

LEGISLATIVE COUNCIL

Tuesday 21 November 2006

The **PRESIDENT (Hon. R.K. Sneath)** took the chair at 2.18 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

- Reports, 2005-06—
 - Department for Administrative and Information Services
 - Disciplinary Appeal Tribunal—Report of the Presiding Officer
 - Mining and Quarrying Occupational Health and Safety Committee
 - Operations of the Auditor-General's Department
- Regulation under the following Act—
 - Essential Services Commission Act 2002—Confidential Information

By the Minister for Emergency Services (Hon. C. Zollo)—

- Reports, 2005-06—
 - Child Death and Serious Injury Review Committee
 - Club One (SA) Ltd. Financial Accounts
 - Construction Industry Training Board
 - Education Adelaide
 - Gaming Machines Act
 - Guardian for Children and Young People
 - Independent Gambling Authority
 - Problem Gambling Family Protection Orders Act 2004
 - South Australian Forestry Corporation
 - The Council for the Care of Children

By the Minister for Correctional Services (Hon. C. Zollo)—

- Department for Correctional Services—Report, 2005-06

By the Minister for Environment and Conservation (Hon. G.E. Gago)—

- Reports, 2005-06—
 - Animal Welfare Advisory Committee
 - Barossa Health
 - Booleroo Centre District Hospital and Health Services Inc
 - Bordertown Memorial Hospital Inc
 - Ceduna District Health Services Inc
 - Coober Pedy Hospital and Health Services Inc
 - Eudunda and Kapunda Health Service Inc
 - Food Act 2001
 - General Reserves Trust
 - Hawker Memorial Hospital Inc
 - Health and Community Services Complaints Commissioner
 - Hills Mallee Southern Regional Health Service Inc
 - Kangaroo Island Health Service
 - Lower North Health
 - Loxton Hospital Complex Inc
 - Medical Board of South Australia
 - Meningie and Districts Memorial Hospital and Health Services Inc
 - Metropolitan Domiciliary Care
 - Millicent and District Hospital and Health Services Inc
 - Mount Gambier and Districts Health Service Inc
 - Murray Bridge Soldiers' Memorial Hospital
 - Murray-Darling Basin Commission
 - Occupational Therapists Registration Board of South Australia
 - Orroroo and District Health Service Inc
 - Pika Wiya Health Service Inc
 - Port Augusta Hospital and Regional Health Services Inc

Port Broughton District Hospital and Health Services Inc
 Port Lincoln Health Services Inc
 Quorn Health Services Inc
 Riverland Regional Health Service Inc
 South Australian Psychological Board
 The Jamestown Hospital and Health Service Inc
 Wakefield Health
 Windmill Performing Arts Company
 Regulation under the following Act—
 Liquor Licensing Act 12997—Murray Bridge
 Christmas Festival

By-laws—

Corporation—
 Adelaide Hills—No. 16—Bird Scarers.

VON EINEM, Mr B.S.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I table a ministerial statement on Bevan Spencer von Einem made in the other place by the Hon. John Hill (Minister for Health).

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Police): I give notice that on Wednesday 22 November I will seek leave to introduce two bills.

The Hon. Sandra Kanck: Do they have to be passed this week?

The Hon. P. HOLLOWAY: I know it is tough; 10 bills in six days is really a cracking pace. They are all so detailed, too.

Members interjecting:

The PRESIDENT: Order!

QUESTION TIME

VON EINEM, Mr B.S.

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question on the subject of her ministerial statement yesterday.

Leave granted.

The Hon. J.M.A. LENSINK: In her ministerial statement yesterday, the minister advised that the doctor in question who had prescribed a sex performance-enhancing medication to Bevan Spencer von Einem has been suspended pending the outcome of an investigation. In relation to all the allegations relating to the treatment or otherwise of Bevan Spencer von Einem in the prison system, will the minister advise whether any other staff of either the Prison Health Service or the Department for Correctional Services have been stood down pending an investigation?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): As I placed on the record yesterday, the Prison Health Service is administered by the Department of Health in our state prisons. I know of no other doctor, at this time, who has been stood down. As I also said yesterday, every investigation also aims to identify improvements in systems, or new processes or policies, and maybe even new amendment legislation. Regarding these allegations—obviously there are several investigations happening at this time—I might have said that they occurred between the period 1999 to 2003, but I am advised today that further information has led to the investigations now going back as

far as 1996. So, between 1996 and 2003, we are looking at seven years of a Liberal government.

I would say to those opposite not to try to take the moral high ground. My advice is that the Cialis drug referred to in the ministerial statement delivered today in the other place was actually a Liberal policy during the time of the Hon. Dean Brown. This is Liberal policy which we have since fixed.

The Hon. J.M.A. LENSINK: Following on from that answer, will the minister advise whether she is confirming that no Department for Correctional Services officers have currently been stood down as a result of any current investigations?

The Hon. CARMEL ZOLLO: I should place on the record that there are three investigations occurring at this time. One of those investigations which relates to corrections I referred to last week in the council.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: This has nothing to do with the Cialis drug. The police investigation, which is also occurring at this time, is totally out of my hands, as it should be. The third investigation that is occurring, based on the information that was provided to us last Friday, relates to the Cialis drug and, as has been put on the record in this place, a medical practitioner has been stood down pending that investigation.

The Hon. R.I. LUCAS (Leader of the Opposition): I ask a supplementary question. Will the minister confirm how many correctional services officers are the subject of this number of investigations which are now being conducted in relation to issues that relate to Bevan Spencer von Einem?

The Hon. CARMEL ZOLLO: I really should emphasise to members opposite and, indeed, everyone in this chamber, that the Department for Correctional Services treats all allegations seriously and conducts—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO:—its own investigations into allegations, where appropriate.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. CARMEL ZOLLO: I would like to place on the record that, over the past three years, the department has significantly improved accountability in the corrections system and its ability to deal with allegations of misbehaviour within the system. This is something that we had to do; it was not that lot opposite. Some of the measures include—and this has all happened under our government—the appointment of a second departmental investigator and the creation of a departmental order and risk management committee. The department has conducted audits both internally and through the Department of Justice's audit group. Two positions have been created in the Custodial Directorate to develop standardised operating procedures for all prisons, and an Investigations Review Committee has been established to ensure that any recommendations resulting from investigations are followed through.

I also place on the record (as I did yesterday) that we have seen new protocols in relation to information exchange between DCS and Health. Again, as I said yesterday, protocols are about defining relationships, not details, and that is also being reviewed.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: No, I am not going to place on the record right now how many officers are being investigated, because I think that would prejudice the outcome. However, I add that the DCS investigations will also look at whether staff purchased cards and artwork from von Einem. Before I continue, let us remember that this was 1996 to 2003—seven years of Liberal government. DCS investigations will also look at whether corrections staff deposited money from the sale of those articles into von Einem's bank account or, indeed, whether these deposits, in many cases, were made anonymously, as well as whether von Einem was permitted to use a mobile phone by a staff member on one occasion.

So, we are investigating various aspects. Other matters likely to arise from the investigation include: prisoner access to moneys in their trust account; anonymous depositing of moneys into prisoners' trust accounts; the ability to rotate staff through the divisions of a prison; whether the arrangements for transactions between prisoners and staff outside the normal work context need further tightening; and, of course, as I have also mentioned, a review of information sharing between the South Australian Prison Health Service and DCS.

The investigation will continue until all those who are to be investigated have been interviewed. As I said the first time (I think it was last week) these issues were raised, I undertake to bring back to this parliament any actions arising from those investigations. If parliament rises prior to those investigations being completed, I also undertake—unlike members opposite—to bring back an interim report to the parliament.

The Hon. J.M.A. LENSINK: I ask a supplementary question. Will the minister confirm whether any of the officers who are currently under investigation have been suspended?

The PRESIDENT: That is hardly part of the original answer.

An honourable member interjecting:

The PRESIDENT: It is not part of the original answer, anyway.

The Hon. R.I. LUCAS: That is very disappointing. Following questions asked by my colleague the Hon. Michelle Lensink, I seek leave to ask a question of the Minister for Correctional Services about the Rann government's appalling management of Bevan Spencer von Einem. Leave granted.

The Hon. R.I. LUCAS: As the Hon. Mr Lawson has indicated, these allegations were first raised in some detail two years ago in 2004. The minister was a member of the Legislative Council at this time. On 15 November I asked the minister whether she had been briefed by senior correctional services officers about allegations of favourable treatment for Bevan Spencer von Einem, and the minister's response was illustrative, because she said, 'No, I had no reason to be briefed in relation to any special treatment.' The minister was a member of this council when specific allegations were made by the Hon. Mr Lawson and other members in relation to special treatment of Mr Bevan Spencer von Einem.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Allegations have been made and a number have subsequently been proven to be true. However, I will not be diverted by interjections. The Hon. Carmel Zollo went on to say, 'As minister I asked verbally; I visited Yatala as well'. The Hon. Carmel Zollo, in response to an

interjection from an out of order member, said, 'Well, I obviously asked my CE.' The out of order member was identified—it was me—and asked, 'What did the CE say?' The minister's response is as follows:

As I have placed on the record, the system did does not offer Bevan Spencer von Einem any special treatment. We have had some allegations about the behaviour of some correctional services officers, which is being thoroughly investigated.

My questions to the minister are:

1. When did she ask her chief executive whether or not Mr Bevan Spencer von Einem had been receiving any special treatment?

2. Specifically, what response did the chief executive give the minister, and is the minister claiming the chief executive said to the minister that Mr Bevan Spencer von Einem was not receiving any special treatment at all?

The Hon. CARMEL ZOLLO: Members opposite really need to get over this to understand that a lot of what has been alleged and is being investigated occurred under their watch. Let us make that quite clear. We are taking responsibility and are investigating all allegations, which is more than you did: you just ignored them for the eight years you were in government. What the Hon. Robert Lucas did not read out was that I said that the claim that we had not investigated was a blatant lie, which it is.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: I said that what the Hon. Robert Lawson had said was a blatant lie, because we did investigate it. The Hon. Terry Roberts did investigate the allegations made in 2004, I think, and, before we could act on what the allegations turned up, the particular correctional services officer at that time resigned. I know the CE went through a series of reprimands, docking her salary and some suspension. Before we got to the dismissal stage this person resigned. There were also allegations of an improper relationship with other prisoners. Before that could be followed through she resigned.

