

HOUSE OF ASSEMBLY**Wednesday 5 March 2008**

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

PUBLIC WORKS COMMITTEE: CAST METALS PRECINCT

Ms CICCARELLO (Norwood) (11:02): I move:

That the 278th report of the committee, entitled Cast Metals Precinct—Stage 2, be noted.

The Cast Metals Precinct was established in 1996 under the management of the Department of Environment and Heritage, with the overall objective of providing suitable land for the relocation and/or expansion of business in the foundry and associated industries. The development has been opportunistic to capture the benefits offered by allowing the Civil Skills Training Centre to establish its operations on-site and receiving free fill material delivered to the site by members of the Civil Contractors Federation. In October 2003 the stage 2 land was transferred to the Land Management Corporation for no monetary consideration, but a requirement that it repaid money expended on developing the site when the first allotment sale occurred.

The LMC continued funding the Civil Skills Training Centre. Since coming under LMC ownership, lots 1, 2, 7, 8, 9, 10, 261 and the road reserve have been remediated, filled and certified and have either been sold or are under contract. The net value of these sales is approximately \$3.1 million. The remaining lots have a market value of approximately \$13.2 million. Additional expenditure of \$1.745 million is required to complete the remediation and landfill of the remaining lots. The land was an Engineering and Water Supply rubbish depot, and the development involves removal of all rubbish and the remediation of the uncontrolled and uncompacted fill. This is assisted by support from the civil construction industry in supplying free clean fill material. The remediation and landfill work provides a long-term, on-site training environment for civil construction trainees.

The key aims of the development are, first, to provide appropriately zoned and development-ready land for the relocation and/or expansion of business in the foundry and associated industries. The foundry industry has been subject to increasing pressures as a result of changed environmental standards, encroaching residential development and changed community expectations. Development of the precinct provides some certainty to foundry industry businesses that locate there that they will not be subject to many of these pressures. Secondly, the development will continue the engagement of the Civil Services Training Centre to undertake the remediation and landfill work and provide benefit of trained construction plant operators to the civil construction industry.

Thirdly, the development will continue with the current contractual arrangements with the Civil Services Training Centre to provide free fill material to the site. The development is a difficult, high cost project because of the extensive remediation and landfill requirements. The existing access and services to the site are also inadequate, which has required the construction of a box culvert bridge over the existing drain on the western boundary. The use of the Civil Services Training Centre as the remediation and engineering contractor has delivered a significant benefit to the civil construction industry, as well as benefiting the Land Management Corporation through provision of free clean fill material to the site for the cost of testing only.

Since the LMC funding commenced, over 85,000 cubic metres of fill material has been received. If purchased, this would have cost over \$1.6 million. By project completion in March 2009, over 150,000 cubic metres of fill material will have been received, with an equivalent value of \$3 million if purchased commercially. The site development costs are regularly benchmarked against the estimated costs for a civil contractor to undertake the work. LMC saves in the order of 5 to 10 per cent compared with a civil contractor, with the added benefit of providing training for construction employees. Importantly, the project will remediate a severely degraded site and deliver completed allotments which will be fully graded, serviced and suitable for development by foundry and associated industries.

The anticipated financial return to LMC when all allotments are sold exceeds the corporation's financial requirements, but the current zoning and significant restrictions relating to non-foundry use mean that sales have been very slow in the precinct. Very few foundry operations have been attracted to the area and one which was subsequently went into receivership. In addition, the committee was told that a major industry survey of every foundry in the metropolitan

area showed a very low likelihood of a significant uptake of the land by the existing foundry industry.

Given the very slow level of allotment sales, the committee was concerned about the potential for significant holding costs to accumulate. The committee was advised that LMC's intention is to defer any decision about the land for a couple of years until it becomes clear whether the processing and mining machinery needs of the resources sector leads to an increased level of interest in the land. In the event that this does not eventuate, LMC will seek to have the land rezoned as general industry, and effectively this would double the land value and lead to an improved financial return for the corporation.

Based upon this assurance, the committee accepts that the potential accumulation of holding costs does not pose a significant risk to the viability of this project. Based upon the evidence it has received and considered, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr PISONI (Unley) (11:08): I will make a couple of points. I think that this project is close to a decade old now, that is, from the time it started to the stage it has reached now. A significant amount of the land is still unsold, which is a reflection on two areas. First, it is a reflection on the changing nature of manufacturing in South Australia. I remember that, in 1979 (I think it was), when I was applying for any possible apprenticeship that I could find, apprenticeships were still available for apprentice moulders. At that stage, I think it was at the Islington workshops. One of the four options I was given when I was eventually offered an apprenticeship after six months of searching for a job was that of an apprentice moulder at the Islington workshops.

Over the years, we have seen those types of jobs in heavy industry, the higher labour jobs, exported to China. Fortunately, they are buying our iron ore. I read, of course, that one of the significant factors contributing to our blow-out in the current account deficit is our inability to have enough port infrastructure to meet the demand for our exports, particularly of raw materials to China and India. Things have changed, and I am pleased to see that the Land Management Corporation will consider reviewing the zoning. One option that was raised was moving the Bradken foundry from its existing site (which is in the middle of a residential area) into the Cast Metals Precinct. We did hear from those appearing before the committee that no attempt had been made by the government to even canvass that project.

We know it will be expensive, and we understand that, but we are in a fluid economy, an economy that is changing all the time. We have some industries that are successful. The Bradken foundry wants to expand and employ more South Australians. Some would argue that where it is located is not the most suitable place for it, although it may have been so when it was established. However, things have changed, and it is now in a residential area surrounded by housing, and I was disappointed to read in the report that the Bradken foundry will not be moving to that site.

Obviously, I am very pleased that there will be investment in the clean-up of the area. When it is rezoned, it will be a great opportunity for small to medium businesses to move out of some other areas that are being encroached upon by residential development, particularly in the inner suburbs, although we are seeing it happen throughout the suburbs. For example, in my electorate of Unley, there was a strip of land along the creek bed, between Unley Road and King William Road. Five or six years ago, it was all commercial, with light industry, as well as some quite big factories. To the credit of the local council, it has been rezoned into residential. This saw some high-density housing brought into the suburb, which is obviously something I much prefer, rather than seeing beautiful villas and pre-1940s homes being knocked down to build high-density housing.

Those of us living in Unley make a significant investment in our lifestyle to live in the area, so I think that it is only fair and right that, when there are opportunities to enhance the area, they are taken. I think that the Cast Metals Precinct is an example of an opportunity for businesses to move, particularly once the rezoning has been done. Last year, the Hon. Gail Gago in the other place told us that the sell-off of land at Glenside was part of the plan to contain our urban sprawl. I think that was a surprise to everybody, including the planning minister, but that is what she said.

I think that if the government is dinkum about wanting to deal with that situation, it may want to give inducements to light industry operating in districts that neighbour residential areas to move out into Wingfield and free up that land for residential housing. Of course, this would also help to alleviate the housing affordability problem that is growing under state Labor governments

across the country. I endorse the report and only hope that we can keep moving forward on the sale of the land.

Mr PENGILLY (Finniss) (11:13): I also rise to endorse the report. It is interesting that it has got to this stage because, as the member for Unley said, we have been messing around with this for around 10 years. Land that was formerly an E&WS rubbish disposal depot will become half useful, with around \$16 million worth of land sales. It has been a project long in the making. I found it an interesting one to come before the Public Works Committee some time ago, and I took a great deal of interest in it.

The precinct was established in 1996 under DEHAA with the overall objective of providing suitable land for relocation and expansion of business for the foundry and associated industries. In due course, it will be interesting to see just what moves there and what happens with it. I am sure that whatever happens will only benefit the district and be good for the immediate surrounds. That was one of the main reasons that we looked at it in depth and asked a number of questions about its whole operation. I am very happy to endorse the report.

Ms CICCARELLO (Norwood) (11:15): I commend the report to the house.

Motion carried.

ALCOHOL CONSUMPTION

The Hon. R.B. SUCH (Fisher) (11:16): I move:

That the Social Development Committee inquire into and report upon the adequacy and appropriateness of laws and practices relating to the sale and consumption of alcohol and in particular, whether those laws and practices need to be modified to better deal with criminal and other antisocial behaviour in public places arising from the consumption of alcohol, and any other relevant matter.

The reason for this motion I think is readily apparent to most members. There has been publicity, even today, about what is happening as a consequence of a minority of people (it is always a minority) misusing or abusing alcohol. Shortly, I will come to that commentary and report that was published today in *The Advertiser*.

We all know that alcohol is an important part of our community. I am not a wowser—I enjoy a drink, like many other Australians, and South Australians, in particular—I am certainly not on a prohibition crusade, but I am concerned about what has been happening (particularly late at night on weekends and in the early hours of the morning) involving violent behaviour by a minority, often fuelled by excessive consumption of alcohol. It is not only a problem in Adelaide but it is also a problem elsewhere. I saw a report yesterday, I think in relation to the United Kingdom where there has been a dramatic increase in alcohol-fuelled violence since they went to more liberalised 24-hour alcohol availability in some of their clubs and hotels.

In 2006, Queensland introduced a liquor amendment bill which provided for the introduction of a statutory 3am lock-out involving licensed premises. The idea was to stop people who had consumed a lot of alcohol re-entering premises and prevent what they called club hopping. It was to stop people who had had more than enough alcohol coming back into those premises or, indeed, going into other premises.

That legislation also provided for tougher controls in regard to licensees who were able to trade after 1am. Some of those requirements included: providing adequate crowd controller numbers; installation of closed circuit TV cameras; mandatory responsible service of alcohol training for all staff; restriction on frequency and duration of happy hours; and a prohibition on drinking competitions or activities that encouraged rapid or excessive consumption of alcohol. There was a package of measures in Queensland, as I say, as a result of that 2006 liquor act amendment bill. Victoria is looking to move down a similar path and so are other states and, as I indicated earlier, I would expect the United Kingdom to follow shortly.

I am not into the blame game and I am certainly not seeking to put the blame on hoteliers and club operators, but I think it is an issue that needs to be looked at objectively, in a sensible and calm way rather than with a knee-jerk reaction to what has been happening. I quote from article No. 18 published by the Australian Institute of Criminology (written by Gail Mason and Paul R. Wilson) headed 'Alcohol and Crime', which states:

From the time that Europeans first brought alcohol to this country it has rapidly become embedded in the lifestyle of a substantial proportion of Australia's population. Alcohol consumption, and especially that of beer, has on numerous occasions been referred to as the great Australian pastime. The popular image of Australia's beer-swilling, potbellied 'Norm' is in many ways an authentic caricature and indeed one that many Australians seem proud of.

Drinking alcohol is frequently perceived as ordinary, everyday activity, while regular drunkenness is portrayed, at least by some, as one prominent trait of the stereotypical 'macho Aussie guy'.

The unfortunate reality, is, however, that these images create a mask which obscures the severe abuse of alcohol that has been happening in this country over many decades. The abuse has occurred in association with the dubious honour gained by Australia of having the highest rate of consumption of alcohol in the English-speaking world. There are many social, economic and political repercussions that flow from a high national level of alcohol consumption. The connection between alcohol and crime, and especially violent crime, is one that has been the centre of considerable discussion both within Australia and overseas.

The report goes on to look at the connection between alcohol and crime. Obviously, I cannot read the whole report, but I recommend it to members. Another study, published by the Alcohol Education and Rehabilitation Foundation and supported by the New South Wales Bureau of Crime Statistics and Research, paper No. 8, in particular, focuses on liquor outlet concentrations and alcohol-related neighbourhood problems. It is quite an extensive paper, and I will just quote a short passage, as follows:

A recurring issue for liquor licensing policymakers is the extent to which restrictions should be placed on the availability of alcohol in order to minimise alcohol-related harms in the community. In most Australian jurisdictions, including New South Wales, the liquor licensing laws allow for a range of liquor licensing restrictions to be applied, which in effect limit the availability of alcohol. Examples include placing restrictions on the hours during which licensed premises can trade, the type of locations where alcohol can or cannot be sold (e.g. not in petrol stations or supermarkets) or limiting the number of sellers who are permitted into the alcohol retail market.

That is just part of that very extensive paper. However, the point is that the evidence suggests that there is a very strong link between alcohol availability and antisocial—and, indeed, often criminal—behaviour involving a minority of people.

I wish to quote from an article in today's *Advertiser* on page 27, written by Nick Henderson, where he cites an increase in the incidence of disorderly behaviour in the CBD and serious and minor assaults. He points out that the number of arrests and reports relating to disorderly behaviour in the CBD has increased from 597 in 2005 to 762 in 2007, and the number of serious and minor assaults (excluding assaulting police, attempted murder and murder) has risen from 233 in 2005 to 314 in 2007. The police suggest that some of this is due to changes in legislation which now classifies threats as a form of assault. However, the local service area police superintendent, John Thomas, said:

Unfortunately, there are individuals that disregard their social obligations to behave in an acceptable manner that not only upsets others around them, but can have significant consequences.

Mr Thomas said some licensed premises 'didn't want to acknowledge the behaviour outside their premises is their responsibility'. The article also quotes the police minister (Hon. Paul Holloway) as saying that alcohol-fuelled violence was increasing. He said:

SAPOL is continuing to develop strategies and tactics to ensure these types of offences are being tackled in a targeted and effective way.

The opposition spokesperson, Terry Stephens, basically supported the thrust of the article. I do not think there is any dispute that we have an issue, and I think the Social Development Committee is the appropriate body to look at this matter and to hear from the various parties involved—the hoteliers, the liquor trades union and members of the public, if the committee so wishes. In my view, the committee should review what has been done elsewhere, have a look at what works and see how people can enjoy going out to a club or a hotel and having a drink without unnecessarily exacerbating or creating a problem of antisocial or criminal behaviour resulting from the unfortunate actions of a minority.

I do not have the answers. If I had the answers I would not be calling for an investigation and inquiry. The committee could look at what effect the Queensland legislation has had, whether it has been satisfactory and whether it could be improved. It could look at other measures elsewhere, but our continuing to pretend that there is not a problem or that it will resolve itself, I do not think is satisfactory. The fact that the committee would be looking at some issues—and it would take some time—would not prevent the government or the parliament from acting in the meantime on certain aspects of liquor licensing. Indeed, in my experience on committees, a committee can refer matters immediately to a minister if it believes urgent action is warranted on the basis of evidence presented to it.

I am told by many young people and others that they are increasingly concerned about being in the city late at night or in the early hours of the morning because of the behaviour of an element who consume too much alcohol. Anyone should have the right to enjoy themselves in the city and be able to walk around without the threat of being bashed. There is far too much violence

associated with alcohol occurring in the CBD and it is time something was done about it. I gave notice of this motion a while ago, but since then I believe the Prime Minister has focused on this issue of concern; and I know the Premier of Victoria has focused on the issue.

Many members would read the interstate papers and they would see that almost every day a senior member of government in another state is commenting on this issue. Here in South Australia we need to get a handle on it; not engage in the blame game but, rather, come up with some positive ways in which we can improve the situation in order to ensure that Adelaide is a safe place where people can come on a weekend or any time, day or night, to enjoy a drink, but not feel threatened by the antisocial or criminal behaviour of a minority who seem unable to control their drinking.

Some changes may be required. We may need to adopt lock-out laws to stop club hopping and things such as that. It would be up to the committee to take evidence on that and to make recommendations. I commend the motion to the house. It is time the committee looked at this issue and, in so doing, improve the quality of life for all South Australians, especially those who want to enjoy a social life in the CBD.

Dr McFETRIDGE (Morphett) (11:28): I support this motion which goes right to the heart of my electorate. The electorate of Morphett includes the fantastic tourist area of Glenelg. In fact I have 106 restaurants and cafes within walking distance of my Byron Street office. I have some of the best hotels and pubs in South Australia. I have the end of the only functioning tramline which brings thousands of tourists to the Bay. If one looks at the tourist numbers that come to the Bay every year, it is about 2.5 million tourists—some people say up to 3 million tourists a year come to the Bay.

I had breakfast at the Bay this morning. It is fantastic. It is a safe place to be at all hours of the day and night. On the way into parliament this morning I was telephoned by a journalist from the Messenger newspaper because there is a petition circulating around Glenelg to have pubs put under curfew and to close. I was asked, 'What is your opinion on this?' I said, 'Well, what do you want to do? Do you want to close at 10 o'clock or 6 o'clock? It will not solve the problem.'

A report was prepared by the Australian National Drug and Alcohol Reform Commission—although I might need to correct the name of the organisation. That organisation released an extensive report about the responsible serving of alcohol. It details all the things that are desirable in terms of the conduct of licensees and restaurants in the responsible serving of alcohol. We have a code of conduct with all the licensees at the Bay. Every couple of months I meet with members of the council, the Liquor Licensing Commission, the police and all the licensees to discuss the issues that are occurring in the area. The issues of anti-social behaviour at the Bay in 99 per cent of cases are not because people are being poured out of pubs at three and four in the morning out of their brains on alcohol. It is not that. The licensees do conduct themselves in a very responsible manner.

What you do have are thousands of people coming down on weekends; and, unfortunately, in amongst those thousands of people are always those intent on mischief. A lot of those people bring their own alcohol with them, so shutting the pubs will not stop that. Those people then get in a state of intoxication, they misbehave and they cause angst for the local residents, for whom I have a lot of sympathy. The local residents come to see me quite regularly about anti-social behaviour at the Bay. Fortunately, in most cases, the police are able to get onto it very quickly. I commend the police based at both Glenelg and the Sturt LSA. We talk on a regular basis. We have a very good relationship. They are doing a terrific job in terms of their covert and overt operations (where they can be seen). They work extremely well.

There are always people who either come out of a pub and have had too much to drink or who have brought their own alcohol to the Bay, and they do cause problems. However, putting a curfew on the pubs and clubs is really not the answer. As I said, the responsible serving of alcohol is a significant issue, and it is being addressed very well by the Liquor Licensing Commission, the council, the police and, importantly, the licensees. They are aware—because I have raised it with them—of the position that is being talked about in Queensland. They are also very aware of the fact that they are in business, that they employ a lot of people and that they cater to a lot of tourists who do not want to be told they cannot have a drink after 10 o'clock, or midnight even.

People want to come to the Bay and enjoy South Australia being open—not shut down, not closed because some people had their letterbox ripped out. I have a lot of sympathy for those people, because it is very personal and it really just is unacceptable. However, shutting the pubs and the clubs is not the answer. The answer (which is something I have been championing for quite a while), besides the responsible serving of alcohol, is to have vigilant policing 24 hours a

day. The police are doing a great job but, unfortunately, because of their tight resources they cannot be down there 24 hours a day. The Glenelg Police Station is a shopfront police station. It does not matter whether it is located at Moseley Square, really, as long as the police are out on the beat during the daylight times and any other particular times the police deem operationally worthy.

The policing does not have to be bodies on the beat. What it really must be is something which I have partly achieved but which I want to see expanded, that is, the live CCTV monitoring of that whole area. Any criminologist will tell you that it is not the penalty that deters people: it is the chances of getting caught. When you are out of your brain on alcohol, and possibly even drugs as some people may be, you may not be thinking about the consequences or even whether you will get caught; but, certainly, if you know that when you go to Glenelg you will be filmed on live CCTV and that there will be an immediate consequence for your actions, it would be a significant deterrent. That is what it is all about. It is all about the need to educate people in responsible alcohol consumption, which the pubs and clubs are doing, as well as the government through the health department.

Also, we need to make sure that the police are given all the resources they need not only to be on the ground when they are needed with quick response times but also to be able to have the evidence there to say, 'Well, you are the idiot who had too much to drink. You are the idiot who damaged the car,' or 'You are the idiot who damaged someone's letterbox.' I emphasise for the sake of my constituents and the people who may be aware of this issue that Glenelg is a very safe place. I have no problem walking around Glenelg late at night. I do it quite frequently. I will go back to my office to pick up gear. I walk down the back lanes towards my office and down Jetty Road. I have no problems doing that. There are a few idiots every now and again, but it is not a dangerous place. The Adelaide CBD may be a different matter, with gangs coming in from the outer suburbs and from who knows where—I should not say just the outer suburbs, but from anywhere—and causing mischief. The Bay is a good family place and it is a great place to be the local member.

I encourage the Social Development Committee to examine this issue, because I am not quite sure of the motives of those who are circulating this petition and some of the councillors who are really pushing this issue down at Glenelg. I am sure they are well-meaning, but I think they are misguided. I hope that the Social Development Committee can look at this issue and make sure that all the causes and effects and ways of overcoming the concerns—many of which are just perceptions, not reality—are looked at with a clear understanding that, if something needs to be done, it can be done.

However, we are not tilting at windmills or jumping at shadows, because certainly the shadows down at Glenelg are the palm trees on a sunny day, not the idiots hiding in dark alleys. Glenelg is a good place to be and I am proud to be the local member. I support this motion, because it will show that the publicans, the licensees at Glenelg, the council and the police are working very well to ensure that alcohol is not the root cause of all the issues that some people are trying to beat up down there.

Ms BREUER (Giles) (11:36): I actually oppose this motion, because I am concerned about this culture of alcohol, particularly with young people. I think that is the real problem and I think that we, as a society, need to do something seriously about controlling the attitude that young people have developed towards alcohol. As a baby boomer and a person who has had the odd drink in the past, I sometimes wonder whether this is as a result of seeing the amount of alcohol our generation drank over the years. I often think about my children coming along to parties with me and watching their parents and other adults drinking. It has now become so much part of our society and culture, and young people seem to believe that it is impossible to have a good time unless you write yourself off and become absolutely legless. I think we have instilled this into them.

When I was young my parents never drank. I do not ever remember seeing my mother have a drink in her life, and I think I saw my father have one or two beers, and usually he drank only half of it. We came from a family of strict Methodist ancestry, and it was not the culture to drink in our family. I must say that, in my youth, I made up for many generations of non-drinkers. So, we did not have that culture. I remember that the first time I ever drank I wondered what had hit me, because it just was not part of my culture. But, for young people nowadays, it certainly is, because they have watched their parents drink over the years and it has become a complete part of their lives.

This is aided and abetted by TV advertising where it is cool to drink this or that drink. Also, the types of drinks around nowadays, such as coolers, taste lovely, but they are full of alcohol and, after three or four of those, you suddenly think 'Whoa, I better stop drinking this' but, of course,

young people do not: they keep going. They are encouraged also by the fact that they can drink all night, get up the next morning and, after a cup of coffee or another Coke, they will recover very quickly, whereas, when you hit the 40s and 50s plus, it is not that easy to recover the next day. I now suffer a two-day hangover if I manage to drink that much, but I am very careful these days because I know how much alcohol can affect me. However, when you are young, you can drink all night and get up the next day and go to work, and I know many people who have done that.

I think the problem is the culture of alcohol that is around. I think we need to seriously educate young people that they can have a good time without writing themselves off; that they do not have to go out and drink, and that they can control their behaviour. There is nothing wrong with having two or three drinks and becoming quite merry, but why do they have to write themselves off? Why do they have to become violent and get involved in fights, etc. Alcohol can cause damage to young women and, I guess, alcohol has been a factor in some pregnancies or STDs that have occurred over the years. The old story of 'He got me drunk, mum' still has some relevance: the more you drink, the more likely it is that you will do things.

I think the real issue is not so much the appropriateness of laws; I think the real problem is our attitude as a society to alcohol. It has become so much a part of our society that it is seen as acceptable to drink, and I think that is where the real issue lies. I oppose this motion.

Mr PISONI (Unley) (11:40): I really thought the member for Giles' speech was in favour of the motion, because the motion does go on to include practices relating to the consumption of alcohol. I agree with the member's comments; it is very cultural indeed. As a matter of fact, I was disappointed to hear the member, in her speech, boasting about how much she drinks—and that is the problem with Australian society.

Ms BREUER: On a point of order, Mr Speaker, I was not boasting about how much I drink. I drink very, very seldom these days.

The SPEAKER: Order! There is no point of order. The member for Unley.

Mr PISONI: That is the whole point: it needs a cultural shift—and we can achieve that. If the government is prepared to invest in advertising and community education, it can achieve the same results it has achieved with drink driving.

I can remember as a young man hanging out with mates in the pub, and people would boast about how they could not remember how they got home, yet they drove themselves home. Now you would be absolutely embarrassed to admit to, or be caught, drink driving—and that is the cultural shift we need in South Australia for our young people to understand the implications of drinking alcohol. These days we know so much more about the implications of drinking alcohol at a young age than we knew when we were young. We know that the brain does not fully develop until the age of 25 and that excessive alcohol consumption—

The Hon. R.B. Such: If you're lucky.

Mr PISONI: 'If you're lucky,' says the member for Fisher. Excessive alcohol consumption permanently damages the brain. I find it ironic that at a time when we are giving our kids the ability to drive we are also giving them the ability to drink. A matter that has been raised at numerous school council meetings I have visited since taking up the portfolio of shadow education minister relates to parents who are concerned about parent-supervised parties their children attend. Often, when those parents go to pick up their children they find out that 15 and 16 year olds have been offered alcohol by the parents in the home. There is no law against it, and this is absolutely outrageous.

The argument we hear from the parents is, 'If we don't do it, they'll do it anyway.' I say this to those parents: 'If you treat your kids like adults before they are ready, they will never grow up. They need your guidance until they are ready to be let off the leash, if you like. It is our role as parents to raise our children to be independent individuals in the community who are able to make their own decisions and their own judgments.'

Another thing that I think has changed since we were kids is that when we were young alcohol tasted like alcohol. Now, of course, the taste of alcohol is hidden in 'cruisers' and other sorts of drinks. I say to those kids out there: 'If you are drinking those products, you are not old enough to drink. If you have a neat whisky or a beer and you enjoy that taste, you have an acquired or mature pallet and maybe you are ready to drink. But you are not ready to drink when you are drinking a raspberry cruiser. This is another problem we are seeing our young people being exposed to.'

