a fundamental

problem with it. They are anti-road safety. That is the whole purpose of this bill.

Mr Hanna interjecting:

The Hon. P.L. WHITE: Hold on. Can I have the floor for a moment to explain? In relation to the signs, the honourable member for Mawson, when he questioned the member for Stuart, said that this first amendment is about educating the public. That is not what this amendment provides. This amendment is about conducting static breath tests outside metropolitan Adelaide at an event. Now, why something applies to outside the metro area and not inside the metro area is a question. It says that the South Australia Police must put up signs on the way to the event that they will be testing—not educating the public with road safety messages about drink driving—but they must warn by way of sign that they will be testing at the event; the implication being that if no signs go up or that they are stolen (and this is an event, presumably with lots of people, and there might be lots of alcohol) then any person caught drink driving could not be charged; the person would have a defence.

The Hon. G.M. Gunn: No. Come on. Your advice has to be better than that.

The Hon. P.L. WHITE: It provides a potential defence to the charge where signs may not be seen or may be stolen. It provides an additional evidentiary burden for police in proving a charge due to the new regulations that would be required, and it reduces the deterrent effect of conducting RBTs. If signs cannot be erected for a valid reason, police would be precluded from operating RBTs and carrying out a critical road safety function. The advice from police is that this is difficult. I am getting some criticism from the member for Stuart here, and pretty harsh criticism, but I what I believe is happening here is that on the one hand you are saying, 'Yes, we sort of agree with this,' but then you are putting things into the legislation that lawyers can get hold of and use as a defence. That is one of the problems in our court system—that people look for the technical defence. Do not forget that anybody charged here under this bill has blown positive to three tests—an alcotest and two evidentiary tests.

Then we have the question of how is an event outside of metropolitan Adelaide to be defined: Oakbank; races; bushing festivals; Sea and Vines; Clare picnic races. At any one time there are a large number of regional events on any given weekend in South Australia, and the proposal is very resource intensive and it would take resources away from conducting RBTs. It defeats the whole purpose of RBT. People will reason that if there is no sign then they do not have to worry because there is a defence, and police cannot be everywhere. It also concerns me that the proposal takes the responsibility for the responsible consumption of alcohol at events away from the event organisers and patrons, and puts the onus on police. It is the person's responsibility, not SAPOL's, to ensure that they do not drink and drive.

On the second matter raised, clause (b) states that at the same event if a member of the public approaches a static RBT and voluntarily requests an alcotest, then the police must provide that test, but that the person cannot use the results of that test in evidence—that is, as a defence against other proceedings. So far the information from police on that matter is that, firstly, they have an education unit that conducts voluntary testing at events in a controlled manner in the capacity of educating the public. However, if members performing RBTs are required to provide a person with a test, which is the proposal being put forward by the member for Stuart, then I think that that is quite silly. Firstly, it would be interfering with the operation of the RBT site, and potentially impeding the detection of drunk drivers, particularly where an officer is being interrupted in the conduct of a test at a busy RBT station and, presumably, at an event that would be a busy RBT station. I do not think putting a requirement in legislation that voluntarily tests must be delivered on demand is a reasonable one. Rural RBT sites are often staffed by minimal personnel and they would not be capable of conducting a large number of voluntary tests on demand. Can you imagine the situation where you get people who have been at the event drinking heavily coming up to the police, using them as a toy, as to who can blow the highest? This could be a trivial waste of police resourcing time.

There is also the issue of the creation of a civil liability case if the person drives after testing and is over the limit, and has not been adequately warned of the ramifications, and in that I am talking about the signs. I think while the honourable member's intentions may be honourable, the practicality for implementation of this by police, and the potential that the first part of his amendment leaves for people who have blown over the limit and charged to find a technical defence and excuse to get off a charge is not what we want to encourage.

Mr BROKENSHIRE: As this debate goes on I think that it is healthy to have this particular debate. At the beginning of this clause I asked the honourable member whether or not he meant that this was to be more up front in marketing and promotion about the fact that you cannot drink and drive—as simple as that—and all the messages relevant to that. The answer from the member for Stuart was, yes, that was his intent. If that was what was actually in the bill—and the alcotest thing I definitely like because I think we should be working towards that—then I still have some personal feeling of support for it. But, having checked with Parliamentary Counsel and then reading this again, the way this is worded, it clearly states that, if a breath testing station is established in the vicinity of an event being held outside the metro area for the purpose of an alcotest to be conducted in relation to persons who have attended the event then signs advertising the establishment of breath testing station must be displayed in position stands.

When you read that, it says to me that, if there is an event with a breath testing station associated with that event—or even if it is not associated with it, arguably, you could say that it is associated with it—then that is what the signage is about. In other words, it tells people that if you go down the road you are going to get breath tested. Well, I could not support that and, so, I again ask for clarification because—

Mr Koutsantonis interjecting:

Mr BROKENSHIRE: No, it is not actually that, Tom; it is about further asking a question. But the point that I am on about is that if it is productivity then I would like to support it, but I need clarification on the wording.

Mr Koutsantonis interjecting:

Mr BROKENSHIRE: I ask the chairman if he could ask the member for Torrens to be a little quiet while we work through this.

Mrs GERAGHTY: I rise on a point of order. As the member for Torrens, I think I have been very quiet. Would the member like to correct his—

The CHAIRMAN: Order! The member for Mawson meant the member for West Torrens.

Mr BROKENSHIRE: I just ask if I can get more clarification on that from the member for Stuart.

The Hon. G.M. GUNN: The process in this amendment is simple. If anyone has been to any of these large functions

which take place around the state—there are rodeos, big race meetings, large agricultural shows and those sorts of things—there are a large number of people congregating. It is not unreasonable for there to be some sensible signs put up. If the minister has a problem with that, the minister has power to make regulations dealing with the type of signs: how many there should be and what events this would apply to. But, surely, if you believe in road safety, or if you want to continue down this stupid track of penalising and issuing as many tickets as you possibly can, the police are obsessed with it at the expense of other law enforcement activity. The minister seems to be obsessed with it, and I say to her and her advisers that, no matter what happens here tonight, they are going to get this in the future because the public has nearly had enough of this arrogant stupidity.

I will give you an example: currently, you get police stopping people and breath testing them in a place like Port Augusta. You have the villains stealing motor cars. On one occasion they took two from one house on the one night and with legal aid letting them out before the poor person could get their keys back; in their home at two o'clock in the morning. If the minister and her advisers think that I am a bit over the top, let me say to them that we believe in a democracy. Don't you believe in giving people a fair go? Don't you believe in rights for people? If this government is so bereft of ideas or commonsense that it cannot work out how to put up a couple of signs, heaven help it. No wonder people are complaining about governments wanting to make life as difficult for them as they possibly can. That is what you are doing, minister. Has the minister taken the trouble to see what is happening in the United Kingdom? I suggest that her advisers read these papers too, where they talk about penalties. What has happened there? The police and the government have had to take steps backwards because of the public backlash, with too many people losing their drivers' licences. If you do not—

Mrs Geraghty: They should not be doing the wrong thing then.

The Hon. G.M. GUNN: No, because silly politicians have made the law too stupid, silly politicians who think that they are important are given a sense of importance by passing a law to make life as difficult for people as they possibly can. Surely, if someone asks a police officer if they can be voluntarily tested to ensure that they comply with the law, is that not a fair and reasonable thing in a democracy? We managed to get the police to do that on one occasion. It is not impossible. The police can do it if they want to. And if Sir Humphrey Appleby does not want to do it, and if Sir Humphrey trots up all this nonsense which the minister read out to us today, heaven help the people of South Australia. It is absolute nonsense to say that you cannot put up the sign at the entrance to these places.

In a few weeks time I am going to go to a large function at William Creek. There will be a lot of people there. I will bet you a pound to a penny that there will be some breathalysers up there. Surely, it is not very difficult to have a sign up there at that racetrack to say that the breathalyser will be operating. Look at the Yunta races. You come out of the races and if you want to go to the roadhouse; don't say there is a shortage of police, they had about five people sitting up there. I got breathalysed going up and coming down. So don't say there is a shortage of police. This is an absolute nonsense. If this amendment is not perfect, the minister has a lot more advisers than we have; so I will move that progress be reported while we redraw the amendment.

Ms Breuer: What is the difference between that and somewhere in North Adelaide or Prospect or—

The Hon. G.M. GUNN: Well, if the honourable member wants to do it there, she should move an amendment. I say to the honourable member for Giles that instead of being a critic, be positive.

Mr Koutsantonis: Convince Brokey first. Convince your own shadow minister. Convince your own party first.

Ms Breuer interjecting:

The Hon. G.M. GUNN: Be positive. If the minister wants to have some changes made we will move that progress be reported. Is the minister happy to have some changes made to this amendment?

The Hon. P.L. WHITE: Look, the honourable member stands up and, as I understand him, essentially says that, by not supporting his amendment, we are against education campaigns—that is just not so. In fact, many events are already supported by anti-drink driving campaigns. For example, the 'Alcohol Go Easy' campaign sponsors events all over this state.

Mr Hanna: At least he is offering to negotiate.

The Hon. P.L. WHITE: Hold on; can I just finish please? No matter what he says to us in this debate, this clause he has put forward says that if there is a static breath test station outside metropolitan Adelaide, the police must put up signs, though not educational signs. That is not what his clause says. His clause says warning signs, warning that they will be tested after the event. Now, there is a huge problem with that.

Mr Hanna: It's going to stop crime.

The Hon. P.L. WHITE: One of the arguments that the member put forward was that people are being picked on by random breath testing. I would like to remind all members of the house—and we are talking about outside the metropolitan area here in this particular clause—that so far this year 42 per cent of drivers or riders killed have been over the legal limit outside the metropolitan area. A large portion of people in our rural areas are killed. Over the last five years (that is, 1999-2003) 80 people have been killed on country roads and 327 seriously injured with an illegal blood alcohol content.

Mr Hanna: So, do you want them to drink drive and get caught or do you want them to not drink drive?

The CHAIRMAN: The member for Mitchell should ask his questions in the appropriate way.

The Hon. P.L. WHITE: I reject the amendment before us moved by the member for Stuart which requires signs warning drivers that they will be tested as a precursor to the police being able to establish a static breath test station. It is another loophole that lawyers can get hold of to get people out of drink-drive offences. Let us not forget that these are not people who have not drunk driven, in the sense that they have blown over the limit three times in three separate tests.

The CHAIRMAN: If the chair could assist, one possibility would be that in relation to functions where liquor is sold—and they would need a liquor licence; hoteliers have a licence—the minister responsible for liquor licensing could require that, once this is passed, all those establishments have signs up warning that random breath tests now apply in South Australia, as of whenever, and I think that might address the issue raised by the member for Stuart. The alternative is having a two-part system where country people are treated differently from city people.

The Hon. G.M. GUNN: There is a slight difference, Mr Chairman, and I indicated it in my second reading speech: there is no public transport and no taxis.

Ms Breuer: It doesn't make any difference. You don't drink and drive.

The Hon. G.M. GUNN: I'm not saying it did. The member for Giles is saying—

Ms Breuer: You pick a designated driver.

The CHAIRMAN: The member for Giles is out of order.

The Hon. G.M. GUNN: The member for Giles is saying—

Ms Breuer: Signage or whatever has got nothing to do with it.

The Hon. G.M. GUNN: If the honourable member wants to participate—

Ms Breuer: It's got nothing to do with it.

The CHAIRMAN: I warn the member for Giles for defying the chair. The member for Stuart.

The Hon. G.M. GUNN: The member is indicating that people should not go out and have a slight bit of social interaction. That is what she is saying.

Ms Breuer: No.

The Hon. G.M. GUNN: That is what she is indicating. Stay at home. You have no public transport. You cannot go out. I am saying: comply with the law; let people know that breathalysers are going to be there. And surely people should have the right to be tested so that they do not break the law. I thought we lived in a decent society. One of the differences between our system and others is that we respect people's rights—we give them a fair go. We do not want to go down this track of pinging and penalising people for every slight course of action which we can. The stupidity of wanting to make life as difficult for people as you possibly can has gone too far now.

It is not the role of this parliament to rubber stamp because bureaucrats do not like some of these things. That is no reason whatsoever why the parliament should not agree to put the welfare of ordinary people first. What we are doing here is putting the interests of bureaucracy and government officials before commonsense and the welfare of hardworking, decent South Australian citizens. That is what we are doing here tonight, and it ill behoves those people who are vigorously opposing what I have got to say. They have not put forward one logical reason or offered any suggestions of how to improve it. Unfortunately, the minister has read a prepared script why you should not do it. That is absolutely no reason why this parliament should not do it. If you have a better suggestion, I am happy to accept it; I will accept it as quick as a flash, but I am not going to let this go past.

In a decent society, it is fundamental that people are given the opportunity to comply with the law. Anyone who wants to rubber stamp what the police say in these sort of issues is unwise and, in my opinion, very naive and foolish. I say to the minister, 'Why don't you go occasionally to some of these huge events in isolated areas?' These particular events are put on to raise money for the Royal Flying Doctor, or to help maintain the limited facilities at some of these establishments. They are put on by volunteers, who are decent and hardworking people.

All we want to do on this occasion is to try to make it a bit more reasonable and ensure that people do not get into trouble. A lot of young people are there during the festive season, so let us be a bit positive about this. Surely the minister can take a step back. This will not create huge costs for the government or the Police Department, but it will apply a bit of commonsense. If the minister asked the people who run these events, she would find that they agree with me. Does the minister think that I got up in a bad mood one morning and just dreamed up this idea? I actually have some understanding about what is taking place in regional and rural South Australia. That is why I was sent here. I was not sent here just to put up my hand and rubber stamp and accede to what the minister and her advisers, as naive as some of them might be in this matter, might think. This parliament is about doing what is right—what is proper and responsible—not what Sir Humphrey and his band of merry men, sitting up the road there, have dreamed up. What will they dream up next? When this silly scheme fails, where will we go next? Will the minister ban motor cars? You will solve the problem if you ban motor cars, minister.