I have also placed on the record that in the past five years or so we have changed the manner in which we recruit our correctional services officers. They now have to undergo psychological testing. Two years ago we further strengthened that psychological testing. I do not think I placed on record that we now take only one in seven people, so obviously there has been a culture change. One would hope that the Marys—a pseudonym used—would never ever get into our correctional services again. I have also placed on record that we are building a new prison, which no doubt will see increased transparency and accountability.

The issue of tenure is another issue we are receiving advice about. I do not have a date. I get briefed by all my chiefs on a fortnightly basis and, amongst those briefs, because we were visiting Yatala, I would have asked that question. I did not have a tape recorder with me. None of these allegations that we have now heard from the *Sunday Mail* were before us at the time. There was a police investigation happening in relation to the rape allegations, which clearly I knew about, but these other allegations were not known to us at that time. When they were made known to me some three weeks ago, an investigation commenced the next day.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer. Has the minister's chief executive, Mr Severin, denied having told the minister that he ruled out

special treatment having been provided to Bevan Spencer von Einem?

The PRESIDENT: It is hardly part of the original answer. The Hon. Mr Ridgway has the call.

The Hon. CARMEL ZOLLO: Mr President, I don't—
The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Did you rule the supplementary question out of order?

The PRESIDENT: I said that it was hardly part of the minister's original answer.

The Hon. R.I. LUCAS: Mr President, I rise on a point of order. The original question was in relation to a conversation between the minister and her chief executive, Mr Severin.

The PRESIDENT: When it took place.

The Hon. R.I. LUCAS: When it took place and what was his advice.

The PRESIDENT: The minister stood to answer. If you had sat down, you might have received an answer.

The Hon. R.I. LUCAS: Sorry, I thought you ruled it out of order.

The PRESIDENT: No; I just said that it was hardly part of the original answer. The minister was standing to answer it. The honourable member jumped the peg too quickly.

The Hon. CARMEL ZOLLO: I believe that I have already placed that answer on the record. The first time it was asked was during a verbal briefing after I became a minister. As I said, I am briefed by most of my agency heads usually once a fortnight, if we are available. In relation to his response, I also placed that on record; that is, it was his belief that no special privileges were being offered to Bevan Spencer von Einem.

BUSHFIRES

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about bushfires.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday's very hot conditions, together with a number of dry thunderstorms, sparked some 43 fire incidents across South Australia. Today the CFS has warned of extremely high fire danger across the state, with temperatures in some areas in excess of 40°. As late as 1.10 p.m. (only a bit over an hour and a half ago), there was a media release on the CFS website stating:

The CFS advises that at least three bushfires are burning in the general area of the Carcuma Conservation Park and pose a threat to public safety.

There is a potential for these fires to significantly spread today due to the north-west to westerly winds and a predicted south-westerly wind change. . . Following the predicted south-westerly change later this afternoon there is a potential for the fire to significantly spread to the district east and west of One Tree Hill in the Upper South-East.

Residents should take shelter in their homes or shelter in a solid structure immediately. Close all doors and windows, stay inside and stay off the roads until the fire front has passed. After the front has passed, residents should immediately begin to patrol their properties and houses to extinguish any embers and anything that may be burning.

Residents should not attempt to enter or return to the area at this time, as access is restricted and the roads may not be safe.

In the light of that, has the government arranged or is the government in the process of arranging for an Elvis helicopter to arrive in South Australia?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): For members information, the State Emergency Centre was actually activated at approximately 8 a.m. this morning. I was advised of the likelihood of that happening last night. I have been advised that a number of bushfires are burning in the Mount Lofty Ranges, the Upper South-East and the Lower South-East. A number of these fires have required the issuing of bushfire warnings and asset protection activities, and in the Upper and Lower South-East schools have been alerted to the risk and are monitoring the situation. Today is a day of increased fire danger due to lightning strikes, high winds and hot conditions in various parts of the state, and new fires are being reported at regular intervals due to lightning strikes. Serious fires are also being monitored near Cudlee Creek, One Tree Hill and Black Hill Conservation Park.

The Hon. D.W. Ridgway: What about Elvis?

The Hon. CARMEL ZOLLO: I think I am allowed to answer the question in the way I would like, to start with, thank you. A serious fire known as the Coonalpyn complex is burning towards Ngarkat Conservation Park. A declaration is being considered under the Emergency Management Act in relation to this fire, and the Dukes Highway is being monitored. I thought the honourable member might be interested in what is happening today.

We also have bushfire warnings, which everyone has now signed off on, in relation to planning to stay or planning to go and to be prepared for either of those courses of action, to ensure that people are duly prepared. An advertising campaign in addition to what is already out there also is about to commence. As I placed on the record of this parliament during estimates, if the honourable member would care to go and read it—

The Hon. D.W. Ridgway interjecting:

The Hon. CARMEL ZOLLO: If he wants to take an interest, he should go and do so. There is also a very lengthy explanation by the chief officer of the CFS, Mr Euan Ferguson, in relation to the placement of an air crane helicopter in South Australia should we require one, and we are part of the national aerial firefighting centre (indeed, Mr Ferguson is the chair). So, should we require one, as has been the case in the past, we would always be prepared to bring one here and fund it. It has been funded in the past.

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

The Hon. CARMEL ZOLLO: Not that I am advised. This update came from Mr Ferguson half an hour before I came into the chamber.

An honourable member: Why not?

The Hon. CARMEL ZOLLO: Because I do not make operational decisions. I leave that to my fire chief. In relation to any assistance that the fire chief deems necessary to bring into the state, I listen, and I usually act, as I did during the last fire season, when he requested that extra aerial firefighting capacity be brought into the state and also the deployment of firefighters from New South Wales along with some heavy equipment. We did that. We know that the firefighting season has been brought forward, and that has happened, which clearly also means extra funding for aerial firefighting capacity. I am always happy to consider further aerial firefighting capacity. Indeed, it is under consideration right now.

The Hon. D.W. RIDGWAY: Sir, I have a supplementary question. Can the minister explain, in light of the media advertising that is available for these fires—and, in particular,

the CFS website—why the latest press release is dated 21 November, but at 10.45 p.m.?

The Hon. CARMEL ZOLLO: Is the member talking about something on the CFS website? Has someone made a typo? I am not sure.

The Hon. D.W. RIDGWAY: The previous one was 13.10. So, it is 10.45 p.m. I will provide the minister with a copy.

The Hon. CARMEL ZOLLO: I have not checked the CFS website today but, as I just said, my advice is that it has put out a warning.

POLICE BUILDING WATCH INITIATIVE

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police a question about the South Australia Police Building Watch initiative.

Leave granted.

The Hon. B.V. FINNIGAN: For many years, South Australia has had a number of different watch initiatives aimed at reducing the incidence of crime, including Neighbourhood Watch, School Watch and Transit Watch. Can the minister provide details of the latest initiative to be added to the South Australia Police watch program?

The Hon. P. HOLLOWAY (Minister for Police): Earlier today, I was delighted to join the Deputy Police Commissioner, John White, at the launch of the South Australia Police Building Watch initiative, which I am sure will prove to be an extremely useful tool in identifying and preventing theft and other crimes on South Australian building sites. Also today the police relaunched the Business Watch scheme, which will give a greater number of businesses more opportunities to reduce crime. Both watches are part of SAPOL's highly successful Watch SA program, which (as the honourable member mentioned in his question) includes the highly successful Neighbourhood Watch and a range of other programs.

I understand that Building Watch is the brainchild of SAPOL, the Master Builders Association and the Housing Industry Association, and it will include a range of initiatives aimed at reducing the incidence of crime in the local building industry. Importantly, those initiatives include improved contact and flow of information between SAPOL and the industry and the installation of Building Watch signage featuring the BankSA Crime Stoppers hotline number on building sites. Other initiatives under the Building Watch banner include:

- enhancing the SAPOL crime reporting system to allow the capture of accurate intelligence to deal with building site theft;
- a regular contribution by SAPOL Crime Reduction Section staff of articles on crime reduction in building industry publications;
- the active promotion of the Bank SA Crime Stoppers' reward scheme within the building industry and the wider community with a focus on building site theft;
- the investigation of and, if feasible, the introduction of a separate building site theft reward scheme sponsored by the building industry; and
- the investigation of and, if feasible, the introduction of a Western Australian-style 'name and shame' scheme identifying perpetrators of crime within the building industry, with such an initiative sponsored and driven within the building industry.

There will also be a focus on the theft of scrap metal from building sites, with SAPOL intending to work closely with agencies such as SA Water, ETSA Utilities and the building industry to formulate crime prevention strategies. Building Watch is also expected to complement SAPOL's Operation Alchemy, which was launched earlier this month to target specifically the theft of semi-precious metals such as copper from building sites and other locations, including homes under renovation. Business Watch was originally launched in 1990 as a crime prevention initiative with a geographical approach—in other words, it focused on defined retail and business precincts.

I understand that, after discussions with Business SA, SAPOL began work on revising Business Watch to go beyond its geographical base. The new Business Watch also absorbs the former Council Watch program which was launched in 1993 and which focused on crime involving local government assets. I am pleased to say that many of our key industry groups, including Business SA, the Housing Industry Association, the Master Builders Association, the Motor Trades Association, the Local Government Association and recently the Australian Newsagents Association have all become inaugural members of the new-look Business Watch initiative.

I also understand from SAPOL that many of the businesses that were part of the old Business Watch scheme have already applied to be part of the new initiative. I am sure that, as word spreads, more and more South Australian businesses will come on board. South Australia's Watch programs continue to play a very important role in crime prevention in this state. They promote a healthy, productive association between our police and all sectors of the community; they educate the community about security issues and methods of improving personal and business safety; and, of course, they help to reduce the incidence of crime and enhance public safety.

I congratulate everyone involved in developing the Building Watch program and in reworking the established Business Watch initiative. I look forward to seeing the fruits of these initiatives, which we hope will mean a significant reduction in crime within the business and building industries.

EDUCATION, AQUATIC PROGRAMS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Education and Children's Services, a question about state government funding for aquatic education programs in state schools.

Leave granted.