I recently attended an induction evening for my year 9 daughter at her high school, and we had a very interesting presentation from the school counsellor. He informed us that 20 years ago the danger period for young people experimenting with alcohol, cigarettes, drugs and other sorts of dangerous activities (which is what I should call them, because they are indeed dangerous activities) was between the school years 9 and 10.

Now that age has shifted between the school years 7 and 8. So we are seeing a growing problem of our youth being introduced to alcohol at a younger age, and this is being endorsed and condoned by parents and parent groups. I think we need this inquiry, and it needs to be a very broad one. We need to hear from stakeholders; we need to hear from parents. Why do parents think it is all right to offer alcohol to other people's children at the age of 14, 15 and 16? What does that say about our society? Does it demonstrate that that is an acceptable thing to do?

I would not have expected—I do now, because I know differently—my 14 year old daughter to have to worry about coming home drunk from a 14th birthday party at a girlfriend's place. I would not have expected that to happen. This problem goes across all demographic areas in South Australia; it is not confined to one particular area or another. I believe that parents should acknowledge that they do have a parenting role and that it includes making some tough decisions.

Just because young people may say, 'We're allowed to do it at so-and-so's house,' does not mean it is all right; it does not mean that at all. I speak as someone who enjoys a Barossa Valley chardonnay (or grenache is one of my favourites) but I drink it in moderation and I drink it because I enjoy the taste of the alcohol, the wine itself. I do like to have my whisky straight but, again, in moderation. There is nothing wrong with those single malt clubs, but in this case I am referring to grown adults who enjoy drinking alcohol and who are not just out there getting drunk and exposing themselves to all sorts of other dangers.

The need to deglorify, if you like, drinking in our society and to educate our kids that they are entering a danger zone goes beyond just putting themselves in physical danger of being assaulted or involved in a fight or even a vehicle accident. I think that if the parliament adopts this recommendation it should ensure that it is very broad-ranging; that it is not confined to a pub-beating exercise; that it is not confined to an exercise of punishing the young; but that it actually broadens our way of looking at how we can change attitudes of both parents and our youth regarding the use of alcohol.

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (11:48): As has been pointed out by probably all the speakers, drinking is pretty much an accepted part of the South Australian lifestyle. Most people drink moderately and enjoy the social aspects of drinking but unfortunately there are some who also experience the negative aspects of alcohol either through their own misuse or through the impact of other people's intoxication.

There is no doubt that the misuse of alcohol is no different from the misuse of any number of other things in that it comes with a cost: a social, health and financial cost which is borne by the South Australian community. The Liquor Licensing Act currently provides a number of mechanisms to control both the sale and consumption of liquor and addresses a number of the concerns raised by the member for Fisher in his motion. The member for Morphett talked about a code of practice down in the Glenelg area. He may, in fact, be referring to an accord operating down there.

A key component of the Liquor Licensing Act designed to minimise the harmful and hazardous use of alcohol is, in fact, a mandatory code of practice which applies right across the industry. This code outlines a range of practices relating to minors, responsible attitudes to the consumption of liquor, intoxication and disorderly behaviour, and highlights a responsible attitude to the advertisement and promotion of liquor. It comes with some significant penalties if the code is breached. Also, under the act a licensee can bar a person if that person commits an offence or behaves in an offensive manner or if the licensee is satisfied that the welfare of the person is seriously at risk as a result of the consumption of alcohol.

This government plans to extend these powers and, just yesterday, I introduced into this house a bill to allow the South Australia Police the power to bar individuals from licensed premises. Dry areas are also an important mechanism designed to assist the control of substantial crowds to ensure public safety as part of a broad level strategy to address public nuisance, preventing antisocial behaviour at a local level. Applications for dry zones can be for various lengths of time and, when combined with liquor licensing accords, precinct management groups and liquor

management plans, can assist to promote the responsible service of alcohol and the management of alcohol related issues, including antisocial behaviour.

All licensees must establish and maintain practices to minimise undue noise and inconvenience to people in the vicinity of licensed premises and must be vigilant in monitoring sound levels and the behaviour of their patrons. This includes as they make their way to and from licensed premises, so licensees are clearly individually responsible for these things. The issue in relation to antisocial behaviour is not as simple as looking at the consumption of alcohol. For instance, significant antisocial behaviour caused by gatecrashing of parties is exacerbated by the availability of instant messaging services which allow information to be provided to a large number of people in a very short period of time.

In addition to legislative protections the South Australian Alcohol Action Plan, which is under current development, will set down strategies for reducing harm and promote the responsible consumption of alcohol. The alcohol action plan will also draw on the strategies outlined in the South Australian Drug Strategy, the South Australian Youth Action Plan and the Substance Misuse Strategy for Aboriginal and Torres Strait Islander People. The South Australian Alcohol Action Plan will encourage a whole of government approach to addressing the problems associated with excessive alcohol consumption in our state.

The plan will be developed in consultation with various partners from across the government and non-government sectors. An interagency working group has already been established to develop the plan and to ensure its smooth implementation and evaluation. This working group brings together representatives from a number of agencies across government, including Drug and Alcohol Services, the Department of Health, the South Australia Police, the Attorney-General's Department, the Department of Education and Children's Services, the Department for Families and Communities, the Department for Correctional Services, the Department of the Premier and Cabinet Aboriginal and Reconciliation Division and the Office of the Liquor and Gambling Commissioner.

Priority areas that have been agreed upon are improving health outcomes among individuals and communities affected by alcohol, reducing the incidence of intoxication amongst drinkers, facilitating safer and healthier drinking cultures by developing community understanding about special properties of alcohol and through regulation of its availability, and enhancing public safety and amenity at the times and at places where alcohol is consumed.

With these factors in mind, the South Australian Alcohol Action Plan 2008-10 will set out the South Australian government's commitment to minimising the harmful consumption of alcohol and its related impacts on individuals, families and the wider community. The alcohol action plan will also draw on the strategies outlined in the South Australian Drug Strategy 2005-10, the South Australian Youth Action Plan 2005-10 and Substance Misuse, a South Australian strategy for Aboriginal and Torres Strait Islander people 2005-10. The plan will also receive input from the already existing alcohol management reference group. Membership of this group includes representatives from non-government organisations as well as the alcohol industry representatives. South Australia Police also has representatives on the reference group and the working party. This gives the police the opportunity to provide input into strategies and policies to better deal with criminal and other anti-social behaviour arising from the consumption of alcohol.

The plan will be a blueprint for action. We want it to be a road map for progress and not just another report. For that to happen we need clear benchmarks and ways to evaluate progress. That is why the National Drug Research Institute is being contracted to benchmark and identify existing and new key performance indicators and data collections for the South Australian alcohol action plan.

The National Drug Research Institute based at Curtin University is well regarded nationally and is dedicated to conducting and disseminating quality research that contributes to the prevention of harmful drug use. Specifically, the National Drug Research Institute will be required to develop a set of core indicators of serious alcohol-related harm for both individuals and the community applicable to South Australia. It will use these indicators to establish key performance indicators and benchmarks that would be suitable to monitor the implementation of the South Australian alcohol action plan for both the general community and high risk groups.

The research institute will also identify existing datasets relevant to monitoring alcohol consumption and alcohol related harm here in South Australia. It will be required to determine data limitations and make recommendations for additional collection of any new datasets and analysis

opportunities that may be relevant to assisting the development of policies and/or interventions. A preliminary report is expected in August 2008, with the full report due in October.

This government acknowledges that it has a role to play in encouraging a reduction in the harm caused by excessive drinking to individuals, families and our communities. I agree with the member for Fisher that the harm caused by excessive alcohol consumption is a real concern, and that is why the alcohol action plan is being developed specific to the South Australian context, and to take into account work already being done at a national level. This work is already well underway and is drawing on the advice of experts from across government and those with experience in the field. I see no reason, therefore, for the Social Development Committee to repeat the work that is already being done, and I oppose the motion.

Mr VENNING (Schubert) (11:58): We support this motion moved by the member for Fisher. I wonder whether it ought to be amended to include drugs. Hopefully, if the committee receives this motion it could consider drugs also, both illicit drugs and even pharmaceuticals, particularly the poisonous and potent mixture of all of them. Like the member for Giles, I also come from a strong Methodist background. How times change. I enjoy a good wine and an occasional beer and I represent the Barossa Valley and am honoured to be a Baron of the Barossa.

Responsible drinking is a most important thing and this motion is certainly worthwhile. There is nothing worse than hoon driving and irresponsible alcohol consumption. We have to be vigilant. Late nights, weekends, drugs, hoon driving, loutish behaviour and vandalism all go with this. I have had difficulty in some of my towns and it has been raised with me in Mannum and occasionally in the Barossa, although not often. Drugs can be a problem.

We also have the issue of certain drugs and we need to address that. I will wait to hear from the Hon. Ann Bressington in another place the issue of 5 nanograms as opposed to 30 nanograms of THC and take advice. We need to do more work there. The public will not tolerate bad, drunken behaviour. We must acknowledge and recognise the clubs and hotels that do the right thing: they make a good attempt and we must thank them for that. Most cases of loutish and hoon behaviour are not the fault of the hotel. I support the motion and I hope it is successful.

Mr HANNA (Mitchell) (12:00): I rise to speak in relation to the motion by the member for Fisher (Bob Such) for the Social Development Committee of the parliament to inquire into matters relating to alcohol. It is abused. The main concern I have is the patrons coming out of the premises around Westfield. It really needs to be looked at as to whether there is a better way of controlling the behaviour or, if not, then the source of those problems. There is antisocial behaviour, and the member for Fisher is quite right in wanting the committee to look at that. If we cannot at least get the parliamentary committee to look at that, then we have absolutely no hope of reform. I hope the government will not use its numbers to crush this.

Debate adjourned.

SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (12:00): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (12:01): I move:

That this bill be now read a second time.

Concern has arisen about whether the present law is adequate to deal with misconduct made possible by recent advances in technology. We now have mobile telephones that incorporate cameras. We have email, by which the resulting pictures can be circulated quickly to others, and the internet—

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: —where they can be displayed for all to see. I am sorry that the member for Mitchell again shows great discourtesy to the house. It is easy to use devices covertly to film people in private situations. Members will recall the discovery a few years ago that a micro camera had been installed in the women's shower block at Lincoln College. A more recent example was the reported use of mobile telephones at a tennis match in Melbourne to take pictures under the clothing of some women spectators attending the event. Most people agree that this sort of conduct is unacceptable and the criminal law must be able to deal with it.

This bill therefore creates new offences of indecent filming and distributing the resulting pictures. Indecent filming occurs when a person takes moving or still pictures, by any means, of a person who is undressed or engaging in a private act or takes pictures under a person's outer clothing of the person's genital region (sometimes called upskirting).

The Hon. R.B. Such interjecting:

The Hon. M.J. ATKINSON: It could be called 'upkilting', as the member for Fisher quite rightly interjects and, in that case, the resulting images would be worse.

Members interjecting:

The Hon. M.J. ATKINSON: No, it does not depend. It is well known that a Scotsman wears nothing under his, whereas most of us, under our skirts, wear underwear.

Members interjecting:

The Hon. M.J. ATKINSON: I do have full Arabic dress at home. The offence only occurs if the film is taken in circumstances where a reasonable person would expect privacy or, in the case of upskirting, would not expect such pictures to be taken.

There are many circumstances in ordinary life where people are lawfully under surveillance. There are surveillance cameras in busy streets and on public transport; in banks, shops and offices; at petrol pumps; and at automatic teller machines. The bill does not restrict filming of that sort. It is directed specifically to filming people in circumstances where they can reasonably expect privacy. The bill does not attempt to list these but leaves it to the courts to consider whether in each case a reasonable person would expect privacy in the particular circumstances.

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

Leave granted.

The making of the film or picture by itself will be illegal, whether or not anyone ever sees it. Distribution will be separately illegal. That includes, for example, exhibiting a film, sending a picture to another person's mobile phone, emailing the picture or uploading it to the internet. The distribution offence also extends to making an agreement to distribute the film or pictures, for example, a contract to supply it to someone else. The court on convicting an offender can also order forfeiture of the film or pictures or the equipment used to make them.

There is a defence to the indecent-filming offence if it is established that the subject of the film or picture consented to its being taken. Such consent is a waiver of privacy. Likewise, there is a defence to the distribution offence if the subject consented to the distribution or if the defendant could not reasonably have known that the subject did not consent.

The Bill does not intend to restrict the lawful activities of the police. It is sometimes necessary to keep people or places under surveillance to detect and prosecute crime. The Listening and Surveillance Devices Act 1972 provides for warrants to cover this activity. The Bill provides that a police officer acting lawfully in the course of law-enforcement activities does not commit an indecent-filming offence.

Likewise, the Bill does not seek to prevent the use of licensed private investigators to catch out fraudulent claimants for compensation, where that might involve filming private acts. This is judged necessary because some fraudsters are careful not to be seen in public acting inconsistently with the alleged injury. Such film would be relevant in any resulting legal proceedings.

Subject to these necessary exceptions, therefore, the Bill seeks to protect personal privacy by making illegal the sort of technologically-assisted spying that occurred in the Lincoln College case. It is important that the law keeps pace with technology in this respect.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Summary Offences Act 1953

4—Insertion of section 23AA

Proposed new section 23AA creates an offence to engage in indecent filming with a maximum penalty of \$10,000 or imprisonment for 2 years. The clause defines indecent filming to mean filming of—

- (a) another person in a state of undress in circumstances in which a reasonable person would expect to be afforded privacy; or
- (b) another person engaged in a private act in circumstances in which a reasonable person would expect to be afforded privacy; or
- (c) another person's private region in circumstances in which a reasonable person would not expect that the person's private region might be filmed.

The clause proposes a defence if the indecent filming occurred with the consent of the person filmed or if the indecent filming was undertaken by a licensed investigation agent within the meaning of the Security and Investigation Agents Act 1995 and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit.

An offence is also committed if a person distributes a moving or still picture obtained by indecent filming. This carries a maximum penalty of \$10,000 or imprisonment for 2 years. It is a defence to prove—

- (a) that the person filmed consented to the distribution of the moving or still picture; or
- (b) that the defendant did not know, and could not reasonably be expected to have known, that the indecent filming was without the person's consent; or
- (c) that the indecent filming was undertaken by a licensed investigation agent within the meaning of the Security and Investigation Agents Act 1995 and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit and the distribution of the moving or still picture was for a purpose connected with that claim.

Debate adjourned on motion of Mr Griffiths.

STAMP DUTIES (TRUSTS) AMENDMENT BILL

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (12:06): Obtained leave and introduced a bill for an act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (12:08): I move:

That this bill be now read a second time.

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

Leave granted.

The Stamp Duties (Trusts) Amendment) Bill 2007 makes amendments to the trust provisions of the Stamp Duties Act 1923 ('the Act').

The Bill makes a number of amendments required as a consequence of two High Court cases and to provide stamp duty relief for transfers resulting from certain land subdivisions and for transfers of property between responsible entities and custodians of managed investments schemes.

A number of the measures contained in this Bill are complex and technical in nature.

In the decision in the case of MSP Nominees Pty Ltd v Commissioner of Stamps ('the MSP case') handed down in September 1999, the High Court held that a redemption of units in a unit trust was not liable to duty under the Act.

The Act was subsequently amended by the Stamp Duties (Land Rich and Redemption) Amendment Act 2000 ('the Amendment Act'), to ensure that the issue and redemption of units in private unit trusts that own property in South Australia remained liable to ad valorem conveyance duty, except where a relevant exemption applied. The Amendment Act operated to validate assessments of duty made prior to the date of the decision in the MSP Case except in situations where valid objections or appeals had been lodged within the legislatively prescribed timeframes.

It has since become apparent that the structure of the Amendment Act has led to unintended consequences in relation to two exemptions available under the Act.

Firstly, the exemption contained in section 71(5)(e) is arguably not available in respect of distributions and transfers from certain trusts.

Prior to the MSP decision, the view held by RevenueSA was that a distribution from a unit trust was exempt from ad valorem duty on the basis that a unit trust was considered a fixed trust in which the unit holders had an equitable interest in the trust assets.

The operation of the Act as a result of the MSP decision and the subsequent amendments is such that the exemption contained in section 71(5)(e) will not apply where trust property is transferred to a unit holder of a unit

trust as the unit holder is not considered to have a beneficial interest in the property transferred. Transfers of property from superannuation funds to fund members are similarly not exempt from duty.

Given that this result was not intended, RevenueSA has continued to administer the exemption in a manner consistent with the practice of the Office prior to the decision in the MSP case, so as not to remove benefits to taxpayers.

In order to give legislative effect to this practice, the Bill amends section 71(5)(e) to exempt, from ad valorem duty, distributions from unit trusts, or transfers of property from superannuation trusts to the extent of the value of the unit holder's or fund member's interest in the trust.

The second unintended consequence relates to General Exemption 26 of Schedule 2 of the Act.

Exemption 26 was inserted following submissions from the funds management industry, who were concerned that the broad definitions of interest introduced by the Amendment Act would result in every day transactions where members are added and removed from superannuation funds being subject to ad valorem conveyance duty.

Prior to the Amendment Act ad valorem duty was payable on the conveyance of property from an existing member of a superannuation fund to the trustee of the superannuation fund to be held subject to that superannuation trust. Exemption 26 was not intended to have any affect on such transfers and they should have remained liable to duty.

As a result of objections lodged against assessments of stamp duty made on the above basis, the Solicitor General and Crown Solicitor provided RevenueSA with advice that Exemption 26 operates more broadly than was intended and recommended that consideration should be given to amending the exemption to more clearly provide for the limited exemption that was intended.

This Bill puts beyond doubt that the current stamp duty exemption that allows for new members to join superannuation funds or for existing members to retire from superannuation funds does not extend to circumstances where property is transferred to the trustee of a superannuation fund on behalf of fund members without the payment of ad valorem duty.

On 28 September 2005, the High Court handed down its decision in the Victorian case of CPT Custodian Pty Ltd vs Commissioner of State Revenue ('the CPT Case'). The decision in this case cast doubt on the effectiveness of the changes made by the Amendment Act to the charging provisions of the Act in response to the original MSP decision.

The Crown Solicitor has advised that the decision in the CPT Case essentially means that the transfer of a unit in a unit trust will not constitute a transfer of property that is subject to that trust and, therefore, is not liable to ad valorem conveyance duty in South Australia. Consequently, further amendments are now required.

Private unit trusts are a commonly employed means to hold high value property, such as city office buildings, shopping centres and large development stock. As such, duty on private unit trust transfers is a significant component of the conveyance base.

The Bill therefore amends the private unit trust provisions of the Act as advised by the Crown Solicitor to clarify the operation of the provisions, to ensure they continue to apply in the same way that they did prior to the High Court decision in the CPT Case.

In order to protect the integrity of the revenue base the amendments operate both retrospectively and prospectively.

The proposed amendments ensure that the trust provisions of the Act will operate in the same manner as they did prior to the two High Court decisions, thereby protecting the revenue base whilst at the same time providing a fair and consistent outcome for taxpayers.

The Bill also provides two additional stamp duty exemptions.

The first additional measure relates to cases where ad valorem stamp duty is paid on the transfer of land which has been purchased subject to a written trust arrangement and is then subdivided into multiple lots and transferred to identified beneficiaries.

Currently the Act only provides an exemption from duty where the original purchased land is Torrens Title land and the land is subdivided into multiple Torrens Title lots, and then transferred to the beneficiaries as contemplated under the trust.

The existing exemption does not apply in circumstances where the relevant land is subdivided into community titles or community strata titles rather than Torrens Titles.

The Government is of the view that to restrict the exemption in this way is inequitable and the Bill operates to provide an exemption from ad valorem duty in situations where trust property is sub divided into community or community strata titles and transferred to previously identified beneficiaries as required under the trust.

The Bill also provides a new exemption in relation to transfers between the responsible entity and the custodian of a managed investment scheme.

On 1 July 1998, the Commonwealth of Australia enacted the Managed Investments Act 1998, which created Chapter 5C of the Corporations Law (Cth), the predecessor to the Corporations Act 2001 ('the Corporations Act'), and introduced the concept of a managed investment scheme into the property investment market in Australia.

A managed investment scheme is similar in form and in operation to a unit trust. It is an avenue through which an investor contributes money to acquire an interest in any benefits produced by the scheme. The scheme pools the money from the investors and produces benefits by investing in such things as real property, shares, units and mortgages. The pool of money from multiple investors enables the scheme to take advantage of larger investment opportunities.

A managed investment scheme, though regulated under the Corporations Act, is not a legal entity. Hence, the Corporations Act mandates the appointment of a responsible entity both to hold property and to undertake the business of the scheme.

The Corporations Act also allows for the appointment of a custodian to hold the assets of the scheme and Australian Securities and Investment Commission ('ASIC') has stipulated that a custodian must be utilised when the responsible entity has less than \$5 million in net assets.

Where a managed investment scheme has a responsible entity and custodian in place, it is sometimes necessary for assets to be transferred between the responsible entity and the custodian.

On a technical reading of the Act, transfers between the responsible entity and the custodian of a managed investment scheme are currently subject to ad valorem conveyance duty as a voluntary conveyance.

All other jurisdictions provide an exemption or concession from duty in relation to such transfers and following representations from industry, the Government is of the view that an exemption is warranted.

A number of the measures contained in this Bill have been the subject of lengthy and detailed consultation with industry representatives, and I take this opportunity to thank the members of RevenueSA's consulting groups who have taken the time to provide valuable assistance in the formulation of the Bill.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of Stamp Duties Act 1923

3—Amendment of section 71—Instruments chargeable as conveyances

This clause amends section 71 of the Stamp Duties Act 1923.

Section 71(3) deems certain instruments to be conveyances operating as voluntary dispositions inter vivos (that is, among or between living persons).

This clause inserts a new subsection into section 71. Proposed subsection (4b) provides that, for the purposes of the Act, property held by the trustees of a unit trust scheme in trust for the unitholders is taken to be held beneficially by the scheme. Further, the holder of a unit in a unit trust scheme that is taken to hold property beneficially is taken to have a beneficial interest in that property. The new subsection also provides that the transfer, creation, surrender, renunciation, redemption, cancellation or extinguishment of a unit in a unit trust scheme that is taken to hold property beneficially is taken to be a transfer, creation, surrender, renunciation, redemption, cancellation or extinguishment (as appropriate) of a beneficial interest in that property.

Under section 71(5), certain instruments are deemed not to be conveyances operating as voluntary dispositions inter vivos. This clause makes a number of amendments to subsection (5).

A number of new definitions are inserted into subsection (15). Three of the new definitions are relevant to proposed new paragraph (da) of subsection (5), which relates to managed investment schemes. A registered managed investment scheme is a managed investment scheme registered under the Corporations Act 2001 of the Commonwealth. The responsible entity for a registered managed investment scheme is the responsible entity for the scheme under that Act. The primary custodian for the responsible entity is the person that has been appointed under section 601FB(2) of the Corporations Act 2001 to hold property for the scheme as agent for the responsible entity.

Under proposed new paragraph (da), a transfer of property subject to a registered managed investment scheme from the responsible entity of the scheme to a person as primary custodian for the responsible entity (or vice versa) will be deemed not to be a conveyance operating as a voluntary disposition inter vivos.

The provision includes an exception to this general rule. Paragraph (da) does not apply to a transfer of property that is part of an arrangement under which either the property ceases to be subject to the scheme or the persons who are members of the scheme do not have the same interest in the property after the transfer as they had immediately before the arrangement was entered into.

Under proposed paragraph (e) of section 71(5), which replaces an existing paragraph, a transfer of property by a trustee to a person who has a beneficial interest in the property will be deemed not to be a conveyance operating as a voluntary disposition inter vivos if—

- the person has a beneficial interest in the property (other than a potential beneficial interest) by virtue of an instrument that has been stamped; and

- the property was acquired for the trust, or became subject to the trust—
- by virtue of an instrument duly stamped with ad valorem duty; or
- as a result of a transaction to which section 71E applies (see below) in relation to which a statement under that section has been lodged and ad valorem duty paid; or
- under one of the other paragraphs of section 71(5) (other than paragraph (d)); and
- in the case of a discretionary trust (other than a superannuation fund (as defined) or a unit trust)—the person acquired the beneficial interest by virtue of a duly stamped instrument that is separate from the instrument under which he or she became an object of the trust.

Section 71E applies to a transaction resulting in a change of ownership of certain interests if—

- the transaction was not effected by an instrument on which ad valorem duty is chargeable; but
- if the transaction had been effected by an instrument, the instrument would be chargeable with duty as a conveyance or as if it were a conveyance.

Under new definitions inserted into section 71(15), a superannuation fund is a fund that is, under the Commonwealth Superannuation (Supervision) Act 1993, a complying superannuation fund for the purposes of the Income Tax Assessment Act, while a unit trust is a trust giving effect to a unit trust scheme.

The proposed paragraph also includes an exception.

The Bill also inserts a new subsection. Proposed subsection (7) replaces an existing subsection and includes provisions that apply for the purposes of subsection (5)(e). The first of these provisions says that, for the purposes of subsection (5)(e), the net value of property is to be calculated by subtracting from its unencumbered value the amount of any liability subject to which the property is transferred. This does not include a liability that is to be discharged after the transfer takes effect by the trustee or for some other reason is not finally assumed by the transferee.

The second provision provides that, in calculating the value of a beneficiary's interest in a trust, all assets and liabilities of the trust are to be taken into account. Under the third provision, a member of a superannuation fund is to be taken to have a beneficial interest in the property of the fund equivalent to the amount to which the member would be entitled on transfer of membership to another fund.

Finally, the proposed subsection provides that if property of a trust consisting of land is divided by community plan under the Community Titles Act 1996 and land subject to the division is then transferred to a beneficiary of the trust, the transfer will be taken to have been a transfer to the beneficiary of property in which the beneficiary had a beneficial interest. The Commissioner must be satisfied that the land the subject of the transfer—

- was transferred to the beneficiary pursuant to the trust; and
- is identifiable as property in which the beneficiary had a fixed beneficial interest contingent on, and arising from, the division.