In my experience in this place, I have had ministers of all colours, shapes and sizes get angry with me. I have had bureaucrats write letters, and I have been reported to every leader I have had. I fight it. I do not know why it has happened, but I have not lost one ounce of sleep, and it has not deterred me one bit. Whether or not people like it, I have been sent here 11 times.

Members interjecting:

The Hon. G.M. GUNN: I am not straying a bit, Mr Chairman. I have stayed true to my beliefs. I take great pride in saying that I have not let down the people who endorsed me on the first occasion. There is nothing wrong with these amendments; they are proper amendments. If the minister can suggest something better, I will withdraw them as quick as a flash. I want to see these problems solved.

The CHAIRMAN: In order to expedite things, I suggest that between houses the member for Stuart and the minister might like to consider this clause to see whether there is some common ground.

Ms BREUER: Can I have some point of clarification? From what I have heard, the member for Stuart is talking about signs. I agree with him that some wonderful organised events are held in the Outback and country South Australia—great fundraisers and whatever. From my understanding of what the member for Stuart has just said, after about half an hour of talking about it, he proposes that, when these events are held, if signs are put up saying that people should not drink and drive, that is okay. However, if there are no such signs, people can go ahead and drink and take off, and it is okay. That is my understanding of what the member is saying—that is, if we warn people that they cannot drink and drive, they will not do so: however, if there are no signs, they can have a good time. What is the member talking about?

The Hon. G.M. GUNN: I will be as nice as I can, and I will spell it out in simple terms.

Members interjecting:

The Hon. G.M. GUNN: It is all right for the honourable member; I am not going to be put off tonight. I do not know whether the member for Giles has been to one of these events, but I would hope she has been to the Coober Pedy races, because it is in her constituency. It is an event of some importance. It has a colourful history, particularly in its early days. I have had a lot of fun there, and I have seen people have a lot of fun. They have been to the races, and they have had a few rounds of drinks. All I am asking is that some signs be put up to say that breathalysers may be operating in the area and that, if people want to have themselves tested, they can do so. It makes no difference if someone gets into their car and goes down the road and they are over the limit. The same penalties would apply whether or not the signs were there. It has nothing to do with that. It is being proactive and warning people. Surely, in a democracy there is nothing wrong with warning people and advising them of the

consequences of their actions. I thought that was one of the things that distinguished us from other forms of government—that we actually warn people, try to educate them and give them an opportunity to comply with the law, not this obsessive process we now have in place of trying to ping them, and Sir Humphrey dipping his hand in the hip pocket on every occasion. The whole system of on-the-spot fines has been misused and abused in a manner never imagined by this parliament when it was first introduced. In my view, it is an absolute public disgrace. It is imposing sheer burdens on people who are in no position to pay the fines.

I say to the member for Giles that it is an outrage against people—pensioners and others—who may have been driving a motor car for 50 years and never committed an offence and suddenly, for a minor trifling thing, they are thumped with a sledgehammer.

Ms Breuer interjecting:

The Hon. G.M. GUNN: No. Some poor fellow does not use his turning indicator and goes around a corner, or he has a bit of dirt on his number plate.

The CHAIRMAN: Order, the member for Stuart! I think the point has been made. Does the minister wish to respond?

The Hon. P.L. WHITE: Yes, just briefly. I understand that there might be a sentiment that there should be more education about drink driving at those events, and I support that. I strongly support having more road safety messages out there at any time. However, that is not what the honourable member's amendment says. The honourable member's amendment places a requirement on police to display a warning sign if they establish an event, and the concern is about what happens if it is stolen, and so on. It is another mechanism that people who want to get off these offences—these are people who have been charged, who have blown over the limit—can use. That is why I do not support his amendment. I do support the sentiment of public education. I suggest that the member and I talk between the houses on that matter, and there may be a way that we can satisfy his concern. I am very happy to do that.

However, with respect to the other matter about the police at an event being required to give anyone who asks for it an alcotest—do not forget that these will be very busy events and the police will be concentrating on the RBT work that they are doing—I do not think that is what we want to do. The honourable member took issue with random breath testing, when police could be out solving other crimes (I am paraphrasing him). I ask the honourable member: why then do we want to see police resources tied up with silly people who have drunk too much (and we cannot say that this will not happen), having competitions to see who can blow the most? There is a separate unit of the police department, the education unit, that attends events and conducts voluntary testing. But do not put it in here as a requirement with respect to the police who are conducting the RBTs that, if asked, they must stop and deal with patrons. I just think it is not the right use of police resources.

The Hon. G.M. GUNN: The minister is telling me not to do it here, that there is an education unit. Once this measure leaves this chamber we have lost control of it. This minister will not have control of it. It will be at the discretion of the Police Commissioner. What the minister is saying is to just wash our hands of it. We lose all control over it. The Minister for Police does not even have control. To say that people will be involved in a competition is not correct. I do not know whether the minister understands that people travel hundreds of kilometres to attend these events, and a very large number of them stay overnight. They have the breathalyser set up 25 kilometres down the road the next morning, not that night. When the young ones have slept the night and had breakfast, surely it is fair, reasonable and proper for them to ask to be breathalysed, if they have consumed alcohol, to see whether they are at a level at which they are safe to go home.

I have had lots of letters from parents wanting this facility. It is not an imposition on the police, and I am surprised at the advice the minister is receiving. If I was a villain, I could expose what certain police officers tell me, but I respect their confidence and I will not put them in. But I am very unhappy about this matter. I think it is a bloody outrage, to put it mildly, that in a democracy people are denied the right to determine whether they comply with the law. They have no taxis or buses to transport them. They live in isolated communities, and the ability to drive a motor car is very important. All I am trying to do is allow these people to comply with the laws of this parliament. We are inflicting upon them the ability to get caught and we are not giving them the opportunity to comply with the law. I think that is deplorable, and I cannot understand why any reasonable person who believes in fairness would not want to accede to this proposal.

The minister brings in these draconian measures to this parliament, and it will slip past her: she will still be driving around in her car with someone to drive her. She does not seem to understand the importance of commonsense applying. I ask the minister again to consider this matter. It is a road safety issue. The attitude that has been displayed so far clearly indicates that this government and its advisers are very keen to catch people but are not keen—

Mrs Redmond interjecting:

The Hon. G.M. GUNN: —that is right—for them to legally comply with the laws of this land. If what I propose here is not correct, I ask the minister whether she could come forward with a better suggestion, or whether the people who have been sitting in these lofty buildings around this city dreaming up these proposals ad infinitum and getting ministers to legislate on their behalf have a better suggestion. I will not let go of this issue, and we will be staying pretty late. From now on, there will be a division on every amendment.

I do not care how long it takes. I was prepared to be more than reasonable but I am, to put it mildly, very unhappy with the response I have had, because it does not make sense. I have spoken to the operational police. We had a hell of a row about the Marrabel rodeo some years ago and we want to avoid that in the future. I say to the minister: do you have a better suggestion to allow people to comply with the law? And I do not want to hear 'Don't drink', because the young people are going to have a few drinks on these occasions.

Mrs REDMOND: I want to clarify a couple of things with the member for Stuart and make some comments. As I understand his proposal, it is essentially in two parts. The first is that there be the ability to have signs put up either at the entrance or the exit to a function out in the rural community, whether that be at the actual gate of the thing or the car park or whatever, but I do want to clarify that point. I want to make sure that the member for Stuart is not suggesting, for instance, that we put up signs immediately before the random breath testing station but at the function.

The Hon. G.M. Gunn: At the function.

Mrs REDMOND: If that is what the member for Stuart is proposing, I think that is an eminently sensible thing and

should not present any particular difficulty. I can see no particular costs in having a number of those signs prepared and available to be put up. As the member for Stuart has already magnificently indicated to us, that is sensible, and all it does is advertise the fact that people who misbehave run a real risk of getting caught, and that seems to me no different from the vast amounts of money that are spent on the television advertisement with the web of RBTs catching you. It seems to me pretty sensible to compel signs to be put up, just to remind people that there are such things as random breath testing stations in the vicinity and they need to be conscious of that in making their decisions.

I think that the other part of his proposal is to have a facility whereby people can be tested to see whether they should indeed get in the car and drive home. I would have to say that, as the minister has already indicated, that happens to some extent already, certainly around the metropolitan area. I know (through my own involvement) that the Adelaide Hills road safety group, which the member for Kavel and I regularly attend and become involved with, last year ran a couple of functions, the Rock'n'roll Rendezvous at the Birdwood Motor Museum and another one.

I know on at least two occasions in the last few months the member for Kavel and I have jointly donated a dinner for two at Parliament House as the prize to be drawn from a hat, with people putting in their details if they are the nominated no-drinking driver, and we arrange for the provision of spring water for those people. Their names went into a draw and they won a dinner for two at Parliament House as the prize. Surprisingly, they actually enjoyed doing that. But the member for Kavel and I donated that prize in the interests of road safety. So, it certainly happens that efforts are made at functions around the town.

Next to us at the Rock'n'roll Rendezvous was the unit that the minister has spoken about, the unit that obliges in the metropolitan area at a lot of these functions to do that sort of preliminary testing so that people can check their blood alcohol level and decide, after doing that, whether in fact it is safe for them to drive home. Whilst I can understand the minister's reluctance to make it compulsory, it seems to me that the member for Stuart has a pretty good point. According to the minister's own statements, people in the country are really very likely to be the ones involved in these serious accidents with serious levels of alcohol in their blood, and it seems to me an appropriate thing to support the member for Stuart so that the police are able to provide that.

There has to be some opportunity for people to get an assessment before they make the decision, so that they are not tempted to drive. There is really no excuse for it. Once they have had that test, if it turns out that they are over the limit and they then drive, then throw the book at them. To say, 'We're not going to provide you with the ability to figure out whether you're over the limit before you get in the car' seems to me to be, as the member for Stuart says, trying to get into their pockets for the money rather than solving the road safety issue. I will support the member for Stuart in his bid to get this amendment through.

The Hon. P.L. WHITE: As I have said before, there is a problem with the way these clauses have been drafted. The concern that I have about the member's clause relating to signs is that the way it is drafted does leave room for a defence to the charge around the signs. I hope that is not the intended motive in this.

The Hon. G.M. Gunn: No, no intention at all.

The Hon. P.L. WHITE: Okay. Therefore, I would be willing to have drafted while we sit, and we can recommit the clause, an amendment to add an extra clause to make clear that the absence of the sign would not be a defence to the charge.

The Hon. G.M. Gunn: I am happy with that. Very happy.

The Hon. P.L. WHITE: We will have that drafted while we debate, and we will recommit the clause if that is acceptable to the house.

The CHAIRMAN: Just for clarification, under paragraph (b), relating to a person who attends at the breath testing station and requests an alcotest, presumably that testing station could be down the road and someone drives up and says 'Am I over the limit?' and gets tested, and if you are over the limit you are charged. That is the clear intent: that you could actually be inviting someone to trap themselves.

The Hon. G.M. GUNN: Could I just explain, in relation to the second, that these amendments were drawn up for me. I got advice, and very good advice, to help me draw them, because the minister knows that Parliamentary Counsel have to have a great deal of wisdom to try to decipher the wishes and whims of members of parliament. They do a very good job, and often at short notice.

Paragraph (b) proposes that, if anyone were foolish enough to drink and drive, they ought to be charged. But at the facility itself—within the car park or some spot, perhaps at the ticket office—there could be available an alcotester for people who wish to be tested. If you want to charge them $1 each to meet the expense, I do not have a problem with that, but I do not want to see people unnecessarily contravene the law. That is what I want to prevent. On one occasion at one of these events 14 or 16 people got pinged the next morning. They did not have the ability to be tested; and I know that, prior to being pinged, some requested to be tested and that request was declined.

A lot of these young ones have a long way to go home. If they are over the limit, they must wait. Surely we should just be sensible. If that amendment is not correct, if you want to tighten it up, I am very happy. I go to lots of these functions. I actually do. I see all these young people having a happy time, and I do not want to see them contravene the law, because I know what it is like to live in an isolated community. Can I say to the minister that the whole social fabric in many of these small rural communities has been completely changed. People cannot go out on Friday nights and have a couple of ales, as they used to do 40 years ago. They cannot do it any more. These occasions are terribly important to raise a bit of revenue to keep the Flying Doctor in the air, or at Carrieton where they have a little shop at these things.

My concern is that the more police activity and the harsher it becomes you will end up destroying these venues. People will not go, and you have then defeated the whole purpose. If that is what people want to do, well and good, but there are ways around it. If the minister wants to tighten this up, I do not have a problem, but we ought to have the opportunity to give people a chance to make sure that they do not contravene the law. That is all I want to do.

The CHAIRMAN: The minister has indicated that she will look at these clauses, and we can recommit.

The Hon. P.L. WHITE: For the reasons I have already stated, I am not in favour of requiring police officers who undertake these RBTs to conduct alcotests on anyone who approaches them, which is the effect of this amendment. I believe that it is tying up police resources. I think that at these

events particularly you will have people engaged in competitions to see who can blow the highest reading. I think that there are other ways in which to educate the public. There is also the difficulty that a reading taken even 20 minutes before one gets into one's car does not give an accurate indication of the level of alcohol in one's system. It can give a false indication to a person. As we know, 20 minutes or half an hour after consuming alcohol one's BAC can go up. A test such as this can work either way. I do not think that we should be wanting to tie up police resources in this way. I do not support the second part of the honourable member's amendment, but I will have drafted an amendment that I believe may be satisfactory to the honourable member with respect to signage.

The CHAIRMAN: The member for Mitchell.

The Hon. G.M. GUNN: It is the next morning when most of these—

Mr Hanna interjecting:

The Hon. G.M. GUNN: Sorry.

The CHAIRMAN: I remind members there are three opportunities—

The Hon. G.M. GUNN: I have an amendment.

The CHAIRMAN: The member for Mitchell.