The Hon. A.L. EVANS: In a press release dated 10 October 2006 the minister ruled out changes to swimming programs offered in state schools until the end of term one next year. In her press release, the minister stated:

Teaching children to swim and keep themselves safe in the water is fundamental in a country like Australia and swimming programs will not be cut on my watch. . . aquatics programs will continue until at least the end of term one 2007, but the department is examining the effectiveness of general aquatic activities and their role in day-to-day schooling. . . While these water-based activities are fun and develop skills, it needs to be considered whether they are essential skills that should be taught as part of the school curriculum.

I have been contacted by an aquatics instructor who is concerned that this valuable education program will soon be discontinued. I understand that approximately 200 aquatics

instructors are at risk of unemployment, some of whom have worked in the area for more than 25 years. In this year's Budget Statement the Treasurer assured the public sector that there would be no targeted job losses in pursuit of the government's goal to downsize the public sector by 1 600 positions. Further, the Minister Assisting the Premier on Public Sector Management was reported in *The Advertiser* of 18 November 2006 as having told the Public Service Association that there would be no redundancies or targeted voluntary separation packages. My questions are:

1. Is the minister planning to remove funding for the aquatic education programs in state schools?

2. If the Department of Education and Children's Services does remove funding for the aquatic education program in state schools, what plan does the minister have in place for the future employment of aquatic instructors across the state, given that the state government has guaranteed that there would be no redundancies or targeted voluntary separation packages offered to downsize the bureaucracy?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions about aquatic education programs in our state schools. I undertake to refer his questions to the Minister for Education and Children's Services in the other place and bring back a response for the honourable member.

POINT PEARCE PROSPECTIVE AQUACULTURE ZONE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Point Pearce prospective aquaculture zone.

Leave granted.

The Hon. CAROLINE SCHAEFER: On 2 May this year I asked the minister the following questions:

1. Will the minister inform me what environmental impact statements were prepared prior to gazettal?

That is, the gazettal of the aquaculture zone that I have mentioned.

2. Will the minister inform me as to what information was given to her department on this matter?

3. Will the minister ascertain for us whether there are possible effects of pollutants from this proposed zone?

4. What overlaps are there between the gazetted aquacultural zone and the indigenous land use agreement that is currently being negotiated?

The minister replied:

I thank the member for her important question. I do not have the details of this specific case, but I am happy to get that information and bring back a reply for the member.

I was able to get a briefing through PIRSA, on 22 May, with regard to that aquaculture zone but, of course, PIRSA was unable to answer my queries with regard to the environmental portfolio or, indeed, the Indigenous Land Use Agreement. So, on 24 May I wrote to the Minister for Aboriginal Affairs as follows:

Dear Minister, could you please provide me with all details of any proposed or draft Indigenous Land Use Agreements pertaining to Yorke Peninsula, the coastal regions and surrounding ocean of that area, including minutes and details of any public or private meetings held to discuss the proposed agreement and all organisations or individuals engaged in these discussions?

I received a reply on 31 May, which states:

The Minister for Aboriginal Affairs and Reconciliation, the Hon. Jay Weatherill MP, has asked me to acknowledge your letter

of 24 May requesting information regarding Indigenous Land Use Agreements pertaining to the Yorke Peninsula. The minister is having the matters you have raised examined and will forward a response to you at the earliest opportunity.

My question is: when is the earliest opportunity, and when am I likely to receive a reply from either minister?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for repeating her questions. As I said in my initial response, I do not have those details. I am seeking answers to those questions and, as I said originally, I will bring back a response as soon as I can.

FIRE SERVICES, TONGA

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Kingdom of Tonga.

Leave granted.

The Hon. R.P. WORTLEY: I understand that the South Australian government, through the Metropolitan Fire Service, has a memorandum of understanding with the Kingdom of Tonga. As reported, the Metropolitan Fire Service has been asked to provide assistance in light of recent civil unrest. Will the minister please outline what assistance is being provided?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. As honourable members will remember, I have previously spoken in the chamber about the special relationship that the South Australian Metropolitan Fire Service has with the Kingdom of Tonga. The tragic events of the past week in the Kingdom of Tonga have left many people without homes and decimated the central business district. The Tongan government, through the Tongan Fire Service Chief Fire Officer, has requested the assistance of the South Australian Metropolitan Fire Service (MFS) in accordance with a sustainable development program memorandum of understanding.

Since 2002, the MFS on behalf of the South Australian government, has had a memorandum of understanding with the Kingdom of Tonga to provide long-term support and assistance for the Tongan Fire Service. The MFS participates in a sustainable development program as part of a regional assistance initiative, coordinated through the South Pacific Applied Geoscience Commission (SOPAC) based in Suva, Fiji, and the Australasian Fire Authorities Council (AFAC). This request for assistance is to provide support to the Tongan Fire Service following the recent riots. The request from the Tongan Minister for Police, Fire and Corrections for assistance from the MFS is in addition to a request to the federal government for Australian and New Zealand military and police personnel to assist with security provisions.

The South Australian government, through the Metropolitan Fire Service, has offered to provide the following assistance to the government of the Kingdom of Tonga. Two MFS senior fire officers will be deployed to work under the direction of the Tongan Fire Service Chief Officer. Their primary role is in the restoration and rehabilitation of human and physical resources in preparedness for further incidents. This will include a critical needs analysis. Their secondary role will be to assist in response and recovery operations as required by the Tongan Fire Service and to assist in a leadership capacity where necessary.

The two Metropolitan Fire Service officers being deployed, Commander David Schmerl and Station Officer

Jeffrey Steele, have both previously worked in Tonga with the Tongan Fire Service and also have strong ties with the South Australian Tongan community. The MFS officers travelled on the first available flight and arrived in Tonga yesterday. It is anticipated that they will remain in Tonga for up to 10 days. As I mentioned before, assistance for funding has been provided through the South Pacific Applied Geoscience Commission. As I have also previously mentioned, earlier this year the South Australian Metropolitan Fire Service hosted three officers from the Tongan Fire Service, who undertook a fire officer training program which prepared them to run a training program for the Tongan Fire Service. I am advised that one of these officers was injured during the recent events, and I wish him a speedy recovery.

Since 2002, the South Australia government, through the MFS, has provided nine second-hand fire appliances for the Tongan Fire Service and has donated other fire and rescue equipment. It is anticipated that these resources will play a pivotal role in meeting the challenges faced by the Tongan Fire Service while dealing with the current crisis. I am certain that our thoughts and prayers are with these two officers and all the other assisting personnel whom the Australian government has sent to Tonga. We wish them success in their mission and a safe return home.

ADELAIDE PARKLANDS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about the Adelaide Parklands.

Leave granted.

The Hon. SANDRA KANCK: On 21 September, I asked the minister about plans to build a new grandstand at Victoria Park. She replied that it was not even on the radar screen. I have been informed that cabinet has signed off on the proposal. Yesterday, I spoke to my former parliamentary colleague and Deputy President of the Adelaide Parklands Preservation Association, Ian Gilfillan, and he says that this is 'treachery of the highest order'. My questions are:

1. Will the minister deny that cabinet has signed off on the building of a new and permanent grandstand in Victoria Park?
2. Will the grandstand be funded through grant funding or a government loan? What will be the impact of the grant or loan to the funding and what are its terms?
3. Which body or bodies will receive the funding to build the grandstand?
4. How often will functions need to be held in Victoria Park to justify and pay off the construction debt?
5. Who will own the facility once completed?
6. Does the minister agree with a comment made to a recent parklands forum that I attended, a comment made by the Minister for the City of Adelaide, the Hon. Jane Lomax-Smith, that 'the greatest enemy of the parklands is government'?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her question. It seems as if today is about honourable members repeating old questions—they must have run out of new questions. I did answer the question and I give the same answer. The honourable member knows only too well that any matters before cabinet are of a confidential nature and are not a matter for any discussion, or reference even, in this or any other forum.

I went on to answer the question by saying that any planning proposal, irrespective of what sort of classification it might have, whether it is a designated major project or not, must go through a very rigorous process that involves environmental assessments and public consultation. I have answered that question before and I put the same information back on the record.

The Hon. SANDRA KANCK: I have a supplementary question. Mr President.

The PRESIDENT: Deriving out of the answer?

The Hon. SANDRA KANCK: Most certainly deriving out of the answer, Mr President. Given that the minister accuses me of recycling my questions, is she recycling the answer and is she standing by what she said in the previous answer, that this matter is not even on the radar screen?

The Hon. G.E. GAGO: I have answered the question, I have given my response and I do not think repeating it a third time would be useful.

POLICE, HAND GUNS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police a question regarding hand guns used by the South Australian Police Department.

Leave granted.

The Hon. T.J. STEPHENS: In May I asked the minister a question about the use of Smith and Wesson hand guns by SAPOL, after it was reported in the *Sunday Mail* that faulty ammunition used in Smith and Wesson .357 revolvers had been identified as a major factor contributing to injuries suffered by police officers. I indicated in my explanation that in 2003 there was a SAPOL review on the use of firearms which recommended that the Smith and Wesson revolver be replaced with a self-loading weapon such as the Glock pistol. The minister conveniently responded that this was an operational matter for the Police Commissioner.

I wish to raise the issue yet again as the Victorian Labor government has recently made an interesting announcement regarding police weapons should it win this Saturday's state election. The Victorian Labor Party's policy document titled 'Community safety: Labor's plan for keeping crime rates low', details that a Labor government would 'provide a \$10 million fund to Victoria Police command to enable them to equip all police with the appropriate weapons for the job they are undertaking.' Victoria and South Australia are the only two states left that use a Smith and Wesson revolver; so, we will be left stone motherless last again.

As part of this funding, it is my understanding that the .40 calibre Glock pistols will be distributed to Victorian police officers, and this will be done posthaste. On the weekend I heard from a young police officer about hand injuries suffered when firing this weapon in practice, and of the general school of thought from operational police that South Australia should follow the rest of Australia, and indeed the rest of the sophisticated jurisdictions world wide, and upgrade their weapons. My questions to the minister are:

1. Why is South Australia the only state that is steadfastly refusing to upgrade to semi-automatic pistols for all of its police officers?

2. Will the minister continue to hide behind the fact that he calls this issue 'an operational matter for the Police Commissioner', or take action to finally equip all of our

valued police with the best weapons available, for their own protection?