4—Amendment of Schedule 2—Stamp duties and exemptions

This clause recasts exemption 26, which appears in the list of general exemptions from all stamp duties in clause 16 of Schedule 2 of the Stamp Duties Act 1923. The exemption as recast makes it clear that the exemption applicable to instruments relating to the creation and redemption of certain interests in the property of a superannuation fund does not operate so as to exempt a conveyance or transfer of property into or out of the fund.

Schedule 1—Transitional provision

1—Transitional provision

This clause provides that the insertion of section 71(4b) operates both prospectively and retrospectively.

Debate adjourned on motion of Mr Griffiths.

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 24 October 2007. Page 1292.)

Mr GRIFFITHS (Goyder) (12:09): It is my pleasure to indicate that I am the lead speaker on this bill. We note that it was introduced by the Treasurer on 24 October, and I thank Mr Deane Prior, who provided me with briefings on this matter on 5 November and 20 February, when additional amendments were also flagged. Mr Prior was very willing to talk in detail about the bill and the subsequent amendments, and I found his conversation with me interesting and very informative, as it always is.

Based on the detail provided in the briefing, I have concluded that it is not necessary to go into committee to discuss the intent of the individual clauses. The Liberal opposition recognises very strongly the dedicated and often dangerous work done by generations of police in South Australia, and we congratulate them on that. In my life I have had the pleasure of knowing many

officers who have worked in the communities in which I have lived, and they have all been outstanding people who deserve every level of support they can possibly receive from government and the community at large.

We support this bill, which is designed to improve the superannuation benefits available to not only the 380 remaining members of the police lump sum superannuation scheme but also all police, whom we are offering options such as investment choice and spouse accounts. While the opposition has had some time to consider the bill, I think there were some 23 amendments flagged as recently as three weeks ago. I have considered and discussed them again, and we support those.

This bill is clearly a step forward. While the usual thought might be that a reduction in the number of superannuation schemes servicing the needs of police could be negative, in this case it is clearly a positive move. The bill reduces the number of police-dedicated superannuation schemes from three to two but, importantly, for those 380 members of the lump sum super scheme (a defined benefit scheme that was closed to additional membership in 1994), it transfers them to the Triple S scheme, an accumulation scheme, and the opportunity of retiring with a far greater sum does exist.

The accumulation superannuation schemes come with no guarantee, and the recent sharemarket tumble—which resulted, as of yesterday, in a 21 per cent drop in the Australian stock market since Christmas—emphasises this more than anything. Accumulation schemes rely upon returns on investments, but history has shown over the past 10 years that significant gains—certainly far more than CPI or wage increases—can be achieved. Indeed, the Treasurer, in the answers he provided yesterday during question time, referred to Funds SA returns over the previous five years as being 12.9 per cent for the balanced product and 13.8 per cent for the growth fund. These are good results which are, I believe, above industry averages.

While I said that accumulation schemes normally come with no guarantee, in this case a guarantee is actually provided to the 380 members of the lump sum scheme, in that they will be assured of having a superannuation entitlement upon retirement of at least the minimum of the lump sum benefit—and, hopefully, with periods of renewed vigour in the stock market and greater returns to superannuation investments, a far greater return.

This is a good deal and one that would not normally be offered; however, it is a decision which reflects the level of respect this parliament, and I would hope the South Australian community, holds for the South Australian police force. I recognise that the decision may come at a financial cost to the taxpayer in providing the guarantee if a period of negative returns continues, and we have people who are retiring within the near future but, again, it is a positive step forward.

Briefly, the additional amendments flagged to me several weeks ago were designed to pick up the following points:

- there are actually seven children out there who are receiving a pension as a result of their parent, who was a police person, dying on the job;
- to incorporate the opportunity for other emergency services groups to become part of the Triple S scheme at a later date;
- the need to ensure that the previous levels of personal contribution are maintained at the level they were within the lump sum scheme, so as to ensure that the guarantee of the minimum payment for lump sum scheme is provided; and
- the default investment option. I was advised by Mr Prior, in that case, that the Police Superannuation Board, which controlled the investment strategy of the lump sum scheme, used a default option that actually had a high degree of risk attached to it. The default option for the Triple S Scheme is more balanced, with the chance of a negative return far reduced. Again, I am advised by Mr Prior that some 90 per cent of Triple S scheme members choose to keep their investment entirely within the default option, so this is an important option.

I wish to confirm again that there is no need to go into committee to consider the bill. The timing of the bill did leave me with some initial thoughts that it may be part of the wage negotiations between the government and the Police Association, and the Treasurer may choose to comment on that. In the two conversations I had with Mr Andy Dunn, secretary of the Police Association of South Australia, he was very insistent to me that there was no need for amendment. That position was put to the Liberal opposition and supported.

It was interesting to note, in the December version of *The Police Journal*, that the second reading speech of the Treasurer was included in full. I think that indicates that an extensive level of consultation has been undertaken with the police and those who are affected by it. With those brief words, I indicate the support of the Liberal opposition. I think a few others will choose to support this bill.

Mr VENNING (Schubert) (12:15): We are very keen on this side of the house to partake in the debate. I always rise to speak to matters involving the police because I have a lot of respect for them, as I think most MPs do. Speaking as a country MP, we work very closely with the police and, in the Barossa Valley, I have—

The Hon. M.J. Atkinson: I hope you are not implying that they are corrupt, as you did in question time recently.

Mr VENNING: Incredible. This is the Attorney-General recalling a comment.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr VENNING: I did cover the remark straightaway by public explanation after what I said. I can't remember—it was that long ago. Anyway—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: What an inane interjection! In Nuriootpa, I have the Barossa Yorke local service area police—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr VENNING: This is the Attorney-General. He is supposed to be an example to others and to new members of the house.

The Hon. M.J. Atkinson: I've got your correspondence.

The DEPUTY SPEAKER: Order! Attorney, please cease interjections.

Mr VENNING: Can you say it first so that I can get on with my job? Have you finished?

The DEPUTY SPEAKER: The member for Schubert, please resume.

Mr VENNING: I will start again. The Barossa Yorke local service area police station is in Nuriootpa in my electorate. I have a very good liaison with those police officers, who do a fantastic job, and I pay them the utmost respect, despite what the Attorney just said, and history will show what I actually did say.

This amendment bill will deliver to police officers a real possibility of having a larger superannuation benefit upon retirement and a super fund with more options. Police deserve a healthy super fund; they make our communities safer and they often work in dangerous conditions. I do not think anybody in this house would decry police officers receiving a very good return because a lot of us would not want their jobs. They are out there in the middle of the night working shifts. They go to accidents and other unpleasant situations. They come to our homes to deliver bad news. So, I do not decry it at all. Anything at all that we can do to help the police with their remuneration I think we should support. This will also streamline the super schemes that police officers are served by. Instead of having three schemes, they will have two. The Police Association is very pleased with this outcome. I pay tribute to the Police Association. We have had a long association with that organisation. It goes back a long way, right back to the time of Sam Bass when, as a member of this house, he had a very close liaison with the Police Association.

In 2004 I moved a motion in this house to allow for the expansion of the criteria for awarding the South Australian Police Medal. That motion was testament to the admiration and praise I have for the South Australian police force and it was carried. I moved that motion mainly because a new medal had been struck for our police. We have some of them here today serving us well as they always do, and I feel very safe when they are here. When this medal was struck, it was started on a certain date, and all those police officers who served before that date missed out. So, I took this on for all officers who served prior to that date, and I believe it was fixed so that all those who were eligible and who fitted the criteria got the medal. I was very pleased about that.

This legislation ensures that no matter what the returns of the Triple S scheme, police who transfer will receive a benefit at least equal to that which they held in the now closed lump sum scheme. This is a good deal. Police officers play a pivotal role in our community. They do a great service usually way outside the bounds that they are paid for and they deserve a superannuation scheme that reflects this.

As I said, I have a lot of time for the police; a lot of work that they do goes totally unrecognised and unrewarded. This is an opportunity to recognise their importance and to give them a more rewarding superannuation scheme. I fully support the amendments to the Police Superannuation Scheme. I also pay tribute to the police in my area who work within the community, some at the old Blue Light Disco. I belong to a Lions Club, five members of which are from the police force, and it is great to fraternise with them socially. You can get an understanding of the hassles they have with housing. They put up with the housing that we give them all over the state.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Here we go again—the Attorney has done a full circle. I am fully supporting them, because the police officers are my friends and they give me very good advice. I do support the legislation and, again, pay the highest tribute to our men in blue.

An honourable member: And women!

Mr VENNING: And women.

Mr PISONI (Unley) (12:21): I rise to support this legislation. It is a pity that the Attorney-General does not support the police as he claims to support them. He is sitting in the chamber with the sole purpose of interjecting. His pastime is to interject when members are speaking, rather than taking this legislation seriously. He sits there interjecting and handwriting envelopes. Is that excessive compulsive or what? Doesn't he have work to do catching criminals? For heaven's sake, go and do it.

The Hon. K.O. FOLEY: On a point of order, the member is so far off the content of the bill it is not funny. I ask that he come back to the substance of the legislation before us.

The DEPUTY SPEAKER: Yes, I uphold the point of order. The member will address the content of the bill.

Mr PISONI: The important thing here, of course, is to ensure that police officers are looked after in their retirement. We hope that this ensures that police officers do see the police force as a lifelong career. It is also important that members of the police force are part of their local community. Policing is a profession that is very highly regarded. It can become a generational career that is handed from father to son and/or daughter. It is not unusual to see a third or fourth generation police officer in the force.

It is important to have a superannuation scheme that attracts members and makes them want to stay in the force. Officers learn some extraordinary skills in the police force and, of course, those skills are very sought after by the private sector. There will always be those who, having entered the police force, learn skills and develop an entrepreneurial flair. I do not think there is anything we can do to stop losing that type of police officer from the force. However, certainly we want to ensure that the police officers who are there for the long haul, learning these skills and teaching them to our new officers, have something to look forward to in retirement. I support this bill for that reason.

An earlier point I made was that community policing really is an effective way of policing in South Australia, particularly in my community. I would like to relay an experience I had last year. There was a situation where, every Wednesday night at 9 o'clock, eggs were thrown at the house of a couple who lived in Unley Park: their house was egged. Of course, that was very frustrating for them. They reported it to the police but, unfortunately, there was not enough information provided, and no registration number or description of the car used. However, this very diligent victim managed to photograph the car and numberplate.

The bottom line was that they came to see me and we made an appointment to see a very experienced officer at our local police shop, if you like. It is a very under-resourced police shop in Unley, I must say, but the police officers there do a very good job. However, they could certainly do with some additional resources. We found out who the owner of the car was, who happened to be a distinguished businessman in the area. He had no idea that his son was using his car at 9 o'clock on Wednesdays to pick up his mates to go bowling or to volleyball, or something like that.

One of the mates lived behind this particular house and the people were in the middle of a back fence dispute. So the lad, who was related to the couple living behind the victims who were having their house egged, took it upon himself to try to resolve the fencing situation with a slight form of intimidation, I suppose you could say, that is, by egging the house.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: It was shocking, Attorney-General. Obviously these kids were making a mistake, an error of judgment. If the Attorney-General had his way we would send them off to the gallows. That is the way he likes to deal with confused young kids. Bang them up. Be tough on crime. It does not matter what their situation is. For their first mistake throw them in with the rest of the crims so they can do their apprenticeship in gaol. That is the way the Attorney-General likes to deal with it.

The impressive thing about the way this was dealt with was that a very experienced senior policeman in my electorate said, 'I will deal with this in the old police style.' Basically, he contacted the kid involved and contacted the parents—who, of course, were extremely embarrassed—and the egging stopped and a cheque was handed over to the victims for the cleaning up of the egging. It was a very good result, and only achieved, of course, because of community policing and an experienced police officer who knew he could deal with the situation. Of course, the kids did not get off scot-free. They had to face their victims and see the distress being caused by their actions. After that, I believe they understood that they had made a mistake and caused enormous distress to this couple. Their parents were made aware of the situation and could deal with it, and these kids learnt from that and, of course, will now be better members of the community and contribute to the community in the longer term.

This is just an example I want to bring to parliament's attention to illustrate the importance of having long-serving and experienced police officers in our police force. I commend the bill.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (12:28): I thank members for their contributions. I appreciate the support of the opposition for this reform of the police superannuation bill. Again, I acknowledge the work of Deane Prior and his staff, and support within government. As always, the government has a very good working relationship with the police, and the police union in particular, in South Australia, and as a former police minister I enjoyed very much the robust nature of dealing with the people who run the police union in South Australia.

I think it should be acknowledged that we have Peter Alexander with us today. Peter is soon to retire as President of the Police Association, and I put on the public record on behalf of the government (I am sure I speak for all members) our appreciation for Peter's work in steering a very difficult union in terms of its responsibilities in the community. I am not sure I can speak for all police ministers in saying this, but I have enjoyed working with Peter. We have not always agreed but, eventually, we have found a common point. I wish Peter all the best in his retirement. Andy Dunn, of course, a very experienced secretary of the union, will continue in that role, I understand, and we look forward to working with the new president of the union.

The important point to be made, and echoing the comments made opposite, is that clearly the police play a very important role in South Australia, and it is the responsibility of governments to ensure they are properly resourced. Whilst it is always easy for oppositions (and perhaps we were guilty of the same, at times) to criticise governments for not having sufficient resources, can I restate on the public record that we have the largest police force ever in this state's history as a result of this government's policies, and we are in the process of recruiting a further 400 officers during the term of this government. We continue to ensure that our police are as resourced and remunerated as well as we can possibly afford. The recent resolution of the police enterprise bargaining agreement again attests to the fact that the government is prepared to work diligently with the police union to ensure that we properly remunerate our men and women in uniform. I thank the opposition for its support.

Bill read a second time.

In committee.

Clauses 1 to 8 passed.

Clause 9.

The Hon. K.O. FOLEY: I move:

Page 5, line 29 to page 6, line 38—

Clause 9, inserted clause 13A—Delete the clause and substitute:

13A—Investment option

- (1) The Treasurer may, in accordance with this section, accept monetary payments from a contributor whose employment as a police officer has not terminated.
- (2) A monetary payment under subsection (1) must consist of an amount sacrificed by the contributor from his or her salary in accordance with a contract, an award or an enterprise agreement that entitles the person to sacrifice part of his or her salary.
- (3) The following provisions apply in relation to a payment made to the Treasurer under this section:
 - (a) the Treasurer must pay into the Southern State Superannuation (Employers) Fund from the Consolidated Account (which is appropriated to the necessary extent), or from a special deposit account established for the purpose, an amount equivalent to the payment;
 - (b) if the contributor is not already a member of the Triple S scheme—the contributor will be taken to have elected to become a member of that scheme under section 15C of the Southern State Superannuation Act 1994.

Note—

Under section 27 of the Southern State Superannuation Act 1994, an employer contribution account maintained by the South Australian Superannuation Board in the name of a contributor who is taken under this subsection to have elected to become a member of the Triple S scheme will be credited with any amount sacrificed by the contributor from his or her salary.

Mr GRIFFITHS: I have received a detailed briefing on all these 23 amendments, I believe, 12 of which are consequential upon four key points that were identified. The opposition has no objection to any of the amendments, and supports them.

Amendment carried; clause as amended passed.

Clauses 10 to 31 passed.

Clause 32.

The Hon. K.O. FOLEY: I move:

Page 12—

Lines 5 to 12—

Clause 32(1), inserted section 7(1)(a)—Delete paragraph (a) and substitute:

- (a) maintain a contribution account in the name of a member of the Triple S scheme who is making or has made contributions to the scheme; and

Lines 13 and 14—

Clause 32(1), inserted section 7(1)(b)—Delete 'or payments made by or for the person' and substitute:

made by the member

Amendments carried; clause as amended passed.

Clauses 33 and 34 passed.

Clause 35.

The Hon. K.O. FOLEY: I move:

Page 13, lines 25 to 35—

Clause 35, inserted section 15C(1)—Delete subsection (1) and substitute:

- (1) A police officer who is a contributor to the Police Superannuation Scheme may elect, by notice in writing to the Board, to become a member of the Triple S scheme in order to establish an entitlement to the employer component of benefits under Part 5 by sacrificing part of his or her salary in accordance with a contract, an award or an enterprise agreement that entitles the person to sacrifice all or part of his or her salary.

Page 14—

Line 2—

Clause 35, inserted section 15C(2)—Delete 'subsection (1)(a)' and substitute 'this section'

Lines 9 to 14—

Clause 35, inserted section 15C(3)—Delete subsection (3)

Lines 23 and 24—

Clause 35, inserted section 15C(5)(b)—Delete 'in the case of a person who has elected, or is taken to have elected, to become a member under subsection (1)(a)—'

Amendments carried; clause as amended passed.

Clauses 36 to 41 passed.

Clause 42.

The Hon. K.O. FOLEY: I move:

Page 17, after line 2—

Clause 42—after subclause (2) insert:

(3) Section 25—After subsection (4) insert:

(4a) The regulations may require that specified members, or members of a specified class, contribute at a prescribed rate (and the regulations may prescribe different rates in respect of different members or different classes of member).

(4) Section 25(5)—Delete 'A member' and substitute:

Subject to this section, a member

Amendment carried; clause as amended passed.

Clauses 43 and 44 passed.

Clause 45.

The Hon. K.O. FOLEY: I move:

Page 17—

Lines 11 and 12—

Clause 45(1), inserted text—Delete '15C(1)(a)' wherever occurring and substitute in each case:

15C

Lines 16 and 17—

Clause 45(3), inserted text—Delete '15C(1)(a)' wherever occurring and substitute in each case:

15C

Lines 19 and 20—

Clause 45(4), inserted text—Delete 'or section 15C(1)(b) (or any combination of these provisions)' and substitute:

(or both)

Amendments carried; clause as amended passed.

Clauses 46 to 51 passed.

Clause 52.

The Hon. K.O. FOLEY: I move:

Page 19—

Line 12—

Clause 52(2), inserted clause 15(4)—Delete 'The balance' and substitute:

Subject to subclause (6a), the balance

Lines 28 and 29—

Clause 52(2), inserted clause 15(4)(a)(ii)—Delete 'equivalent to the actuarial earnings assumption' and substitute:

based on the actuarial assumptions

Page 20—

After line 4—

Clause 52(2), inserted clause 15—After subclause (4) insert:

- (4a) In calculating a member's entitlement under section 21 of the Police Superannuation Act 1990 for the purposes of subclause (4)(a) or (b) of this clause, any salary increase applicable to police officers generally, or to a class of police officers to which the member belongs, that is to commence within 1 month of the prescribed date, is to be taken into account when determining the member's actual or attributed salary.

After line 15—

Clause 52(2), inserted clause 15(5)—After paragraph (b) insert:

- (c) however—
- (i) if the balance of an investment account maintained by the Police Superannuation Board in the name of the member immediately before the prescribed date includes an amount attributable to salary sacrificed contributions and investment earnings on those contributions (a salary sacrifice amount), the salary sacrifice amount will be credited to the employer contribution account established by the Board in the name of the member pursuant to subclause (2) (and will not be included in any aggregation for the purpose of determining a balance under paragraph (b)); and
- (ii) if the Police Superannuation Board is not maintaining a rollover account or a co contribution account in the name of the member, and the balance of the member's investment account consists only of a salary sacrifice amount, paragraphs (a) and (b) do not apply.

Lines 22 to 29—

Clause 52(2), inserted clause 15(6)(b)—Delete paragraph (b) and substitute:

- (b) subject to subclause (6a), the balance of the rollover account, on the establishment of the account under this clause, will be an amount determined by—
- (i) calculating the total benefit (having regard to both preserved superannuation benefits and any preserved superannuation payment) to which the member would be entitled, in accordance with the provision of the Police Superannuation Act 1990 pursuant to which the benefits or payment were preserved, if payment of the benefit were to be made to the member immediately before the prescribed date; and
- (ii) determining the present value of the benefit calculated under subparagraph (i) by applying to the period falling between the prescribed date and the date on which the member is to reach the age of 55 years a discount rate based on the actuarial assumptions underlying the most recent report prepared by an actuary under section 15(4) of the Police Superannuation Act 1990;

After line 32—

Clause 52, inserted clause 15—After subclause (6) insert:

- (6a) If the balance of an account established for the member under this clause is to be determined under subclause (4) or (6)(b), and the balance of the account on its establishment, as determined in accordance with the relevant provision, would, but for this subclause, have the effect of creating a liability for the Treasurer under the Commonwealth Act, that balance is to be increased by the minimum amount necessary to avoid creating the liability.

After line 37—

Clause 52(2), inserted clause 15—After subclause (7) insert:

- (7a) The member will be taken for the purposes of section 25 to have made an election under subsection (1) of that section to make contributions to the Treasurer as a deduction from salary at the prescribed percentage (but he or she may subsequently elect under section 25(5), subject to that section, to contribute at a different rate).

Line 38—

Clause 52(2), inserted clause 15(8)—Delete 'The member is entitled, on his or her retirement from employment (within the meaning of section 31),' and substitute:

If the member makes contributions to the Treasurer as a deduction from salary under section 25 at the prescribed percentage until his or her retirement from employment (within the meaning of section 31), he or she is entitled, on that retirement,

After line 44—

Clause 52(2), inserted clause 15—After subclause (8) insert:

- (8a) For the purposes of subclauses (7a) and (8), the prescribed percentage is a percentage equal to the rate at which the member was required to contribute under the Police Superannuation Act 1990 immediately before the prescribed date.

Page 21, after line 42—

Clause 52(2)—After inserted clause 16 insert:

16A—Children in receipt of pension

- (1) If a person is, immediately before the prescribed date, an eligible child in receipt of a pension payable under section 26 of the Police Superannuation Act 1990 (the repealed section), the pension will continue to be paid to the child throughout any period of dependency as if that Act had not been amended by the amending Act.
- (2) Despite section 14 of the Police Superannuation Act 1990, a pension to be paid under the repealed section pursuant to this clause is not to be charged against the Police Superannuation Fund.

Page 22, after line 15—

Clause 52(2), inserted clause 17(1)—After paragraph (b) insert:

(ba) however—

- (i) if the balance of an investment account maintained by the Police Superannuation Board in the name of the person immediately before the prescribed date includes an amount attributable to salary sacrificed contributions and investment earnings on those contributions (a salary sacrifice amount), the salary sacrifice amount will be credited to an employer contribution account established by the Board in the name of the person (and will not be included in any aggregation for the purpose of determining a balance under paragraph (b)); and
- (ii) if the Police Superannuation Board is not maintaining a rollover account or a co contribution account in the name of the person, and the balance of the person's investment account consists only of a salary sacrifice amount, paragraphs (a) and (b) do not apply;

Page 24, after line 44—

Clause 52(2)—After inserted clause 19 insert:

19A—Investment of transferred money

For the purposes of determining a rate of return under section 7A or 27 in respect of an account established by the Board as required under this Part, the Board and the Corporation must, on the establishment of the account, determine the relevant class of investments, or combination of classes of investments, on the basis that the member for whom the account has been established has not made a nomination under the relevant section (although the member may, subject to the Act, subsequently nominate a different class of investments, or combination of classes of investments, for the purpose of determining a rate of return).

19B—Administration costs associated with transition

The costs associated with—

- (a) determining the balances of accounts under the Police Superannuation Act 1990; and
- (b) establishing, and determining the balances of, new accounts under this Act; and
- (c) transferring Police Superannuation Scheme contributors to the Triple S scheme; and
- (d) any other administrative act required under, or necessary or expedient for the purposes of, this Part,

will be recoverable from the Police Superannuation Fund.

Amendments carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

Bill read a third time and passed.

**STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION)
BILL**

Consideration in committee of the Legislative Council's amendments.

Amendment No. 1:

The Hon. K.O. FOLEY: I move:

That the Legislative Council's amendment No. 1 be agreed to.

While initially we did not support the amendments that were received by the Legislative Council, we now accept them to progress the bill. We will agree to these amendments.

Motion carried.

Amendment No. 2:

The Hon. K.O. FOLEY: I move:

That the Legislative Council's amendment No. 2 be agreed to.

We were not in agreement with the view that there should be early access to superannuation benefits, but we now accept the argument that it is consistent with commonwealth superannuation benefit schemes. The opposition is insisting on the amendment, so for passage of the bill we are prepared to accept the amendment.

Motion carried.

Amendment No. 3:

The Hon. K.O. FOLEY: I move:

That the Legislative Council's amendment No. 3 be agreed to.

Motion carried.

SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February 2008. Page 2132.)

Mrs REDMOND (Heysen) (12:39): I indicate that I am the lead speaker on this bill. We will be supporting the bill, as we did the previous bills of the Hon. Ann Bressington in relation to this matter. The bill that comes to us now as a government bill was moved by the Hon. Ann Bressington in the other place and, indeed, replaces an earlier bill of the Hon. Ann Bressington. I understand that the difference is that the earlier bill included hydroponic equipment but, by an agreement that the Hon. Ann Bressington reached with the Attorney-General, it was decided to remove hydroponic equipment from her bill and to put it instead into the Controlled Substances (Possession of Prescribed Equipment) Amendment Bill 2007.

Our position was that we went to the election in 2006 with a drugs policy wherein we sought to regulate both purchasers and vendors of equipment relating to illicit drugs, and this bill, at least, substantially addresses that issue. What the bill does in fundamental terms is to make the sale of pipes, bongs and cocaine kits illegal, and bans the sale of that paraphernalia. The mechanism by which that is achieved is that certain specific utensils are defined under the bill, and they are deemed to be assumed to be used for the purpose of consumption of illicit drugs.