Mr HANNA: I am glad that the minister has shown some sign of willingness to negotiate in respect of the first aspect of this amendment. It is easy to imagine a sign saying, 'Breath-testing station in the vicinity', perhaps with a message, 'Don't drink and drive', and I would imagine that to be entirely consistent with the marketing efforts of SAPOL and the government. It is crime prevention. If we agree on the principle, surely, there is a way of working out the drafting so that we can put something in place.

In relation to the second aspect, that is, the mandatory provision of alcotesting for people who attend these sorts of public events outside Adelaide, it seems to me that the minister has provided the answer to her own objection, because she has said that education officers (police officers, that is) go to events such as this and provide that sort of service. If there is an obligation on the police force to provide alcotests at these breath-testing stations, why can the education people not go and do it there? So, staff are allocated this sort of role. It does not have to detract from the breath testing of people who are foolish enough to get caught. The objection is answered in the minister's own contribution.

The Hon. P.L. WHITE: First, many events are held each weekend right across the state. There is an education unit within the police force, and I understand that it is staffed with police officers who do voluntary testing at events. There is a difference between that and requiring police at every event to use resources to do this testing. That is my concern. I think it is too much of a requirement to ask of the police. However, having said that, between the houses, I am willing to consult with the police on this particular aspect and bring back information for the parliament.

The Hon. G.M. GUNN: Will the minister take into consideration what we are really talking about? Most people, who have camped overnight, would want to be voluntarily tested. They take their swags, they sleep there and they have breakfast. Then they have to determine, if they had a few sherbets, whether they are right or wrong. It is not going to be a great demand upon police resources. At the end of the day, are the police there to catch people or to prevent people from breaking the law? What are the police there for? What is the role of the South Australian police? Are they there to catch people and ping them, or are they there to prevent people from breaking the law? It is a simple question. If the minister asked the majority of people in South Australia what they want, they would say that they want people to be assisted to prevent them from breaking the law. It is beyond my understanding, and I may be a simple soul, but I have had some experience in this place, and I cannot for the life of me understand why the minister would not want to offer this service. We are told we will have more police officers. Is it the aim of police officers to write more random on-the-spot notices? That is the reason. It is simple.

Minister, you have moved on one; I suggest you move to the other. As a result of discussions with some police in my area, I understand they have agreed from time to time to do this. At these very large events it ought to be a service to the community. If they want to charge people a little, there is nothing wrong with it. If I find out that at the next one of these events a heap of people have been pinged and the service has not been there, then you will hear about it in here. The only course of action is to say who authorised the use of these RBTs; who were the officers involved; who was the senior officer; was a request made to have the voluntary services there? That is what will happen, because what other alternative have we? If people are going to be foolish and have a dog in the manger attitude, two can play that game. What alternative is there when government has become unreasonable? What alternative? Other people have to become unreasonable.

Minister, you will not have charge of it after that. Once it goes through this process, your adviser might but this parliament won't, the Minister for Police won't and you won't. What will happen? They can thumb their noses at this parliament. In my view that is not an appropriate or proper course of action. So we have to use the coward's castle, unfortunately. It is the only alternative. Minister, it is in your hands, because I have tried very hard to try to talk some sense here. Minister, if you will agree between the houses to re-examine this, okay, but otherwise I will talk to Mr Cameron, because I know what he thinks about these proposals. I know what will happen there. You have not got him and one or two others.

It would be better for the minister to agree to something over which she has control. I would sooner not keep members here until 12 o'clock, because I have a lot of things to do this week, as well. Once we have a vote on this it is out of control; it is gone. The people will have this inflicted upon them. Minister, you will not have control of it, neither will any of the other ministers. It will be purely at the discretion of the Commissioner of Police and those who advise him. I do not think that is good enough, because I want to see people given the opportunity to comply with the law, not to contravene the law.

Mrs GERAGHTY: Could I ask the member for Stuart to clarify something for me? We do not know how many officers serve in the education unit, but let us assume there are four or five officers. If there were anywhere between six and 10 functions happening across the state, and each of those functions requested that this unit be there, where would we find the police staff to attend all those functions? If your proposition is successful, would we then have to take them away from other duties in the community so they could provide the testing service? We are just not going to be able to pull police out of thin air to cover all the activities that are happening. The only way I can see that happening is that we would then have to take police off the beat in the communities, away from dealing with the crime which happens and

which they are supposed to be dealing with in order to protect citizens.

The CHAIRMAN: Maybe the chair could help. The minister has given an undertaking to look at this matter. The member for Stuart is talking about events in the Outback. I am sure the minister can take it on board and not necessarily be focused on events at Mount Barker or Victor Harbor.

The Hon. P.L. WHITE: I have a form of words that I could read out, if that is okay. It would add a new clause to the part referring to signs. It would delete the clause that is currently there and provide instead:

If a breath testing station is established in the vicinity of an event being held outside metropolitan Adelaide for the purpose of enabling alcotests to be conducted in relation to persons who have attended the event, signs advising of the establishment of the breath testing station must be displayed in positions where people arriving at the event are likely to see them (however, a prosecution for an offence against this act will not fail because of any non-compliance with this section).

The Hon. G.M. Gunn interjecting:

The Hon. P.L. WHITE: Thank you.

The Hon. G.M. GUNN: Quite simply, at these events there are large numbers of police officers—let me assure you—and you only need one to be available. There were heaps of them running around in motor cars; there were plenty of police at these sorts of functions. These are big occasions that I am talking about. They are once a year functions, and it is not very hard to work out the ones that all the people will attend. There are the races at Yunta once a year and last May I think that there were four police officers up the road a bit between the racetrack and the town—the Mobil roadhouse. There would not have been more than 120 people at the function and only about half a dozen people would have wanted to be tested. Therefore, we are not talking about lots of resources. If people want to do something, they can. It is when they get obstreperous and interfere with their set ideas that they go negative and get the siege mentality. It is a very simple answer.

The CHAIRMAN: The honourable member's amendment needs to be defeated and then the minister can move her new one, which the committee has just heard and which relates to people not being able to use the omission of a sign as a defence. The minister has given an undertaking, between the houses, to consult with the police in relation to the circumstances of possible police alcotesting. Is that a fair summary?

The Hon. G.M. GUNN: We will leave it at that.

The Hon. P.L. WHITE: Yes, and we will supply a written copy of the amendment. We will have it typed up now.

Amendment negatived.

The Hon. P.L. WHITE: I move:

Section 47DA(3) and (4)—Delete subsections (3) and (4) and replace with:

(3) If a breath testing station is established in the vicinity of an event being held outside metropolitan Adelaide for the purpose of enabling alcotests to be conducted in relation to persons who have attended the event, signs advising of the establishment of the breath testing station must be displayed in positions where people arriving at the event are likely to see them (however, a prosecution for an offence will not fail because of any non-compliance with this subsection).

Amendment carried; new clause as amended inserted.

Clause 6.

The Hon. P.L. WHITE: I move:

Page 3, line 17—

Delete 'section' and substitute 'Act'

Amendment carried.

The Hon. P.L. WHITE: I move:

Page 3, after line 32—
Insert:

(2ab) A person must not, in the exercise of random testing powers, be required to submit to a breath analysis unless an alcotest conducted under subsection (1) indicates that the prescribed concentration of alcohol may be present in the blood of the person.

Amendment carried.

The Hon. P.L. WHITE: I move:

Page 4, lines 1 to 9 inclusive—
Delete subclause (2) and substitute:

(2) Section 47E(2f)—delete subsection (2f)

This is an administrative amendment consequential to the proposed new section 47EA.

Amendment carried.

The Hon. G.M. GUNN: I move:

Page 4, line 10—
After 'and (10)' insert:
and substitute:

(8) The Commissioner of Police must, in his or her annual report to the Minister responsible for the administration of the Police Act 1998, include the following information in relation to the administration of this section during the period of 12 months ending on the preceding 30 June:

(a) the places and times at which members of the police force exercised random testing powers (otherwise than at breath testing stations established in accordance with section 47DA);

(b) the numbers of drivers required to submit to alcotests in the course of the exercise of such powers.

This amendment is another one of those very important elements in a democracy, that is, people have a right to know. So, if people have been stopped at random, the community in general is entitled to know whether police have stopped 10 or 10 000 people. It will only take another page in the Police Commissioner's annual report to this august chamber, but it is a little more precise than that. It will also allow us to know in which police regions these people have been stopped. Therefore, that will be a matter which will allow the community and members of parliament, when the Police Commissioner and his distinguished minister are before this chamber, to ask questions about how this particular section is being applied.

In a democracy, information is a great thing, and it allows people then to ask further questions. I am aware that, from time to time, people complain about having to comply with the requirements of parliament. However, at the end of the day, these people obtain their authority from parliament and, therefore, it is necessary for them to keep parliament properly informed on how these particular provisions that we pass—sometimes wisely sometimes unwisely—are applying. It is very simple. This will require the Police Commissioner to provide this information on an annual basis to the parliament.

The Hon. P.L. WHITE: I move:

New subclause (8)—Leave out all words after '1998, include' and substitute:

the numbers of drivers required to submit to alcotest in the course of the exercise of random testing powers (otherwise than at breath testing stations established in accordance with section 47DA).

For the benefit of members I will explain the effect of that amendment. It is essentially to agree with the second subsection of clause 6(8)—the member's clause 6(8)(b)—which is the recording of the number of drivers required to

submit to alcotests in the course of the exercise of such powers, but to not agree to his subsection (a). I will explain the reason for that. On receiving notice of this amendment, my office consulted the South Australia Police and the Police Commissioner who did not support that subsection (a) and the Police Commissioner gave the reason that the recording of all those places and times would be an onerous administrative activity with no significant benefit. Legislation presently allows SAPOL to conduct mobile RBTs only at prescribed times—gazetted school holiday periods, public holidays, long weekends and for further times a year for 48-hour periods approved by the Minister for Police.

For the information of the house, between 1 July 2004 and 31 January 2005, a total of 32 917 mobile RBT tests were conducted throughout the states under existing provisions. This equates to approximately 4 500 tests per month or nearly 60 000 per year. So, from SAPOL's point of view, to record each instance would be exceedingly time consuming and impinge significantly on other traffic safety priorities. The police did not have any problem with complying with subsection (b) so, on that basis, the government is in favour of the amendment to the member for Stuart's amendment.

The Hon. G.M. GUNN: What the minister is actually saying is that they will not be supplying information about where they set up normal breath testing stations but for those people stopped at random, we will know how many have been stopped across the state. Is that correct?

The Hon. P.L. WHITE: The numbers of drivers would be supplied but the places and times was the difficulty.

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

New clause 6A.

The Hon. P.L. WHITE: I move:

Page 4, after line 10—Insert:

6A—Insertion of section 47EA

Before section 47EA (now to be redesignated as section 47EB) insert:

47EA—Exercise of random testing powers

The following provisions apply in relation to the exercise of random testing powers consisting of the giving of a direction to stop a motor vehicle or the making of a requirement to submit to an alcotest:

(a) a member of the police force must not give such a direction or make such a requirement unless the member of the police force is in uniform;

(b) if the member of the police force is driving or riding in or on a vehicle at the time of giving such a direction—the vehicle must be marked as a police vehicle or must be displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm;

(c) a member of the police force must not make such a requirement unless he or she has in his or her possession, or a member of the police force in the immediate vicinity of the place at which the requirement is made has in his or her possession, an apparatus of a kind approved by the Governor for the conduct of alcotests;

(d) the Commissioner of Police must establish procedures to be followed by members of the police force in the exercise of such powers, being procedures designed to prevent as far as reasonably practicable any undue delay or inconvenience to persons being subjected to the powers.

I refer members to the new section 47EA(b) which is where the issue of marked cars arises.

The Hon. G.M. GUNN: I move:

New section 47EA(b)—delete 'marked as a police vehicle or must be displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm' and substitute:

clearly marked as a police vehicle by words and other markings that are permanently displayed on the exterior of the vehicle

I believe that police vehicles should be clearly identifiable and this particular amendment makes that clear.

The Hon. P.L. WHITE: I believe the amendment I have just moved may satisfy the honourable member. It reads, in part, as follows:

if the member of the police force is driving or riding in or on a vehicle at the time of giving such a direction—

that is, the powers

the vehicle must be marked as a police vehicle or must be displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm;

The Hon. Mr Gunn's amendment negatived; the Hon. Ms White's amendment carried; new clause as amended inserted.

Clause 7 passed.

Clause 8.

The Hon. P.L. WHITE: I move:

Page 5, after line 26—Insert:

(6a) The operation of a notice of immediate licence disqualification or suspension is not affected by any failure to comply with subsection (6).

Amendment carried.

Mr BROKENSHIRE: I move:

Page 6, line 1—

Delete 'at' first occurring and substitute '48 hours after'

It is good to see that progress is now being made, and I commend members for their patience and cooperation. I ask that there is cooperation in relation to this clause. The way in which the legislation is drafted gives the police the power to impose immediate licence disqualification or suspension. As I have said on numerous occasions during this debate, I agree with the primary principle of random breath testing 24 hours, seven days a week, 365 days a year. I believe there has been common support and sensible amendments tonight during the committee stage. One of the other things in this bill is the power to impose immediate licence disqualification. The general principle is not opposed by the Liberal Party, except the practicality of such an event occurring.

I will give examples in relation to both country areas and the city. Someone from the city is out in the country on a holiday, and they go to the local hotel with their family for a meal. They have a few drinks and think they are okay to drive, and they leave the hotel to go back to their motel, caravan park, camp site or holiday home—it does not matter which it is. They are stopped for random breath testing under the new random breath testing legislation, and they exceed the limit of blood alcohol content. Based either on the category or the cumulative effect of previous drink driving situations for that driver, they lose their licence.

The Hon. P.L. White interjecting:

Mr BROKENSHIRE: So, if they go to category—

The Hon. P.L. White: For the first offence, you get it as well.