3. Will the minister admit that saying only Star Force officers have to deal with dangerous criminals is just an absolute nonsense?

The Hon. P. HOLLOWAY (Minister for Police): It certainly does appear to be Ground Hog Day here today, because all the other questions asked by the opposition have been asked before, and now we have another question that has been asked previously. It is interesting that the honourable member asking the question referred to a recent case where someone was injured. In relation to the other question he asked, where he wanted our police to be armed with Tasers, I read over the weekend that a New Zealand police officer managed to shoot the wrong person and was involved in all sorts of trouble in operating a Taser. The important point that that story makes is that the use of any weapon involves the risk that, unless the people who use those weapons are properly trained, there will be the potential for an accident occurring, and the more complex the weapon—

The Hon. T.J. Stephens interjecting:

The Hon. P. HOLLOWAY: Well, what is the good of having a weapon that is actually a threat to both the person using it and other people? The bottom line here is the safety of the people of South Australia. The South Australian police force need to protect the people of South Australia and to protect themselves. How many cases can the honourable member put forward? If he is suggesting that the police in this state are at some risk or in some danger because of the firearms they use, where is the evidence?

If there is any evidence presented that the police in this state, for their own safety or to protect the public, need a different sort of weapon—if that is put forward by the Commissioner, on the basis of information—I am sure this government will sympathetically consider it. However, the fact is that there is no evidence. How many cases have we had in this state in relation to police officers where the weapon has not been adequate? The fact is that we have within South Australia one of the best trained police forces in this country—we ensure that our police officers are adequately trained—and there are plenty of stories that show that, the more sophisticated and the more high powered the weapon, the greater the risk to users.

The case in New Zealand is a case in point in relation to Tasers. The particular story appearing in the weekend newspaper almost reads like a comedy exercise, but it could have been quite serious. However, the honourable member wants the police to be issued with the latest piece of weaponry—do not worry about training and do not worry about whether there has been a serious examination as to whether that particular equipment is best for the situation in which police find themselves.

It is the policy in this state that, if there is an incident involving an armed offender and there is a threat to either police officers or members of the public, the experts, the STAR Force, is brought in so that the best trained and best equipped police force, with full body armour and the most suitable and powerful weapons—and those who are trained continually in the use of those weapons—are deployed, and that is the way it should be. In relation to ordinary day-to-day police operations, our police force is armed—

The Hon. T.J. Stephens interjecting:

The Hon. P. HOLLOWAY: Well, if that is the case, why don't we give them Bazookas or something? Where do you draw the line? Really! The honourable member might want

to play Rambo, and he might think our police should all be like Dirty Harry and be out there with the latest weapons. Our police force and Police Commissioner are professionally trained, and the advice I have is that the weapons they have are adequate for the job of protecting themselves and the public. If there is any evidence that those weapons have somehow or other let down the police or members of the public in terms of defence, let the honourable member put it on the record.

The Hon. T.J. Stephens interjecting:

The Hon. P. HOLLOWAY: Where is the evidence? As I have said, Rambo over there might like to have them going around with all sorts of Bazookas and everything else. What is important is that our police force has the equipment to do the job, which fundamentally comes down to adequately protecting the people of South Australia. There is no evidence to suggest that that is not the case. If there is any evidence, I assure him that this government would immediately consider that. It is also important in terms of the weapons available to police that they be reliable and relatively simple to handle so there is less—

The Hon. T.J. Stephens interjecting:

The Hon. P. HOLLOWAY: Where is the evidence for that? There is plenty of evidence in relation to the use of other weapons, including Tasers, Glocks and all the other things the Hon. Terry Stephens thinks our police should be armed with. This is a matter on which I will receive advice from the Police Commissioner, not from the Hon. Terry Stephens.

The Hon. T.J. STEPHENS: By way of a supplementary question, is the minister aware that a couple of New South Wales police officers were murdered because they ran out of ammunition using Smith and Wessons, and that that is why they changed to Glocks?

The Hon. P. HOLLOWAY: When I was talking to the Deputy Police Commissioner in Los Angeles, I asked what the extra clips of ammunition were for. His view was that in Los Angeles the 50 clips of ammunition, or whatever it was that they carried, were not sufficient. Fortunately the situation in the streets of Adelaide is not such that police need to carry that volume of ammunition with them, and frankly I hope we never get to that stage.

The Hon. R.D. LAWSON: By way of a supplementary question—

The Hon. R.P. Wortley: Who woke you up?

The Hon. D.W. Ridgway: Chuck him out.

The PRESIDENT: Along with you.

The Hon. R.D. LAWSON: What percentage of firearms presently used by the South Australia Police are over five years old, given the Commissioner's statement in his latest annual report just tabled that the force proposes that by 2009 they will have no firearms over five years old?

The Hon. P. HOLLOWAY: I will get that information for the honourable member.

FIRE MANAGEMENT

The Hon. I.K. HUNTER: I seek leave to ask the Minister for Environment and Heritage a question about fire prevention.

Leave granted.

The Hon. I.K. HUNTER: Notwithstanding the meagre precipitation over the past few hours in the city, a return to warm, dry conditions after a brief period of respite, coupled

with bushfires we have been seeing in the Eastern States over the past few days, is cause for concern for the whole community, particularly those living in bushfire prone areas. The need for bushfire preparation should still be at the forefront of our minds. Will the minister update the chamber on the government's preparation for the bushfire season?

The Hon. G.E. GAGO (Minister for Environment and Conservation): It is very pleasant listening to the thunder rolling over and hopefully the rain it is bringing. Of course it might be Elvis that we hear!

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I am pleased to announce that South Australia's bushfire fighting capacity in our parks and reserves is being helped this season by a \$3 million funding injection from SA Water for more seasonal crews and fire appliances. SA Water has provided more than \$1 million a year to expand the seasonal fire management program to create an additional 22 seasonal crew positions across the state, and it has also committed up to \$2 million in capital funding to purchase additional fire appliances. The Department for Environment and Heritage has also committed more than \$4.6 million to deliver its fire management program across the state this year, and 22 new positions will bring total seasonal crew numbers to 37 across the state.

In addition to their duties as firefighters, these seasonal crew members are also responsible for fire prevention such as clearing access tracks and weeds and reducing fuel loads in fire prone areas. They are not just firefighters, they are also essential to our prevention efforts. These initiatives will build on the early start to the prescribed burning program this season due to the extremely dry conditions. The forecast is for some rain and we are very pleased with that forecast. The program from September through to early November included 19 prescribed burns across 422 hectares—10 of these burns were across 152 hectares in the Mount Lofty ranges.

Since 2003 when the government committed an additional \$10 million to the program there have been 117 prescribed burns throughout the state across 4 195 hectares. The partnership with SA Water is an excellent example of agencies cooperatively working together to provide for efficient use of resources and a safer community and regional employment. In addition to seasonal crews, 19 full-time staff now work in the DEH fire management program. The agency has 391 trained firefighters available for deployment to bushfires across the state.

We are bracing for a severe bushfire risk season this summer, and that is why we introduced earlier than normal fire restrictions in some of our parks, even going back as far as mid-October. The dry conditions and continuing warm weather predictions have been a major factor in bringing the fire restrictions forward. These annual restrictions are part of the responsible management of our parks which we manage for the benefit and enjoyment of the community and to conserve our natural heritage and wildlife.

NORTH-EASTERN SUBURBS, ANTISOCIAL BEHAVIOUR

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Industrial Relations, a question about gang related crime and violence in the northern suburbs.

Leave granted.

The Hon. A.M. BRESSINGTON: Members will remember that I have raised the issue of gang related crime and violence in the northern suburbs in this council previously. These gangs congregate at specific food outlets in the early hours of the morning, which, according to security, lines up with the change of shift at the local police station. I wanted to speak with the manager of McDonald's (where this occurs regularly) to discuss his concerns regarding safety, because I had been informed that the budget for security is minimal: only 12 hours a week—one guard on two nights a week for six hours. This particular McDonald's is not a franchise but is owned and operated by McDonald's in Sydney. I make the point that, previous to this, the manager had requested to speak to me.

The manager was apparently told by his supervisor in Sydney that he was not allowed to talk to any politician about the situations occurring at this particular outlet. My concern is that McDonald's employs young high school students who are being exposed to violent and abusive behaviour. As one 17 year old from the south said to me, 'I began working at Maccas when I was 14½, and I used to feel sick at the thought of going in there on weekends and public holidays. I would be sexually harassed by drunken or drugged customers. It was not a great introduction to the workforce.'

I know that McDonald's has a great record regarding the standard of its training and I have also heard that employers know that, if a person has been trained by McDonald's, they will perform well. However, in some outlets, it is far from a desirable situation when young people are exposed to violence and abuse and often, at times, have managers who are young and presumably inexperienced in how to deal with the antisocial behaviours of thugs working as their supervisors. My questions to the minister are as follows:

1. Is McDonald's bound by industrial standards to ensure that its staff is working in a safe environment?

2. Is the minister aware of the number of McDonald's stores that are known to gather gangs or drunken, drugged—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. A.M. BRESSINGTON: —customers on a regular basis, therefore, exposing their staff to violent, abusive and offensive behaviours?

3. Is the minister aware of the level of security available in such places to protect both staff and customers?

4. Will the minister undertake an investigation or an evaluation of occupational health and safety issues and make the results known to this parliament, and when could that occur?

5. Will the minister make recommendations to McDonald's to increase security in at-risk outlets if the evaluation or investigation proved the necessity for such an action?

The Hon. P. HOLLOWAY (Minister for Police): The honourable member has raised an important issue. Of course, there have been changes to industrial laws federally which, sadly, have acted to reduce the protection available to workers within their workplace. I am not quite sure what impact those federal changes might have. However, within the state system, I think that the honourable member has made a reasonable request. I will refer the questions to my colleague the Minister for Industrial Relations in another place and seek the information that the member requires.

DENTAL PRACTICE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 1024.)

The Hon. J.M.A. LENSINK: I rise to indicate opposition support for this bill, which amends the Dental Practice Act. I put on the record that I believe the opposition has been suitably cooperative in assisting the passage of this bill. It was introduced in the House of Assembly on 27 September (which was before estimates) and, according to the conventions of this parliament, it must lie on the table for a full sitting week. The debate concluded on 15 November, which I understand to be the next sitting week (allowing for estimates) and, today being 21 November, we hope to conclude the debate.