The difficulty which was being overcome was effectively that, if we had shops which were routinely selling these items, the problem faced by the police was generally that, in order to sustain a breach of the existing legislation, they would have to establish that the purpose for which the items were being sold was for the consumption of illicit drugs. Now, of course, that was an almost impossible threshold for the police to meet because the vendor could not be deemed to be selling things for any particular purpose. This bill basically overcomes that impediment by simply saying, 'Well, if you are selling these things, we will assume they are being sold for the purpose of the sale of illicit equipment for the consumption of illicit drugs.' So, the police will no longer have that difficulty to overcome.

I do want to explore one issue. I do not know whether I will be able to explore it sufficiently in the second reading. I do not intend to make a very long second reading contribution because it is a relatively straightforward bill about which we are all agreed. However, the difficulty with which I do want to deal is that of the Egyptian Cafe and Shisha House in Hindley Street and a number of other

places where the use of shishas to smoke, effectively, fruit pulp type substances is part of the cultural attraction of people running those places. A quick look at the legislation tempts me to the view that in fact that will not be a problem under this bill because the person running a cafe such as that will not be selling the equipment.

My view would be that, probably, such a proprietor of a cafe would bring such equipment into the country legally, because we are not in a position to prohibit its importation. That would be a federal issue; and there is nothing to stop such equipment being imported and nor is there anything stopping such equipment being used. What is prohibited by this bill is its sale. If the Attorney can clarify that issue in his second reading response, maybe we can overcome that problem and be aware of just where people like that will stand, because I know the Attorney has a great connection with various members of the multicultural community. I want to quote from a letter which a number of members, I am sure, have received from the proprietor—and I will not attempt to pronounce his name—of the Egyptian Cafe and Shisha House in Hindley Street, in which he states:

While I can see the motive for the banning of implements that can be used to smoke marijuana, I feel indignant that shisha will be included in the ban. From a cultural perspective, in my native Egypt smoking shisha is a common practice and a daily ritual for many men and women as it is throughout the Middle East. It is the equivalent of an Australian enjoying a beer. My Egyptian Cafe offers traditional halal, Egyptian food, music, dancing and shisha. These combined offer an authentic Egyptian experience for the Adelaide public.

He goes on to point out that the shisha is smoked there in an unenclosed area, that there is no problem with health departments and tobacco regulation, and that it is basically a very public area and it would be impossible to suggest that it would be used for any illicit drug purposes. He also goes on to point out that the ingredient used to smoke in the shisha is macerated fruit pulp, and that the product contains 0.5 per cent nicotine and zero per cent tar; so, it offers no high, unlike tobacco products. The shisha was not designed to smoke drugs.

Indeed, I am aware of at least two people to whom I have spoken—coincidentally in the last couple of months—but not with this legislation in mind at all. One was a male friend who gave up smoking many years ago. While he was on a tour through the Middle East his wife encouraged him to smoke the shisha as part of the cultural experience. He indicated to me that it had a very fruity flavour and was nothing like smoking tobacco. Another was a girlfriend who has recently been to Egypt and, again, enjoyed the cultural experience of smoking the shisha as a fruity type of inhalant, but not in any way connected with either illicit drugs or tobacco smoking.

The gentleman who wrote to me and others in relation to this expresses the view that his cafe will be extremely adversely affected if he is denied the right to continue this current practice. He thinks that four or five cafes around Adelaide engage in the process. The issues that I would like the Attorney to address are: first, in his view, does my interpretation stand, or is the effect of this legislation that the use of a shisha in such a cafe setting or, indeed, in a private setting, would be a problem under this legislation? Secondly, if it is a problem under the legislation, would the Attorney then consider (it cannot be between the houses; we would have to deal with it before we leave this place this afternoon, I suppose) some sort of exemption system to allow this cultural aspect to continue, given that, clearly, we are aiming to address the problem of illicit drugs? We are all at one about the need to address that issue and about using this mechanism to do so.

The problem, from our point of view, is that we do not intend to have the unfortunate outcome of affecting the cultural diversity of the state in an adverse way by banning the use of shishas in an open restaurant type area where, clearly, it is not a problem. It is not at what we are aiming. As I said, I am happy for us to try to address it during the second reading rather than having to go into committee, because this is really the only issue that we have with the bill. Could the Attorney let us know his thoughts on the matter and, if there is a problem, whether there is a way to get around the problem before this bill is finally passed in this house? I did say earlier that we could perhaps deal with it between the houses, but, of course, this bill has come to us from the other place and, therefore, it will not be further considered there unless we pass an amendment in this house. I ask the Attorney to give some thought to that prior to the conclusion of the debate on this topic.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (12:50): The member for Heysen is right to think that the bill bans the sale of bongs, hookahs, narghiles, shishas and ghalyans. That is correct. Some South Australians already own these devices, and the bill does not prohibit their use or their ownership. I can now disclose I own one. I own one which was—

Mrs Redmond: For decorative purposes only!

The Hon. M.J. ATKINSON: No, not for decorative purposes only. It was given to me by the retired Turkish imam who lives in my electorate. We tried to get it fired up at his home one day and failed, so I took it to a Maronite dinner at the Maronite Church at Westbourne Park, and members of the Maronite Lebanese community helped me get it fired up. I smoked it. Indeed, I can disclose that the Leader of the Opposition and I have used the same hookah.

The Hon. S.W. Key: What flavour was it?

The Hon. M.J. ATKINSON: It was apple flavour. So, I have said to the Hon. Ann Bressington and others, such as the talk show host Bob Francis, that people from the Middle East, Lebanon, Palestine, Iran and Egypt, even the Greeks of Asia Minor, use these devices to smoke. Bob Francis has just completely contradicted me and said that he does not believe it, but it is true. So, I have mentioned on Radio FIVEaa places where these are displayed and bought at multicultural festivals and the like.

The view of the Hon. Ann Bressington is that the mischief of the bong being sold from retail premises is so great that it overcomes the objection to this covering sale of hookahs, narghiles and so forth. People will be able to own them and use them. As the member for Heysen says, they will probably be able to import them, but they just will not be able to sell them. So, I think that the inconvenience of not being able to sell them is minor compared with the mischief of drug paraphernalia stores in South Australia glorifying the use of illicit substances and showing two fingers to civil society. Therefore, the government has decided to support the Hon. Ann Bressington's bill.

I do not, for one moment, claim that it is going to make a dent in the use of illegal substances in South Australia. That is not my argument. My argument is that the drug paraphernalia stores are promoting the use of illegal substances. They are glorifying drug trafficking, and this is the means to close them down, or at least limit them: stores such as Off Ya Tree. That is why the Democrats, the Greens, and others, want to do everything they can to undermine the effect of their bill, because of those parties' association with the drug culture. I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr HANNA: I have followed the debate closely in relation to those devices which are traditionally used in Middle Eastern societies. I believe that the bill goes too far in catching those devices. It has already been mentioned that the definition of water pipe specifically includes devices known as bongs, hookahs, narghiles, shishas and ghalyans. I have no issue with the mention of the word 'bong' in that provision. Clearly, all these things are water pipes, as defined. In terms of the definition, it is difficult to distinguish between bongs and these other devices which have been used, for centuries at least, in Middle Eastern cultures.

The Attorney-General, who was also Minister for Multicultural Affairs, has shown his appreciation of this aspect of the cultural life of those countries; however, the Attorney and I see things differently when it comes to evaluating the harm done by prohibition of the sale of these items as against the value of overcoming the mischief at which this bill is aimed. In fact, the devices to which I have referred—not including bongs—in my experience, are rarely, if ever, used for illicit drug use and very commonly used for the smoking of a mixture of fruit pulp and tobacco, to which the member for Heysen and the Attorney-General have already referred.

I will move an amendment to exclude these items, and I believe that there is a way of doing it. I will formally move my amendment in a moment. I have given some consideration as to how this might be done. One option would be to allow the sale of these items by permit, but one might say: why add another layer of bureaucracy for the sale of these simple items? Therefore, I thought the best way of doing it was to attempt as best as possible to distinguish between the common and garden variety bongs on the one hand and these devices which have traditionally been used for a legitimate purpose.

Progress reported; committee to sit again.

[Sitting suspended from 13:00 to 14:00]

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

LEGAL FEES

55 Mrs REDMOND (Heysen) (31 July 2007).

1. Why did the actual amount of Legal Service's hours provided by both in-house and out-posted lawyers significantly exceed the amount budgeted in 2006-07 and why is there no increase in 2007-08?

2. Do most of the out-posted lawyer services relate to barrister's fees for opinions and court appearances on behalf of the Government?

3. What action has been undertaken to address the significant delays experienced by some barristers in obtaining payment of significant sums (up to \$100,000) and why do these delays occur?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs): I have been advised:

1. Currently, the internal policy within the Crown Solicitor's office is for legal staff to achieve a productivity target of 70 per cent of all available hours to be spent on client legal services. Managing solicitors and assistant Crown Solicitors have lower productivity targets for client legal work (60 per cent and 50 per cent), in recognition of their requirement to devote appropriate time to management, leadership and review of their staff and section.

The SA Government Wages Parity (Salaried) Enterprise Agreement (2006), which came into effect on 21 December 2006, requires consultation and opportunity for staff to contribute effectively before any proposed increase in productivity levels.

As a result, the expected productivity figures for the Crown Solicitor's office cannot be set higher than the current 70 per cent benchmark productivity rate. The actual productivity achieved in 2006-07 was much higher than this 70 per cent benchmark and reflects the continued and increasing demand for legal services by government.

2. Outposted lawyer services do not relate to private-practice barristers' fees.

The outposted lawyer services are the Crown Solicitor's office providing dedicated Crown solicitors for government agencies that have specialist, high demand or continuing complicated requirements for legal services.

This initiative increases the efficiency of legal service delivery for these Crown Solicitor's office clients. Legal staff from the Crown Solicitor's office are relocated to a government agency to do legal work. In many cases, the agency hosts either two or three Crown Solicitors and pays a fee equivalent to the salary of the solicitor and a modest administrative fee. The outposted lawyers remain employees of the Crown Solicitor's office and their professional development is managed by the office. They work solely for their host agency. Outposted lawyers are returned to head office, usually at the end of a two-year outposting.

3. The Crown Solicitor's office is unaware of any significant delays experienced by barristers in the payment of accounts due. I need further information to ascertain the circumstances of these alleged delays.

VICTIMS OF CRIME FUND

60 Mrs REDMOND (Heysen) (31 July 2007).

(a) why is there a significant increase in the budget line 'Intra-government Transfers—levies from fines and penalties' in 2007-08;

(b) why is the budget line 'Fees, Fines and Penalties—levies from fines and penalties' discontinued in 2007-08; and

(c) why will the total budgeted income relating to the Fund exceed the total operating payments in 2007-08?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs): I have been advised:

- (a) The increase in the budget line 'Intra Government Transfers—Victims of CrimeFund—levies from fines and penalties' in 2007-08 is mainly owing to an increase in the Victims of Crime (VOC) levies from 1 July 2007.

The VOC levy had previously been increased on 1 January 2003.

The greater burden on criminal offenders is consistent with the government's stance to get tough on criminals and at the same time advance victims' rights.

This revenue will help fund the government's pledges to improve services to victims of crime. Pledges made by the Rann Government include:

- Creating a new, independent office of the Commissioner for Victims' Rights. We are the first state to do so and second only to the United Kingdom.
 - More than doubling grief payments to family victims of homicide. Currently, families receive as little as \$3,000 for the death of a family member. All payments will be increased to \$10,000 to match the payments from the Motor Accident Commission for compensable road deaths.
 - Reimbursement costs for the funerals of victims will increase from \$5,000 to \$7,000.
- (b) The budget line 'Fees, Fines and Penalties—levies from fines and penalties' is discontinued as this item has been reclassified to the budget line 'Intra Government Transfers—Victims of Crime Fund—levies from fines and penalties'.
- (c) Total budgeted income relating to the VOC. Fund was budgeted to exceed total operating payments in 2007-08 mainly owing to the increase in the Victims of Crime levy effective from 1 July 2007.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

61 Mrs REDMOND (Heysen) (31 July 2007).

1. What steps will be taken to address the inability of the Office of the Director of Public Prosecutions to provide guidance to police prosecutors because of a lack of resources in the Office?

2. How many extra executive staff were employed in the office during 2006-07, what were the positions and what was the recruitment process?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs): I have been advised:

1. Resourcing for the Office of the Director of Public Prosecutions increased from \$7.5 million in 2002-03 to \$13.2 million in 2006-07. The Department of Treasury and Finance has advised this represents an increase in real terms of over 50 per cent against inflation over the same period. Note that both the 2002-03 and 2006-07 budgets include an allocation for significant non-legal items such as witness expenses, depreciation and accommodation costs.

Funded staffing levels have increased from an estimated 70 FTEs in 2002-03 to almost 112 FTEs in 2007-08. This is an increase of about 60 per cent.

2. There was a total of nine extra executive staff employed in the office during 2006-2007. These comprised one deputy director public prosecutions, two managing prosecutors and six senior prosecutors.

The recruitment process included advertising of the positions in the Government's Notice of Vacancies, *The Advertiser*, *Counsel* (UK), *Singapore Straits Times*, *South China Morning Post*, *Law Society Bulletin*, *The Times* (UK), the *Hobart Mercury*, *Weekend Australian*, *Sydney Morning Herald* and *Melbourne Age*.

The interview panels included people from the Office of the Director of Public Prosecutions, the Crown Solicitor, the Commissioner of Police and Queen's Counsel.

FLOOD DAMAGED ROADS

101 Dr McFETRIDGE (Morphett) (31 July 2007). How will the \$23.5 million committed to repairing flood damaged roads be spent in 2007-08 and what repairs have already occurred as a result of the \$6 million already spent in 2006-07?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

The Department for Transport, Energy and Infrastructure has only undertaken repairs to road accesses to homesteads that are on DTEI's normal routine maintenance program. DTEI has made no commitment to individual landowners to undertake repairs to private property.

COURTS UPGRADE

186 Mr HANNA (Mitchell) (31 July 2007).

1. Will funding be made available in 2006-07 and subsequent years to upgrade the buildings for the Supreme Court and the District Court?
2. What were the outcomes of the restorative justice trial program in the District Court?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs): I have been advised:

1. No funding was provided in the 2006-07 budget to upgrade the buildings for the Supreme Court and the District Court. This issue will be considered in future State Budgets.
2. There has been no trial program on restorative justice in the District Court.

TRADE PROMOTIONS

294 The Hon. I.F. EVANS (Davenport) (30 October 2007). Since March 2002 how many trade promotions have been approved where the entrant has not been required to purchase a product or service to enter the promotion?

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling): In September 1995 the Lottery and Gaming Regulations 1993 were amended so that entry into a trade promotion had to be either free or by purchase of any of the goods or services which were the subject of the promotion.

It is not recorded as to which of the (approximately 27,000) trade promotion lottery licenses granted from March 2002, did not require an entrant to purchase a product or services to enter the promotion.

ROAD MAINTENANCE

295 The Hon. I.F. EVANS (Davenport) (30 October 2007).

1. What is the most current cost estimate to install traffic lights at the junction of Laffers Road and Main Road, Belair?
2. What is the most current cost estimate to install traffic lights at the junction of Seymour Street and Shepherds Hill Road, Eden Hills?
3. What is the most current cost estimate to install traffic lights at the junction of Old Belair Road and James Road, Belair?
4. What is the most current cost estimate to construct a roundabout at the junction of Old Belair Road and James Road, Belair?
5. What is the current cost estimate to construct the road improvements, including roundabouts and lights at the junction of James Road and Old Belair Road, Belair as proposed in 2000-01?
6. What is the current cost estimate to construct a roundabout at the junction of Laffers Road and Main Road Belair?
7. What proposals are being considered to improve the junction of Laffers Road and Main Road, Belair and for each proposal what is the current cost estimate?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

1. Detailed design of this option has not been done at this stage. There is therefore not a current detailed cost estimate available.

2. The design for installation of traffic signals at the junction of Seymour Street and Shepherds Hill Road has not been prepared and consequently a current cost estimate is not available.

3. The possible installation of traffic signals was considered for installation at the junction of Old Belair Road and James Road in 1999-2000.

This project was not pursued any further and therefore there is no current cost estimate available.

4. The possible installation of traffic signals was considered for installation at the junction of Old Belair Road and James Road in 1999-2000.

This project was not pursued any further and therefore there are no current cost estimate available.

5. A number of options, including the possible installation of traffic signals and a roundabout were considered for installation at the junction of Old Belair Road and James Road in 1999-2000.

These projects were not pursued any further and therefore there are no current cost estimates available for the concepts that were considered.

6. Detailed design has not been done at this stage. There is therefore not a current detailed cost estimate available.

7. Detailed design of a roundabout or traffic signals has not been done at this stage. There is therefore not a current detailed cost estimate available.

BLACKWOOD PARK ROAD LINK COSTS

298 The Hon. I.F. EVANS (Davenport) (30 October 2007). What is the most current cost estimates of constructing a new road linking Blackwood Park (Craigburn Farm) to either:

- (a) South Road/Sturt Road via Flinders University;
- (b) South Road via Sturt Gorge;
- (c) Flagstaff Road.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

The Department for Transport, Energy and Infrastructure has advised that a potential road link between the Craigburn Farm development and either South Road/Sturt Road via Flinders University, South Road via Sturt Gorge, or Flagstaff Road has not been considered. No cost estimates are available for such a link. The department considers that such a road link would be an issue for council, given its role would be to provide access into the local area.

TRANSPORT DEPRECIATION

312 Dr McFETRIDGE (Morphett) (20 November 2007). Why are buses depreciated using the diminishing value method, while trams are depreciated using the straight line method?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

I am advised that the respective depreciation methods have been adopted as they best reflect the consumption pattern of the assets service potential. In the case of buses, I am advised older buses are used in the peak period when all buses are required to meet the peak period demand. Older buses are not required during the inter-peak periods when only a portion of the fleet is required.

In the case of trams, the department owns eleven Flexity trams and TransAdelaide owns five H Class trams. The majority of trams (the eleven Flexity trams) are the same age and are expected to be used fully throughout their useful life. Consequently, I am advised the straight line method of depreciation best reflects the consumption pattern of these assets. The H Class trams are also depreciated on a straight line basis. All of the H type trams originally entered service in 1929 and have been revalued with the estimated life reviewed several times due to their age. While they are now used on weekends, public holidays and special occasions, the usage is expected to

be constant over the remaining life. Consequently, the straight line basis best reflects the consumption pattern of these assets.

EMPLOYEE BENEFITS

In reply to **Mr PEDERICK (Hammond)** (27 June 2007) (Estimates Committee A).

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change): The Department of Trade and Economic Development (DTED) has advised the following:

The increase which the member for Hammond wrongly refers to as a blow-out of \$4.586 million from 2005-06 actual to 2007-08 budget is due to vacancies within DTED at 30 June 2006 and the change in the level of approved positions.

DTED's budgeted FTEs increased from 191.8 FTEs at 30 June 2006 to 197.00 FTEs at 30 June 2007, an increase of 5.2 FTEs as a result of the following:

- Additional 3 FTEs for positions specifically to cater for indigenous trainees;
- Additional 2 FTEs transferred from the former Department for Administrative and Information Services (DAIS) to resource the Olympic Dam Taskforce offset by a reduction of 1 FTE no longer required in the team as Mr Paul Case was transferred to take up the chief executive role;
- Additional 3 FTEs for new Tradestart officers as a result of winning the Tradestart contract with the commonwealth;
- Additional 3.2 FTEs for the conversion of long-term contractors to Public Sector Management Act 1995 employees;
- Offset by the anticipated reduction of 5.00 FTEs for the Industry Capability Network SA (ICNSA) due to contract term and funding expected to expire 30 June 2007.

DTED's budgeted FTEs increased from 197.0 FTEs at 30 June 2007 to 206.00 FTEs at 30 June 2008, an increase of 9.0 FTEs as a result of the following:

- Additional 4 FTEs for programs approved by cabinet in the 2007-08 State Budget—employment linkages program, Australia-India Trade and Investment Conference, regionalisation of South Australia's Strategic Plan and the Film SA Package;
- Additional 5 FTEs for the extension of the ICNSA. (funding and FTEs approved by Cabinet);
- Additional 2 FTEs for the case management framework unit (previously FTEs were seconded to this unit and were funded by PIRSA);
- Offset by 2 FTEs for anticipated reduction in redeployees due to placement in other agencies.

Overall there has been an increase in DTED's budgeted FTEs of 14.2 FTEs (from 191.8 FTEs at 30 June 2006 to 206.0 FTEs at 30 June 2008).

DTED has traditionally experienced difficulties in filling vacancies, with the key skills sets required by DTED including industry experience, economics and/or government policy development all in short supply. The 2005-06 actual reflects the shortfall of suitably qualified/experienced people in the workforce. As at 30 June 2006, DTED recorded 34 vacancies. The increase of \$4.586 million from 2005-06 actual to 2007-08 budget therefore represents the difference between the actual FTEs and DTED's budgeted FTEs at 30 June 2008.

PAPERS

The following paper was laid on the table:

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

Report into the inquest into the death of Colin Craig Sansbury

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:02): I bring up the 14th report of the committee.

Report received.

QUESTION TIME

TRAM AND TRAIN DERAILMENTS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:03): My question is to the Minister for Transport. Have the minister's statements to the house about tram and train derailments last year been at all times factual and correct? On 27 February 2008, the minister told the house that he was tabling rail investigation reports into the tram and rail derailments. Reports into rail safety must comply with nationally agreed Australian standards. An examination of the tabled documents shows that, in fact, the minister at the time tabled unsigned, undated and unattributed documents, comprising a three-page minute on the tram derailment and a six-page minute on the train derailment, not the full reports he claimed.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:04): Good try, but I said I tabled reports on the tram derailment, and that is what I did.

Mr Hamilton-Smith: Where are the reports?

The SPEAKER: Order!

An honourable member interjecting:

The Hon. P.F. CONLON: The full report. This is what is given to me, okay? There are full investigations; there are documents drawn up in investigations. In fact, I understand the opposition (or someone) sought to FOI those and, on the very strong advice to me, I have given to you what is given to me. I do not go behind those documents and look at the investigations.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The allegation from the Leader of the Opposition is that those investigations do not support the claims: I challenge him to show that in any way, sense or form. The very strong advice of the head of TransAdelaide is that investigation documents should not be FOI'd because they cannot then—

Ms Chapman interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is warned.

The Hon. P.F. CONLON: —conduct an investigation in a full, frank and open way. I can have that advice given to you as it was given to me by the head of TransAdelaide for you to contest if you wish.

Before we get too carried away with these recklessly duplicitous people on this side, let us make it clear who has actually been making utterly inaccurate claims about this. What happened was that a tram derailed. Within hours, of course, the member for Morphett said that it was because the tram driver ran a red light. He was the first one in South Australia to suggest that, but apparently subsequently I should not have suggested it. However, he was the first person in South Australia with no information.

The Leader of the Opposition then went on to say that the tram had derailed because of a failure in TransAdelaide's computing system. That was his claim. But the next morning that was not good enough: he went out and said that the tram had derailed because we had had laid the track wrongly and it would all have to be torn up. What was subsequently found was that, lo and behold, the tram derailed because the driver ran a red light, and the only additional information was that they disobeyed an instruction to go back and went forward instead.

An honourable member: He should never have been driving it.

The SPEAKER: Order!

The Hon. P.F. CONLON: He should never have been driving it, now we are told. Can you explain that? Can you explain why he should never have been driving it? The truth is—

Dr McFetridge interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: What do you claim is in it?

Dr McFetridge interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I will do this for the opposition: I will offer briefings with the head of TransAdelaide. I will ask him again for his advice about whether investigation documents should be FOI'd. His advice has been extremely strong, and I will produce it for you. I will offer you briefings from him. If, at the end of the day, you contest his advice, you can continue to do so, but do not come in here once more completely dishonestly suggesting that there is something in those documents that is not in the report. You are not reflecting on me: you are once again—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —reflecting on the public servant who prepared it. You have what I have. The only thing you don't have is the short recommendation from him saying, 'You should not FOI the other material.' I am happy to give you that, too. You should put up or shut up, frankly. You have been completely recklessly wrong about this every step of the way.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: The Leader of the Opposition is a complete stranger to shame when it comes to the truth. He is not on speaking terms with the truth, because he—

The SPEAKER: Order! I am on my feet.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The Minister for Transport is debating.

The Hon. P.F. CONLON: I come back to the point. If the Leader of the Opposition is suggesting—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: The bloke won't listen. He has an undeveloped personality, and he doesn't like being wrong. Unfortunately, in this job, I have to admit to being wrong several times, even if I am not.

Ms CHAPMAN: On a point of order, clearly—

Members interjecting:

The SPEAKER: Order! What is the point of order?

Ms CHAPMAN: The minister is clearly debating the question and reflecting on the Leader of the Opposition, rather than answering the question.

Members interjecting:

The SPEAKER: Quiet, please. The minister was debating, but he was responding to an interjection. I urge members on my left not to interject and ministers not to respond to interjections.

The Hon. P.F. CONLON: I come back to the point. If the Leader of the Opposition suggests that the information provided to me is not accurate and does not reflect the investigation, I am happy for him to have a meeting with the head of TransAdelaide, who supplies me with the information. He can tell him that, and he can ask him whatever he wants. My view is that I actually trust what the head of TransAdelaide tells me; I have no reason not to. I think that it is a disgraceful reflection. But I come back to the point: this Leader of the Opposition has been prepared to say anything about tram derailments. He has a terrible—

Ms CHAPMAN: On a point of order, we have been listening in complete silence to the minister on this matter, with no interjection—

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: —and yet again the minister is reflecting on the Leader of the Opposition.

The SPEAKER: Yes, I agree. The minister must not debate.