Mr BROKENSHIRE: They have put themselves in a situation where there is an immediate licence disqualification; that is what I am trying to qualify tonight. So, we agree with that. That person may be the only licensed driver for that vehicle, and they are on holiday hundreds of kilometres away

from home. We believe that it should be 48 hours before that disqualification kicks in, which still enormously expedites the present situation. As the member for Goyder has said, it can take months to go through a court system. However, what an impost on that family if they have to leave the vehicle there and go home in a bus, or arrange for someone else to travel hundreds of kilometres to collect that vehicle.

The same thing can occur in the city, where someone from the country comes down to Adelaide to watch the Crows win a premiership. As a result, they over-indulge a little, and they are in a situation where the police impose an immediate licence disqualification, and they cannot get home. We do not believe that that is very fair. Of course, we want to make clear that they are not in a position to drive that vehicle until they are under .05. They would obviously have to sit it out until they are below the limit, but they would have 48 hours to get the vehicle back home. It may well be that that vehicle is of paramount importance in the management of that person's farm. It may well be a business vehicle, and that vehicle is needed for the running of that business.

If they blow over the limit and the police have this power, once they have come under the limit (and it is obviously their obligation not to get in the vehicle and drive until that limit), they would have 48 hours to get the vehicle back to its normal place of residence and then it kicks in. We believe that otherwise there will be significant imposts on the range of examples that I have just given. We think that it is a fair way of accommodating the government's initiative, but not to the point where it makes it unreasonable, extremely costly, inconvenient or difficult for a family, a business, or for a particular person. Therefore, we strongly believe that this amendment should be supported in a bipartisan way.

The Hon. P.L. WHITE: The government's preferred position is to disagree with the honourable member's amendment, because the deterrent effect is what the government wants to achieve. The strength of the proposals regarding licence disqualifications for category 2 and 3 offences lies in, first, the use of disqualification as a disincentive to drivers (in fact, that is generally regarded in the scientific literature to be the most effective sanction for deterring drink driving), but also the immediacy of the application of a sanction. The scientific literature suggests that certainty of punishment and the speed with which that punishment is meted out influences the effectiveness of the sanction in reducing drink driving recidivism.

However, having said that, the government wants the immediacy of the sanction but we would be prepared to entertain an amendment whereby, to take the example of someone out in a country road—on the Strzelecki Track or something like that—the police officer would have the power to write on the notice that they could have a condition by exemption, really, that the person was authorised to drive their car from this place to that place after a certain number of hours. We would be willing to entertain that power for police. However, we wish to maintain the immediacy of the sanction, because that will have the greatest deterrent effect.

Mr BROKENSHIRE: I am pleased to hear the minister say that, because I think it is important to put on the public record that, at the moment, as I understand it—and I seek clarification if I am not correct—effectively, if you have a category 2 or 3, once you are below the limit again you can go on driving that vehicle until you go through the court system. There is not a lot of deterrence there, because it can give someone many months to sort out their affairs prior to losing their licence for a while—they might decide to plan long service leave, or something. I think the minister would agree with that. Therefore, the current system is not an immediate deterrent in any way at all. The minister nods in agreement.

We understand where the government is coming from on this matter, and we are supportive of the general thrust of this initiative. But I put it to the house that, given that we come from a situation where at the moment it could be six or nine months before they go through the court (and often it is, as I have been made aware from people who have been picked up with a category 2 or 3), just 48 hours is pretty well immediate. However, having said that, in the interests of trying to achieve some reasonable situation for what probably will not be a lot of circumstances (but there will be circumstances, and the Strzelecki Track is not a bad example; it is probably better than mine), and given what the minister has just said, provided I can see the draft amendment before it goes to another house, I am prepared to hold this amendment and then talk to our party room about it so that we can perhaps get the amendment drawn up before it goes to another house.

I flag here that we would want either to see that amendment and support it from the party room (which is how the process works) or to resubmit this clause in another house. But, in the interests of achieving some good legislation and given that the minister has shown some ground movement support on this, if she can provide me with her proposed amendment before it goes to the upper house I will put that to our party room and it may be that the party room agrees to it and it can flow through. Alternatively, I reserve my right to reintroduce this amendment through my colleagues in another house.

The ACTING CHAIRMAN (Mr Koutsantonis): Is the member for Mawson seeking leave to withdraw?

Mr BROKENSHIRE: Based on what I have just said, I will withdraw the amendment.

Leave granted; amendment withdrawn.

The Hon. P.L. WHITE: I move:

Page 6—
Lines 22 and 23—Delete 'time at which the notice was given' and substitute:
commencement of the relevant period
Lines 25 and 26—Delete 'time at which the notice was given' and substitute:
commencement of the relevant period

This is a somewhat technical amendment. It is to fix up the situation following the introduction of the bill last time this was debated in the house. There was an anomaly in the bill as it was drafted in clause 8, and the amendment seeks to adjust the proposed section 47IAA(11)(b)(iv)(A) and (B) surrounding the technical requirement for definition of the commencement of the relevant period for disqualification.

Amendments carried; clause as amended passed.

New clause 9.

The Hon. P.L. WHITE: I move:

New clause, after clause 8—
Insert:
9—Substitution of section 52
Section 52—delete the section and substitute:
52—Cessation of alcohol interlock licence
(1) If the holder of a driver's licence subject to alcohol interlock scheme conditions surrenders the licence or ceases to hold the licence for any other reason before the conditions have applied in relation to the person for the required period—
(a) in the case of a licence that is surrendered—the person is, on surrender of the licence, disqualified

from holding or obtaining a licence for a period equal to the number of days remaining in the period of the person's disqualification for the relevant drink driving offence immediately before the issuing of the licence; or

(b) in any other case—a driver's licence subsequently issued to the person will be subject to the conditions until the aggregate of the periods for which the conditions have applied in relation to the person equals the required period.

(2) For the purposes of subsection (1)(a), a driver's licence will only be taken to be surrendered if the person has surrendered the licence voluntarily and has not been required to do so under any act or law.

I foreshadowed this in a statement to the house last year. It was about a situation that arose and became evident to me when people attempted, for very valid reasons, to get off the Alcohol Interlock Scheme. It was brought to my attention by the member for Bright, and the amendment before us is to allow someone to withdraw from the scheme for any reason and, when they do that, to revert to their original licence disqualification. At the stage when I made the statement to the house, I understood that we would be doing it by regulation to that effect. However, in developing the draft legislation, Parliamentary Counsel advised that certain elements of the proposed changes could not be implemented in that way without amendment to the Road Traffic Act.

Rather than promulgate the draft regulation with those limitations, which are not fatal, although it is not the optimal thing to do, the government has decided to take advantage of this act being opened at this time to fix up that problem. I believe that the opposition supports the government in doing so.

Mr BROKENSHIRE: We do. I will give the minister credit for this, because it has been a long time coming. Whilst my colleague the member for Bright should also get credit for this amendment to address the Alcohol Interlock licence clause, it is a pity that this did not come through some time ago. I actually wrote to the previous minister for transport about exactly this matter. My constituent was in a situation where she was picked up for drink driving and entered into the initiative that the Hon. Diana Laidlaw put through the parliament some years ago for alcohol interlocks but subsequently discovered that her health did not allow her the capacity to blow in and operate the interlock. We had medical letters and the whole bit. It may have been the department at that time advising; I do not know, and I am not going to personally blame that minister, but that person went through a lot of heartache, even though I put in attempts to get this addressed at the time.

We got legal opinion on the whole thing, and she ended up having to do extra time where she could not drive. She had an ageing mother who needed medical attention, shopping and assistance, and I was very disappointed that it did not get the support then. Having said that, you give credit where credit is due, and this minister has brought in this amendment and the Liberal Party is very supportive of it and pleased to see the amendment here and hopes that it will alleviate the heartache that occurred for my constituent and the constituents of other members, including the member for Bright, for the future. It is a good amendment.

New clause inserted.

New clause 10.

The Hon. G.M. GUNN: I move:

10—Amendment of section 175—Evidence

Section 175(3)—after paragraph (ba)insert:

(baa) a document produced by the prosecution and purporting to be signed by a member of the police force and certifying that one or more signs advising of the use of a traffic speed analyser were displayed during a specified period in specified locations is, in the absence of proof to the contrary, proof of the matters so certified;

This is a very simple amendment and it will test the will of the government whether these particular measures are genuine road safety measures or whether they are revenue measures. I would like to draw to the attention of this committee an article that appeared in *The Sunday Times* of 16 May 2004. It is very significant and is headed 'Speeding penalties to be eased.' This is the British government. The article states:

The government is to reduce penalties for minor speeding offences but increase punishment for drivers who blatantly disregard the limits. Ministers are to introduce a flexible penalty point system. Drivers caught marginally over the speed limit will incur two points on their licence and those well in excess six points. The move is an attempt to diffuse growing public anger over the use of speed cameras and ensure that thousands of motorists are not banned from the road for relatively minor infringements. At the moment, drivers breaking the speed limits receive three points on their licences regardless of the gravity of the offence.

Anybody who accumulates 12 points—or commits four speeding offences—within three years automatically suffers a ban. Ministers are concerned that motorists who need their drivers licence for work are losing their livelihood. In 2002, 30 000 drivers were disqualified after 'totting up' 12 points. Alistair Darling, the transport secretary, believes that the new points regime will help to restore public confidence in speed cameras which, he insists, save lives and are not just a means of generating revenue for the Treasury.

'We must reduce speeding but the public must have confidence that the punishment fits the crime. . . The best camera is one that doesn't issue a single ticket as it means that people are driving safely'. . . Police chiefs predict that three million motorists will receive £60 fines and three penalty points for speeding offences this year, compared with 260 000 in 1996. Camera partnerships between local authorities and police forces keep most of the money to cover the cost of speed enforcement. . . Under the new points system, which is expected to be put out to consultation next month following the local elections, a motorist caught doing 35 mph in a 30 mph zone is likely to receive two penalty points.

There are other interesting bits to this article, and our Premier likes to align himself with what is happening in the United Kingdom. Often we like to follow the enlightenment of the mother of parliaments, and this Premier likes to indicate that he has some relationship with the British Prime Minister. Might I say that the British Prime Minister did receive some of his education in South Australia. I understand that his wife is about to visit this country in the near future.

If these particular devices are purely for road safety measures there will be no difficulty. I recall that the police vigorously resisted the current arrangement. It was part of the policy of the government in 1993. The police resisted it and did everything possible not to put it in. That was no reason for doing it. We now know that they hide speed cameras. I have put a few questions on notice as to why vehicles are hidden off the side of the road and why they are putting canvas over these cameras. I have taken a few photos and I have put questions on notice. This is fair, just and reasonable. These things should not be hidden. If we believe in road safety we believe in being open and transparent. That is what democracy is all about, and therefore it ought to be an offence to hide these cameras.

I indicated earlier that, sometime ago, one sign was erected at Lincoln Gap, one at Wudinna and two at other places indicating that these roads were being patrolled. They have now been taken down and replaced with some other

sign. I just wonder why that took place. Who was the bright spark who decided not to advise the public? This amendment is fair and reasonable. It has adequate safeguards, and it is a road safety measure. If you want to slow people down, let them know that if they do not slow down they are likely to be caught—quite simple, fair and reasonable. I therefore commend the amendment to the committee.

The Hon. P.L. WHITE (Minister for Transport): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

The Hon. P.L. WHITE: I oppose the honourable member's amendment. I think that the honourable member has gone a little too far. We are debating a bill on drink driving and he has inserted a clause relating to speed detection that has nothing to do with drink driving. Again, it is something that goes a little too far. First, it is the law to stay within the speed limit, therefore a lack of a sign should not be used as an excuse or a defence. You do not have a thief, for example, claiming a defence if there is no sign in a department store prohibiting shoplifting. It is a bit of a nonsense to put something in an act that could be used as a defence to a speeding offence. Some practical and operational problems are associated with what the honourable member is suggesting.

The amendment provides that a police officer cannot use a speed camera or detector on a road unless there are signs, except if it is a fixed speed analyser; unless there are signs advising of the use of that speed camera or device in positions where drivers approaching the traffic speed device are likely to see them. Let us just think about that. Motorcycle police cannot carry signs of that nature. That means motorcycle police cannot detect speed. The use of signs, also, is an intensive thing in terms of replacement and vandalism. It is operationally cumbersome and impractical, particularly when it comes to mobile detection. Under the honourable member's amendment, if a mobile vehicle or even a stationary vehicle is detecting oncoming traffic, and if an officer is going one way and a car is coming the other way and somehow they have to stop and put out signs, it is just a nonsense; it is a pure nonsense. For those reasons, I do not think it is a practical thing. It is a bit of a try-on, putting a speed amendment into a drink driving bill. I ask the committee to reject it.

The CHAIRMAN: The chair was not here when this started, but technically these two amendments are out of order.

The Hon. G.M. GUNN: Hang on! If mine is out of order, the minister's last one is out of order.

The CHAIRMAN: Which one are you talking about?

The Hon. G.M. GUNN: If mine is out of order, the amendment the minister moved is out of order. You cannot have two different sets of rules. There is only one set of rules and I know a little about standing orders. If you really want a fight, then we will be here a long time.

The CHAIRMAN: We will not have a lengthy debate. The minister's amendment related to drink driving alco interlock: this one relates to speed cameras, as does the next one. The chair has been very tolerant tonight, but, technically, both these amendments are out of order so I do not think the committee needs to spend a lot of time debating them.

The Hon. G.M. GUNN: The minister moved her amendment, which was a completely different matter. It was not about breath testing at all. It was a different piece of equipment. My amendment was accepted and placed on file. There was no objection by the Speaker to it. When the act is open like this, it is the right of members to raise matters which are of concern to them and the people they represent.

The CHAIRMAN: The member for Stuart is stretching matters somewhat. The chair has ruled that the minister's amendment related to alcohol, matters of drink driving. These two amendments relate specifically to speed detection devices. If the committee wishes to vote on them, the chair will put them, but they are clearly outside standing orders.

The Hon. G.M. GUNN: I want to have a vote on it in a minute, sir. The minister has attempted to make light of it and ridicule me in relation to this proposition. I do not think that is fair or reasonable.