This bill replicates a number of the clauses that exist in other health professional bills. The ones that were moved first have been the nurses and the medical practice acts, and a range of other health professionals have been included. This arises from competition principles that are being imposed, I suppose one could say, by the commonwealth government. I have indicated that I have a question, which I understand is being passed on to the government. Members of the dental profession are very keen to find out what is in the regulations. I think they had some concerns about one of the key provisions, which is extending the ownership of dental practices to people who are not dental practitioners, but they understand that that is a non-negotiable provision in this bill and one which has been imposed on all other professions. However, the regulations will be identifying the scope of practice of the profession, which is a little unusual compared to some of the other acts.

I think it is important that we do not take a 'one size fits all' approach to regulatory legislation for health professionals, because there are differences; and in some of the subsequent legislation that will come before the parliament (or, indeed, which have already been introduced) some of those differences may well emerge. My question relates to the regulations and whether we can get some sort of ballpark figure from the government about when a draft of the regulations might be available. I will continue to talk and, hopefully, the government will have an answer. I am not asking for a definitive date but a ballpark figure.

I turn to some of the provisions of the bill, which I will not dwell on, because they have been replicated in a number of other bills we have dealt with. My understanding is that students are included. However, I understand that students have already been included in this act, so that is not necessarily a new issue. There are some changes to the composition of the board and to some of the board's procedures. Key issues include the matter of ownership of dental practices and issues in relation to those persons and organisations, which must highlight potential issues with practising dentists.

A number of these things have been replicated, as I said, in previous legislation, and I do not wish to dwell on them. However, I do want to highlight the COAG process. My understanding is that all the acts relating to health professionals were meant to be reviewed some time ago, and I think that these pieces of legislation are really dragging the chain. Also, I think that the psychology practice bill and the pharmacy bill are yet to come before parliament. The COAG process is about to well and truly overtake all this in any case, so it is

an indictment on the government that it has taken this long to bring this legislation before us.

For members who might be interested, the Productivity Commission produced a report on the health workforce in January 2006 which flagged the establishment of a single national professional registration for all health professionals. This is a done deal, because it has been agreed to by all health ministers around Australia. It is due to be established by July 2008, and the intergovernment agreement is due to be finalised by mid-2007. It is envisaged, I understand, that there will be some sort of reference or complementary legislation which will be replicated throughout jurisdictions.

I note, too, that this COAG proposal is proposing that the administration be the section which is consolidated nationally and that the states and territories will continue to retain issues in relation to complaints and notifications and disciplinary matters. I think that in 2003 the state government proposed that there be some form of single health registration body in South Australia. There were a few problems with it, but one issue was that the remaining health professional acts had not been reviewed, and the department sought to roll them into the same piece of legislation.

It was rather ad hoc, if you like, and it did not make sense in a strategic sense. The proposal included that peers would not review peers; that you would have, if you like, one professional of each represented on the board, and all the professions arced up about that, including me, as a registered physiotherapist. The example I often quote to people is that, as a physiotherapist, I would not understand what is appropriate practice for a podiatrist or an occupational therapist, and therefore I am not in a position to judge them as a peer. I am very strongly of the view that peer review is a very important part of the governance of health professionals. I am pleased to note that those complaints and disciplinary matters will be retained at a state level because, indeed, there are even some differences between the different schools around Australia.

I think it is very dangerous, as I mentioned at the start of my speech, that we take a one size fits all approach because, in many ways, there are some significant differences and, certainly in terms of judging the appropriateness, professionalism or otherwise of particular professionals' practices, it is a difficult thing for somebody to do if they are not as familiar as somebody who has gone through the training and practice. So, with those comments, I indicate support for the bill. There is disappointment that it has taken this long for it to come to the parliament but, in the interests of providing support for something that should be dealt with posthaste, the opposition supports the bill.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her important contribution to this bill, and I also note a particular appreciation for the cooperation in expediting this bill through parliament. This bill's object, as we know, is to ensure consistency with government policy and the expectations and obligations of all registered health practitioners and registration boards. As the honourable member has mentioned, it is based on a template that has been applied as a framework to other professions as well that have also been through parliament. It is also consistent with the government's commitment to a national competition policy.

I do have the answers. I have been advised that, in relation to the questions that the honourable member asked, the regulations associated with this bill should be available for public consultation in February/March 2007. The matters that

will be captured in the regulations will include representative bodies, the scope and practice of prostheticists, election regulation, exempt providers, new requirements for annual reporting, obligations to report medical fitness and unprofessional conduct, the provisions around the declaration of interests, and transitional provisions. With that, I look forward to expediting this through the committee stage.

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

FOREST PROPERTY (CARBON RIGHTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 930.)

The Hon. CAROLINE SCHAEFER: The Liberal Party supports this bill. By its very nature, commercial forestry involves long-term investment. The rotational cycle (that is, the growth cycle) for the blue gum hardwood industry is predicated to be between 10 and 12 years. However, established pine forests and softwood plantations use rotational periods of at least 27 years and up to 40 years; therefore, as I have said, it is a very long-term investment.

In 2000, the Forest Property Act was passed in order to enable landholders to separate the titles of the land and the growing tree crop, thereby allowing landowners to sell the crop but retain ownership of the land or, indeed, vice versa. This allowed landowners to capitalise on the value of growing crop to its maturity by selling the growing forest to a second party. This bill is a logical extension of that, in that it creates the ability to have three separate titles: a title of ownership of the land, a title over the forest vegetation, and a title over the carbon sequestered by the tree crop. It is noted that, within this bill, if those three titles are separated and then any one of them is to be on sold, the other parties must be involved and informed of any further on selling, transfer or trade.

It is also worthy of note that, at this time, carbon sequestration would not be viable on its own and, therefore, there would be no incentive to plant trees just for the value of their carbon credits. Of course, that could change in the future, and I assume that the introduction of this bill is to accommodate such a change some time into the future if carbon credit trading becomes part of the economic or environmental governance of the state. I am told that some carbon trading is being carried out in New South Wales, where the power generators are obliged to purchase a permit, if their greenhouse gas emissions exceed a certain cap, or to offset that cap by buying carbon credits. I am also informed that the price is about \$10 a tonne for a carbon credit, so there is some commercial incentive for the introduction of this bill.

My colleague in another place has consulted with the various players within the industry. I understand that the government consulted very closely with Timbercorp, but there are a number of other key players, all of whom, it appears, are quite happy with the introduction of the bill; therefore, the opposition supports it.

The Hon. SANDRA KANCK: Probably before the end of this decade Australia will have to implement some form of levy on greenhouse gas emissions. This is termed by many people as a carbon tax, although it is probably misnamed because there is more than carbon dioxide affecting the issue of climate change. The levy of itself, when it happens, will

not be the ultimate solution but it will be a tool in a kit that is urgently needed.

Side by side with the inevitability of that tax, or that levy, we will, without doubt, have a carbon trading scheme. In terms of dealing with climate change a carbon trading scheme is probably the carrot, as opposed to the stick, of a climate change levy. In anticipation of a carbon trading scheme this bill addresses the issue of who will be considered by law to be the owner of the carbon that is sequestered in some forests in South Australia.

The issue of climate change has gone to the forefront of the federal government's thinking in recent weeks, particularly since the release of the Stern report in the United Kingdom, which said what the environment movement has been saying for decades. At the time that this bill was introduced (two months ago) to the House of Assembly it was not able to be foreseen that the Prime Minister would now be setting up an emissions trading task force.

There is a view—and it is one that I hold—that in order for Australia to participate in carbon trading at the international level the Australian government will finally be forced to ratify the Kyoto treaty. The Liberals, both at federal and state level, have turned a blind eye to science for a long time. I hope that the Prime Minister's recent turnaround will result in quick action. After all, in his own words, he is 'Lazarus with a triple bypass', and he has shown the capacity to reinvent himself on numerous occasions. If the Prime Minister can use those chameleon-like qualities that he possesses and perhaps reinvent himself as a latter day Al Gore—it is a little bit hard to get one's head around that—we could really be optimistic in anticipating rapid policy change at the federal level, which, of course, will then flow on to South Australia.

There is a sense of urgency about addressing climate change, and clarification in this bill of who owns the so-called rights to the carbon that has been captured is very much needed. I expect there will ultimately be other bills that deal with this issue, and I hope that will occur sooner rather than later, although this will depend on what the federal government does. From that perspective, given the shift that the federal government has made just in the past few weeks, albeit a shift that has been forced upon them, this bill is now extremely timely. I indicate the Democrats' support for the second reading.

The Hon. I.K. HUNTER secured the adjournment of the debate.

STATUTES AMENDMENT (JUSTICE PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 1055.)

The Hon. A.L. EVANS: I rise to indicate my support for this bill. I will not bore anyone with a long explanation, as this bill has support from both the government and the Liberal opposition. This is, by all accounts, 'spring cleaning' legislation. The Attorney-General quite rightly says that from time to time there is a need to update legislation and make 'sundry amendments to legislation within a portfolio'. Family First appreciates that the Attorney-General runs a tight ship. He will not get news headlines for this particular legislation—it is not a publicity stunt; it is sensible and appropriate legislation.

We are assured that the changes introduced are uncontroversial. Yesterday, the Hon. Robert Lawson, for the opposition, indicated support for this bill, with one proposed amendment. I also had the privilege of having a long talk with the Hon. Isobel Redmond (shadow attorney-general) in my office yesterday, and I thank her for listening so patiently to our submissions on various bills. She is a very hard worker, and she has looked through this bill clause by clause. The shadow attorney-general also believes the bill is common-sense. In her second reading speech in another place on 28 September, she noted that the bill removed all references to 'hard labour' in our legislation. She said:

We may have hard labour for some people who are fathers of young children, and so on, but we do not have it as a tenet of our criminal law, and this legislation does things like remove obsolete references, and so on.

Family First takes a hard line on crime and criminals. I am all for rehabilitation, but there should also be real punishment for crime. I sometimes ask: why can we not sentence criminals to hard labour any more? I can imagine a rape victim or a victim of a home invasion feeling immense satisfaction knowing that their assailant is breaking rocks somewhere. That is why I get upset when I hear about prisoners popping Viagra over coffee and bacon and eggs.