The Hon. P.F. CONLON: Whether or not he is prepared to say anything, I will say what he has said about it. He said that the tram derailed because of the wrong computer system, a bad computer system—utterly, completely wrong. He said that the rail would have to be torn up because it was laid wrongly—utterly, completely wrong. He now has a report that shows that he has said things that are utterly, completely wrong and without foundation. So, what does he do now? He wants to tell me that the people preparing the report have given me a report that is not consistent with the investigation. Well, I can tell you, I stand by the advice I have been given; I have no reason not to. I invite you to get a briefing, but I do invite you to try to disentangle your personal dislike for me from the way you approach your portfolio.

ADELAIDE WRITERS' WEEK

Mr O'BRIEN (Napier) (14:10): My question is to the Premier. Can the Premier inform the chamber about Adelaide's festival within a festival that is running this week in the Women's Memorial Gardens?

An honourable member interjecting:

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:11): I knew you would be excited about this. Obviously, this is a very special time of the year here in Adelaide. Adelaide Writers' Week is a very crucial part of the festival. It is also a part of the festival that is largely free. This year we celebrate the 25th Writers' Week, a unique festival within a festival. While none of us present doubt how wonderful a festival it is, the fact that so many of the world's great writers have all made time in their busy schedules to return or come to Adelaide is a testament to how much it is loved by readers and writers alike.

Of course, when you think that there are hundreds, if not many more than that, thousands, of writers' festivals around the world, it is acknowledged that, along with Hay-on-Wye in Wales and also the Frankfurt Book Fair, Adelaide Writers' Week is pre-eminent in the world which is why some of the world's great writers like Ian McEwan this morning, David Malouf, Paul Auster and others are here in Adelaide.

Of course we go to enjoy the passionate exchange of thoughts and ideas, to participate in panel discussions, to simply sit and listen to a range of magnificent writers or to talk and debate with old friends and new. This delightful festival is about nurturing writers and readers alike, encouraging not just the passive exercise of reading but the active exchange of thoughts, stories and ideas.

So, under the shade of the trees, sheltering in the tents or on the grass in the Women's Memorial Garden for six days, we can experience a full program of writers from a number of nations around the world. Writers of literary fiction, poets, biographers, novelists, journalists, editors, publishers and readers will gather for a rich and rewarding experience. I strongly encourage members of parliament to go and have this experience in terms of satisfying their own questing minds.

The 2008 Writers' Week is dedicated to one of the original initiators of our beloved festival, much-loved author, Colin Thiele, author of books such as *Fire in the Stone*, *Magpie Island*, *Hammerhead Light* and *Storm Boy*. Colin's stories continue to introduce generations to the wonder of books and he is sorely missed. Sunday saw the opening of the 2008 Adelaide Writers' Week. I was delighted to present the much anticipated 2008 National Festival Awards for Literature created by the government and honouring Australia's and South Australia's best literary talent.

With 667 entries submitted for this Writers' Week's awards, they are the nation's most competitive literary awards, with over \$1 million being awarded over the time of the festival awards for literature. This year I was delighted to present the South Australian Premier's Award for Literature to John Tranter for *Urban Myths: 210 Poems: New and Selected* which also took out the John Bray Poetry Award. This is the first time that the Premier's Award for Literature has been given to a collection of poetry since its inception in 1996, and I congratulate John on his outstanding success.

TRAM AND TRAIN DERAILMENTS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:14): My question is again to the Minister for Transport. Has he or any member of his staff received and seen on his behalf the publicly undisclosed full reports into the tram and train derailments or had briefings on those now secret full reports?

Members interjecting:

Mr HAMILTON-SMITH: That's what they are.

The SPEAKER: Order!

Mr HAMILTON-SMITH: You are keeping them secret.

The SPEAKER: Order!

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:14): I offer to the Leader of the Opposition a meeting and briefing with the manager of TransAdelaide and he can ask him anything he wants. He can ask him any question he wants. I have just asked—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I have just asked my staff to find me the one sheet of paper that is not attached to this with the two little recommendations: first, that I note the briefing; and, secondly, that I do not release documents as they have refused them under FOI, from memory, for the reasons that they would not be able to conduct their inquiries in the full and frank—

An honourable member interjecting:

The Hon. P.F. CONLON: Don't—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: That is absolute rubbish. I did not write it.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: 'What are you hiding?'

Members interjecting:

The SPEAKER: Order! I am sorry to interrupt the Minister for Transport. There must not be a cacophony of interjections while the minister is attempting to answer the question. Members on my left must listen to the minister's answer quietly. The Minister for Transport.

The Hon. P.F. CONLON: Thank you, sir. Again, if the Leader of the Opposition thinks that, in some way, we have required TransAdelaide to engage in doing something they should not, I invite him to speak to the general manager. He can talk to him on his own, for all I care, and he can ask him any questions he likes. But the nub of the problem is this: the Leader of the Opposition is embarrassed by the ridiculous claims he made. Those claims have not been borne out. I am sorry, we can only present him with the facts. The—

Mr WILLIAMS: Mr Speaker, I rise on a point of order. My point of order is again the relevance of the minister's attempt to answer the question. The question was: has he or any of his staff sighted the actual reports? That is what the question was.

The SPEAKER: Order! Member for MacKillop, I think the question was put in rather different terms than that. Perhaps if the member for MacKillop had asked the question, then I would be more restrictive over the minister's answer, but if the member for MacKillop would like to look at the question in the terms it was asked, then I think he would think it would be reasonable of me to give the minister a bit of scope. The Minister for Transport.

The Hon. P.F. CONLON: Thank you, sir. I come back to the point. Regardless of the fact that I am not the least bit fussed about it, I am not going to release the document against the advice of the head of TransAdelaide. I have the sheet, which I will table, with the recommendations on it. This is dated 26 February and attached to the report. This is the only thing I got—and I will come back to your point in a moment; I wouldn't forget you.

An honourable member interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. P.F. CONLON: No, your question was actually arrant nonsense, but I will come back to your point in a moment. The note from the Acting General Manager of TransAdelaide says:

It is recommended that the minister:

Note the briefing and use it as the basis for any further communications relating to the tram derailment at the South Terrace Refuge Shuttle Siding on Thursday 6 November 2007; as

TransAdelaide requests the full investigation report that it has undertaken not be released to preserve the high level of cooperation required from staff during similar post-event investigations.

That is not something I asked for: that is something I was given. I have never seen anything but this. I do not believe my staff have, but I am sure my staff, in the diligent pursuit of their duties, have spoken to Randall Barry about these and other matters, and I would be very disappointed if they had not. The point is: if the Leader of the Opposition believes something has been left out of this, have the courage to say what it is.

Mr Hamilton-Smith: No, it's the report.

The Hon. P.F. CONLON: No, have the courage to say what it is. I invite the Leader of the Opposition—and again, if he were well informed, perhaps he would not say some of the very foolish things he does. I plead with him simply to meet with the General Manager of TransAdelaide and have the general manager explain it to him. Were it Iain Evans or Rob Kerin in the position, I would probably offer them a look at it because those people were trustworthy, but I don't think I will do that on this occasion.

Mr WILLIAMS: A point of order, Mr Speaker, once again regarding relevance and a reflection on the Leader of the Opposition. The question was: has the minister or any member of his staff received and seen the full reports into the tram and train derailments or had a briefing on those full reports? The minister has done everything but answer the question as it was asked.

The SPEAKER: I do not know where the member for MacKillop was a few minutes ago when the question was asked but the question was in different terms than that. I am happy to check the *Hansard*. If I am wrong, I will come back and apologise profusely but that was not my recollection of the terms in which the question was asked.

Mr WILLIAMS: That is the question verbatim, as it was asked, sir.

The SPEAKER: I will happily check *Hansard* and, if I am wrong, I will more than happily come back and apologise profusely, but that is not my recollection. The Minister for Transport is in order.

The Hon. P.F. CONLON: Again, I say no, I have not seen the full report. When the general manager sends me something, I don't naturally think he is not telling the truth. I think that is the truth. I also act on his recommendations according to it. Again, I urge the Leader of the Opposition that, if he is really interested in finding out what the facts are, he will take a briefing with the general manager and the general manager can put to him his views on why you do not release full investigation reports. He said it is the ordinary practice, and he can talk to the general manager about that. If he is still unhappy with that, he can come back and argue the point. Please don't come into this place and suggest—and you know it would not be the first time we have had attacks on public servants from this mob, usually unfounded—

Mr Williams: You blamed the driver.

The SPEAKER: Order!

The Hon. P.F. CONLON: No, I didn't blame the driver. The report says—

Members interjecting:

The Hon. P.F. CONLON: I repeat: the first person to say the driver ran a red light in South Australia was the member for Morphett. The truth is the driver ran a red light. I cannot change that. By golly, I wish he hadn't. By crikey, my life would be much better if he hadn't, but he did and I cannot change that for you. I can't make true the silly allegations you have made. No matter what you do, they won't come true. So, what I urge you to do is talk to the general manager and find the truth. If the general manager says to me, that on this occasion we should release it, that is exactly what I'll do. I have absolutely nothing to hide because the full investigations will not show you that the track needs to be torn up or the computer system was wrong or that he was waved through a red light, which is the other thing, of course.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The Leader of the Opposition thought he was on to something big; he was on to nothing. He couldn't get a story up last week, he couldn't get a story up yesterday, he hasn't got a story up for three weeks, and all I can say is it is not our fault.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Has *The Advertiser* got rid of the parliamentary page? I haven't seen it for weeks. What is going on?

The SPEAKER: Order!

The Hon. P.F. CONLON: Are you guys on strike or something?

Mr VENNING: A point of order, Mr Speaker: the minister is supposed to address the chair in this house, not the gallery.

The SPEAKER: Yes, it would be a sad day when *The Advertiser* gallery is to whom we address our remarks. I think the minister has completed his answer.

TRAM AND TRAIN DERAILMENTS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:24): I have a supplementary question, again, to the Minister for Transport. Who did carry out and sign off on the full reports into the derailments and who drafted and signed off on the specially prepared so-called reports tabled by the minister in the last week of sitting?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:24): Again, the opposition is trying to create a notion that someone else drafted it. This briefing here, which I meant to table, is the only bit that will give you more than I have had and it is from Randall Barry, the acting general manager, as I said to you. If you paid attention last time, you wouldn't have needed a supplementary. He said:

It is recommended that the Minister:

Note the briefing and use it as the basis for any further communications relating to the tram derailment at the South Terrace Refuge Shuttle Siding on Thursday 6 November 2007;

So, in answer to your question, I would assume that Randall Barry, having sent it to me and signed it, actually was the author of it. Maybe that is not the case, but I think it is very unlikely. If you had paid attention the first time, you would have realised that.

STATE ECONOMY

Ms THOMPSON (Reynell) (14:25): Will the Treasurer advise the house of economic data recently released for South Australia?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:25): Yesterday in the house the member for Goyder claimed, I am advised, that 'ABS business indicators showed that quarterly growth in sales of goods and services in South Australia was the lowest in the nation'. It would appear that the member for Goyder was referring to ABS data regarding the December quarter results for business indicators. Yesterday's ABS retail sales data shows that South Australian retail sales, in fact, rose 1.5 per cent compared to an unchanged national growth rate. You got your figures wrong! In trend terms, retail trade was 9.7 per cent higher in South Australia than a year earlier, and this annual growth rate was the highest since October 2002.

Again, we see the opposition, in this place and through the media, talking down our economic performance. But, even worse, this morning we had the would-be leader—does he go around saying 'the alternative Prime Minister maybe one day'?—the federal shadow treasurer (Malcolm Turnbull) talking up the prospects of South Australia facing a recession. The federal shadow treasurer quoted the state's GSP figure of 0.8 per cent. Of course, we had already forecast that in the 2006-07 Mid-Year Budget Review but did not mention the fact that the state has been through one of its worst droughts in living memory, and then—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Just wait. But he did not mention the state's non-farm sectors, growing at a very strong and solid 3.1 per cent. It is fair to say that, if it was not for the drought's

effects on the farm economy of South Australia, the economy would be growing at at least 3 per cent plus. I can also say this to the house. The state final demand figures show a growth of 1.5 per cent for the December quarter, consistent with the national average of 1.6 per cent.

Mr Hamilton-Smith: That's not right. You should have got those figures at 11am. Get your figures right. You have given a number of incorrect figures.

The Hon. K.O. FOLEY: I have given a number of incorrect figures? Right; we will see about that. But the important point is that our economy, despite the opposition's wanting to pick holes in it, is performing exceptionally strongly. We have had trend employment growth of 19,300, or 2.6 per cent, over the previous 12 months. The ANZ Bank recent reports say that current tight conditions in the labour market in South Australia will continue well into 2008. In trend terms, South Australian advertisements for jobs remain at historically high levels. The skilled vacancy index compiled by the Department of Employment and Workplace Relations rose by 3.5 per cent during December and was 13 per cent higher than a year ago.

Since this government came into office six years ago today, when the Premier and I were sworn in as the two-person government of this state—and, I think, objectively, I can say it was the best government the state had ever had—

The Hon. P.F. Conlon: Careful!

The Hon. K.O. FOLEY: —until the next government was sworn in the following day—up to that point, a total of 84,700 new jobs in trend terms have been created in South Australia. And the good data just keeps coming. South Australia's labour market remains strong, with total employment and the participation rate increasing, and unemployment remaining at 4.8 per cent, with full-time employment increasing to 534,900. Annual growth in South Australian exports is up 12 per cent.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Dear, oh dear! In the 12 months to December 2007, the value of South Australia's overseas goods exported totalled \$9.5 billion. Some of the state's export commodities recording growth in the year included: wine, up \$454 million (30 per cent); metals and metal manufactures, up \$206 million (11 per cent); and machinery, up \$31 million, (8.2 per cent). Of course, that is during a period where we have suffered one of the worst droughts in living memory, as it relates to other food-based commodities. The December quarter national accounts show that household consumption spending is up 4.6 per cent throughout the year. Housing construction is also up 4.6 per cent, outpacing national housing construction of 1.6 per cent. The number of houses approved for construction in South Australia is 23 per cent higher than a year ago and at its highest level since 1993.

The reality is that South Australia's economic performance is extremely strong—some would argue never been better—under the stewardship of this government. One can always attempt to find one or two indicators where the government is not performing as well as it is in other areas, and members of the opposition can delight themselves in trying to talk down this economy.

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: Exactly. The level of business investment and business confidence, and the level of excitement in the business sector in South Australia, are such that none of us has witnessed before. With the economic benefits of the defence contracts yet to be fully realised and the full economic benefits of the mining boom in this state, the future of this state is very healthy. I simply ask members of the opposition, instead of talking down the economy, instead of misrepresenting financial data and economic statistics, to get in behind this government and support it through this incredibly exciting economic time in South Australia.

TRAM AND TRAIN DERAILMENTS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:32): My question is to the Premier. If the full report into the rail and tram accidents in 2007 indicate that the Minister for Transport misled the house when he told parliament 'the driver ran a red light'—

The Hon. K.O. FOLEY: I have a point of order, sir. If the leader wants to introduce the concept that the Leader of the House has misled the house, he must do so by way of substantive motion.

The SPEAKER: The question is out of order, either because it is making an allegation against the Minister for Transport, which has to be moved by substantive motion, or, failing that, it is hypothetical.

Mr HAMILTON-SMITH: I will rephrase the question, sir.

Members interjecting:

The SPEAKER: Order! I am happy for the Leader of the Opposition to rephrase the question, but I would not be happy if he makes a habit of deliberately asking questions in a disorderly form so as to get it on the record, only then to rephrase it. I would not want the Leader of the Opposition making a habit of that.

Mr HAMILTON-SMITH: I direct my question to the Premier. Does the Premier stand by his requirement, in accordance with Westminster practice and his own Ministerial Code of Conduct section 2.4, which deals with—

The Hon. K.O. FOLEY: I have a point of order, sir.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The Westminster tradition to which the Leader of the Opposition is clearly referring is that of misleading the house—and it is the same question.

The SPEAKER: Order! I will hear the question and then make a determination.

Mr HAMILTON-SMITH: Does the Premier stand by Westminster practice and his own Ministerial Code of Conduct section 2.4, which deals with honesty and which requires the dismissal of a minister? Will he guarantee that the Minister for Transport will table forthwith the full, unedited reports of both the tram and rail accidents?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:34): The requirement on members of parliament to tell the truth applies to both sides of this house. If we go through the transcripts of the Leader of the Opposition's variety of positions on a range of subjects, including that classic day when he opposed our climate change legislation because it was not—

Members interjecting:

The SPEAKER: Order! The house will come to order.

The Hon. M.D. RANN: It includes that day when he opposed the climate change legislation—

Ms CHAPMAN: Point of order, Mr Speaker: climate change has got absolutely nothing to do with the question seeking the Premier's commitment.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It is actually—

The SPEAKER: Order! The Premier will just wait for me to give a ruling. The question was about the government's adherence to Westminster traditions. That is a fairly broad question.

The Hon. M.D. RANN: Yes; it is exactly relevant, because on that day—and this is a question of the truth and about whether the Leader of the Opposition means what he says or says what he means, and which, of course, even members of his own party are increasingly beginning to doubt. He opposed our legislation on the grounds that it was not tough enough and then the next day opposed the legislation because it was too tough. How does anyone take this man seriously? So, he thinks he has the field marshal's baton in his knapsack, but I do not think he is quite qualified for that. But if you want to talk about the Westminster tradition, I am happy to apply the rules that go back to the 16th century, and I will do so with a great deal more rigour than the Leader of the Opposition applies to himself.

BUSINESS INVESTMENT

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:36): My question is to the Premier, as Minister for Economic Development. Can he tell the house why there has been a sharp

downturn in business investment growth and state final demand growth over the past 12 months, and the past quarter in particular, and what are the implications for state economic performance, wages and standard of living, compared to other states? ABS national account figures, released at 11am today but clearly not read by the Treasurer, show that South Australia's final demand growth was the slowest of all states in the December quarter and over the last 12 months, with a national growth at 5.3 per cent but with SA's growth constrained to 1.8 per cent. Today's figures also show that, while business investment in seasonally adjusted terms has risen 12 per cent nationally in the past year, in South Australia business investment fell by 4 per cent, and investment performance outcome, which is 16 per cent below the national average. Read the figures of today.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:37): I am happy to very closely scrutinise the—

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I will have the data that the opposition leader has thrown into the house today properly scrutinised and we will see whether or not he is properly presenting that data. But as I said—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Clearly the Leader of the Opposition was not listening to my answer earlier. As I said to the house, I have the state final demand figures for the December quarter—so I am not sure what data he is referring to, but I will have that checked—which show growth of 1.5 per cent for the December quarter, consistent with the national average final demand figure of some 1.6 per cent. So, let's see what comparison we are making when we come to those numbers. I am not going to repeat the lengthy answer I gave previously. Obviously the leader was not able to rearrange his questions. But, honestly, for anyone to be wanting to give the impression, regardless of what the person as the leader sees as some form of political advantage—nobody can deny the fact that at present our economy is extremely strong, extremely robust.

The Hon. M.D. Rann: Best it's ever been.

The Hon. K.O. FOLEY: Best it's ever been. Business investment has never been higher, and the projects—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The labour market in this state is very, very tight; unemployment has never been lower, certainly for many, many years. I think it is the lowest on record.

The Hon. P.F. Conlon: We have had the highest jobs growth.

The Hon. K.O. FOLEY: We have had the highest jobs growth ever.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: What's it in your electorate, Vickie?

Ms Chapman: Ten per cent youth unemployment in the Premier's electorate. Don't ask him.

The Hon. K.O. FOLEY: I guess that when you represent the suburb of Burnside you don't have the social problems.

BUDGET EXPENDITURE

Mr GRIFFITHS (Goyder) (14:41): My question is to the Treasurer. Will the Treasurer commit to reducing inflationary pressures by not increasing state taxes and charges to compensate for lost budget revenues and instead concentrate on the budget's expenditure blow-outs? Yesterday, the Prime Minister warned that inflation was a core economic problem and that governments needed to address their levels of expenditure.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:42): Fancy a Liberal opposition talking about cutting expenditure! They have never cut expenditure, ever.

An honourable member interjecting:

The Hon. K.O. FOLEY: Talk to whom?

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: Steve Baker?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: You can always tell a leader of the opposition is struggling when he has to revert to the old State Bank as an issue.

An honourable member interjecting:

The Hon. K.O. FOLEY: No; happy to. I am quite happy with this government's financial and economic record.

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, provided you—

The SPEAKER: Order!

The Hon. K.O. FOLEY: I know the Leader of the Opposition is running out there telling business people, as I have had it reported to me: 'Look; we're just going to give Labor a bit of time, put a bit of pressure on them and let the unions mount a campaign.' But do you know what the leader is telling business, sir? He is telling business that they are going to support the WorkCover legislation. That is Martin Hamilton-Smith walking both sides of the road.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: Have you told business—

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Members will stop interjecting and the Deputy Premier will return to the substance of the question. The Deputy Premier.

The Hon. K.O. FOLEY: I am happy to withdraw and apologise for the allegation that the Leader of the Opposition has been telling some business people that he intends to support the legislation, because I have had business people tell me that.

An honourable member interjecting:

The Hon. K.O. FOLEY: No, no intention.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: No intention. The Liberal opposition talks about fixing up WorkCover: 'We've got a plan to fix it, to support it: fixed,' right. That's all that has to be done: support the legislation, WorkCover problem fixed. But the opposition, of course, is not capable of making hard decisions. Coming back to the member for Goyder, is the member honestly suggesting that we should not raise taxes and charges—charges, at least—in line with CPI?

Mr Griffiths interjecting:

The Hon. K.O. FOLEY: So, the Liberal Party policy now is that in this budget we should not increase charges by the rate of inflation.

Members interjecting:

The Hon. K.O. FOLEY: No, no; that is now your policy. We now have a budget policy—

Members interjecting:

The Hon. K.O. FOLEY: Well, you just announced it.

Members interjecting:

The Hon. K.O. FOLEY: You just announced that your view is that we should not raise charges by the rate of inflation, which would cost the budget tens of millions of dollars. So, yet again, we have financial and fiscal policy at a state level made on the run by this very, very ordinary outfit, which could never balance a budget. It was not within its ability to retain the state's AAA credit rating. I am happy to put this government's financial record against you lot any day.

MAGAREY FARLAM

Mrs REDMOND (Heysen) (14:45): Has the Attorney-General received any applications for financial assistance—

Members interjecting:

The SPEAKER: Order! I cannot hear the question of the member for Heysen.

Mrs REDMOND: Thank you, sir; I will start again. Has the Attorney-General received any applications for financial assistance from victims of the Magarey Farlam trust fund fraud; if so, what action does he intend to take? The opposition has been advised that some elderly clients of Magarey Farlam, who lost their life savings because of the fraudulent taking of some \$4.5 million from that law firm's trust account, have to date incurred in excess of \$100,000 in legal costs seeking to get their money back. We have also been advised that the trial is likely to be some three years away.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (14:46): I am not aware personally of that application, but I will check to see whether such an application has been made.

DUNDOVIC, MR D.V.

Ms FOX (Bright) (14:46): Can the Attorney-General advise the house whether the Director of Public Prosecutions has decided to appeal against the sentence imposed on Denis Vlado Dundovic for killing Mr Peter Godfrey?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (14:46): I can tell the house that the Director of Public Prosecutions has advised me that he has lodged an application to the Court of Criminal Appeal against the sentence imposed by Judge Millsteed in the District Court on 25 February on Denis Vlado Dundovic. Dundovic was committed to the District Court for sentence after pleading guilty in the Magistrates Court to offences of aggravated causing death by dangerous driving and aggravated causing harm by dangerous driving. The offences were aggravated by reason of their being committed in the course of attempting to escape a pursuit by police and in the course of a prolonged and deliberate course of very bad driving.

Dundovic was exposed to a maximum penalty, for the first offence, of imprisonment for life and a minimum licence disqualification of 10 years and, for the second offence, imprisonment for seven years and a minimum licence disqualification of three years. Dundovic was sentenced to a term of imprisonment for a period of five years, 10 months and two weeks, with a nonparole period of four years, two months and two weeks, which included a period of parole. The offender was also disqualified from driving or holding a driver's licence for a period of 10 years.

On the morning of 12 February 2007, while on release from custody on parole, Dundovic fled police at high speeds, with his headlights switched off, in a vehicle reported stolen. Under the influence of methamphetamine, Dundovic crashed into the Ford motor vehicle driven by the victim, State Emergency Services volunteer and newlywed, Mr Peter Godfrey, who was travelling to work along South Road. Alas, Mr Godfrey died at the scene from the injuries he suffered.

A police accident reconstruction expert estimated that, at the moment of impact, Dundovic was travelling at a speed of between 152 and 163 km/h. The judge remarked that Dundovic had a poor criminal record, which included convictions for offences of dishonesty and violence but, primarily, for driving offences. Significantly, in recent years he had been involved in two high-speed police chases.

The Director of Public Prosecutions has advised me that the grounds upon which leave to appeal is sought are that the sentence imposed is manifestly inadequate in that it fails to maintain an adequate standard of punishment for the offence of aggravated cause death by dangerous driving; that the learned sentencing judge erred in starting with the sentence of seven years imprisonment given that the maximum penalty for the offence is life imprisonment; that he found that the offending was and I quote 'towards the upper end of the scale of seriousness for crimes of this type'; and that the conduct of the defendant and his prior history puts the matter into the most serious class of offences.

The learned sentencing judge erred in imposing a sentence that was so disproportionate to the seriousness of the offending as to shock the public conscience. This matter has caused much public disquiet. These sorts of offences are shocking to the South Australian public, and in 2005 Mr Greg James QC was appointed to conduct the Kapunda Road Royal Commission. One of the results of that commission was that the government proposed, and this parliament carried, changes to the criminal law to increase penalties for offenders evading police pursuit and to create aggravated driving offences.

I know that the member for Unley in debate this morning was condemning me for advocating increases in sentencing in our criminal justice system; mocking and criticising me for doing that. I refer members to the parliamentary record. Who knows what he thinks about the case of Dundovic? I would be frightened to know.