The CHAIRMAN: The minister is technically out of order in talking to an amendment which is out of order. I can put the amendments, if the committee wants. The chair is being very generous because they could be ruled out. I will put the amendment that was moved by the member for Stuart.

The committee divided on the new clause:

AYES (8)

Brindal, M. K.	Chapman, V. A.
Gunn, G. M. (teller)	Hanna, K.
Matthew, W. A.	Penfold, E. M.
Venning, I. H.	Williams, M. R.

NOES (29)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brokenshire, R. L.
Buckby, M. R.	Caica, P.
Ciccarello, V.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Hall, J. L.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Rau, J. R.	Redmond, I. M.
Scalzi, G.	Snelling, J. J.
Stevens, L.	White, P. L. (teller)
Wright, M. J.	

PAIR(S)

Majority of 21 for the noes.

New clause thus negatived.

Schedule 1 passed.

Title passed.

Bill reported with amendments.

The Hon. P.L. WHITE (Minister for Transport): I move:

That this bill be now read a third time.

The Hon. G.M. GUNN (Stuart): I would like to make a couple of brief comments. It is unfortunate that, even though we have made some good progress in this matter, as the bill arrives at this stage it still has some deficiencies. In relation to the last matter which we debated, that is, the notification and the use of speed detection devices, we need to understand clearly that the parliament has said that these things are not for road safety but they are for revenue collection, because if we believed in road safety we would

have supported my amendment. However, they are now clearly a method so that the government and Sir Humphrey and our other hangers-on can dip their hands in the hip pocket of the long-suffering taxpayers of South Australia on a more regular basis.

We are thinking of more reasons to extract money from the long-suffering public on a daily basis, and the parliament has said tonight that we should keep doing that. Well, I am one of those who believe that we have gone too far with these issues and that we should vigorously resist, no matter who advocates this sort of behaviour and who wants to exercise control over people. Notwithstanding that governments on both sides of politics have advocated that these machines are for road safety measures to protect the public, we now know that they are there purely to gain revenue so that politicians can ingratiate themselves by spending hard earned money at their whim.

Mr BROKENSHIRE (Mawson): I will be brief, because I think a fair bit of time has been spent on this bill. I do not want to get into a debate about what my colleague has just said, because that is something he has a right to say, and he will continue to push for what he believes. We can look at that at another time.

Getting back to the main focus of the bill, I believe that there has been some good debate in here tonight. I think the member for Stuart has had an opportunity to represent his constituents and to get some amendments agreed to that make a lot of sense without actually working against the overall direction the minister wants to take with this bill. Subject to the amendment with respect to flexibility when someone gets immediate disqualification, which we will work through with the minister before the bill goes to the Legislative Council, I believe it has been a robust and productive debate and we that we have a bill that will assist with the prevention of loss of life and road trauma. I am very happy to have participated on behalf of the opposition and I commend the bill in its present state.

The Hon. P.L. WHITE (Minister for Transport): I thank all members for their contribution to this debate. It has been a long debate and, while I know that passions are high for some members of the house on this topic, I believe that what the house has now agreed on is a good piece of legislation that will, hopefully, lead to fewer deaths on South Australian roads. I commend the bill to the house.

Bill read a third time and passed.

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 September. Page 203.)

The Hon. I.F. EVANS (Davenport): I indicate that I am the lead speaker for the opposition on the Environment Protection (Miscellaneous) Amendment Bill 2004. This bill continues the government's four-pronged policy in relation to environmental matters in this state: that is, fine it, levy it, tax it and licence it. The bill continues to run that theme for the people of South Australia, and there are some concerns that the opposition will be raising as part of the debate in relation to this bill.

I would like to put on record the opposition's extreme disappointment that we are yet again forced to debate a piece of environment legislation when the government is still in negotiation with the Local Government Association. The opposition is denied the position of the Local Government Association for the debate in this house because the government seeks to progress the bill prior to the Local Government Association finishing negotiations with the government. There is no urgency about this bill; it has been hanging around for years. The minister has dragged it into the house now, but there is no stinking urgency for this bill to be debated at 10:30 tonight when the Local Government Association is still in negotiations with the government

This afternoon or this morning the shadow minister for local government rang the Local Government Association to find out its view on the bill. The Local Government Association was shocked that the bill was coming on tonight and it quickly sent a fax to the opposition, with a copy to the minister, to the member for Mount Gambier and to the shadow minister for local government. It says:

> In relation to the above bill, the LGA is still considering proposed clause 32A to insert a new section 52A—Conditions requiring closure and post-closure plans.
>
> Minister Hill (via Brer Adams) has provided assurance that any concerns with this clause (or any other issue arising) will be progressed in advance of the bill being considered in the Legislative Council. On this basis the LGA is not opposing progression of the bill in the House of Assembly.
>
> The LGA confirms that it is comfortable with the remainder of the bill. Please be aware that further consideration of the option for councils to voluntarily 'opt in' to becoming an administering agency is to occur at meetings of the LGA over the next several days. The resource implications for local government continue to be a significant issue.

So the Local Government Association is saying that it has not even reached its own final position. It is still discussing the resource implications for councils over the next few days, but because it is happy for the debate to continue we need not worry about it. When the local councils scream about some of the implications of this bill in future years I think they should reflect on that memo they sent us and on the *Hansard*. Why would an association say to the opposition that it is happy for the debate to go ahead when the association itself has not even reached its final position? It makes it very difficult for the opposition to put a case on certain clauses when the main third party that the clause affects, that is, local government, has not even reached its final position. The association is saying not to worry about it because the upper house will get to debate it.

It may have escaped the notice of the Local Government Association that there are some Independent members in the lower house who do not sit in the upper house and there are some members of the Liberal Party in the lower house who may have a different view on certain clauses to those of members of the Liberal Party in the upper house. What the Local Government Association is doing through cooperating with the government in bringing forth the debate tonight when the association and its members have not even reached their final position is denying this house and the members of the opposition—indeed, the members of the government and the Independent members—the opportunity to consider fully local government's position on the bill. That is a pity because I think it detracts from the debate, because we are forever second-guessing what the association might or might not want us to do in the other place.

I happen to have an electorate with constituents in the Mitcham council and the Onkaparinga council and, when I debate tonight, the truth of the matter is I am not quite sure what I am meant to be saying on behalf of the two local

councils because their association has not made up its mind; but it writes to us to say it is happy for the debate to go ahead. This is the second time that the government has brought on what it calls major environment legislation without having the LGA signed off for the debate, and I think it is an insult to the chamber that the government does it this way. However, the government chooses to do it so we are put in the position of having to debate the legislation.

The legislation has a number of features, and I note that this afternoon the minister tabled five or six pages of amendments. The member for Stuart has also tabled amendments today, and he is aware that those amendments have not gone through the party room and they are, therefore, a conscience vote for members on this side of the chamber.

We received a piece of correspondence in relation to this bill from the Engineering Employers Association, which represents, of course, some of the major employers in this state, a lot of them heavy manufacturing and engineering businesses, and it expressed concern with this bill. In particular, it expressed concern at the introduction of civil penalties; it expressed concern about the definition of 'environmental nuisance'; and it also expressed concern about definitions described by regulation. It seems surprising to me that this bill was tabled three months ago and we get the amendments today from the government trying to correct some of the engineering association's concerns. That is a mystery, given that it would have written to the government some months ago, or during the consultation process it certainly would have made a submission in regard to its concerns. I think the government's treatment of the house in relation to this particular bill leaves a lot to be desired.

The bill had its beginnings in a number of discussion papers released under the previous government (between 1999 and 2000), when discussion papers were released in relation to the offences and penalties and the EPA's powers and responsibilities. The ERD Committee of the parliament, then under the chairmanship of the member for Schubert—it might have been Custance at that stage—made a series of recommendations in relation to the EPA, some of which the previous government adopted. It promised to further consult on others. Since the change in government, this government has taken three years to bring to the house for debate these changes, at least, to the EPA.

The first major issue within this bill is the introduction of civil penalties. As I understand it, South Australia will be the first state in Australia to have the benefit—as the government would describe it—of civil penalties. My understanding is that all the major employer associations are concerned and, indeed, oppose the introduction of civil penalties in South Australia. As I understand it, we are introducing civil penalties because the EPA has not been successful in getting enough criminal convictions, so that means that we are introducing civil penalties. That lowers the burden of proof and gives the EPA an opportunity to get more hits, if you like, or be more successful in the prosecution or the fining of those businesses on which it wants to impose a civil penalty.

Apparently, civil penalties have been in use in the United States for 25 years, and South Australia will be the first state in Australia to adopt this measure. Basically, the civil penalty regime allows the EPA the opportunity to negotiate a penalty with someone it thinks might have breached the act. It has a grid of fines available so, if you are alleged to have undertaken a certain breach, the grid will state whether the negotiated penalty will be $60 000, $50 000 or $10 000, right up to $120 000. The EPA will be able to sit down and negotiate with the business or the person concerned, and say, 'Rather than run a criminal conviction, we will simply negotiate a civil penalty, flick us $70 000, plead guilty, have it recorded against your business, and we won't have to go to court and establish that you have actually breached the law. You will just admit that you have breached the law and, Bob's your uncle, and we will all go about our business.'

Of course, this certainly simplifies matters for the EPA, because it would argue that, having been in existence since 1992 or 1993 (about 12 years), only to get two or three, or not to get enough convictions, is a concern. Some would argue that the reason it does not have convictions is that there was not enough evidence to convict those businesses or people whom it sought to charge with whatever breach or offence it was pushing to charge. There is a degree of scepticism on this side of the house from some members in relation to the need for civil penalties and exactly how they are going to be used.

Some members on this side of the house are concerned that it could become an elaborate form of fundraising for the EPA because, once the allegation is made, the business has no alternative other than to negotiate the outcome for a civil penalty or go to court and take its chances.

The EPA would be saying, 'We think that you've done X. Our estimate is that your legal costs are going to be significant. The negotiated penalty will be $25 000. It will save you nine months in court, so why don't we just settle and get on with life?' I have no doubt that some businesses will take that option. If the EPA is so convinced that the business has committed an offence under the act, why should it not have to establish the higher level of proof and seek the criminal penalty? For some on this side of the house, that case has yet to be made.

Civil penalties are a concern, and I think that the Engineering Employers Association summed it up quite well when it wrote to the opposition asking it to oppose that new section of the bill. We had already decided to do so, so we were happy to support its request. The letter, dated 7 February this year, states:

> The association does not support the introduction of civil penalties into the act. We believe as a matter of principle that the EPA must be able to provide the higher standard of proof required in the criminal penalty system of 'beyond reasonable doubt', rather than being able to prosecute on the basis of the 'balance of probabilities'.
>
> We do not believe that a civil prosecution environment and the resulting lowering of the burden of proof required is appropriate for the important area of environmental protection, as it relates to the ongoing efforts of companies in the metals and engineering manufacturing sector, to improve environmental outcomes.

I think that sums up fairly well the feeling of the business community generally in relation to that new section. I asked some questions when the minister's officers gave the Liberal Party room a briefing in regard to civil penalties. One of the questions I asked was: if a person is a director of two companies, and one of these companies is found guilty of an offence, can a civil penalty be applied in response to a contravention of the act undertaken by the second company, or must it be prosecuted criminally, rather than civilly? The answer was:

> The proposed new section 104A(2) of the Environment Protection Act 1993 (Act) states that in considering whether to initiate proceedings for a civil penalty, the Environment Protection Authority (EPA) must have regard to the previous record of the offender.
>
> I am advised that, if action was to be brought against a director, who previously had been subject to successful criminal/or civil action in their capacity of director of another company, the EPA

would have regard to the director's previous activity when considering whether to initiate proceedings for a civil penalty.

However, I am advised that different corporate entities will be generally treated as though they are different people. Accordingly, the EPA will not have regard to another company's prior conviction, or civil order settlement, when considering whether to initiate proceedings for a civil penalty where both companies held the same director.

I am not sure whether that answer clarifies the point I was making in the question. The second area where the bill raises concerns is the definition of 'environmental nuisance'. The bill seeks to make the offence of environmental nuisance one of strict liability. The offence of environmental nuisance is highly subjective, and this proposal allows it to be measured against a lower burden of proof, that is, in the civil system. So, what that means is that, by combining the civil penalties and the environmental nuisance redefinition (which is a very subjective test), what we are doing is exposing those people, particularly businesses and farmers, to a far greater risk of being caught committing a breach of the act, only because the definition of 'environmental nuisance' has changed. Indeed, the lower level of proof is now required through a civil penalty, rather than a criminal penalty.

So, the EPA has designed this very well. It is a double whammy. Not only does it introduce what it would argue is a softer form of penalty—that is, the civil penalty—it then redefines environmental nuisance so that it becomes one of strict liability, which means that people are more likely to get tripped up and caught by that provision. The Engineering Employers Association makes that very point in regard to environmental nuisance in a letter dated 7 February which states:

The bill seeks to make the offence of environmental nuisance one of strict liability. This is a highly subjective offence and this proposal will allow it to be measured against a lower burden of proof, pursuant to the civil system. In addition, the proposed amendments will apply evidentiary provisions in section 139(4) of the act that would enable an authorised officer to form an opinion based on 'his or her own senses' that the defendant caused an environmental nuisance.

My reading of the act is that the clause in relation to the person using his or her senses is already in the act. However, the point that the Engineering Employers Association makes about the subjective nature of the offence being applied to a strict liability offence as against the offence as it previously stood, where there were three tests that had to be met before you committed the offence, actually exposes people to a greater risk of being caught by the provision when they are really not intending to do anything wrong at all. The letter further states:

[The Engineering Employers Association] believes that this method of assessment for a strict liability offence is too subjective and we do not believe it is reasonable that one person could make the interpretation of what does and does not amount to environmental nuisance.