Putting that aside, I count amendments to 32 different acts, most being minor amendments to wording or penalty amounts. I am very concerned about the protection of young victims of sexual offences, and I refer to my previous bill that removed the statute of limitations on prosecution for sexual offences. I am also pleased to note that, under this bill, the Criminal Law Consolidation Act will be amended to make it easier to prove a sexual offence against a 14 year old (which is a legal threshold) if the offence occurred close to the 14 year old's birthday. Also, the offence of indecent assault of a 12 or 13 year old will now be dealt with in the District Court as a major indictable offence.

The deficiencies in the current legislation have been pointed out by the DPP, and the Attorney-General has acted appropriately in making these changes. The Hon. Nick Xenophon is concerned about compensation for loss of a relative. I acknowledge that his lobbying has resulted in the proposed amendments to the Civil Liability Act. Of note, the bill also includes a provision to empower a justice of the peace to hear minor matters in the Magistrates Court in more circumstances. This provision will likely have wide-ranging implications when it comes to the hearing of cases in our courts. The Hon. Robert Lawson has proposed an amendment to clause 50 regarding the Security and Investigation Agents Act. I will consider the debate regarding that issue before reaching a final conclusion. However, generally, I indicate support for the government bill.

The Hon. I.K. HUNTER secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (DRINK SPIKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 1060.)

The Hon. D.G.E. HOOD: I rise to support the second reading of the bill, which seeks to amend the Criminal Law Consolidation Act to implement the recommendations of the Model Criminal Code Officers Committee to outlaw drink

spiking. The bill goes further by also banning what might be called food spiking, even though the name of the bill does not indicate as much. I say from the beginning that we share a number of the concerns raised by opposition members about this bill, but we have seen our way through those concerns (as have they) to support this bill. I raise on behalf of Family First some concerns, which I hope will receive careful consideration and a response from the Leader of the Government before we enter the committee stage.

If the bill passes, it will, unfortunately, be after Schoolies Week has commenced for our year 12 students. I have heard of young girls in particular being targeted with so-called date rape drugs at events like these by people the Queenslanders call 'toolies', if I can use that term. They are referring to older men who go to Schoolies Week to prey upon young girls. I believe that date rape drugs are the primary target of this bill, which Family First wholeheartedly supports.

Family First certainly supports changing the law to send a strong message to the idiots and perverts who try to date rape someone and, even if there is no effect upon that person, they should still be aware that they have committed a very serious criminal offence. The consequence of the bill's wording is that the old 'slipping the mickey' as they do into a drink is also outlawed. No more spiking the punch at the school dance and the like. While some South Australians may lament the outlawing of what was once larrikin behaviour—and in some cases a good natured prank—we must accept that the products readily available to people today are more potent than was once the case and hence they are more dangerous. Times have changed and our social behaviour is more regulated than ever and unfortunately that is necessarily the case these days.

I note that commonwealth justice minister Ellison said on 10 November this year that he wanted all states and territories to make drink spiking illegal, even if it was done as a prank. Family First thinks that Australia's drinking culture has been overall a negative aspect of this nation, such that some measures need to be taken to curtail the behaviour, and certainly an appropriate place to start will be banning making other people unwittingly drunk or affected by drugs. One can infer from that that we are more inclined on the question of intention as to whom you are spiking to make it an irrelevant consideration. We stand to be persuaded otherwise.

I turn to the other aspect the government has elected to add, going further than the national code recommendations, and that is the topic of food spiking, which I mentioned. We take note from this that for our government national codes are not limiting and our government is willing to go beyond them. We will note that for future reference. Banning food spiking is a sensible move. It is not hard to find stories of some of the consequences of food spiking. One instance gives a great illustration of the streamlining this law brings. *Agence France-Presse* (or AFP for short) reported on 8 November 2006 that two New Mexico police officers arrested three Burger King employees when they noticed their burgers tasted odd. As it turned out, the meat patties were laced with marijuana. Not only did the officers charge the employees with criminal intent but they also sued Burger King for battery and violation of fair practices. Were New Mexico to have had this bill in force, the three employees could easily have been charged with food spiking rather than the more generic criminal intent.

The Hon. Robert Lawson made some sensible comments about the generalisation of the criminal law, and I understand the police favour laws that are clearer to prosecute. However,

our concern is shared by the government whereby we need people to understand what behaviour is illegal. Having criminal offences like causing harm, and New Mexico's criminal intent, leaves people wondering what is or is not criminal behaviour. You also get scenarios where inventiveness by prosecutors can render some behaviour illegal. So, there are valid arguments for and against generalisation of the criminal law and in this instance specific laws about drink and food spiking are indeed appropriate.

A case from Russia gives us reason to raise a query with the Leader of the Government. Apparently recently in southern Russia a grandmother had to be rushed to intensive care at her local hospital after she ate a hashish pie. To cut a long story short, the grandmother spotted the pies and decided to try them, not knowing what was in them. In that instance a chain of events beyond the cook's control meant the pie was left out in a place where grandma could eat it. Should this behaviour be illegal too?

The law says that a person must have intended impairment or be recklessly indifferent as to whether any person—not just the intended recipient—who might consume the food suffers an impairment. We think it would assist the justice system prosecuting people for these offences if the government could put on record what the approach should be. Should it be reasonably foreseeable that the grandma would have eaten the pie, or is it irrelevant who eats the pie? Guilt arises because of reckless indifference—that is the question to be solved. We have raised this concern with the government, but we do not yet have a reply. We are inclined to support the view that intention is irrelevant.

I also would like to address the common sense amendment proposed by the Hon. Stephen Wade. We support the illicit drugs component of the amendment as our view is that there should be no legitimate reason for carrying illicit or so-called control drugs anywhere, whether within or outside licensed premises. No doubt a person could not be convicted of a drug possession offence and also an offence of possession of drugs on licensed premises—SA Police would have to prosecute for the more serious offence. That deals with the first half of the honourable member's amendment pertaining to illicit drugs. The other half pertains to having legal drugs without lawful excuse on licensed premises.

We hope that this does not catch someone out such as an elderly person having a pub meal whilst their medication is on them. We raised this with the honourable member and, as he rightly expects, SA Police should resolve this at the prosecution level and adjudicate not to prosecute in such circumstances. I also wonder whether the most popular people at rave parties will be those who have prescription drugs that can be used for non-prescribed purposes. We wrestle with those sorts of practical implications and would like to be reassured by other members that, if we pass this amendment, the net will fall (as the Hon. Mr Wade has said) on the criminals who deserve capture and not on innocent individuals.

We can only suggest that perhaps some relevant factors be included in the amendment for the guidance of the courts in sentencing such as, for example: first, the time of day the offence occurred; secondly, whether the person has a prior criminal record for sexual offences; thirdly, the quantity of the drugs in the person's possession being proportionate to their prescription and condition; and, fourthly, perhaps the nature of discussions or any relationship that the offender had with the victim prior to the offence occurring.

We indicate support for the principle of the amendment and think that the workings of the parliament by referral to the House of Assembly will provide sufficient scrutiny of the amendment to determine the best possible way in parliament's eyes to ensure that drink and food spiking ceases to occur in South Australia. It is a very serious matter, indeed. One thing that bemuses me, I should say, is the lack of frequency, as I understand it, of SA Police sending sniffer dogs into licensed premises to find people with illicit drugs in their possession. SA Police might have legitimate civil liberty reasons for not doing this. Perhaps they do not want hotels or clubs to complain about lost business because the police raid their venue, as people might say. Perhaps they need just cause or reasonable suspicion to enliven the power to send in sniffer dogs.

We are not seeing many people caught for drug possession in licensed premises. The valid question to ask is: will there be any more convictions using this amendment? To our mind, if this amendment passes not only must the government accept that outcome but it also must commit South Australian police resources to policing it and, if necessary, change the law so random checks on licensed venues can occur. I also wonder whether the Hon. Mr Wade's amendment is intended to capture the line-up before entering licensed premises. It seems to me that these people would be easy to search. For instance, the police could simply approach people in the line. There would be no entering the premises, and perhaps this would be more palatable for licensed premises. While not on the premises, quite clearly a person in the queue intends to enter the premises. I raise this for further consideration as it might strengthen the effect of the amendment.

Having said all that, Family First supports the intent of this bill, its second reading and the proposed amendment by the Hon. Stephen Wade. I will not record again the opposition's concerns about the bill, a number of which we share. We await the government's response to the opposition's query and our queries.

The Hon. NICK XENOPHON: Mr President, I can assure you that I will be mercifully short for the sake of my colleagues. I indicate my support for the second reading and the intent of this bill. I do not propose to restate unnecessarily what my colleagues have said in their contributions, including the Hons Mr Hood, Mr Wade, Mr Lawson and, indeed, Mr Lucas. I believe that this legislation is necessary, although I note the concerns of the Hon. Mr Lawson that we are harking back to the 19th century approach of targeting specific problems, rather than having catch-all legislation. However, notwithstanding that, I indicate that, on the face of it, the amendments of the Hon. Mr Wade seem to be quite compelling; that is, if someone is on premises without lawful excuse in relation to a prescription drug or a controlled drug, that ought also to be an offence, because it seems to me that, with the legislation in its current form, it will be quite difficult to have a successful prosecution in the absence of video evidence or eye-witness evidence that spiking has taken place.

Whereas, the amendment of the Hon. Mr Wade will, I think, send a very clear message that, if you go on to premises with rohypnol or other substances that could be used for the purpose of spiking and altering someone's consciousness to incapacitate a person, it would certainly make the legislation work much better and be a better piece of legislation. I look forward to the committee stage of this bill and support the second reading.

The Hon. J. GAZZOLA secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT (AUDITOR-GENERAL RETIREMENT AGE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 November. Page 1063.)

The Hon. R.I. LUCAS (Leader of the Opposition): Yesterday afternoon I had reached the stage in my contribution where I had referred to the position of the Auditor-General in relation to this bill and contrasted it with the government's position with respect to the position of the Ombudsman. I pointed out that the Ombudsman's legislation contains exactly the same provision of retirement at 65 but that there had been no statement of great principle from the government indicating that it was important to change the Ombudsman's legislation. I also pointed out that a range of other positions, as I am advised (although in these cases they do not report to the parliament, as do the Ombudsman and the Auditor-General), such as the Solicitor-General, the Electoral Commissioner, industrial commissioners, magistrates and a number of other positions, still have a retirement age of 65.