Dundovic was subject to those laws and the higher maximum penalties they included. This was acknowledged by the sentencing judge in his remarks. The entire sentencing remarks are available on the Courts Administration Authority's website, and I encourage honourable members to view them at www.courts.sa.gov.au. Like many, I was thoroughly perplexed by the sentence imposed and, soon after the sentence was handed down on Denis Vlado Dundovic, I met the Director of Public Prosecutions to consult on this matter and he informed me of his intention to appeal.

We sit here on the government bench opposite an opposition that criticises us whenever we as a government make comment on individual cases. If one reads the member for Heysen's electorate newsletter, you will see in it front-page criticism of the government for canvassing individual decisions. I make no apology for canvassing this individual decision. Moreover, the member for Heysen told the house during the last sitting week that, if she had been the attorney-general, she would not have appealed against the suspended sentence handed to Paul Habib Nemer. Let us get it really clear—

Mr WILLIAMS: Mr Speaker, I think for the last five minutes the Attorney has been debating rather than answering the question, which is against standing orders.

Members interjecting:

The SPEAKER: Order! I think the Attorney has pushed the bounds of the substance of the question. Perhaps he might wind up.

The Hon. M.J. ATKINSON: If the opposition becomes the government and the member for Heysen becomes the attorney-general, there will never be appeals against sentences ordered by the attorney-general.

Mr WILLIAMS: I rise on a point of order, Mr Speaker .

The SPEAKER: Order! I know what the member for MacKillop's point of order is and I uphold it.

Mr WILLIAMS: Sir, can I seek a point of clarification from you?

The SPEAKER: Of course you can.

An honourable member interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Sir, you have conceded that you knew what my point of order was and you agreed with the points that I was going to put, yet you allowed the Attorney to continue with that debating; whereas, when the opposition asked the question, you automatically, without a point of order being called from the other side, called the opposition to order.

An honourable member interjecting:

Mr WILLIAMS: I am seeking a point of clarification.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, please! Member for MacKillop, I called the Attorney to order as soon as you got to your feet. He took some time to sit down and I am happy to rebuke him for not taking his seat as soon as you rose to your feet.

WORKCOVER CORPORATION

Mr HANNA (Mitchell) (14:55): My question is to the Premier. What will the Premier do to ensure the WorkCover claims agent will desist from threatening to cut off workers' benefits if they mix with other injured workers? An injured worker recently received a letter from EML, which said:

Employers Mutual Ltd have received information that you are visiting other individuals that are on WorkCover, and liaising with them in relation to their situation.

We write to issue you a warning that this does not continue. If you proceed to continue to visit your fellow colleagues on workers compensation, we shall consider issuing you an applicable discontinuance letter. Under no circumstances should you be visiting other individuals that are on WorkCover.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (14:56): I am aware of this issue and I have read the letter, and I say that the letter is totally inappropriate. I am advised that the letter contains no information about the conduct of the injured worker that constitutes a proper basis for the discontinuance of WorkCover benefits. I have spoken on two occasions this morning with the CEO of WorkCover, Ms Julia Davison. Ms Davison also takes this matter very seriously and has informed me that this is not conduct that is condoned by WorkCover.

I also understand this matter has been raised with the Chief Executive Officer of Employers Mutual. The matter is under investigation. I have called for a full report, in particular to determine whether this is a one-off incident and what action will be taken by the WorkCover Corporation regarding this issue. Once again I say that this letter is totally unacceptable and inappropriate.

Honourable members: Hear, hear!

UNITED NATIONS DEVELOPMENT FUND FOR WOMEN

Ms BEDFORD (Florey) (14:58): My question is to the Premier. Will the Premier tell the house about the importance of the UNIFEM breakfast that was held this morning at the Convention Centre?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:58): Earlier this morning, I was delighted, along with the Governor, His Excellency Rear Admiral Kevin Scarce, and his wife, Liz, to attend this morning's UNIFEM breakfast at the Convention Centre. It was held there because Adelaide hosts the nation's largest UNIFEM breakfast, and this morning nearly 2,000 women attended the breakfast—the most anywhere in Australia—along with a scattering of supporting men to hear guest speaker, the delightful Margaret Pomeranz, of the ABC's *At The Movies* fame.

Hosting the breakfast was South Australia's own federal Minister for Climate Change and Water, Penny Wong, and I am pleased to say that there was an enormous turn out of members of parliament and many members of federal, state and local government, including ministers Lomax-Smith, Zollo and, of course, the Minister for the Status of Women, Jennifer Rankine. I note that even very strong feminists from the upper house—Hon. John Gazzola and, indeed, a raging feminist in Bob Sneath, the President—were there to show their support. UNIFEM is the United

Nations Development Fund for Women that was established in 1976 to provide financial and technical assistance aimed at strengthening the voice, position and power of women around the world, especially in terms of basic human rights, poverty and gender equality.

UNIFEM Australia was incorporated in 1990, and I am very pleased that, over the years, this major fundraising breakfast which coincides with International Women's Day (which is on Saturday) is now the largest UNIFEM breakfast in Australia. It is of no surprise to me that nearly 2,000 people attended the breakfast. South Australian women are proud to be living in the second jurisdiction in the world (a few months behind New Zealand) to allow women to vote and the first jurisdiction in the world to allow women to stand for election to parliament in 1894. However, it was a further 24 years before a woman actually stood for parliament in South Australia in 1918 and a further 41 years before a woman was elected to the South Australian parliament in 1959.

It took a while, but 113 years on we celebrate another first: a South Australian woman, Julia Gillard, was sworn in as Deputy Prime Minister of Australia, the most senior political position ever held by a woman in this country. I have no doubt that her appointment is a true inspiration to girls and women everywhere, especially to those young women considering a political career.

Of course, this government seeks to increase the number of women in this parliament to 50 per cent by 2014. I am very pleased to say that, as far as the Labor Party is concerned, we have 46.4 per cent representation of women in the House of Assembly. We are very close to equal representation and, while I am reluctant to become too political because that is not my way, I point out that women hold 41.7 per cent of the seats held by the South Australian Labor Party in the whole parliament, compared to just 21.7 per cent of seats held by women from the Liberal Party. I need not remind you, Mr Speaker, that the Liberal Party has just three women in this house and, for the first time in history, this South Australian cabinet boasts five women ministers. We have been appointing record numbers of women to the Supreme Court and I know I have had the very strong support of the Attorney-General in doing so.

When I first became Premier of this state six years ago, almost to the minute, I also made it my business to ensure we lifted the number of women on government boards and committees. I am delighted to inform the house—and this is breaking news—that as of 1 March this year 44 per cent of members on our boards and committees are women, compared to 33 per cent four years ago. Of those chairing those boards and committees, 32 per cent are women compared to just 24 per cent four years ago. A key tool to this government used to increase the number of women in leadership positions is the Premier's Women's Directory. By last month, 472 women were registered on the directory—an increase from the 280 women registered as of June 2006. Of those 472 women, many are from regional South Australia, from an Aboriginal community and from our multicultural community.

The Minister for the Status of Women has done a magnificent job in ensuring that women are given a greater role on our boards and committees. It is worth reminding the house that the minister has expanded outreach services to women throughout this state. She has led the trial of the Family Safety Framework across the whole of government to provide better outcomes for those families at risk of experiencing family violence. She has also led the Women's Safety Strategy. The minister has been a key advocate inside cabinet and government for ensuring laws relating to the rape and sexual assault are changed and improved.

I am proud of this government's record on women's issues and I hope that we can lead by example, especially for those opposite. To the women of South Australia, I wish you every success for this Saturday's International Women's Day and I thank all those women who got up this morning so early to support today's UNIFEM breakfast.

TRAM DERAILMENT

Dr McFETRIDGE (Morphett) (15:04): My question is to the Minister for Transport. Was TransAdelaide notified prior to the Melbourne Cup Day tram derailment that the poor positioning of signal 31 at the South Terrace tram stop was a danger and a safety risk to staff and the public and, if so, why was action not taken to rectify the problem? Documents tabled by the minister confirm that the driver's line of sight from his cabin to the signal was obscured. The opposition has received advice that TransAdelaide was notified of this safety risk at least two weeks before the accident but the signal was not moved until immediately after the derailment.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:04): I thank the member for Morphett for his question. I did not think I would get the opportunity to clear up some of the absolutely—it is a shame the cameras are not here. I have been assured by the acting general manager of TransAdelaide, through one of my

staff, that the tram report that has been attacked today by the Leader of the Opposition reflects absolutely accurately the investigation report. Can I say for the benefit of the Leader of the Opposition that the person I am talking about, the acting general manager, was of course a ministerial staffer to ministers Armitage and Lawson? I do not think he is making it up for us. I am assured by him that the report absolutely accurately reflects the investigation report.

In regard to the question raised by the member for Morphett, he has been going around trying to sell a lot of stories about this tram derailment, and one is that this was a cause. I refer him to the report and explain what was explained to me by Mr Randall Barry. The culture of rail investigation is to look at an incident and, wherever possible, look at every systemic matter that might contribute to it. My understanding is that what has happened is this. The driver ran a red light. He afterwards conceded to the investigation that he ran a red light.

Subsequently, I think in an interview two days later—and, not surprisingly, because of course the member for Morphett had been running around saying they are under too much pressure and that is why he did it; and, of course, that was one of his stories, but another story was he was waved through and another story was it was the track that was at fault—the driver did raise the view that there was a bit of stress keeping up with timetables. Subsequently, the reporter went through and talked to a lot of operators and other people, and one of the operators—I will be absolutely accurate and say that I do not know whether it was the operator or someone else—raised the issue that perhaps some of the signals would be obscured by certain things.

But I think the key for the member for Morphett is this: there has only ever been one derailment there. There has only ever been one time that a signal there was ignored, and that was this occasion. For the benefit of the member for Morphett, you would think if there was a structural problem it would have happened more than once. It has happened once. As I said, the culture of the reports is to go through and look at everything that might contribute. But, honestly, I say again, sometimes members of the opposition are simply strangers to embarrassment when they are caught out.

Can I quote the report that the member for Morphett will not quote for the house? It says that 'other factors that may have contributed to the driver not obeying the signals are as follows', and it talks about layout of signalling and signage and a few other matters. That is because the culture is that you go and look at an incident and put everything in there that may contribute. But, do you get it? It is the only time it has ever happened! If the signage was a problem, you would think it might have happened more than this one solitary occasion. Those matters are raised by people and put into the report because they want to make sure, as would any good investigator.

What it does not say, and this is where the member for Morphett and the Leader of the Opposition should be so embarrassed, is that the driver was waved through, which is the allegation of the member for Morphett; it does not say the computer system did not work, which was the allegation of the Leader of the Opposition; and it does not say that the track was improperly laid, which again was the allegation of the Leader of the Opposition. If he had his way he was going to tear it all up and lay it all again. That is a smart move. It does not say any of those things. It does not bear out any of the ridiculous claims made.

I know I upset the bloke. I do become a fixation with some people. It is a burden I have had to carry all my life, really. But the allegation made today that the report I have given the house does not reflect what is in the investigation is again utterly untrue—absolutely, utterly untrue. There is a time in life when sometimes the opposition should be just a little embarrassed by the things they are prepared to say that are proved to be wrong. But we know how it works, because the member for Morphett said previously to a member on our side when he was taken to task about the silly allegations he raised, 'Well, I only have to get one right.' That is the approach. It is not the approach we take here. We talk about Westminster standards, but he said to a member on our side, 'Don't worry; I only have to get one right.'

Well, I tell the honourable member: no, you have to get them all right. The standards in this place are that you have to get them all right—not that you can make them up and hope that one day one of the slurs sticks. You have slurred public servants; and you can slur me all you like because, frankly, mate, I have dealt with more important people than you in the playground. You can slur me all you like, but do try to leave the public servants alone.

TRAM DERAILMENT

Dr McFETRIDGE (Morphett) (15:10): My question is to the Minister for Transport. Was there a serious incident on the King William Street tramline approximately half an hour before the

Melbourne Cup Day tram derailment; and, if so, has a record of the event or investigation been made?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:10): The honourable member would probably have to give me more detail than that. I do not have any knowledge of it, but what I would say is that, if the honourable member alleges it, I will check it very carefully.

TRAM DERAILMENT

Dr McFETRIDGE (Morphett) (15:11): My question is to the Minister for Transport. What disciplinary action, if any, has been taken, or is planned to be taken, against the tram driver involved in the Melbourne Cup Day derailment?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:11): Of course, the member for Morphett is on the record as having said that it should have been the general manager or me who got sacked and that the driver did nothing wrong.

Dr McFetridge interjecting:

The Hon. P.F. CONLON: One's gone and he is proud of the fact that he drove a decent bloke to distraction. He is proud of it. He could not get the other public servant because he was proved to be wrong, but he is proud of it because he is a little man who sets his sights so low. You big, brave fellow: the public servant who cannot come into this place and answer you. You are so proud, aren't you? You are a disgrace! I understand that the driver was stood down for a period of time while the investigation was ongoing—I think, from memory, it was something like nine days for the part involving him—and a warning was put on his record.

I say at the outset that this was not about a witch-hunt for a driver. People do make mistakes. The member for Morphett makes only mistakes. If the member for Morphett was suspended every time he made a mistake, this house would be blessedly free of him. We would not see him for months. He would have a backlog. I understand that the driver was stood down—I will check whether it was with or without pay—and he had a warning put on his record.

But I say that the only people who have dragged this driver through the mill are members opposite who have made incredibly wrong allegations time after time; so we have to tell them the truth. The member for Morphett wrote a letter wanting to sack everyone. He wrote a letter to the union that stated that it should take industrial action. Do members know what the union said? It said that it had complete faith in me and Bill Watson and no faith in the opposition spokesperson.

FRAUD FORTNIGHT

Mr O'BRIEN (Napier) (15:13): Will the Minister for Consumer Affairs inform the house about Fraud Fortnight and the upcoming World Consumer Rights Day?

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (15:13): Fraud Fortnight is being run in conjunction with the Australasian Consumer Fraud Task Force and highlights some of the many scams that people should avoid. It commenced on 24 February and will run through until 8 March. Its purpose is to increase awareness about deceptive and seductive scams. Scams are designed solely to trick people into giving away their money or personal details so that these people can dip their fingers in their bank accounts. In fact, it is estimated that in the last financial year South Australians parted with around \$1 million.

In the first week of the scams campaign there was a focus on seduction scams, where people are seduced by great offers that a scammer never intends to deliver.

Mr Bignell: Liberal preselection!

The Hon. J.M. RANKINE: Liberal promises, yes. Well, there have been a few of those. These false offers can include large inheritances, a new love interest or a supposed lottery win. The focus this week has been on various types of deceptive scams which involve criminals purporting to be from legitimate companies. They might claim to be calling from a bank, a charity, or even a government organisation, saying that a person's money is at risk but can be rectified simply by providing a few personal details, which inevitably ends in disaster for the victim.

Over the Fraud Fortnight period Consumer Affairs officers will be distributing the new *Little Black Book of Scams* and they will also be handed out today under the canopy in Rundle Mall, where officers have been available to answer questions as people make their way through the mall. Scammers contact their victims in a variety of ways—mail, email, telephone, over the internet, and door to door. They use all available technology to swindle people, and they are difficult for the police to track down.

Following on from Fraud Fortnight is World Consumer Rights Day on 15 March. This day, which has an international focus, is held each year to mark the declaration of the eight basic consumer rights, including safety, satisfaction of basic needs, education, redress, a healthy environment, to be informed, to choose, and to be heard. The Office of Consumer and Business Affairs is using this day to promote its consumer protection role and encourage consumers to understand and assert their rights.

The message is simple for consumers: if in doubt don't give your details out and always be sceptical of offers that sound to be too good to be true because they usually are. South Australians are becoming more savvy. In the latest annual report of Consumer Affairs, the number of complaints registered about scams has fallen by more than 450, compared with the previous year. I understand there is about a 22 per cent drop. If people become aware of a scam they should contact the Office of Consumer Affairs, and always be alert about unsolicited approaches.

ATTORNEY-GENERAL'S REMARKS

Mr PISONI (Unley) (15:18): I seek leave to make a personal explanation.

Leave granted.

Mr PISONI: During an answer to a Dorothy Dixer the Attorney-General suggested that my defence of a restorative justice situation in my electorate over a couple of kids who egged somebody's house is equivalent to me supporting a lower sentence for a serial criminal and law breaker, and I would like to stand here and say that that is not the case, but it is typical of the Attorney-General's style in the way he reads into *Hansard*—

The SPEAKER: Order! The member for Unley has now gone well beyond the bounds of personal explanation.

BUTLER, SIR RICHARD

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:19): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.W. WEATHERILL: Yesterday in a contribution to the house I described the architect of the Housing Trust as Sir Richard Butler, and that in fact is true, but I was helped on by a helpful interjection to say that he looks down on us, and I happily agreed with that. But, of course, we are looked down on not by Sir Richard Butler, the architect of the Housing Trust, but in fact his father, Sir Richard Butler the first. This has all been happily brought to my attention by the federal member for Port Adelaide, who happens to be the great-great-grandson of Sir Richard Butler. He wanted me to come into this house and correct the record, lest I had incorrectly attributed that responsibility to his great-great-grandfather instead of his great-grandfather.

GRIEVANCE DEBATE

HYDE PARK DEVELOPMENT PROPOSAL

Mr PISONI (Unley) (15:20): The behaviour of the Attorney-General is very typical of someone who runs around claiming to be religious but behaves in a very unchristian manner. However, that is for another time. Today, I want to talk about a proposed development in my electorate—a five-storey retirement village comprising 73 apartments, with leisure facilities. This development will necessitate the removal of significant trees, and it is out of character with the much-loved and well-preserved area. The development is to be sited on Commercial Road, Hyde Park, the former grounds of a nearby school that was sold about 18 months ago.

The development application does not meet the guidelines for buildings within the zone, but that does not mean that approval cannot be given. A public meeting was held at very short notice at the Unley Park Bowling Club on 1 March 2008, and in excess of 150 concerned and angry

residents were in attendance. I had the honour of chairing that meeting, and the Mayor (Richard Thorne) was also at the meeting to explain to those in attendance the development process. A residents action group was formed, and I am pleased to inform the house that I am involved in that residents action group to facilitate their objectives.

Of course, the main objection to this development is the issue of increased traffic. It is estimated that, with 73 units being constructed, we would be looking at up to 500 car movements a day in the street, and that street was not designed for major traffic movements. As a matter of fact, the council was in the process of contacting residents about closing off parking on one side of the street because the road is simply not wide enough for the traffic that is using it now.

There is insufficient parking. Most of these apartments are two or three bedroom. It is described as a retirement village, but it is really the type of apartment you would expect to see on the Glenelg foreshore, in the member for Morphett's electorate. As a matter of fact, previous developments by this developer (a publicly listed company) in New South Wales have always been on the water or overlooking a park, but this development is right in the middle of a residential area. There are huge overlooking concerns: each of these apartments has a balcony and, consequently, apartment dwellers would be able to see into people's backyards up to two streets away. There are environmental concerns with loss of trees and wildlife in the area.

However, the most important thing to remember is that it will see a significant loss of character and amenity in Hyde Park. If this development did get through—if, for some reason, the environment court decided that this project could go ahead—it would be the end of Hyde Park and Unley Park as we know them. Already we are seeing a number of houses being demolished, land being sold off and subdivisions being put in place throughout Unley, which is a concern. It is a very significant concern for people who have made a significant investment in their home and lifestyle in Hyde Park and Unley Park.

The area is an R400 zone, and I think everyone was expecting that what was going to be developed there might be 18 or so double-storey homes with a gated entry, perhaps similar to what we see at Mira Monte, which I think is something that would have been accepted by the residents. However, can members imagine a five-storey building with 73 units in the middle of a metropolitan area? That is development gone mad, and it has occurred so that a publicly listed, national company can come in and make a quick buck, and all the residents of Hyde Park and Unley Park are being asked to forgo a percentage of the investment they have made in their own homes so that those developers can come in and make a quick buck on a development. This will make a significant change to the amenity of the area and to the traditional character that we see in Hyde Park and Unley Park.

Time expired.

INTERNATIONAL WOMEN'S DAY

Ms BEDFORD (Florey) (15:25): This week we again celebrate International Women's Day, which this year's falls on Saturday. This morning, on Kaurana land, along with many of my current and past colleagues from both houses and from the federal parliament and in the presence of His Excellency the Governor Kevin Scarce and Mrs Liz Scarce, I attended the UNIFEM breakfast.

UNIFEM is the United Nations development fund for women. It provides financial and technical assistance to innovative programs and strategies that promote women's human rights, political participation and economic security in more than 100 countries. UNIFEM Australia is a voluntary organisation that supports UNIFEM's work through raising public awareness in gender and development issues, engaging governments and raising funds for selected UNIFEM projects. To the strains of *I am Woman*, with 1,950 women of all ages (and it was great to see groups from schools there today), women from all sorts of organisations were together for a great event. I congratulate all those involved in the organisation of the function.

Along with another similarly large crowd, I will return to the Adelaide Convention Centre on Friday for the International Women's Day lunch, where many of our women will be recognised with awards for their work in the community. I often have the opportunity to recognise women's achievements in sport, and I particularly support callisthenics throughout Australia, a sport where participation levels are probably second only to netball.

When speaking of great achievements in sport, women have been breaking records for years. Karen Rolton, South Australia's team captain, was only 18 runs short of 4,000 runs in the women's national cricket league in November last year, having already achieved this historic

milestone in one-day internationals, playing in three World Cups in which Australia was victorious in two. Karen follows in the steps of many fine women cricketers, such as Victorian Betty Wilson, who recently celebrated her 86th birthday. She was the youngest in the 1948 test team in England and scored 111—the first woman to score a ton against the old enemy. She was a great role model, as Karen is now. It is true to say that sporting identities are looked up to by the community, and that is why it is so important for sporting codes to adopt best practice and take a leading role in important issues.

The AFL is to be commended on its Respect and Responsibility program, providing mentoring and advice to young footballers on a range of situations they may face during their career. A new DVD outlines how excessive drinking can lead to situations where footballers may find themselves involved in behaviour that can lead to very serious consequences. Their behaviour towards women and each other can sometimes become violent, and there is a large body of research and evidence explaining how and why this happens. Of course, it is the few who bring the many into disrepute. More importantly, however, it is how this issue is spoken about and reacted to that will see this behaviour named and eliminated.

As the Reverend Peter McDonald said in his opinion piece in *The Advertiser* last week commenting on player behaviour, or the behaviour of anyone involved in family violence, it does not make someone a man hater, myopic or unlucky in attracting the attention of sportsmen. It makes us concerned about the effects of irresponsible behaviour. It is a woman's basic human right to be safe, and saying no to anything should never lead to violence. Reverend McDonald rightly points out that advertising creates demagogues of sportsmen and stereotypes of women as objects of desire, inviting men to believe that they should have a higher sense of entitlement when dealing with women.

Motivated by their sense of entitlement, it is men in their intimate relationships who are perpetrators of sexual violence. This sense of entitlement can be an obstacle to following the honourable values and intentions most men have. The challenge is to move from being unrestrained to being responsible for their actions and their consequences. Building good relationships is important in all facets of our lives. Reverend McDonald talks of the three starting points: communication, the ability to listen and understand; respect, the ability to disagree without putting someone down; and empathy, the ability to walk in the shoes of others.

The media can play a great role in exposing the discourse that positions and excuses acts of violence by conflating them with issues of gender attraction because it is a way to obscure the complex questions of power relations and underlying patriarchal structures. What better example of this than the silence that surrounds domestic and family violence? With stats like one in 10 men and one in three women experiencing violence or sexual assault, we continue to have a very real problem. When any of us see it, we must know how to take action

Each of us must agitate to raise the profile of this issue, which must have touched each of our families, and make change, supporting victims and perpetrators to improve their situation and, in doing so, protect their quality of life and that of the children, who are witnesses and victims of adult behaviour and the inaction that impedes long overdue change. May this International Women's Day see us—mothers, sisters, daughters and aunts—using our influence and being empowered to make change.

KANGAROO ISLAND NATURAL RESOURCES MANAGEMENT BOARD

Mr PENGILLY (Finniss) (15:30): I rise to my feet to express some concerns about the directions of some of the natural resources management boards in South Australia. I know that other members have expressed concerns about some of the outcomes that are coming out of these boards. It is worth remembering that it is not so long since we put these boards in place and, indeed, in another life, I was involved with the transition and the original concept by the former minister for environment, John Hill.

However, I do have some concerns now about some of the activities and outcomes that are concerning South Australians. More to the point, I would like to raise the issue of some of the activities in relation to the Kangaroo Island Natural Resources Management Board and some of the concerns that are indeed being raised by members of the Kangaroo Island community.

One of the issues here is that you have an appointed board as opposed to an elected council or an elected board or an elected committee. I think this is where the thing is falling apart. We have an elected council on the island and in a lot of other places, elected from the community and charged with the responsibility of running that community's business.

We have a development board which is partly elected and partly appointed by the government, we have a host of government agencies, and we have an NRM board entirely appointed by the minister of the day. We have about half a dozen entities trying to run Kangaroo Island and interfering, in my view, to a fairly large extent with the activities and the direction of the elected council.

This has manifested itself particularly lately over the water issue, the Middle River dam, and, more to the point, the impact of forestry. Some years ago there was quite a land acquisition program started by forestry companies. Bluegum Forestry, in particular, moved in looking for a large amount of high production, high rainfall country to be sustainable.

Some of us had concerns about that, and some of us had doubts about the future, and indeed they were expressed on regular occasions, but the fact of the matter is that the development plan on Kangaroo Island allowed for that to operate and we have it now and, quite frankly, regardless of whether you wanted it or did not want it, the important thing now is that it be a successful industry on the island.