I think that is the problem with the combination that the government is proposing in relation to the redefinition of environmental nuisance combined with civil penalties which makes it such a subjective test as to what is an environmental nuisance. I will raise it now and the minister can tell me if I am wrong when he responds. A bushfire, for instance, would be an environmental nuisance under this provision for sure. One would assume that an arsonist or someone who lit a fire could be charged by the EPA under these provisions. I would be interested to know whether that is correct, because that is the way I read it.

The other area where the government introduces a number of changes is in relation to the administering agencies which will be able to administer the bill. This is an important provision of the bill—the administering agencies. The shadow minister for local government was strong in the view that the councils should not become administering agencies of the act and, so, we will be opposing this provision, partly because, as we speak today, the LGA has not made a decision. So, with due respect to the minister, how can the house actually make a decision on whether 69 councils can become administering agencies when the very association that represents those 69 councils is meeting in three days to decide its position? I am not quite sure how the government expects the opposition in the lower house to have a position, so we are opposing it on the basis that we have no firm position of the LGA in relation to that provision.

I am a simple soul—a bit like the member for Stuart, a simple country lad—but I want to run through some of the logic in relation to this, because it seems to me that the argument goes around in circles. The way I understand it is that the EPA is under-resourced and flatly refuses to be involved in the administration of what I would call urban neighbourhood environmental problems. Some good examples would be your neighbour's air-conditioning or pool pump that is too noisy or the backyard incinerator that smokes. In the Adelaide Hills every now and then you will get someone complaining that people are burning off, and then they will complain six months later that the area has not been properly cleaned up for bushfire protection.

The EPA does not like to deal with these issues because it is resource intensive. Every time the minister goes to cabinet, the cabinet says, 'You've got to be joking. You want EPA officers running around checking on people's air-conditioners and pool pumps.' I can tell you that, if you live in the house next door to a noisy air-conditioner, you do want the EPA to come out and say, 'Do something with that air-conditioner.' However, the EPA will not do anything about train noise, so why would they do anything about air-conditioner noise?

The theory is that under this bill we will allow a local government by its own decision to vote to become an administering agency. Then, when it becomes an administering agency, the government can never take that role off it. The bill says that, once it becomes an administering agency, the only way you can take that power back is if the council votes itself out of the role. That is a curious clause, because it does not matter how badly the council performs that role under the legislation: if the council never votes itself out of that role it keeps doing the role. I think that is a piece of very poor legislation, but that is what the government presents to us for consideration.

Another problem with the administering agency's clause is that councils, once they vote themselves into becoming administering agencies, then get the opportunity to fine activities that are generally unlicensed. So, the EPA will look after the big end of town. I think I am right in saying that we still have more licensed activities in South Australia than in Victoria, which I think is a problem for the EPA if it is looking at its resources, but local councils—indeed, 'other government authorities'; and I will ask them what they mean by that in committee—will be able to be administering authorities and will be able to self-fund the administration of the act with fines and penalties.

It seems to me that it is going to cost the EPA the same amount of money to put an officer in a car to drive around

and issue fines and penalties for air-conditioner noise, smoking incinerators or noisy pool pumps as it will the council. It will not cost any less. The car will cost the same, so the council will bear the same cost. The question is: why doesn't the EPA simply perform the role and issue fines and penalties that it is asking the councils to issue and fund it in that way itself? If the EPA is suggesting that the reason they will not do that is that it will not raise enough money through fines and penalties to fund the scheme, what that means, of course, is that your council rates are going to go up to fund the shortfall. So, it goes around in circles. The EPA claims that it is under-resourced and does not want to perform this role. So, it gives the power to the councils through an administering agency provision. As administering agencies, the councils can then fine and penalise ratepayers as often as they are able, to recover the cost of providing the service that the EPA did not want to provide even though it had exactly the same power to impose a penalty.

So, hello local government! If I was at the local government meeting in three day's time, I would be asking a few questions, such as, 'Why are we doing this as a local government?' I think the alarm bells would be ringing. Local government has copped a belting over rates in the last 12 months, so they are now going to have their officers, their council badge and council cars go out and fine local residents and businesses on behalf of the EPA, because the EPA is not prepared to do exactly what it wants the councils to do.

Local government might still want to take it on; that is up to local government. However, there are some concerns on this side of the house with respect to the concept of administering agencies. Some of the fees that will be able to be charged are things like compliance fees, which will enable the recovery of some of the costs incurred when following up and verifying compliance with an order. Investigation fees are proposed, so administering agencies (read councils) may recover the cost of the investigating contravention of the act. They also have new administrative fees, providing the administering agency with the mechanism to recover the administration costs of preparing and issuing orders in respect of contravention of the act. We will have to explore what happens if people are not guilty. Do the costs still apply to the administering agency? Does a person who is issued with a fine or a penalty and it is suddenly found that they are innocent, can the council or the administrative agency recover the administration cost of preparing and issuing the orders? If it can, that is a carte blanche for the administrative agencies to be 'enthusiastic' in their endeavour to administer the act to an extreme point.

So, there are a whole range of issues with regard to administering agencies. The only good thing about that clause is that it requires that the above scheme is to be reviewed by the parliament's ERD Committee in two years' time. So, at least in two years' time the parliament, in its then form, will get the opportunity to have another look at these issues.

The other major area is the ceased activities of environmental significance. The bill proposes amendments that allow the EPA to continue to control supervised sites where the environmental concerns continue, even though the licence activity has ceased on the site; for example, solid landfill sites that are full but still have leakage and gas issues. Again, this is an issue about which local government has some concerns. The letter local government sent us this afternoon states:

> In relation to the above bill, the LGA is still considering proposed clause 32A to insert a new section 52A about conditions requiring closure and post closure plans.

That is specifically in relation to landfills. Here we are tonight, and the LGA still has concerns about it. The LGA is still negotiating with the government, and we are not sure in what form it will end up. But, don't worry, we will just debate it and vote on the legislation. It is outrageous that the government is seeking to put this bill through this house when it is in active negotiation with the LGA. There is nothing in this legislation that is urgent. In fact, I think it has been lying on the table since October last year—nearly five months—yet we are being asked to debate it when the LGA have not reached its final decision on two crucial issues. I think it is unfortunate that we are being put in that position. I am unsure of the current position of the LGA as of 10.50 tonight in relation to post closure and closure plans in relation to its landfill sites.

I understand that it has concerns, and I dare say we will find out about them when the bill gets to the upper house. One of the issues with the bill is in relation to giving the EPA the ability to licence a site where the polluting activity from the site has ceased but contamination remains. My understanding is that there is no retrospective nature to that provision. An example would be the Jamestown sawmill site which closed: there was contaminated water, so the EPA can issue a licence and put conditions on the management of that site for a new owner into the future. My understanding is that the issues of contamination are registered on the certificate of title, so a buyer is aware of the issues associated with those particular circumstances.

Other issues covered by this bill include the environment protection policies. The opposition supports the concept of simplifying environment protection policies. It is acknowledged generally throughout both houses that the EPP process is too long and cumbersome and therefore too slow and that the government has, on the back of the work done by the previous government and on the back of the committee's report and discussion papers, looked at the EPP process. We support the attempts to try to simplify and therefore quicken the EPP process in relation to the development of those environment protection policies. In particular the bill seeks to streamline the community consultation, and the opposition notes that and is aware of the concerns expressed from all sides of the environmental agenda about the frustration of being consulted to death on those EPPs.

There are also changes to the nationally determined environment protection measures so they are implemented by legislative or administrative means rather than being automatically adopted. When we went to the environment ministers conference, quite often the process was so long and laborious the only thing you would get to make a decision on was the choice for lunch. It is pleasing that at least this change is coming in so that when the national environment ministers council signs off on some of these national policies, whilst sometimes it signs off in a form that is difficult to match into South Australia's legislative/administrative processes, this bill gives the minister more discretion to adopt them (the intent of the national environment protections measures—NEPMs) through either legislative or administrative means, that is, legislation or regulation. Given that there is national input to those sort of policies, and we have always adopted them, it seems sensible that we have a simplified measure rather than implementing them through legislation or administration.

The other issue is in relation to penalties and, as is the wont of this government, it continually runs the line of increased penalties on all matters environment. The increased

penalties range from $120 000 to $150 000 in relation to a body corporate, so it is a 25 per cent increase, which underlines the government's four-pronged attack to the environment, which I mentioned earlier is: fine it, levy it, tax it and licence it.

I want to return to one issue in regard to the offences. The bill sets out a proposal to change the offence of environmental nuisance to make it one of strict liability. The EPA tells us that this will then bring the level of proof required for environmental nuisance in line with the hierarchy of environmental offences in the act. It is important to realise that currently three elements of proof are required under the act: a person must have caused environmental nuisance; a person must have polluted recklessly or intentionally; and a person, when undertaking the act, must have had the knowledge that environmental nuisance will or might result from the activity.

We asked the question, and the EPA has come back and advised that the last two elements mean that it is easier to prosecute the more serious breaches of the act—such as material or serious environmental harm—than to prosecute the lesser offence of environmental harm. In less serious cases, such as environmental nuisance, this bill would only require a person to have caused environmental nuisance which, therefore, makes the prosecution easier. The definition of 'environmental nuisance' is very broad. An environmental nuisance means—

Mrs Redmond: Nearly anything.

The Hon. I.F. EVANS: Nearly anything. 'Environmental nuisance' means any adverse effect on the amenity value of an area that is caused by pollution and unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area, or any unsightly or offensive condition caused by pollution. So, 'pollution' itself again is very broad. 'Pollution' is based on the definition of 'pollutant', and 'pollutant' means 'any solid, liquid or gas or combination thereof including waste, smoke, dust, fumes and odour or noise or heat, or anything declared by regulation or by an environment protection policy to be a pollutant, but it does not include anything declared by regulation or by the environment protection policy not to be a pollutant. So, basically, it is everything unless it is nothing. It is really a very broad definition of 'environmental nuisance'.

The problem with that is that it has gone from having three elements of proof to one element of proof. The one element now is that a person must have caused an environmental nuisance. No longer does a person have to pollute recklessly; no longer does a person have to pollute intentionally; no longer does a person, when undertaking the act, have to have knowledge that the environmental nuisance will or might result from the activity.

On top of that is the Engineering Employers Association's concern that it is a very subjective test, because the act enables an authorised officer (and bear in mind that this can now be a council officer) to form an opinion based on his or her own senses that the defendant caused the environmental nuisance. It seems to me that there are some concerns about how broad we are now casting the net and how there is a lack of protection as a safety net for those who now may be caught by this provision.

The reason why we are doing this, of course, is that the EPA has not been able to win enough cases. The minister has advised that only two cases in the history of the EPA have been lost as a result of the current wording of 'environmental nuisance'. It is two in 10 years: one every five years. That is a political career for some! It is just amazing that we are broadening the net to catch ordinary, every day South Australians going about their business, and 99 per cent of them are just doing it in a genuine way; they are not seeking to break the law.

However, that does not matter now: even if they are not seeking to break the law, even if it is a total accident, or even if they had no concept that their action would cause a problem, they are gone under this provision, and all because the EPA has been beaten twice. The EPA will quite rightly say to its minister, 'Ah, but minister, what you need to tell the member for Davenport is that we have not proceeded with some prosecutions because we knew we could not win.' Guess what—that is a good thing. If you cannot win, you should not be proceeding with the prosecution. It is similar to the police saying, 'We are not catching enough criminals, so what we will do is ask you to lower the burden of proof to make it easier' and, guess what, we will get more prosecutions. The reason we are doing this is that either some people keep getting proved innocent or there is not enough evidence against them to prosecute. What we want you to do is make it easier to prosecute and you watch the statistics go up.

To achieve what? They are the answers we have in relation to this bill from the EPA. In fact, the minister wrote back on 27 October 2002. This matter has been around for over 2½ years. This is why it is such important legislation to put through tonight. We cannot wait for the LGA to reach a position. According to this letter, they have only been writing to each other on this very bill for 2½ years; it just seems amazing that we need to rush it through tonight.

The ACTING SPEAKER (Ms Bedford): We're rushing?

The Hon. I.F. EVANS: We are rushing, and the reason why we are rushing is that—

The ACTING SPEAKER: Tonight?

The Hon. I.F. EVANS: No, we are rushing because the LGA does not have a position. This bill is central to the LGA, which does not have a position, and we are being forced to debate it. Anyway, the minister's letter of 27 October 2002 states:

> I understand that you asked: 'How many cases have been lost by the EPA due to the current wording of "environmental nuisance"?'
>
> I am advised that there has been two matters brought before the Environment, Resources and Development Court for which the EPA was unable to prove the requisite mental element of the environmental nuisance offence 'with the knowledge that an environmental nuisance will or might result'. These are the Maxwell Robert Harvey—
>
> he was the Deputy CEO of the EPA—
>
> v Rodney Wayne Steinert and Maxwell Robert Harvey v Brambles Australia Ltd trading as Cleanaway.

The letter then states:

> Whilst a number of defendants have pleaded guilty to the 'environmental nuisance' offence, usually as an alternate (lesser) charge, the EPA has been unable to successfully prove the mental element of the offence in court. Due to these issues, the EPA has not commonly sought to try this offence.

And that is exactly the advice they would give the minister.

I do not think a case has been made out either by the minister or the EPA as to why they wish to broaden the net as they do. I have some sympathy for the officers who have promoted this legislation to the minister, because I know they act with a genuine interest in the environment but, unfortunately for them, the act is administered by people in different positions in the department who are on the ground every day of the week. The opposition is getting horror story after

horror story about the way in which the powers of the EPA are being administered, and that causes the opposition great concern that the EPA is out of control in a whole range of areas and that, unfortunately, the officers at the top of the tree do not know what is happening at the base of the tree—and that should be a concern to the minister.

It is certainly a concern for the members of the opposition. Even during the bushfires, some of the actions by EPA officers left a lot to be desired. It was quite unbelievable what they suggested to some people on Eyre Peninsula regarding those fires. I do not want to hold the house long. We will not be supporting civil penalties or the change to the offence to make it strict liability.