I then turned to the principle of extending the term of a person in a position as important as that of the Auditor-General. I want to put on the record the views of some of the Independent members of the House of Assembly in relation to this important position. I refer, first, to a press statement of 25 October from the member for Mitchell (Mr Hanna) under the heading 'Legislation compromises Auditor-General'. The text of that press statement reads as follows:

Mitchell MP Kris Hanna today condemned the state government's decision to introduce special legislation to allow the Auditor-General, Ken MacPherson, to go five years beyond the retirement age laid down by law, 65 years in this case. The reasons these statutory officers have fixed terms is to ensure they carry out their role without fear or favour. If Mr MacPherson asked for an extension of his term beyond what is currently allowed by law, the danger is a perception that he will 'owe' the Rann government if the extension is granted. If the Rann government is instigating an extension of Mr MacPherson's appointment beyond what the law currently allows, it looks like they are doing so to suit themselves.

Legislation that targets or benefits just one person undermines the rule of law. The rule of law means that parliament fixes the goalposts for everybody, and everybody plays by those rules for the duration of the match. If the state government is genuine about correcting an anomaly—and align the Auditor-General's retirement age with that of Supreme Court judges—they should wait until Mr MacPherson retires next year and then introduce this legislation.

The member for Mitchell further expanded on those views in his contribution to the debate in the House of Assembly. He said:

I strongly object to it [that is, the legislation]. My objection has nothing to do with the present incumbent of the position. I do not know the man who is currently Auditor-General. I only know of his work through the reports which are tabled in parliament and, I suppose, sometimes matters which might appear in newspapers. I have no reason to doubt that he has not exercised his role diligently and thoroughly. My objection rests squarely on my commitment to the rule of law. I believe that this legislation undermines the rule of law. By that I mean the parliament should be making laws which apply to everyone without picking out individuals for their benefit or detriment.

This bill picks out one particular public officer and gives that public officer a benefit—at least a perceived benefit—of being able to continue in the position he holds for a longer time.

Further on he said:

There is the possibility of a person being beholden to a government that legislates to give them a particular benefit by means of legislation. Even if that is not realised, there is still the very serious problem of public perception for those who care about a government legislating to benefit a particular individual whose role it is to scrutinise the government on behalf of the public. There is then a real perception problem, even if there is no issue raised in this particular case of untoward motives on the part of either legislators or the Auditor-General himself.

The member for Mitchell expands further on his strong views in the rest of his contribution. In his contribution, the member for Fisher (Hon. Bob Such) states:

I would be much more comfortable having no limit rather than something that looks contrived. I am uneasy about changing the rules for an incumbent, although I have nothing against the Auditor-General either personally or in his professional capacity. However, I think that there would be criticism in the community if the rules are changed for someone part way through their service not only in this position but in any other.

Again, the member for Fisher went on to expand his view at greater length. Two of the Independent members of the House of Assembly who are not in the cabinet (the member for Mitchell and the member for Fisher) have both expressed significant concerns or reservations (stretching to opposition in the case of the member for Mitchell) about this fundamental principle of whether it is right for a government to extend the term of an incumbent in the circumstances that we are being asked to support in this legislation.

As I touched on yesterday, that concern is shared not by only me but also the Liberal Party. The current Auditor-General signed up to a 16 or 17 year contract in 1990. It is, in today's terms, a contract worth, as I said yesterday, about \$250 000 a year. This extension is potentially worth at least \$1.25 million to the incumbent. We are talking about a significant decision. This issue of whether or not one should allow an incumbent Auditor-General to have their term extended—or to be reappointed—is something which has been considered by all other jurisdictions in Australia in recent years.

I refer to the experience of other states in the commonwealth jurisdiction in order to highlight what they have done in relation to this fundamental issue. I will refer to the detail but, in summary, all the other states would appear to have accepted the principle that the position of Auditor-General is so important that it ought to be for a fixed term and that, in all circumstances (with the exception of one jurisdiction), the person should not be eligible for reappointment. This is on the basis that, for a period of seven or 10 years, that person should work assiduously in the interests of the taxpayers of South Australia without fear or favour and without (and, again, I speak about no particular individual) considering whether or not the government of the day or any future government might look favourably upon the work that has been done by the Auditor-General and therefore support the reappointment of that person.

In the commonwealth jurisdiction the Auditor-General is appointed for a fixed term of 10 years and is not eligible for reappointment. In the Australian Capital Territory the Auditor-General is appointed for a term of seven years and is not eligible for reappointment. In New South Wales it is a fixed term of seven years; not eligible for re-appointment. In the Northern Territory it is a fixed term of seven years; not eligible for re-appointment. In Queensland I am advised it is a fixed term of not longer than seven years—so, up to seven years—and, again, not eligible to be re-appointed. In Tasmania it is a fixed term of not less than five years, or until retirement. That does not seem to make sense, so I might

need to just check that. Victoria is the one example which has the position of a fixed term of seven years but there is provision, in certain circumstances, where the Auditor-General can be re-appointed. In Western Australia the appointment is until 65 and then for an extra 12 months if authorised by the governor in that jurisdiction.

So, the overwhelming evidence from other jurisdictions, including the commonwealth, is that the Auditors-General are appointed for a fixed term and they are not eligible for re-appointment. As I said, that is on the basis that there can then be no perception that an Auditor-General has his or her eye over their shoulder wanting to know whether or not their job is being looked upon favourably by either a government or an alternative government in potentially getting another term. That is the principle which is largely accepted by other jurisdictions, and we think that is a reasonable position.

As I indicated, when amendments to the Public Finance and Audit Act were flagged by the government some two or three years ago, the Liberal Party on that occasion tabled a package of amendments in relation to the operation of the Public Finance and Audit Act concerning the Auditor-General, and one of those amendments was for a fixed seven-year term and not being eligible for re-appointment. So, the proposition that we intend to move later on in the committee stage, to test the view of the Legislative Council, is not something that we have developed subsequent to this issue being raised on 18 October. It is a position we developed in the last term of parliament and, amongst a package of amendments, we tabled this as one of the amendments that we believed made sense in relation to the position of Auditor-General.

Also, I should make a point about the issue of a fixed term, having spoken to people in other jurisdictions. There is also the notion that it is such an important task and that, if any government—Liberal or Labor for that matter—could appoint someone at the age of 30 and then allow them, under this proposed legislation, to be Auditor-General for the next 40 years, that is something which, at a quarter of a million dollars a year in current terms, is not a sensible proposition from our perspective. It would be a nice gig if you could get it, but—

The Hon. J. Gazzola interjecting:

The Hon. R.I. LUCAS: It would be nice to be 30 and it would be a nice gig if you could get it. In terms of good governance, we do not believe that it makes sense. The proposition that is before us potentially allows that sort of situation to continue. To be fair, that is a criticism that can be made of former Liberal and Labor governments as well; that is, someone could have been appointed at age 30 or 40 and have served through to 65.

In the case of this Auditor-General, he was appointed, I presume, at just under the age of 50 (in his late forties), and he signed up to a 16 or 17 year contract knowing that, unless he was dismissed (and there are provisions for dismissal, but they are quite onerous), by and large, he had a 16 or 17-year contract which would conclude in February 2007. I think there are two reasons why most other jurisdictions have moved to both fixed terms and not being eligible for re-appointment, and both of those reasons are important, from our viewpoint, in terms of moving forward.

I think that more than adequately summarises the Liberal Party's position. I have given notice today, through an excess of caution, I think. I am not necessarily convinced that we needed to go down this particular path, but the Clerk has given good advice (and we always accept good advice), and

we have given notice today that will allow us to at least consider the amendment in relation to a fixed term. There are obviously a number of options open to this chamber: the Liberal Party's amendment could be defeated and the bill could be defeated; the legislation, of course, could be passed in its current form; or the legislation could be amended to include the Liberal Party's fixed position, and that could then be the subject of further discussion between the houses and between all interested parties.

Our preference, on balance, is for that course of action but, failing that, I make clear that, for example, if our amendment was to be unsuccessful in the committee stage, it is our intention to oppose (and oppose strongly on matters of principle, as we have outlined) the legislation that is before us.

The Hon. M. PARNELL: Like the Hon. Rob Lucas I have read nearly all of the contributions to this bill in the other place, including the contributions of the Independent member for Mitchell, Mr Hanna, and also the Hon. Bob Such. I am also grateful to the Treasurer's office for its briefing of my staff and for the briefing notes written by the Hon. Rob Lucas. I will say at the outset that I think the Premier will need to revise his tactics if he is to propose legislation in press releases and then state that it is more or less a fait accompli. The Premier's press release of 18 October states:

The Auditor-General Ken MacPherson will not be forced to retire when he turns 65 early next year—and will be able to work on for another five years.

As a fairly new person in this place, I find that to be arrogant. The Premier's press release should have said, 'We will ask the parliament whether or not it thinks that the term of Mr MacPherson should be extended.' So, the Premier gets me on the wrong side when he starts to legislate in press releases. Nevertheless, one thing that the Greens will always do is look at all the issues on their merits and at the arguments for and against before we decide what our position will be.

So far, three main themes have come out of the debate, the first of which is whether or not the current Auditor-General has done and is doing a good job and, therefore, whether his term should be extended. As many members said in their contribution here and in the other place, I have never met Mr MacPherson; I doubt whether I would recognise him if we passed in the street. I have no history of run-ins with Mr MacPherson, through correspondence or in the media; we have never sparred in public; and, in fact, the Auditor-General's Report tabled in this place is really the first of his work I have had a chance to look at. At the time I said that I thought his report was much clearer than the budget papers in terms of their being accessible and understandable.

I run the risk of falling into a trap, which a politician in another jurisdiction fell into, when I refer to the Auditor-General and his work: there are some things that we know, there are known knowns, there are some known unknowns, and then there are unknown unknowns. I have no idea whether the present Auditor-General has found all the things that are to be found in the government reports and whether there is more stashed cash somewhere. My point is that I think it misses the point to be even debating whether or not the present incumbent has done a good job. I think it is an irrelevant consideration.