For a lot of these industries and all sorts of things you need more water. The Middle River dam catchment is the major catchment for the towns of Kingscote and Parndana and various other points in between. I am concerned that the natural resources management board is sticking its nose in here. I think it is out of order; I think the council is more than capable of dealing with this. Indeed, I am quite annoyed that there seems to be a takeover by an appointed board of elected members' responsibilities and it is of great concern to me. I know that some four, five or six months ago there was a motion within the board to have a meeting with the landholders and landowners and users of the area around Middle River to talk about the future.

I do not believe it needs prescribing. I am concerned that SA Water are running around on that and I am concerned that the natural resources management board has also got itself mixed up in it. I think now, finally, some sense is starting to take place and the chairman of the NRM board on the island is going to commission a meeting out there with those people to talk about it.

The chairman of the NRM board has indicated on many many occasions that she is adamantly opposed to forestry. The fact is, as I said, that forestry is there; it has to be made to work, and we have to have water. We have to have water for all sorts of things and, indeed, we should be digging more big dams on the west end of Kangaroo Island to provide for further extensions of agriculture or horticulture or whatever.

This is a most important thing to happen. It seems to me that impediments are being put in the way of orderly and proper development on Kangaroo Island in this case by a small group of people who are opposed to the world and any progress whatsoever. Doom and gloom: they think it is never going to rain again. Well, it is going to rain again; I hope it rains like blazes this winter, fills the dams up and we can keep on moving. I am concerned that when the minister comes to the time to reappoint or appoint members to this board, that she put on good practical people and not philosophical hacks who have absolutely no interest in where things are going, who do not want anything to change.

You have to get on with it; you have to come back to putting proper people on these boards, and the challenge is for the Minister for Environment to do so. I will be very disappointed if this board goes haywire, and I will be raising it in this place again. It is a critical issue for the island and I look forward to a satisfactory conclusion.

EAST TURKISTAN

Ms SIMMONS (Morialta) (15:35): Last week South Australia and, in particular, the South Australian parliament, was pleased to receive a visit from Ms Rabiya Kadeer, Chair of the World Uyghur Congress, and other international Uyghur delegates from both the US and Germany. It was a great honour to hear such an amazing world leader (also a woman international leader) tell the story of her country of East Turkistan and her own family, and I feel very privileged to have been included in these meetings. In recent years, I have been pleased to get to know the East Turkistan community in South Australia, initially through their former president, Rachmat Damien, and current president, Mr Abdulghaur Momin, and other members.

They have been diligent in raising my awareness of the East Turkistan struggle for independence and human rights, and I have also been delighted to join them for East Turkistan National Day celebrations and Nawruz festivals, as well as attending functions at the Burke Islamic College in Gilles Plains which many of their children attend. East Turkistan has a long and

distinctive history enhanced by its position along the Silk Road bridging mainland China and the ancient Arabic, Persian and European cultures to the west.

Today the population of approximately 19 million includes several Turkish speaking Muslim ethnic groups, of which the Uyghurs (numbering more than eight million) are the largest. Uyghurs have their own civilisation, culture, language, music and dance developed over thousands of years, but in 1949 East Turkistan came under Chinese rule and, since then, its people have struggled for their basic rights and their traditional values.

Reports from the country document a pattern of abuse, including political imprisonment, torture and disappearances. Uyghurs are subjected to executions for political and religious offences. Mosques are summarily closed and the Uyghur language is banned from use in schools. I can only suspect that China's desire to own East Turkistan and exterminate the indigenous people is because it possesses huge reserves of natural resources, including natural gas, oil, gold and uranium. It has more than 100 different kinds of natural minerals, as well as growing major agricultural products desired by China.

In South Australia, we too often take our democracy, freedoms and human rights for granted. We become aware of our complacency when we meet charismatic leaders such as Rabiya Kadeer, who remind us of the fragility of these rights. Ms Kadeer is the most prominent human rights defender and democratic leader of the Uyghur people. She was once praised by the Chinese government and appointed a member of China's National People's Congress, as well as to the Political Consultative Congress in 1992.

She was a member of the Chinese delegation to the UN's fourth conference on women in 1995. However, shortly afterwards, she was arrested and sentenced to eight years in prison for stealing state secrets. A mother of 11 children, she was refused visits from outside prison. She was also refused books, paper and writing materials. Those outside China campaigned for her release and, in 2000, she was awarded the highest human rights award. She has also been nominated for the Nobel Peace Prize in both 2006 and 2007.

Although she has campaigned relentlessly for the human rights of the Uyghur people since her release, two of her own sons are imprisoned and other children are under house arrest in East Turkistan. I am proud to be part of a state and government that has provided a refuge for many migrants and refugees who have been denied their basic political, cultural and religious rights. I commend the World Uyghur Congress and their leader, Rabiya Kadeer, and the East Turkistan Association of South Australia to the house. I hope that independence and freedom in East Turkistan will come soon.

Honourable members: Hear, hear!

MURRAY RIVER

Mr PEDERICK (Hammond) (15:39): I rise to speak today on the government's lack of timely action on river infrastructure below Lock 1 on the River Murray. We have an ongoing problem at the moment with the ferries at Swan Reach, Walker Flat, Penong, Mannum, Taillem Bend (which goes across to Jervois) and Wellington. At the moment, load limits are being put in place on several of these ferries and, as of tomorrow, the ferries at Walker Flat and Penong will only be able to carry loads of up to 12.5 tonnes. This will cause a severe restriction on trade for the locals. Freight operators—and one of them only rang me yesterday—are severely concerned that they will have either to head up to Blanchetown bridge or come down to Murray Bridge and charge extra freight to people in regional communities who are already suffering from this extended drought. People do not want to be in a position where they feel that they are ripping off other people.

The northern ferry at Mannum has been out of action for two months and it has been a ripe opportunity for the government to extend the ramps on the northern ferry at Mannum while the river is low and get on with the job. The government has put a cost on this of \$500,000, yet the council has said that it could do it for \$200,000. I have another suggestion: I reckon you could get together a group of cockies with a couple of welders and some angle grinders to do the job for \$50,000, if they were given the opportunity. I think I would soon be able to round up plenty of volunteers to do the job because issues of access for emergency vehicles, school buses, etc., have to come into play.

It is interesting to note that the other issue with ferry access is the fact that the government has not acted quickly enough on applying for the clearances through the Department for Environment and Heritage, including cultural clearances. It is all right to say that we cannot do the

work because all this has to happen, but this drought has been ongoing in the Murray-Darling Basin since before 2002 and to say that it has just snuck up on us is a fallacy. People have known the river is going to drop: we know what the forecasts are and we know what has happened in the past. So, the government needs to get on with the work and stop ignoring people. It is not responsible government to ignore people of this state and deprive them of the right to freight and public transport that they need in these communities.

It is interesting to note that the Wellington ferry, if things get that desperate, will be the last one in operation near the site of the temporary weir, if it ever goes ahead. When the weir announcement came out around 16 months ago, no forward planning was immediately put in place to assist these communities with both access to water and access as far as ferry operation and boat ramp access is concerned. I acknowledge the community groups once again for the tireless work that they do around the Lower Lakes and I acknowledge the grit and determination of people down there who are spending hundreds of thousands of dollars on their own survival. They are planning to survive not only this drought but for many years to come with the installation of tanks and desalination plants. But the pipeline planning that the government has really only got serious about in the past couple of months should have been ramped up from November 2006 when the announcement of this terrible weir proposal was put forward.

I note that minister McEwen, in answer to a question I asked last week regarding what he would do about the Lower Lakes infrastructure for water, said that he would advocate strongly at the primary industries ministers' meeting in Cairns. It will be interesting to learn how hard the minister did advocate for the area because I know privately that he has virtually written off the chance of the Narrung Peninsula having access to water via a pipeline. These people are in desperate need. The community has recognised the fact that it needs to make an obligation to it and this all needs to happen.

PEAK OIL THEORY

Ms FOX (Bright) (15:44): I rise today to speak for the second time in this house on the issue of peak oil. I was the first person to do so a year ago and, since that time, I have learnt a great deal—

Mr Hanna: I was the first one.

Ms FOX: Were you? I would like to apologise. I was unaware that the member for Mitchell had previously discussed peak oil, and I would like to celebrate him for having done so.

Mr Hanna interjecting:

Ms FOX: Yes. So, I was the second person, but perhaps the first woman.

Mr Hanna: Yes.

Ms FOX: Since that time I have learnt a great deal about peak oil theory and its potential impact on my electorate, this state and our country. Sadly, some people do not take these theories entirely seriously, perhaps in the same way that global warming was not taken seriously 30 years ago. The confused involvement of certain fringe elements in the debate certainly does not help.

After learning about peak oil theory, I asked a student who was part of the parliamentary internship scheme at Adelaide University, Mr Tyson Retz, to prepare a report into the impacts of peak oil on the state seat of Bright. I thought it would be interesting to see how something we discuss on a global scale would affect my constituency here.

For those listening in the house today, I will briefly remind you about peak oil theory. This theory suggests that oil production rates in any given area eventually reach a peak and then begin an irreversible decline. Peak oil theorists maintain that oil production follows a bell-shaped curve where production rates increase only so long as new reserves and extraction techniques are developed. The peak is a reservoir's maximum production rate, which typically occurs after roughly half of the resource in a reservoir has been produced. The International Energy Agency predicts a peak around 2015. Other experts say it will come in 2035.

Let us look at the electorate of Bright and oil scarcity. Given its low population density of around 1,060 people per square kilometre and its distance from the Adelaide CBD, Bright is situated in an area of locational fuel price disadvantage. It is clear to me that in the future the citizens of Bright will need to develop programs which reduce their global footprint if the transition to the post-petroleum age is to be a smooth one.

Mr Retz's report is particularly strong on the matter of thinking locally. Hopefully, this will become less of a slogan and more of a daily reality. As in most western cities, since the 1940s Adelaide has engaged in low density sprawling growth. This has progressively separated where people live from where they work, shop, attend school and engage in leisure pursuits, requiring considerable land and energy for transport. People in Adelaide are heavily reliant on cars. Adelaide's south-western suburbs are no exception to that trend.

Mr Retz's report says that Bright is 'an inefficient and highly dependent user of fossil energy'. Mr Retz also says that those living in the southern sector of the electorate will be the most severely affected by rising fuel costs, simply because they manage more debt than those in the northern sector and live further away from essential services. On the whole, those living in the southern part of the electorate are younger, have less disposable income and are more dependent on cheap fuel to cover greater travel commitments.

So, what about solutions for the future? Firstly, we need to acknowledge the problem. Governments worldwide have not been good at looking into the future and accepting theories that make them uncomfortable. Global warming is perhaps the most pertinent example. Until very recently, many western governments only paid lip service to the reality of climate change and its consequences. I think that peak oil is comparable. It is not an issue which should rest on the fringes of political dialogue with extremists and loopers. The peak oil debate must be brought into the political mainstream.

Secondly, the outlook for Bright is certainly not all doom and gloom. With a relatively low population density and reasonably productive soils, proper bio-regional planning in Bright should allow communities to be largely self-sufficient in food production. Indeed, it may be an idea for local councils, community groups and the state government to enlist the support of a diverse range of sustainable city experts and eco-architects to form a peak oil board.

Finally, and I know that various road lobby groups will not be thrilled to hear me say this, we will eventually have to substitute road programs for public transport networks. We will have to place particular emphasis on integrated transport networks which allow greater circumferential movement. We should consider the ways in which the collective road lobby is going to resist the shift towards non road-based transport, and we are going to have to think about how to deal with that.

SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 2423.)

Clause 4.

Mr HANNA: I move:

Page 4, lines 35 and 36—Delete 'devices known as bonges, hookahs, narghiles, shishas and ghalyans' and substitute:

the device known as a bong, but does not include devices traditionally used for the smoking of macerated fruit pulp or fruit flavoured tobacco known as hookahs, narghiles, shishas or ghalyans

The challenge is to differentiate between what we commonly call bonges, which are a kind of water pipe, and those instruments which have traditionally been used, particularly in Middle Eastern cultures, for inhalation of fruit-flavoured tobacco or the mashed pulp of fruit itself. The definition of water pipe that I am suggesting specifically includes the device known as a bong; and those familiar with drug paraphernalia retail shops will know exactly what that is, even though it comes in many shapes and sizes. I am specifically excluding those devices, traditionally used for the smoking of macerated fruit pulp or fruit-flavoured tobacco, known as hookahs, narghiles, shishas or ghalyans.

The Attorney-General was good enough to give some background to these various devices, but they amount to the same thing. They are all in the class of water pipe, but they are distinctive in appearance and, generally, those in Adelaide would be imported, perhaps carried home by people visiting the Middle East. To my knowledge it is almost unheard of that they are used for the inhalation of cannabis smoke, but they could be.

The purpose of the bill is to take away the temptation or the lure of drug paraphernalia from retail shops. The presumption is that having these items on display is some encouragement to people to experiment with illicit drugs, particularly cannabis or hashish, and use devices such as

bongs to inhale the smoke. The class of water pipes about which I am talking are usually—in fact, in almost every case of which I am aware in Adelaide—used for entirely legitimate purposes. I sincerely believe that, although the Hon. Ann Bressington had a fair point in her efforts with this legislation, the specific subcultural use of these implements was overlooked in her consideration.

It would be most unfortunate if a Lebanese bakery or a Persian food shop had one or two of these items on display after the passage of this legislation, if they had not heard of the passing of the law. Let us face it, even if there is a spot in *The Advertiser*, or some mention of it officially, it takes a while for that knowledge to permeate amongst all the groups and subcultures in our society. It would be most unfortunate if an honest and decent shopkeeper with one of these traditional implements for sale, with the expectation that it would be used for entirely legitimate purposes, were apprehended and punished for that.

So, it seems to me that the purposes of the legislation can be very largely met through its passage with this amendment, and yet innocent people who are not contravening laws regarding illicit drugs will be able to go about life as they do now. So, I think with the inclusion of these devices it is casting the net unfortunately wide, and it is going to catch innocent people. That would be most unfortunate.

The other aspect of this is that where people are legitimately enjoying fruit pulp or tobacco being smoked with the aid of a hookah or narghile, etc., then police, one would expect, would ask those people where they purchased their implement from. That is to say, if the sale of these implements was outlawed, one would expect police, if they see such implements being openly used in Hindley Street, as they are now several nights of the week, then one would expect the police to investigate, through questioning, where those implements were purchased.

It seems to me that, if people are lawfully going about their recreational pursuits, sitting there outside a cafe in Hindley Street, then they ought to be able to do that without questioning by police about where they obtained these implements. Such questioning could be construed, if not carefully done, as harassment, and that would be unfortunate, both for the standing of the police and the innocent citizens concerned.

So, I am hoping that the government will seriously consider this, because the government and Ann Bressington will be able to have what they want in terms of this legislation without catching up innocent, decent citizens unnecessarily.

Mrs REDMOND: I indicate that the opposition will support the amendment proposed by the member for Mitchell, although I do not think it will be successful. I think actually the parties in this chamber are at one in the intention of the legislation, and that is that neither the Attorney nor the member for Mitchell nor the opposition want to prohibit or stop the use of these various implements in the circumstances of the Egyptian Cafe in Hindley Street and other like premises.

So, whilst I do not necessarily agree with all of the reasoning put forward by the member for Mitchell, on balance it seems to me that it would put it out of consideration that there is a problem with these particular things if we adopted his proposed amendment, and to that end we will support the recommendation of the amendment.

The Hon. M.J. ATKINSON: I am astonished that, to curry favour with the member for Mitchell—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Well, the member for Heysen on behalf of the Liberal opposition says she does a lot of currying of favour with the member for Mitchell, and this is an egregious example—because if this amendment is carried the bill is, in effect, rendered nugatory. What can happen, of course, is that narghiles and hookahs will become tremendously popular and they will take the place of bongs at the retail premises Off Ya Tree. There is no distinction that can be made in law between bongs on the one hand and hookahs on the other. There just isn't a distinction, because a hookah or a narghile can be used to smoke cannabis.

I am astonished that the Liberal Party, having made its pledge to the Hon. Ann Bressington, in another place, is entirely two faced about it, and when it gets down here thinks that the Hon. Ann Bressington isn't looking. Well, it just won't wash. The government opposes the amendment.

Mr HANNA: In response to the Attorney, I think the Attorney is missing the point of the legislation, although I thought he had set it out fairly clearly when he was first speaking to the bill. The purpose of the legislation is to stop the encouragement of illicit drug use through the display of

drug paraphernalia, such as bonges, in retail outlets. When you see windows full of little bonges, whether they be small or large, whatever shape they come in, if they come in a novelty design or whatever, there is a message to the community that the drug use, which is the likely end result of a purchase of those implements, is acceptable. That is what I think appals the Hon. Ann Bressington, and she has a point. But the display of the items I am talking about does not encourage drug use; I do not think most people associate them with cannabis use, and it is certainly not the case in the Middle Eastern community within Adelaide that these items are thought of as something associated with illicit drug use.

The purpose of the legislation, then, will still be maintained if this amendment is carried. At the very least, the Attorney might like to postpone further consideration of the bill to the next parliamentary week to enable further consultation with the groups that might be affected.

The Hon. M.J. ATKINSON: I think that is an excellent suggestion. I look forward to the member for Heysen taking this amendment to the Liberal party room and having a thorough discussion about it.

Progress reported; committee to sit again.

LEGAL PROFESSION BILL

Consideration in committee of the Legislative Council's message.

Mrs REDMOND: The opposition remains content to agree to those amendments which have been moved by the Minister for Police in the other place, but we remain opposed to the Attorney's disagreement with our amendments passed at the urging of the Hon. Robert Lawson in the other place.

I reiterate again our position, which I still believe is perfectly reasonable and rational, and I can find no rational argument for not acceding to these amendments. They enable anyone who has lost their money from a solicitor's trust account to be recompensed from the guarantee fund—the very purpose for which the guarantee fund was set up. The fund consists of interest earned on moneys held in solicitors' trust accounts combined into what is known as the 'combined trust account', which then earns interest paid into the statutory interest account. When it was set up 25-odd years ago, it was set up specifically for the purpose of making good and guaranteeing, therefore, the wrongdoings of solicitors or people who worked in solicitors' firms.

As to the suggestion that there is any rational basis for not agreeing with the amendments, which simply say that people who have lost money in those circumstances by fraud against a solicitor's trust account should not be able to go straight to the guarantee fund, get their money, let the guarantee fund to chase after whoever it thinks should be held accountable for that loss, let the people get their money straightaway and get out of the system, they are innocent victims. I will not go through at length all the detail we dealt with the other day. I do not think I need to repeat the argument. It seems to have gone on ad nauseam and, as far as this government is concerned, it falls on deaf ears. I think that we need to deal with this today so that we can set up a deadlock conference as soon as possible in the hope of resolving it appropriately.

Mr HANNA: The issues regarding these amendments concerning the guarantee fund have been canvassed before. I have made the point that really the whole structure of the guarantee fund, and disbursement of interest earned on trust accounts, needs to be reviewed. Obviously, it needs to be done separately from the consideration of rules for the legal profession nationally. It seems that other states may not be interested in a more rational structure for those matters in South Australia. I am hopeful that, if there is a conference to break a deadlock between the two chambers of parliament, there might be a more general discussion about how things could be done better in South Australia. Certainly, these amendments will assist justice to be brought for the victims of the Magarey Farlam defalcation, but of course they are cast in more general terms in order to help others in the future who might be in a similar situation.

The Hon. M.J. ATKINSON: The government will agree to its own amendments that have been insisted upon in another place. When this matter was last debated, I was well aware that we had moved amendments. However, I was making the point—I hope forcefully—that, if our offer to help Magarey Farlam clients is turned down by the opposition Liberal Party, we will simply lay the bill aside, and there will be no concessions. The Liberal Party will lose the whole shooting match, and I think I made the point by rejecting all the amendments.

The government will not agree to the amendments, put forward by the opposition and supported by the minor parties, that have the potential to spend all the guarantee fund, allowing all

manner of costs to be drawn from it. The member for Heysen is quite cheerful that nothing will be provided from the fund for legal aid, for the Legal Services Commission. She is quite happy with that result, and that is why she is moving these amendments.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen confirms that nothing from the interest of the trust account should go to legal aid.

Mrs Redmond: That is not what the amendments say.

The Hon. M.J. ATKINSON: It is not what the amendments say: it is just their effect. That is all. Amendment No. 1 received the support of opposition members, as it would permit the Law Society to apply the guarantee fund in exercising subrogated rights of action under section 322. The amendment was added because it was unclear whether the fund could be so applied in the absence of express reference. The committee should agree with that amendment; indeed, it is an amendment I foreshadowed here, and the Hon. Robert Lawson took up my invitation and drafted it.

Amendments Nos 13 to 15 inclusive made provision for the amount of a levy on the legal profession to be fixed by the society but imposed only with the approval of the Attorney-General. Again, opposition members supported that amendment, and the committee should agree to it. Amendment No. 16 provided for the Supreme Court to be able to assign functions or powers by rules of court but subject to an appeal to the court from a decision of the assignee. Again, members opposite supported that amendment, and it is appropriate that the committee agree to it.

The other 12 amendments in the schedule—that is, Nos 2 to 12 inclusive and 17—are to do with the opposition's plan to use the Legal Profession Bill as a vehicle for dealing with Magarey Farlam claims, which are presently covered by the Legal Practitioners Act 1981. These amendments would make a fund a first resort for claimants, even where those claimants have a reasonable and feasible remedy against the wrongdoer or wrongdoers.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: As the member for Heysen says, the fund can then chase them. These amendments would increase the statutory cap on claims in all cases to 30 per cent of the fund for each claim; that is, they would permit the fund to be exhausted by four large claims to the detriment of other purposes to which the fund is now applied, such as the cost of investigating and prosecuting legal practitioners through the Legal Practitioners Conduct Board—according to the opposition, a mere bagatelle: we can just lay it aside, we do not need to do it, and it does not need money.

There is also the cost of assessing practitioners for admission to practise—the opposition says, 'Well, we'll take away the source of funding. Give it to the Magarey Farlam claimants: who cares?'—and assessing education programs by the Legal Practitioners Education and Admission Council. The government has not changed its position on the amendments moved by the Hon. Robert Lawson about the guarantee fund and it is the government's position that the House of Assembly should continue to oppose his amendments, other than amendment No. 1. Therefore, as to amendment No. 1 proposed by the other place, I move:

That the House of Assembly no longer insist on its disagreement to amendment No. 1.

Motion carried.

The Hon. M.J. ATKINSON: As to amendments Nos 2 to 12 inclusive proposed by the other place, I move:

That the House of Assembly insist on its disagreement to amendments Nos 2 to 12.

Motion carried.

The Hon. M.J. ATKINSON: As to amendments Nos 13 to 16 proposed by the other place, I move:

That the House of Assembly no longer insist on its disagreement to amendments Nos 13 to 16.

Motion carried.

The Hon. M.J. ATKINSON: As to amendment No. 17 proposed by the other place, I move:

That the House of Assembly insist on its disagreement to amendment No. 17.

Motion carried.

PREVENTION OF CRUELTY TO ANIMALS (ANIMAL WELFARE) AMENDMENT BILL

Second reading.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (16:18): I move:

That this bill be now read a second time.

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

Leave granted.

The Prevention of Cruelty to Animals (Animal Welfare) Amendment Bill 2007 will:

- increase penalties up to \$20,000 or 2 years' imprisonment for animal ill treatment and organised animal fights, such as cock fighting;
- make aggravated animal cruelty an indictable offence, increasing the penalties for offenders;
- empower animal welfare inspectors to routinely inspect intensive farming establishments, puppy farms, circuses, council pounds and similar places holding animals;
- allow animal welfare inspectors to enter a property to rescue an animal, even if the owner is not present;
- empower courts to order confiscation of objects used in an offence;
- allow courts to order the forfeiture of mistreated animals even where no conviction has been recorded;
- include in the offence of ill treatment of animals the keeping of animals in conditions likely to cause pain, distress or disease;
- change the name of the Act to the Animal Welfare Act 1985 to reflect a changed emphasis from preventing animal cruelty to promoting animal welfare. This emphasis is reflected throughout the provisions of the Bill.

Consultation

A draft consultation Bill was distributed to all key stakeholders and interested individuals and many of their responses, particularly those from industry groups, raised issues of regulatory impacts.

This Bill has been prepared after consideration of the comments received during the consultation period, and consultation with the following groups and organisations amongst others:

- Primary Industries and Resources South Australia, Animal Health Branch
- Minister for Agriculture, Food and Fisheries
- Department for Environment and Heritage, Animal Welfare Unit
- Department for Environment and Heritage, Compliance and Investigations Unit
- Department for Water, Land and Biodiversity Conservation, Animal Plant Control Group Unit
- RSPCA
- South Australian Farmers Federation.

Title of the Act

Modern animal welfare legislation uses terms such as animal protection and animal welfare rather than prevention of cruelty. This is a change in emphasis. The title of the current Act, namely the Prevention of Cruelty to Animals Act 1985, focuses on preventing cruelty rather than broader considerations of animal welfare. The Bill will rename the Act as the Animal Welfare Act 1985. References to cruelty will be replaced by ill treatment and welfare requirements of animals. Similarly, causing harm to an animal, as defined by the changes proposed in the Bill, will be an offence. This reflects a duty of care which exceeds merely preventing cruelty.

Increasing penalties and vicarious offences

The penalties in the Act relating to ill treatment and enforcement will be increased, as will penalties for offences against the regulations. A new offence of aggravated cruelty will be created in circumstances where a person intentionally or recklessly ill treats an animal to the extent that it dies or is seriously harmed. This will be an indictable offence with a maximum penalty of \$50,000 or 4 years imprisonment. The employer of a person who, in the course of their duties, commits an offence, will be liable to the same penalty as the principal offender unless it can be established that the employer could not, through due diligence, have prevented the offence from occurring.