We are concerned about the areas in relation to ceased activities of environmental significance, particularly with landfill sites and local councils, because we do not know their final positions. We know that they have concerns, but what they are I guess we will find out in three days' time. We do recognise that there needs to be some mechanism for the ongoing management of contamination or environmental issues that exist. We recognise that as an issue to be dealt with and we are generally supportive of the principle. We have concerns about what happens with tips and waste sites. We support environment protection policy changes simplifying that. We are opposing the administrative agencies, because the LGA has yet to reach a position.

We do not support the increase in the penalties, and there are a number of minor miscellaneous provisions, each of which we will be taking on its merits, but they are indeed a mixed bag. We expect a lengthy committee stage. There are a few questions we have of the minister in relation to this. The opposition is concerned about a number of provisions in this bill and the way that they will be administered. A lot of the angst from this side of the chamber in this and the other house has been brought about because of the manner in which the EPA officers on the ground have gone about their duty and the impractical way they seek to administer some sections of the act. While I understand some of the arguments for some of these provisions, it is to a large extent the behaviour of the EPA officers on the ground that has caused concern with the opposition.

I know that members of the opposition are meeting with Paul Vogel to discuss those issues on a one-on-one basis, and I encourage them to do that, because I do not think Paul Vogel has a clue what is happening on the ground in his agency. I accept that he has a good grasp of environment policies worldwide and in Australia and understands some of the more contemporary environmental issues that are facing all western societies at the current time, but I am not convinced that he actually understands what his officers are doing on the ground. That is the reason why I am encouraging members of the opposition to meet with Mr Vogel, because I think that he would be horrified if he knew some of the things that were going on in the name of the EPA. I am pleased that my members are meeting with Mr Vogel to raise those issues one on one. We look forward to the committee stage.

Dr McFETRIDGE (Morphett): The government seems to have forgotten that it set up a Ministry for State and Local Government Relations, and it appears that those relations have broken down irreversibly. This afternoon I was preparing some notes for this evening and thought I would phone the LGA and ask it its position. As shadow minister for local government, I was reading the Local Government Association of South Australia's *News* of February 2005, which says on page 3:

> Environment Protection Bill.
>
> In relation to the proposals in the bill to formally enable councils to voluntarily 'opt in' to undertake the regulation of non-licensed activities under the act. . . an LGA survey on the possible sharing of environmental protection responsibilities was issued as part of circular 3.2 (2005). The matter is to be further considered at the LGA Metropolitan Local Government Group and State Executive Committee meetings in February 2005. The LGA is continuing negotiations with the EPA in regard to the 'post-closure' regulation of licensed sites aspects of the bill.

They have not met yet. They had no idea what this government was doing. In fact, this government had no idea what was going on. I asked the Minister for Local Government this afternoon, 'What the heck's going on? The Local Government Association doesn't know that you're debating this this afternoon.' He did not know. I asked the Minister for Environment and Conservation, 'What is going on here? Local government does not know that you are debating this bill this afternoon.' The minister said, 'Oh, well, it has had long enough to debate this. It does not need any more time.' The arrogance and dismissiveness of the sphere of local government by this government indicates that the state/local government relationship has broken down completely. I got a fax from the Local Government Association at 14.45. We were three quarters of an hour into the condolence motion this afternoon when this fax was sent by one of the bureaucrats in the Local Government Association.

How this bureaucrat can speak on behalf of the executive and the other members of the LGA metropolitan local government group that intended to meet later this week, I am not sure. There must have been some frantic phoning around in the matter of minutes between getting this fax and when I phoned the association shortly before two o'clock. The fax states:

> In relation to the above bill, the LGA is still considering proposed clause 32A to insert a new section 52A—conditions requiring closure and post-closure plans.

No-one from the association spoke with minister Hill because he was in the chamber, but they spoke via Brer Adams. The fax further states:

> . . . has provided assurances that any concerns with this clause (or any other issue arising) would be progressed in advance of the bill being considered in the Legislative Council.

There are Independents in this and the other chamber. The government may have the numbers in this chamber: certainly it does not have the numbers in the other chamber. I note the sheer arrogance of not consulting with the LGA. This fax further states:

> The LGA confirms that it is comfortable with the remainder of the bill.

The LGA has not done that: this bureaucrat has done that. The state executive committee and the LGA metropolitan local government group (which has not yet met) is not comfortable with it, unless there was a miraculous phone link-up this afternoon. How can someone say that? The fax continues:

> Please be aware that further consideration of the options for councils to voluntarily 'opt in' to becoming an administering agency is to occur at meetings of the LGA over the next several days. The resource implications for local government continue to be a significant issue.

In a moment, I will be talking about that last sentence. The LGA has been ridden over, discarded and just cast aside on this matter. This is just not good enough. This is typical of

this government. It does not care what goes on in local government. It is not offering local government any support. The bills that we will be debating soon on financial sustainability of local government offer nothing, absolutely nothing. I am already getting concerns expressed to my office over those bills that will be aired in this place at some other time. The way in which the government is treating the LGA is just abysmal. The way in which the EPA is treating local government is even more abysmal.

The EPA is no friend of local government, I can guarantee that. We attended a Mid Murray Council meeting last week, and I was told that the EPA is forcing a local government council to redevelop a landfill at the cost of $200 000. If it does not do it, it will be fined $150 000. The actual infrastructure, the environmental suitability of the new landfill, will not be as stable as the landfill that is already there. The Kangaroo Island Council is looking at bringing its rubbish over at $300 a tonne because the EPA is forcing it to do that. The EPA is no friend of local government.

This is just another example of how the EPA is dismissive of the concerns. If there is any romance between the EPA and local government, well, I can tell members that it is a quicker romance than Lleyton Hewitt and Bec whatever her name is—

Mr Meier: Cartwright.

Dr McFETRIDGE: Bec Cartwright. There is no $200 000 ring here: it is only a $150 000 fine. Local government has needed time to consider these issues. What does every page of the 10 page formal agreement between the Environment Protection Authority and the Local Government Association of South Australia have written across it? 'Draft, draft, draft'.

An honourable member: Daft, daft, daft!

Dr McFETRIDGE: It has not had time to consider this and, as a result, it can only be considered to be daft, daft, daft, as another honourable member just said. The LGA is not stupid. The LGA is trying to represent the whole of local government in South Australia. It needs time to consult. There are 68 local government authorities in South Australia. According to the minister they have had time, but, as we saw with the bills for financial management and elections, they wanted more time to consult. They wanted only a few more days, yet here we are at 11.15 p.m. debating this bill and the LGA has been left out in the cold. It will be left out in the cold, well and truly.

The LGA and I are concerned about cost shifting from the federal government, too, but, particularly in this case, from state government to local government. If this is such a great thing for local government to do and it will not cost it anything, and it will be a fantastic opportunity for local government to control some of the supposed outrages in the area, then surely it is better to have it in a more centralised authority so that no-one can be accused of varying the attitudes and their enforcement.

Mrs Redmond interjecting:

Dr McFETRIDGE: As the member for Heysen said, according to the penalty they can negotiate. The EPA should be doing this, not local government. This is another example of where the state-local government relationship has broken down completely. We have seen the dismissive attitude of the Minister for Environment and Conservation. The local government minister did not even know that this was going on this afternoon, so the local government office has some questions to answer. The minister should be asking questions about what is going on.

I cannot understand how this government expects to be respected by the people of South Australia and, more importantly, the Local Government Association and local government authorities when they are treated like this. The ratepayers of South Australia have vented their anger in the past few months, and I guarantee that they will be doing the same again in a few months. This government is treating them and the councils with contempt. All we will see is a further bureaucratic nightmare for councils that will be solved by only one method, that is, increasing the rate burden on ratepayers.

The object of the EPA is to enforce more tighter controls—the nanny state. The people of South Australia have had enough of this. They do not need to be treated by this government as if they are incompetent. If there are not enough pieces of legislation before us already, I would be very surprised. We seem to be producing more legislation in this place without repealing or changing any legislation in a meaningful way. It just seems to be more penalties and more draconian burdens pushed on to the people of South Australia and, in this case, local government. This bill should not have been debated tonight. I am very disappointed that the Minister for Environment and Conservation is continuing with the debate tonight. I am very disillusioned that state-local government relations have broken down completely.

Mr HANNA (Mitchell): On behalf of the Greens, I support the bill. The core proposals in the bill have been around for some time and there has been an opportunity for public consultation. I am glad that a number of the submissions received by those critical of the Environment Protection Authority have been considered. There is much that is good in the legislation, and I am happy to support it. There are some significant changes in the way that environmental offences might be pursued. There are some concerns that go with that. I do not propose to go into detail tonight but, when we go through the legislation in detail tomorrow, a number of questions will be asked. Perhaps the most significant change to the regime for the prosecution of offences is to give emphasis to civil penalties for offending.

This will allow the Environment Protection Authority to negotiate an amount of money to be forfeited for contravening the act. I note that it will be possible to pursue a prosecution if the negotiations fail, and I note that the results of negotiations, if they result in agreement, will be published on the public register provided for by the legislation. So, there is some transparency. Nonetheless, there is some concern also that, with the pressure to deal with an ever increasing workload, some of the officers might be tempted to be more amenable than they should in the course of negotiations. I am not suggesting any kind of corruption there but just the natural human tendency to want to clear the desk and perhaps accept an offer of payment which is essentially a lenient approach.

I am informed by the minister, however, that guidelines will be developed by the EPA. The draft guidelines will be put out for public comment, and I discussed the possibility of some reasonably strict guidelines being implemented by way of regulation. On the other hand, the minister and his officers have assured me that the process will be simply an extension of the existing process; that is, after a contravention comes to the notice of the EPA, investigations will take place. The investigations will result in an internal report within the EPA and those responsible within the organisation for prosecuting will have a look at it. There will be negotiations

with the offender and, as a result of that, there will be a recommendation which will go up to a very senior level in the organisation, whether it be the chief executive officer or the board. There is, therefore, some reasonable degree of scrutiny within the EPA itself when it comes to these negotiated settlements. After all, in some respects it is not so different from the kind of negotiations that take place in the criminal sphere, whether it be with police in respect of matters in the magistrates courts or the negotiations that take place between defence counsel and crown prosecutors in relation to criminal matters in the high courts.

Of course, the civil penalty approach means that for some matters there will be a lower standard of proof, and it is hoped that more offenders will be justly brought to account as a result. There is also a significant change in the way that the act will be administered because of the vital role being given to local government. There is some debate tonight about the extent to which local government is willing and able to accept that responsibility, and any concerns take place against a background of cost shifting from state government to local government under this government and the previous government. So, I can understand the concerns that councils might have about whether they are really going to have adequate resources to police the Environment Protection Act. The trade-off for councils is the ability to recover costs in some cases. It is unclear at the moment whether those provisions are going to allow councils to fulfil their role in respect of the Environment Protection Act without costing local ratepayers more than they are already paying.

There are many other changes to the act. One set of changes is in relation to the environment policies that can be published in relation to particular activities concerning the environment, and there also are some significant changes to the process by which public concerns are raised. In some respects there is less opportunity for the public to make their point of view known. The process is certainly streamlined and it is a much shorter process than we have at the moment, but on the other hand there are some trade-offs—there are notifications to people on adjacent land and so on. So there will need to be a detailed examination of those provisions to ensure that people who have concerns about potentially polluting activities will be able to have their say.

As the local MP, when there have been local environmental issues, or planning issues for that matter, it is generally through the notification given to adjoining land owners that the matter comes to public prominence, not through advertisements in the local *Messenger* newspaper or in *The Advertiser*. It is usually because someone blows the whistle to a local councillor or to the local MP or seeks publicity in relation to the development themselves. So it is particularly important that neighbours be advised when there is going to be some development which has potentially polluting consequences.

There are certainly some gaps in the act. It is an opportunity to revisit the exemptions in section 7, and it is extraordinary that the Environment Protection Agency is unable to assess the environmental impacts of uranium mining in this state in respect of the waste products and the way they might infiltrate subterranean water, etc. There are some missed opportunities in relation to this piece of legislation, but there is much that is good in it, so I am happy to support it on behalf of the Greens.

Mrs REDMOND (Heysen): I want to make some comments about this bill, and I intend to do so by referring particularly to the second reading explanation of the minister on the introduction of the bill. Because of that it will fairly much follow the same order of comment that the shadow minister adopted in his remarks earlier tonight. However, some of my comments will be different because most of this bill is fairly offensive to me.

At the outset I would like to say that, in fact, I was one of those people who strongly supported the establishment of the Environment Protection Authority in the first place. I believed it was going to be a really good thing to have a fairly autonomous body that could protect our environment and, if you look at the Environment Protection Act, that is, indeed, what is set out as the primary purpose of the act: that it is for the enhancement and protection of the environment. Sadly, my experience with the EPA—in its interpretation of its role—is markedly different from anything to do with protecting the environment. I have nothing but contempt for the EPA and, until it changes, I will never support any measures that aim to broaden its powers. The minister states at the outset in his comments that the bill seeks to extend the powers available to the EPA. I would like to believe that we could have better protection of our environment by extending its powers but my experience of its behaviour in the few years that I have been in this place is such that I have no such confidence, and I will not support a move to increase its powers.

The minister indicates in his address that a number of recommendations which came forward from the Environment, Resources and Development Committee, which conducted a review and report in May 2000, are taken into account in this bill, and in fact they are some of the few areas in which I intend to support the government in this bill. Those areas are: enhanced community consultation in developing environment improvement programs; amending licence conditions; and streamlining of the environment protection policy-making process. Even in saying that I will support those areas, the concept of enhanced community consultation is something which I express grave concerns about. I must say, though, that my experience of it has been limited to government agencies other than the EPA, but certainly other agencies under the control of this minister undertake what they call consultation which is, in fact, nothing more than the holding of a meeting at which they tell the community what they are about to impose on them. My concept of consultation is that they should be listening to what the community says and, at the very least, justifying their position instead of simply saying, 'This is what we are going to do.' So, I have some misgivings about the idea that they will involve themselves in public consultation.