What is important in positions such as that of the Auditor-General is that they be independent. The crucial element of independence comes from tenure and its being fixed. That tenure can be fixed by age, by having a compulsory retire-

ment age, or it can be fixed by term in a fixed-term appointment. What is most important is that the incumbent in a position such as this cannot be sacked by the government of the day for any reason other than those set out in legislation, and they would include things such as mental incapacity or bankruptcy. It is a fairly high bar to get over. It is important that an Auditor-General who upsets the government cannot be sacked by the government. Similarly, I do not think that it is good policy for a person such as the Auditor-General to be reliant on the government of the day for constant extensions to his or her contract.

The second theme that has emerged from the debate is whether extending the term of an individual statutory office holder, such as the Auditor-General, raises questions of perceived bias; in other words, whether or not legislation such as this makes it look as though the Auditor-General is somehow beholden to the current government. My view is that I think that it does give that impression. That is all it is—an impression—but I think that in these things impressions are important. I have no evidence, and no idea even, that, if the Auditor-General's contract were extended, he would somehow apply himself with other than complete rigour to the task before him. However, the impression that it gives is this idea that the office holder is beholden to the government of the day.

In responding to this point in the other place, minister Conlon raised the issue to which the Hon. Rob Lucas also referred. He said that, if they were interested in using this position and having people beholden to them:

... we would get our own person—perhaps a nice 40 year old—and then put them in the job for 30 years, someone who would look after us. That is what a government that wanted to take advantage of the appointment of an Auditor-General would do.

Again, this is a bit of a red rag to a bull for me because, as an outsider, for many years I have seen how governments abuse statutory appointments. Positions such as that of the Auditor-General are very much at the top of the tree of government appointments, but there are very many lower-level appointments where the government has used political considerations to put their own people into important jobs; often, it is against the advice of government departments and even against the advice of interview panels who select these statutory positions.

Mr Acting President, I know that you are fond of comedy, and I could perhaps lend you the audiocassette tapes of the *Yes, Minister* series, particularly the episode entitled *Jobs for the Boys*, which I think you would enjoy. It involves a troublesome union official who is giving the government grief, and they seek an appropriate statutory board position for this person to fill to get them off the government's back. It is probably 20 years old, that episode, but it still rings very true today.

The third theme that has come out of the debates are broader questions about the merits or otherwise of compulsory retirement at a certain age, or whether a fixed term is appropriate. The Hon. Rob Lucas has referred to the different jurisdictions—some of them have got seven-year terms, some of them have got 10-year terms, some of them have got age restrictions, but most of them have non-renewal as a fairly fundamental aspect of tenure. I think that that is a debate we need to have, and I understand that when opposition members attempted to put amendments in the other place they were ruled out of order. So I think I understand the Hon. Rob Lucas's notice to try to make sure that we can at least have a debate.

In its current form I am not inclined to support this bill. The changes that would be necessary for me to support it would be that it seems to make sense that the bill apply to all similar statutory office holders, rather than just single out this one. I am talking about office holders at the same level, such as the Ombudsman. If we are going to raise the age to 70 then let us do it for all of them. It is also a requirement, for me to support it, that any extension not apply to any incumbents—any people who are currently in these positions.

I look forward to the committee stage and I hope that we can have a proper debate about the merits of the different models of tenure. The most important thing for me and for the Greens is that the tenure be guaranteed and that no current incumbents of these important statutory positions should be beholden to the government, or even be seen or perceived to be beholden to the government, for their employment. I commend the second reading of the bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (SMOKING IN CARS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 1063.)

The Hon. M. PARNELL: The Greens are happy to support this bill. Tobacco is very clearly a dangerous substance. It is dangerous to those people who use it, but it is also dangerous to those in the vicinity of those who use it. By 'those people' we are talking about passive smokers, those people who are forced—through no choice that they have made themselves, often—to breathe in the second-hand smoke of others.

The health impacts of passive smoking are well-known and the minister, in her second reading explanation, has set them out very clearly. The health impacts of passive smoking include: increased risk of asthma, bronchitis, pneumonia and chest infection. The minister, in her second reading explanation, makes the point that children and babies are especially vulnerable as their lungs are less well developed.

So the health impacts of passive smoking are well-known and they are based on evidence. It is an evidence-based assessment of the health risk and it is based on statistics of death and statistics of illness, and those statistics have been collected over many years. I say that that evidence-based approach is not the same approach that we apply to the other manifold drug debates that we have in this place. This is one drug that we know is harmful, we know it is dangerous and we know how many people it kills and maims.

This bill seeks to protect those who are not being protected (in many cases) by those who profess to love and cherish them, and by those who should know better. Largely, we are talking about parents who are driving their children around in motor cars whilst those parents are smoking. The statistics are fairly frightening, with some 30 per cent of adult smokers continuing to smoke in cars when children are present. It is usually their own children, but not always. It can be the children of friends, it can be other more distant relations but, nevertheless, these children have no choice, because they cannot drive themselves around and at present they run the risk of being subject to an adult smoker and having to put up with passive smoking whilst they travel in those cars.

I say that those adults should know better, but this problem of smoking in cars and passive smoking actually also speaks volumes in respect of the addictive nature of tobacco. Criminalising this behaviour, criminalising smoking in a car whilst children are present, whilst it might seem draconian, does add an extra incentive to the adults to actually have some regard for those who travel as passengers in their cars. That may mean that the adults need to stop the car more often to get out before they light up.

Year by year we are making it more difficult for smokers to engage in their habit. In fact, we have come a very long way from the days when non-smokers used to feel uncomfortable about asking a visitor to their home whether they would mind not smoking—we have come an awful long way. There are very few smokers now who would presume to light a cigarette in someone else's home. So this measure is part of a continuum. We have looked at workplaces, we have looked at hotels—that has been a bit slow coming but we are getting there—and this bill deals with cars. I was disappointed that in this place we did not support the proposed ban on smoking at bus stops, the Christmas pageant and the Royal Show. I think they would have been sensible, logical extensions as well.

The reason that cars have been selected is, no doubt, that they do represent an enclosed space, a space where the risk of passive smoking is greater than perhaps some outdoor venues. However, I note that 'motor cars' is not restricted to enclosed motor cars; an open-topped sports car would equally be covered. I guess the point is that children who are passengers would still be in fairly close proximity to the smoker. For now, I think this bill is a sensible further extension of the methods that have been put in place already, and it is a sensible further restriction on the rights of smokers, because it recognises that the rights of smokers have to be balanced with the rights of children, who are some of the most vulnerable people in society, not to be harmed by someone's behaviour or addiction. With those comments, I indicate that the Greens are happy to support the second reading of the bill.

The Hon. R.P. WORTLEY: As a parent, you learn that your children will face many challenges in their early years of development. However, our children should not have to face life-threatening or lifelong illnesses due to the careless actions of others.

Members interjecting:

The Hon. R.P. WORTLEY: This is very important legislation. When parents or adults smoke in the confines of a car when a child is present, they might as well replace the child's pacifier with a cigarette. While travelling in a car, children have no escape from the many harmful chemicals and tobacco smoke and, with the recent findings of the Ontario Medical Association in Canada indicating that second-hand smoke in a vehicle can be 20 times more toxic in a car than in a household environment, it is quite concerning what health difficulties these innocent children will face later in life.

We have the power to prevent future harm to children under the age of 16 in this state by amending the Tobacco Products Regulation Act 1997. As we are all aware, the bill seeks to ban smoking in cars when any child under the age of 16 is a passenger. South Australia not only will be leading the nation in minimising the exposure of children to the harm of passive smoking while travelling in a car but we will also be leading the world. Passive smoking can cause or increase

the risk of a range of serious illnesses, including asthma, pneumonia, bronchitis, lung cancer, chest infections, and cardiovascular disease.

Young children and infants are particularly vulnerable to passive smoking, as their lungs are still developing. According to a report entitled 'Action on Smoking and Health' released in March this year, short-term exposure to tobacco smoke has a measurable effect on the heart: just 30 minutes of exposure to second-hand smoke is enough to reduce coronary blood flow. The report also indicates that non-smokers who are exposed to passive smoke in the home or car have a 25 per cent increase in the risk of heart disease and lung cancer. Medical evidence on the harmful effects of smoking around children, particularly in the confines of a car, is conclusive.

A major report conducted by the Scientific Committee on Tobacco and Health (SCOTH) concluded that passive smoking is a cause of lung cancer and heart disease in adult non-smokers and a cause of respiratory disease, cot death, middle ear disease and asthmatic attacks in children. It is believed that approximately eight per cent of new asthma cases in children is attributable to passive smoking. The International Agency for Research on Cancer has also noted that 'the evidence is sufficient to conclude that involuntary smoking is a cause of lung cancer in non-smokers'.

It saddens me greatly that children are suffering from these illnesses, yet they could so easily be prevented. We have created legislation to protect our hospitality workers; now we must protect the state's future generations. Children cannot protect themselves from the dangers of second-hand smoke while travelling in a car. Research from the Wellington School of Medicine indicates that riding in a car

with a smoker is as bad as, if not worse than, sitting in a smoke-filled bar.

This government is committed to reducing the harmful effects of passive smoking, and this legislation is another strategy that will help achieve a safer, cleaner environment for South Australians. We are committed to spreading the message on the dangers of tobacco consumption, especially to the younger people of our state. Our tough stance on anti-smoking measures will contribute to the State Strategic Plan target of reducing youth smoking by 10 per cent by 2014. South Australia Police will have the power to enforce this new ban when it comes into effect. The ban on smoking in cars while children under 16 are present will be controlled in much the same way as the use of mobile phones in cars is controlled: with an on-the-spot fine of \$75, ranging up to a maximum penalty of \$200.

It is a sad fact that roughly 1 500 South Australians die every year as a result of smoking-related illnesses. This means that each week around 30 South Australians die from diseases caused by tobacco. We need to act now to protect our children from the 4 000 chemicals in tobacco smoke and curb the sobering fact that tobacco consumption is the single biggest cause of premature death in our state. I hope the introduction of this legislation will reduce the number of people who smoke in cars when children are present and will prevent the lives of children from being 'buted' out.

The Hon. J. GAZZOLA secured the adjournment of the debate.

ADJOURNMENT

At 4.44 p.m. the council adjourned until Wednesday 22 November at 2.15 p.m.