Powers of Inspectors

The Minister will be able to appoint persons as inspectors with broader powers than the Act currently permits. The appointments may be made subject to conditions, thus enabling the Minister to limit an inspector's powers, as appropriate. Subject to any conditions imposed on an inspector's powers, an inspector may exercise his or her powers:

- with the consent of the owner; or
- if there is reasonable suspicion of an offence, with a warrant; or
- if the situation is urgent, without a warrant; or
- to conduct routine inspections of certain premises or vehicles.

The inspector may also be accompanied by any person the inspector considers necessary. The general inspectorial powers will extend to places linked to an offence as well as the place where an alleged offence occurred. If the conditions of appointment permit, an inspector will be entitled, on reasonable notice, to enter intensive animal production facilities, farms, dog pounds, circuses, rodeos, zoos, puppy farms, pet shops, etc.

The increased powers of entry afforded to inspectors in relation to the investigation of suspected breaches parallels that in other legislation; for example, the National Parks and Wildlife Act 1972. As inspectors are appointed by the Minister, the Public Service Management Act applies to inspectors, thus ensuring appropriate and lawful behaviour and penalties for inappropriate actions and compliance with the Code of Conduct for Public Sector Employees.

Preventing harm

The current Act allows inspectors to enter premises if an offence has been committed or to seize an animal if it is the subject of an offence. The Bill provides that the inspector can use the powers conferred by the Act if there is reasonable suspicion that an offence is about to be committed or if the animal will suffer unnecessary harm if urgent action is not taken (whether or not there is suspicion of an offence). It also authorises inspectors to issue notices with respect to special care that must be given to an animal or to its surroundings. This may include orders as diverse as providing veterinary attention to a limping dog, or removing broken glass from a horse paddock.

The Act will be amended so as to make provision for the giving of animal welfare notices. If an inspector believes on reasonable grounds that the exercise of powers under the proposed provision is warranted because the welfare of an animal is being adversely affected, the inspector will be able to give the person a written animal welfare notice specifying the action that must be taken for the welfare of the animal and the time within which such action must be taken. Contravention of an animal welfare notice will be an expiable offence.

Organised animal fights

The Act will be amended to create a new section to deal with organised animal fights, incorporating the provisions currently in different sections of the Act and regulations. This section would stipulate that any person involved in the activity, (for example, an organiser, any participants, the owners of the animals, any person present and any person who knowingly allows their premises or vehicles to be used for this purpose) commits an offence. It will also be an offence for a person to be in possession of other relevant items that would assist in training an animal to fight.

The community does not accept this 'sport' and submissions received in the consultation period clearly indicated that any person involved should be prosecuted. The re organisation of the provisions has no regulatory impact. The expansion of the provisions relating to organised animal fights would mean that any person involved in such activities would be liable for prosecution.

Objects used in offences

The Bill provides that the court may order objects used in an offence (for example, spurs confiscated from a cock fight) to be forfeited to the Crown to be disposed of as the Minister sees fit. This may include allowing law enforcement agencies to retain the items for evidentiary purposes or allowing museums to retain the objects for artistic or cultural purposes.

Destruction of animals by veterinarians or inspectors

The current Act allows inspectors or veterinarians to destroy animals that 'by reason of age, illness or injury, such that the animal is so weak or disabled, or in such pain, that it should be killed'. The Bill extends the power of veterinarians and inspectors to euthanise animals which are suffering severely. An inspector must not exercise any such power without the consent of the owner or on the warrant of a magistrate except where the animal is wild or the owner is uncontactable.

The intention of this amendment is to allow inspectors and veterinarians to kill animals which are obviously wild or which have such severe behavioural abnormalities that caging them whilst an owner is sought would, of itself, amount to a form of ill treatment.

Disposal of animals

Currently, an inspector can dispose of animals on the authority of a court order, if the owner cannot be found or if an owner fails to collect an animal within 3 clear days of being advised that it is being held. The Bill expands this ability to include the disposal of animals that cannot reasonably be held until a matter is heard in the courts. This may include circumstances such as fighting cocks, large numbers of emaciated livestock or a dog of such bad temperament or so diseased that it is impractical to hold it. In such cases, an inspector can dispose of the animal and, if it is sold, the proceeds will be held by the Crown pending the outcome of the prosecution.

In many cases, it is unreasonable or unfair to the animal to hold it pending a prosecution. In some cases (for example, emaciated livestock or ill natured dogs), the animals are of little or no financial value. In circumstances where the animals do have value, the proceeds will be held by the Minister pending resolution of proceedings. This will ensure that, if the defendant is found not guilty, he or she will be compensated at market value for the loss of the animal. Currently, on a finding of guilt, the court may order the defendant to pay the costs incurred by keeping the animal until the matter is heard. This provision will reduce those costs in some cases.

Powers of the court

Under the current Act, the court may order that a person forfeit an animal to the RSPCA on conviction of an offence against the Act. The Bill provides that the court may also order the forfeiture of an animal if the person is deemed unfit to plead or on a finding of guilt. In addition, the court may make an order that a person may keep any animal owned by the person in accordance with the conditions of the order (which may include a condition that the care of the animal be supervised or monitored by an inspector). The court may take into consideration any other matters put to the court on sentence, including any interstate orders made against the person.

If a person is unfit to plead, they cannot be found guilty of an offence. Hence, currently the court cannot require forfeiture of the animals if a person is mentally incompetent. In some cases, the court may allow a person to keep 1 or 2 animals but cannot order that the animals be supervised—thus courts may prohibit the keeping of any animal if in doubt that the owner is able to care for them adequately. This provision would address both of those issues.

False and misleading statements

The Bill creates an offence for providing false or misleading information in applications or other documentation relating to the Act. Allowing false information negates the purpose of collecting it. There is an expectation that information provided in an application is truthful. This provision reflects community expectations.

Delegation of powers

The Bill provides for delegation of Ministerial functions by the Minister. Currently, there is no such delegation so all Ministerial functions under the Act must be performed by the Minister. Providing the Minister with the ability to delegate powers will reduce the turn around time for the processing of applications and permits.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Prevention of Cruelty to Animals Act 1985

4—Amendment of long title

It is proposed to amend the long title of the Act to reflect the shift in emphasis from the prevention of cruelty to animals to the promotion of animal welfare.

5—Amendment of section 1—Short title

It is proposed to rename the Act as the Animal Welfare Act 1985.

6—Amendment of section 3—Interpretation

It is proposed to insert a number of additional definitions and to upgrade some of the current definitions. In particular, definitions of harm, serious harm and rodeo event are to be inserted.

7—Amendment of section 6—Establishment of Animal Welfare Advisory Committee

It is proposed to amend this section by deleting obsolete references to certain Ministers and substituting references that will be ongoing.

8—Substitution of Part 3

Current Part 3 relates to cruelty to animals. It is proposed to repeal this Part and substitute a new Part that makes provision for animal welfare offences.

Part 3—Animal welfare offences

13—Ill treatment of animals

New section 13 creates an aggravated offence where the reckless or intentional ill treatment of an animal causes the death of, or serious harm to, the animal. The penalty for an aggravated offence is a fine of \$50,000 or imprisonment for 4 years.

The penalty for the offence of ill treating an animal in the non aggravated form is a fine of \$20,000 or imprisonment for 2 years.

The section lists some examples of the types of behaviour that would amount to ill treatment of an animal and provides that a person charged with an aggravated offence against the section may be convicted of the lesser offence if the court is not satisfied that the aggravated offence has been established beyond reasonable doubt but is satisfied that the lesser offence has been so established.

A defence is provided to a charge of an offence in its basic form.

14—Organised animal fights

New section 14 provides for offences relating to organised animal fights. With the exception of the offence relating to being present at an organised animal fight, the penalty for offences relating to organised animal fights is a fine of \$20,000 or imprisonment for 2 years. The penalty for the lesser offence is a fine of \$10,000 or imprisonment for 1 year.

15—Electrical devices not to be used in contravention of regulations

New section 15 provides that it is an offence to use an electrical device for the purpose of confining or controlling an animal in contravention of the regulations. The penalty for such an offence is a fine of \$10,000 or imprisonment for 1 year.

9—Amendment of section 19—Conditions of licence

It is proposed to insert that a condition may be imposed on a licence requiring the holder of the licence to comply with such provisions of the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes as may be specified in the conditions.

10—Amendment of section 23—Animal ethics committees

This proposed amendment requires an independent person to be appointed to an animal ethics committee.

11—Substitution of heading to Part 5

It is proposed to rename Part 5 of the Act as 'Enforcement' and divide the Part into suitable Divisions. Division 1 (comprising new sections 28 and 29) will be named 'Appointment and identification of inspectors'.

12—Substitution of sections 28 to 31

28—Appointment of inspectors

This new section provides that the Minister may, by instrument in writing, appoint a person to be an inspector for the purposes of the Act. An appointment may be subject to conditions specified in the instrument of appointment.

29—Identification of inspectors

Inspectors (other than police officers) must be issued with photo identity cards which must be produced when powers under the Act are to be exercised.

Division 2—Powers of inspectors

30—General powers

This new section provides for the general powers of inspectors so as to enable them to carry out their functions under this measure. These powers are in keeping with usual inspector's powers under similar Acts.

31—Routine inspections

This new section makes provision for inspectors to conduct routine inspections of premises or vehicles for the purposes of administering the Act. The owner or occupier must be given reasonable notice of the proposed inspection and be given a reasonable opportunity to be accompanied by a nominee throughout the inspection. However, no notice is required to be given of a routine inspection of premises or a vehicle in or on which an inspector reasonably suspects there is an animal in respect of which an animal welfare notice or animal welfare order is in force. Inspectors must take such steps as are necessary in the circumstances to minimise any adverse effect of such routine inspections on the business or activities of the occupier or owner.

31A—Special powers relating to animals

If an inspector reasonably suspects that an animal is suffering or may suffer unnecessary harm if urgent action is not taken, the inspector may—

- provide treatment and care for the animal;
- cause the living conditions of the animal to be modified;
- seize and retain the animal for treatment and care.

If the condition of an animal is such that the animal needs to be destroyed, an inspector may, subject to certain conditions, destroy the animal without incurring any civil liability for the destruction.

Inspectors have the powers conferred on them by new section 30 for the purposes of this proposed section.

31B—Animal welfare notices

If an inspector believes on reasonable grounds that the exercise of powers under this proposed section is warranted, the inspector may give the person an animal welfare notice specifying the action that the inspector considers should be taken for the welfare of the animal. Contravention of any such notice is an offence, punishable by a fine of \$2,500 (expiable on payment of a fee of \$210).

Division 3—Miscellaneous

31C—Dealing with seized animals and objects

The Minister may sell, destroy or otherwise dispose of animals or objects seized and no longer required to be retained in certain circumstances.

31D—Warrant procedures

This new section sets out the procedures to be followed in order to obtain a warrant from a magistrate.

31E—Offence to hinder etc inspectors

It is an offence for a person to hinder, obstruct, refuse or fail to comply with a requirement or direction of an inspector, to fail to answer a question put by an inspector, or to falsely represent that he or she is an inspector. The penalty for such an offence is a fine of \$5,000.

13—Amendment, redesignation and relocation of section 33—Duty of person in charge of vehicle in case of accidents involving animals

The penalty for an offence against this section is to be increased from \$1,250 to \$5,000 with an expiation fee of \$315 included. This section is then to be relocated and redesignated as section 15A in Part 3 of the measure.

14—Insertion of section 33

New section 33 will be the first section in Part 6 (Miscellaneous).

33—Delegation

This new section provides for the usual power of the Minister to delegate a function or power (other than a prescribed function or power) of the Minister under this measure.

15—Amendment of section 34—Permit to hold rodeos

The proposed amendments to this section will increase the penalties for offences against the section from \$1,250 to \$5,000.

16—Insertion of sections 34A and 34B

34A—False or misleading statements

New section 34A provides that it is an offence for a person to make a statement that is false or misleading in a material particular in an application made or information provided under this measure. If the offence is committed knowingly, the penalty is a fine of \$10,000 or imprisonment for 2 years. In any other case, the penalty will be a fine of \$5,000.

34B—Power of veterinary surgeons to destroy animals

This new section provides that a veterinary surgeon may destroy an animal if of the opinion that the condition of the animal is such that the animal should be destroyed.

17—Amendment, redesignation and relocation of section 36—Court orders on finding of guilt etc

The proposed amendments to this section will extend the power of the court to make orders against persons found guilty of offences against the Act or if declared to be liable to supervision under Part 8A of the Criminal Law Consolidation Act 1935 (Mental impairment). Currently, the court may only make orders against persons convicted of offences against the Act in relation to an animal owned by the person that is the subject of the offence. Powers to make additional orders are also proposed and an order may be made in relation to any animal owned by the person (whether or not the subject of the offence). The section is then to be redesignated as section 32A and relocated in Part 5 (Enforcement).

18—Substitution of section 40

40—Vicarious liability of employers in certain circumstances

New section 40 provides if a person commits an offence against this measure in the course of employment by another, the employer is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the employer could not by the exercise of reasonable diligence have prevented the commission of that offence.

19—Substitution of section 42

42—Evidence

This new section makes provision for evidentiary matters for the purposes of this measure.

20—Insertion of sections 43A and 43B

43A—Reports in respect of alleged contraventions

If a person reports to an inspector an alleged contravention of this measure, the inspector must, at the request of the person, inform the person if practicable of the action proposed to be taken in respect of the allegation.

43B—Victimisation

New section 43B provides for victimisation. A person commits an act of victimisation against another person (the victim) if he or she causes detriment to the victim on the ground, or substantially on the ground, that the victim—

- has disclosed or intends to disclose information; or
 - has made or intends to make an allegation,
- that has given rise, or could give rise, to proceedings against the person under this measure.

Any such act of victimisation may be dealt with—

- as a tort; or
- as if it were an act of victimisation under the Equal Opportunity Act 1984.

21—Amendment of section 44—Regulations

The proposed amendments make provision for the fixing of penalties and expiation fees under the regulations and allow for certain matters under the regulations to be determined etc at the discretion of the Minister.

Debate adjourned on motion of Mrs Redmond.

CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 6, page 4, lines 24 to 28—

Clause 6(7), inserted subsection (5)—Delete the definitions of prescribed summary offence and total incapacity and substitute:

prescribed summary offence means a summary offence that has caused the death of, or serious harm to, a person;

serious harm means—

- (a) harm that endangers, or is likely to endanger, a person's life; or
- (b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or
- (c) harm that consists of, or is likely to result in, serious disfigurement.

No. 2. New clause, page 5, after line 18—

After clause 7 insert:

7A—Insertion of section 44A

Before section 45 insert:

44A—Assistance to victims etc

- (1) If—
 - (a) a court intends to—
 - (i) impose a sentence of community service on a person in respect of an offence; or
 - (ii) include a condition requiring the performance of community service in a bond imposed on a person in respect of an offence; and
 - (b) the court is advised by a victim of the offence, or by the prosecution on behalf of a victim of the offence, that the victim would like the defendant to be required to perform community service in accordance with this section,

the court may order that the community service, or a specified number of hours of the community service, consist of projects or tasks—

 - (c) for the benefit of the victim; or
 - (d) of a kind requested by the victim.
- (2) If a court refuses to make an order under this section, the court should state the reasons for that refusal.

- (3) If a court makes an order under this section in relation to a person, the community corrections officer to whom the person is assigned must consult with the victim before issuing any directions requiring the person to perform projects or tasks.
- (4) This section does not apply in relation to the performance of community service by a youth.¹

Note—

- ¹ See Young Offenders Act 1993 section 51(1) which provides that work selected for the performance of community service under that Act must be for the benefit of specified persons and bodies, including the victim of the offence.

ADJOURNMENT DEBATE

The Hon. M.J. ATKINSON: I move:

That the house do now adjourn.

SPRAGG BAG WATERBAG

Mrs PENFOLD (Flinders) (16:19): Mr Terry Spragg, an American inventor and proponent of waterbag technology, and his Australian associate Mr Robert Tulip, with some input from me, have recently put a submission, entitled 'Spragg Bag Water Transportation and Storage Technology for Climate Adaption', to the Garnaut climate review. Today I draw the attention of the house to this submission and urge those interested to seek more information on www.waterbag.com where a YouTube video of Terry Spragg walking on water can also be accessed.

The submission, 'Flexible water supplies for when and where you need them', provides the following information: The Spragg Bag waterbag is a new technology developed in the USA for towing large volumes of fresh water through the ocean in trains of connected fabric bags. A patented zipper bag connection technology enables robust seaworthy operation for water shipments of large size and economic fuel efficiency. Tests show each trip can transport up to one gigalitre of drinking water in 60 connected waterbags with each bag holding 17 megalitres.

Waterbags will be a major contribution to Australia's adaption to climate change. They provide a flexible and modular technology to ensure water security for consumers in times of erratic or changing rainfall. Waterbags are a low-energy method to secure urban water supply. There are potential future waterbag uses for carbon sequestration and climate change mitigation.

Waterbags are a better value, faster and more greenhouse-friendly method for expanding urban water supplies than desalination, dams and pipelines. Waterbags have significantly lower capital and operating costs, greater ease of implementation, minimal environmental impacts and much lower energy use than other options. Waterbags will be a new commercial water supply industry that will address drought contingency risks, create jobs, revenues and economic growth, and be good for the environment.

Wastewater treatment and transport for factories, stormwater and sewerage outfalls is a potential major future application with strong environmental benefits. Waterbags float in the ocean because fresh water floats on salt water. This principle has numerous potential innovative applications relating to climate change adaption and mitigation. Waterbag technology will have broad positive environmental impacts, strongly supporting Australia's adaption to a likely warmer and drier climate.

Because of the flexibility of waterbag technology, the wastewater system can be shut down and moved elsewhere if water levels at a selected waterbag loading source fall below designated environmental flows. Wastewater treatment applications, climate adaption and mitigation potential provide further environmental benefits. An example of potential wastewater treatment is in response to the problems identified by the Adelaide Coastal Waters Study. Technical reports have identified a loss of more than 5,000 hectares of seagrass mainly caused by poor water quality, especially high nutrient levels in the near shore waters.

These losses are due to the discharge of treated waste water from industry and metropolitan wastewater treatment plants. High levels of suspended solids in stormwater flows are also implicated. Waterbag transport and storage could make an innovative and cost effective contribution to the management of these liquid wastes. An article by Ian Edmonds, Northern River Water for Australian Cities, published in the September 2007 edition of *Water*, the Journal of Australian Water Association, discusses the feasibility of long distance waterbag transport. The article cites the Spragg Bag as a precedent and concludes:

The East Australian Current that flows 2,000 kilometres from the northern tropics to Sydney carries with it the outflow of the northern rivers. Enclosing only a small percentage of this river water in large membrane containers and allowing the filled containers to float with the current provides an almost free method of delivering drinking water to the major east coast cities. Preliminary cost estimates for the supply of 120 ML per day to the Gold Coast indicate this method of water supply may be 30 times less expensive to implement than an equivalent supply by desalination plant and that the method may emit 60 times less greenhouse gas. These figures suggest that the proposal would be much less expensive than a pipeline from the Burdekin River to Brisbane.

Droughts are cyclical and rain can return for many years. Once built, desalination plants continue to depreciate and the capital costs continue to require payment whether or not the plant is in operation. In 1992, the city of Santa Barbara, California spent \$35 million to build a 3.2 MGD desalination plant. The plant ran for one month. The rains came and the reservoirs filled, and the plant never operated again and later was sold for scrap. The flexibility offered by waterbag technology can avoid these technical and financial problems. A desalination plant costing \$1.5 billion for Adelaide is highly risky when other options, including waterbags, could cover drought situations at much less cost to the taxpayer who needs other infrastructure and better health services much more.

The Spragg Bag waterbag technology will enable the commercial sale of fresh water from places of abundance; supply large volumes of competitively priced new water for municipal and industrial use in all coastal areas of Australia; and reduce the need for water restrictions enabling increased economic activity (for example, tourist, housing, watering of urban parks, industrial use high value agriculture in destination centres). Improved efficiency and market orientation in the Australian water industry provide an efficient wastewater management option in suitable locations of potentially major contributions to CO₂ emission reduction, climate adaption and climate change mitigation.

An extensive economic analysis of specific waterbag proposals has been commissioned by Spragg & Associates, and an initial Australian desk study was prepared for indicative water supply over distances of 900 kilometres and 2,150 kilometres. This analysis indicates that waterbag technology can supply commercially competitive water for municipal and industrial purposes to mainland Australian cities and that waterbag technology has the potential to create a major new water transport industry for Australia. Tasmania is ideally placed to take a global lead in the introduction of waterbag technology in view of Australia's ongoing water shortages and strong technical, physical and political capacity to introduce waterbag technology quickly.

Experience with how to manage and sell bulk resources through the mining industry provides a platform for the introduction of waterbags. Waterbags will prove highly competitive and energy efficient against other technologies—such as desalination canals; parklands; dams; ocean tankers and recycling—and will act as a useful addition to the overall Australian water supply system. Waterbags will prove suited to a wide range of new and innovative uses. I have suggested other ideas that could make the waterbag technology take off as a way to help clean up our environment and provide more water. For example, waterbags can be used to collect stormwater, factory wastewater, grey water and sewerage for treatment, clean disposal and reuse.

These approaches could provide new sources of water for a range of purposes, from irrigation to human consumption. These sources would use water that is already available and causing environmental issues. Even the saline water from desalination plants, where these plants are still economical, could be collected in waterbags and towed out to sea for release in deeper, more turbulent waters to dissipate. The Spragg & Associates' patented zipper technology can be used for efficient and environmentally safe deep sea waste disposal. Waterbags are an ideal strategy for climate adaption in the water sector.

They can be put in place quickly to meet demand and drought contingency; are entirely modular and can be scaled up from a small initial operation; can be relocated and used elsewhere; can be made on demand without high upfront capital costs; can act as their own offshore reservoir at source or destination; require much less energy than desalination per volume of water produced and delivered; so might be eligible for carbon offset financing; do not require large land purchases; reduce the need for other expensive water supply solutions; and may in the future be powered by renewable wave, solar and wind energy. If water supplies at one source are less than the designated level earmarked for environmental flows, it is simply a matter of disconnecting the offshore portion of the water delivery system and moving it to a different water source location. The water bags are easily moved to any offshore loading location. Water technology allows for an open-ended perpetual agreement with multiple water sources, depending on water availability and transport price from any potential water sources.

Mr Spragg requests that the Garnaut review conduct a technical and economic evaluation of the Spragg water bag proposal to assess our claims of significant potential contribution to climate adaption and significant economic and environmental superiority to other water technologies now under consideration.

SOUTH ADELAIDE FOOTBALL CLUB

Mr BIGNELL (Mawson) (16:30): It is the first week of March, which is always a wonderful time to be a supporter of the South Adelaide Football Club. Each year our hearts are filled with so much hope that this will be our season to break the long-running drought of SANFL premierships. This year we live in hope that our saviour will be Jack Cahill, who at 67 has come back into the fold as an SANFL coach. He started out with the Panthers in the under 17s back in 1957. We hope that, after so many years of missing out on making the grand final and taking the flag, we can do it this year. I was there in 1979 when South Adelaide was last in a grand final and they got kicked off the park when Port Adelaide had the win—

The Hon. J.W. Weatherill: I was there.

Mr BIGNELL: I was at that game too, and it was a fairly one-sided game, because the wind seemed to be with Port Adelaide for three of the four quarters.

As I said, we live in hope that things will change and that we will be successful in 2008 at South Adelaide. Jason Torney (from the Adelaide Crows) has joined the Panthers line-up this year along with Travis Beard (from the Western Bulldogs), Mitchell Sandery (from Norwood), Myke Cook and Andy Otten (both from the Adelaide Crows), Marcus Burdett (from Mount Compass) and Justin Wilson (from Morningside). Here's hoping, with Jack back, that we can have some success and, in those immortal words of the Premier: Go Panthers!

I wish the other footy clubs in my electorate the very best of luck. The Morphett Vale Emus have taken the flag for the past three years, and I have been happy that my son has been out there as a player in their grade 2 and 3 team and, last year, in their grade 4 and 5 side. It is a fantastic club which has taken its players through the junior ranks right up to the A grade. As I said, they have won three flags in a row and the feeling around that club is fantastic.

Just down the road the Hackham Hawks—a club I support and for which I have just signed a cheque as one of their major sponsors this year—have not done so well in recent years. Some very big scores have been kicked against them, so they have been at the opposite end of the table to the Emus. They have a new board this year, and they have been very fortunate that one of their supporters won something like \$12 million in X-Lotto, so he has pumped some money into the club. They have a new coach and some new players, so let us hope the Hackham Hawks can be a team to contend with in the league this year.

Further south, Willunga is the team to beat. They have been pretty much unbeatable for the past three years, even though Langhorne Creek went out and bought a heap of pretty good players last year and they were the fancied tip to take out the flag but, once again, Willunga was too good for them on the day in the grand final. Well done to Willunga, and I wish them all the very best, as I do the McLaren Eagles—another team in the electorate of Mawson, which will be up against Willunga. They are also a very good team. I think one of the great things about going to see McLaren Eagles games is that it is that real, old-fashioned country footy. Joe Petrucci and some of the local growers invite you around to the back of the steak sandwich van. They always have a good bottle of McLaren Vale red, and you sit there on a cold winter's day and see the likes of Tony Modra play against the Eagles. It really is a fantastic way to see the footy, and you can get out onto the park at quarter time and half time to have a kick with your son.

I think it is one of the great things about our great game of Australian football. To anyone who is getting a bit sick of the big end of town and the million-dollar corporate AFL level of football, I advise you that there would be plenty of worse ways to fill in your weekend than to head down to McLaren Vale, maybe tour a few wineries, and then pull up your car next to the fence and toot on your favourite team in the local league.

Motion carried.

At 16:35 the house adjourned until Thursday 6 March 2008 at 10:30.