Of course, it has already been pointed out by the member for Davenport in his comments that, whilst the bill was put out for consultation last year (and the minister commented when he introduced the bill that it was released for public consultation last year), the government is trying to push this through without even waiting for the Local Government Association to comment on the terms of the bill.

The most significant thing changed by this bill is civil penalties. I find it puzzling that one minister one day tells me that South Australia has to change a certain administrative thing because what we do in this state does not match what every other state does, yet this minister under this bill justifies his position by saying South Australia will be the first of the Australian states or territories to adopt this valuable tool for environmental protection, that is, the introduction of civil penalties.

The idea of civil penalties is a concept that the minister assures us has been working successfully in the United States for 25 years, although I am sure not all states of the United States have civil penalties, and he has already conceded that the other states in this country do not have civil penalties. They seem to involve two things. First, they no longer have to prove the case in the criminal sense, so they have changed the burden of proof from beyond reasonable doubt (the normal criminal onus) to that of the balance of probability. So, if you can simply establish that it is 50.00001 per cent more likely than not that something happened, that is a sufficient meeting of the burden. It only has to tip, however slightly, over the 50 per cent and you have established the balance of probability.

More worrying is what I read into this, and that is the intention of the EPA to do away with any sort of judicial review. It is planning to be able to come up to someone and say, 'You have committed this offence and we are going to impose a fine. If you do not agree to pay the fine that we impose, we will go to court and spend all the money that it takes to prosecute this more fully in a court.' So, really, it will 'heavy' people, in order to get them to comply with whatever penalty the EPA has decided is appropriate.

One of the things about our judicial system is not only that there is a fair, impartial arbiter as to whether the offence has been committed but that that impartial arbiter then decides the appropriate penalty. In doing so, whether in civil or criminal matters, judges actually take into account the capacity, the circumstances, someone's ability to pay, how it all came about—a whole range of issues—when imposing a fine. But, no, the EPA wants to take that role on itself, which I think is a highly improper venture on its part—

The Hon. G.M. Gunn: It is judge and jury all in one.

Mrs REDMOND: Yes; as the member for Stuart says, it is judge and jury all in one. And the justification is that this will enable it to deal with things quickly and without court costs and, no doubt, the threat will be made, 'If you do not comply with our assessment of the fact that you have committed this offence and the fact that we want x number of dollars, you may incur significant court costs.'

There is no evidence that I have seen to indicate the minister's next assertion in his comments on this bill, and that is the contention that the immediacy of the punishment to the contravention will create an increased deterrent to polluters in South Australia. That, to me, has no justification whatsoever. There is really no reason for us to move away from having an independent judiciary who can have a separate look at the matter, decide on the facts, as proven, whether offences have been committed, and then set an appropriate penalty.

In commenting on the penalties, I would also like to comment on the increase in penalties and say that I will not be supporting that until such time as the government tells us what penalties have been imposed. I can see no point in the habit of this government over a range of issues in coming in here and increasing penalties on any number of things when it presents no evidence as to how many cases have been prosecuted, the level of prosecution and, thereby, the penalties imposed. I cannot see any justification for moving to this system of civil penalties.

To add insult to injury, as well as civil penalties, they want to introduce strict liability. In essence, strict liability means that, if you have done something, you are going to be liable regardless of the circumstances in which it occurred. They are saying, 'Be relaxed; this is going to apply only to the very low level offences.' My understanding of what the minister has been saying is that, at the moment, there are three elements you have to prove: that the act that caused the environmental nuisance was committed; that the pollution of the environment must have been intentional or reckless; and, thirdly, that the person must have had knowledge that it would or might result from whatever they were doing. Not surprisingly, the minister points out that the idea that you have to prove that the act took place either intentionally or recklessly, and that the person knew or should have known that environmental damage would result, makes it harder to prosecute. As the member for Davenport pointed out, it has stopped only two prosecutions from successfully proceeding in all the years of operation.

Nevertheless, the EPA's justification (I have no doubt) is that it is just too hard to prosecute. So, now we are going to make it strict liability: if the act occurred, you are going to be liable. We add to that the fact that we are going to set the penalty, and we are going to threaten you and make you comply and pay the penalty regardless of any rights you might have had under the previous legislation. I suggest to the minister that, in fact, the two components that he is trying to get rid of were deliberately included in the act in the first place because that is appropriate.

Regarding the low-level offences, why should someone suffer dire consequences of a penalty imposed by the EPA, supposedly negotiated, on the basis that something happened when they did not do it recklessly or indifferently, and when they did not even realise or recognise that such a problem was likely to result from whatever it was that they were doing? So, I have significant difficulties with that. However, I intend to support the element of change that will remove some of the protection for self-incrimination for corporations. I can see some sense in making it somewhat easier to get cooperation from corporations, because I think that self-incrimination legislation really belongs to the person and not to the corporation.

I have some concerns about the issue of 'ceased activities of environmental significance', but not in the sense of the EPA's being able to issue a licence when an activity has ceased at a site and there is still some contamination. As I read the minister's comments, after the licensed activity has ceased the EPA can issue a post-closure environment protection order, but it does not appear necessary that it be continuous from the cessation of the activity through to the posting of the order. So, the new owner of a site, who has no notice whatsoever of the contamination, could be issued with an environment protection order requiring them to undertake specified actions. I may be prepared to support that if the minister is able to persuade me that the legislation does not enable the EPA to issue such a notice later on. However, as things stand, it appears to me that someone could innocently buy a piece of land that has not been subject to an environment protection order and, subsequently, an order could be issued to them that places significant, and possibly costly, obligations on them. What is more, once the order is issued, it can be removed only by an application not to a court but to the EPA. It is strange how the EPA is acquiring all these powers, and it is another example of empire building within that organisation.

I understand that some recommendations of the parliamentary inquiry held in 2000 are included, but I would like to know from the minister which are not. As I said before, I am quite prepared to accept a more efficient and effective process for developing policies, and I also accept that sometimes national policies can be developed, the wording of which

does not necessarily translate instantly into South Australian legislation; therefore, it is appropriate to amend it so that we can adopt nationally accepted legislation or implementation measures but make the appropriate changes to the wording in order to do so. Like the member for Davenport, I express some misgivings about the concept of the administering agencies, and the first is the idea of being able to opt into the system. I am concerned about that, simply because it will mean that person A, who lives in suburb X, can ring up and complain about a noisy airconditioner, pool pump, smoke from the garden next door or whatever, and be told by the EPA that the council is the administering authority for that particular problem. However, a couple of streets over, person B in suburb Y can complain about the same problem and be told that the EPA does deal with it. It makes no sense to me to have an opt-in system.

Furthermore, as the member for Davenport pointed out, there is no good reason to suggest that local government would be foolish enough to want to take this on, given that, if the costs are fully recoverable, there is no reason why the EPA would not continue to do it. The implication is that the costs must not be fully recoverable, in which case, as the member for Morphett suggested, it is another example of cost shifting from state to local government. Therefore, it seems to me to be something that local government would be foolish to take on.

In fact, a trial was held in 2001-02 that involved the Adelaide City Council, the City of Port Adelaide Enfield and one of the councils within the electorate of Heysen, that is, the Adelaide Hills Council. I ask the minister: is there a comprehensive report on the trial, involving the EPA and those three councils, about the sharing of environmental responsibilities? Clearly, the environment is a significant issue in the Adelaide Hills district and I would be interested to know what the outcome of that was because it is implicit (or maybe I am simply inferring) in the minister's statement that that trial must have resulted in the councils deciding this would be a good thing to take on, but it is not stated explicitly and I would like to know specifically what the outcome was.

Finally, I want to comment on the miscellaneous things at the end of the legislation. I have no difficulty with the EPA being able to issue longer licences and to annually vary licence conditions, but any suggestion that the EPA be provided with broader powers is absolutely something that I will oppose. The minister says in the penultimate paragraph of his comments on this bill that in response to the recommendations of the Environment, Resources and Development Committee parliamentary inquiry, increased community consultation is proposed for the issuing of new environmental authorisations, relaxation of conditions required through authorisations and in developing environment improvement programs that may be required as a condition of licence. I am all in favour of increased community consultation but, again, I express this significant reservation that, thus far in my parliamentary career, I am yet to see any government agency which understands by the term community consultation anything like what I previously understood by the term community consultation.

My view is that the EPA should get its act in order. At the briefing the CEO and I gather that the position of CEO and Chair of the EPA is now combined into one person, and I think that is inappropriate in itself. He admitted that as a matter of policy the EPA will not intervene upon the request of an individual or a council (or whoever makes the request) if the EPA has made a recommendation against a particular thing being allowed to proceed and their recommendation was ignored or not followed. Notwithstanding its obligations under the act, notwithstanding that it has a statutory obligation to comply with it, it chooses not to. The Chairman-cum-CEO was quite open in saying that; I wrote down his words at the time. He was quite open in saying that they do not comply if someone has not agreed with their recommendations.

Last year the minister made a ministerial statement in the house of which I have a copy saying that the EPA recommendations are just that—recommendations. They are not binding on the people who receive them such as the councils making planning decisions, but be assured that the EPA will not obey its own statutory obligations. To place more power in the hands of such an organisation is something that I will continually oppose in this chamber until we see the EPA become the instrument for the protection and enhancement of the environment that it was always intended to be and not a bunch of apparatchiks, as the member for Stuart would call them, going around the place creating nuisances.

The Hon. G.M. GUNN (Stuart): I find it unfortunate that one has to address the house at this late hour. It is the government's fault that we are addressing the house because it is the role of members of parliament to give due attention to the measures put before them and to scrutinise the legislation closely and question the government. I am someone whose only experiences with the EPA have been less than productive. Any occasion that I have had to be involved with the EPA is because my constituents have suffered greatly, and one can only be charitable and say that it is insensitive bureaucracy. It appears to me to have its own agenda and it is intent on stopping South Australia. I well recall in 1979 being in London when Margaret Thatcher became prime minister. It was like a breath of fresh air, because within weeks she started—

Members interjecting:

The Hon. G.M. GUNN: No, the same sort of people have virtually brought the country to its knees. People might laugh and think it is funny, but they have brought the country to its knees. A new broom came in and swept everything aside. These insensitive bureaucrats, these self-seeking career oriented public servants, were more interested in their own views than the needs or the welfare of the people they were meant to serve.

Before I return to some of these matters, let me draw one or two examples to the attention of the house. My first experience with this insensitivity was when one woman in the EPA refused to return the telephone calls from the mayor of the Flinders Ranges Council. He is an elected official, whereas she was appointed. In my view, these people have no authority, no right to ignore elected officials; they should treat them with the respect they deserve. I believe that, if they have failed to do that, they should be sacked. In a democracy, the people who should have their say are the elected officials, not people who are appointed and then take on themselves roles for which they are neither equipped nor have the sensitivity to exercise in a fair and impartial manner.

All the mayor wanted to do was advise the EPA about the rubbish dump. It procrastinated and carried on. If the mayor had taken her advice, they would have burnt the whole thing off the plain. This person was totally unsuitable for dealing with elected people who have given their adult life to public service. What has happened to the Mount Remarkable council: the hassle and the nonsense that has taken place with

its rubbish dump? If ever there was a case study done of how not to cooperate and work with a small, effective, good council, it is the hassle that this council has had. The complaints I have had from the elected members about the nonsense and stupidity of those involved could fill pages in *Hansard*. It might be necessary to bring some of these people to their senses.

What happened at Wirrabara? A malcontent came to live there. As I understand it, this was someone who was living off WorkCover, and he made a complaint against the sawmill which had been there for 100 years. The EPA videoed the operation and made it impossible for the operator to continue, so he got out and went to Jamestown. What about the poor people who worked there; what happened to the value of their houses? I understand that the character in question was lucky he did not get a bunch of fives in the hotel. These people with their own agendas, with no commonsense and no understanding imposed their will.

Then of course we had the classic. This one took the prize. They have had a racetrack and racing at Port Augusta for 100 years. A very efficient group of people, all volunteers, run it. They have worked hard, and they have been putting oil on the track for a long time. Oh no! What do these bright whiz kids say? 'You can't do that; you have to stop that.' They were most insensitive in the way they acted and they caused great distress to the people running the races and some of the race meetings had to be cancelled. We then had to arrange a meeting with the chief executive and one or two of his assistants to bring them down and make clear what the consequences were going to be. If we were not successful, we were going to the Premier.

I can assure Mr Vogel and his friends that the mayor of Port Augusta would have put him on the Ray Martin show and proved to Australia how insensitive and foolish they were, because if you closed the Port Augusta Racing Club what would you do with all the facilities that the taxpayers have put there? What about the people employed there? Don't worry about them? Some little apparatchik with his own agenda, who would starve if he had to live off his own ability, went out there and caused chaos and great concern to those hardworking people in greyhound racing. It was appalling.

This being the case, why should this parliament even countenance giving him any more power? They are unelected; they are appointed and are not subject to the will of elected people. They have proved that they want to stop South Australia. Look at their last effort—those unfortunate people over on Eyre Peninsula who are suffering the effects of the bushfires. They were trying to stop people from burying sheep. What sort of people are they? Where do they get these characters from? Did they win them in a raffle? When were they dusted off? The bloke should be tapped on the shoulder and told, 'Don't come on Monday.' The problem is that they lack any commonsense or judgment. Only a fool would act like that, and I think I am being somewhat praiseworthy of the individual. Those people have gone through enough stress.

I wonder whether he or any of his colleagues in the EPA have ever been involved in having to shoot sheep and livestock which have been affected by a bushfire. It is a terrible job; I have had a bit of experience in it. You have to bury them as quickly as possible. I put to him and his colleagues in the EPA that, if you left these animals for a few days, would they pick them up and throw them in the bucket? Have members ever seen people dry retch when they do it? It just appals me. Those people have suffered enough. Make no mistake, we are going to go after this group. No matter what happens in this house, the amendments we move will eventually become law. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 11.58 p.m. the house adjourned until Wednesday 9 February at 2 p.m.