LEGISLATIVE COUNCIL

Wednesday 5 March 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the written answer to the following question on notice that I now table be distributed and printed in *Hansard*: No. 122.

DEPUTY PREMIER'S OFFICE

122 The Hon. R.I. LUCAS (12 February 2008).

1. Can the Deputy Premier advise the names of all officers working in the Deputy Premier's office as at 1 December 2006?

2. What positions were vacant as at 1 December 2006?

3. For each position, was the person employed under Ministerial contract, or appointed under the Public Sector Management Act?

4. What was the salary for each position and any other financial benefit included in the remuneration package?

5. (a) What was the total approved budget for the Deputy Premier's office in 2006-07; and

   (b) Can the Deputy Premier detail any of the salaries paid by a Department or Agency rather than the Deputy Premier's office budget?

6. Can the Deputy Premier detail any expenditure incurred since 2 December 2005 and up to 1 December 2006 on renovations to the Deputy Premier's office and the purchase of any new items of furniture with a value greater than $500?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): The Deputy Premier has provided the following information:

The following public service staff were employed in the minister's office as at 1 December 2006:

Position Title	3. Ministerial Contract/PSM Act	4. Salary & Other Benefits
Office Manager	PSM Act	ASO-7+
Personal Assistant to Minister	PSM Act	ASO-4*
Senior Administrative Officer (part time—0.8 FTE)	PSM Act	ASO-5
Parliamentary Officer	PSM Act	ASO-4
Personal Assistant	PSM Act	ASO-3^
Business Support Officer (Cabinet)	PSM Act	ASO-2
Business Support Officer (DTF)	PSM Act	ASO-2
Business Support Officer (Industry & Trade & General)	PSM Act	ASO-2
Business Support Officer (Reception)	PSM Act	ASO-2

\+ Plus access to car park

* Plus allowance to ASO-5

^ Plus allowance for out of hours work

Details of Ministerial Contract staff were printed in the Government Gazette dated 5 July 2007.

Ministerial Liaison Officer (DTF)

3. See answer to Part I above

4. See answer to Part I above

(a) $1,342,000

(b) Salaries of the following positions were funded outside of the above allocation by the Department of Treasury and Finance.

Senior Administrative Officer (part time)

Parliamentary Officer

Business Support Officer

Business Support Officer

Renovations—$642.40 (for chilled water dispenser)

Furniture—$8,710.36 (for compactus; typist chairs; television & DVD/VCR players).

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:18): I bring up the 14th report of the committee for 2007-08.

Report received.

PAPERS

The following paper was laid on the table:

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

Report into the Inquest into the death of Colin Craig Sansbury

QUESTION TIME

ADELAIDE COASTAL WATERS STUDY

The Hon. J.M.A. LENSINK (14:20): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Adelaide Coastal Waters Study.

Leave granted.

The Hon. J.M.A. LENSINK: The Adelaide Coastal Waters Study identifies one of the main culprits in terms of damage to the marine environment as being nitrogen load. Indeed, Recommendation 2 says that the total load of nitrogen discharged into the marine environment should be reduced to around 600 tonnes, representing a 75 per cent reduction from the 2003 value of 2,400 tonnes.

In giving evidence to the ERD Committee on 6 June 2007, I raised with the then CE and chair of the EPA, Dr Paul Vogel, the issue of trigger values for water quality under the ANZECC. A comparison of trigger values from around Australian regions reveals that south-central Australia (South Australia) has much higher trigger values than many other regions in Australia, at 1,000 (whatever the units are) compared, for instance, to south-eastern Australia (which is Queensland, New South Wales, Victoria and Tasmania), involving 300 for estuary and 120 for marine. In tropical Australia it is 250 for estuary and 100 for marine. In that committee hearing I questioned why the EPA had such high levels, and Dr Vogel undertook to look at that. My questions are:

1. Is the minister aware whether those trigger values have been reviewed?

2. If not, when will they be reviewed?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:21): I thank the honourable member for her question. I have spoken here before about the quality of the Adelaide Coastal Waters Study report that was recently released, and the very important 14 (if I recall correctly) recommendations that came from that study in relation to improving water quality in the gulf as well as in terms of strategies around improving our stormwater, waste water and industry discharge and the impact that is having on both particulate matter and nitrogen levels in those waters. I also spoke about the Water Quality Improvement Steering Committee that had been established to put together a comprehensive action plan to address all 14 of those recommendations.

I do not have any specific knowledge in relation to trigger values. I know that 20 scientific papers have been completed over the past six years, forming part of the report, but I am not sure

whether any of those deal with the issue of trigger values per se. I do not recollect that they necessarily do, but I will check that. I am not aware of trigger values being a particular issue of concern for the state of South Australia, but I am happy to look into that and provide a detailed answer to the questions the honourable member has asked.

METROPOLITAN FIRE SERVICE

The Hon. S.G. WADE (14:23): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question relating to the South Australian Metropolitan Fire Service.

Leave granted.

The Hon. S.G. WADE: Today the United Firefighters Union issued a press release headed 'Rann to attack injured firefighters', which reads, in part:

> Premier Mike Rann and his government have yet again highlighted how out of touch they are with the emergency service organisations of this state. Further to the government refusal to provide funds to staff the new multi-million dollar Beulah Park fire station with a crew, and adequately resource the Metropolitan Fire Service, the Rann government now propose to cut the entitlements of injured firefighters.

It continues:

> 'The emergency services serve and protect South Australians with great pride and significant sacrifice', said Joe Szakacs, United Firefighters Union industrial officer. '...All that firefighters ask is that if they were injured in the line of duty, the workers compensation scheme protects them just as they have protected the public...'

The press release goes on:

> [Rann] has lost touch with the workers of this state. Firefighters of this state will not accept nor will they tolerate the Rann attacks on the workers of this state.

Further, according to the MFS annual report for 2006-07, the MFS, having aimed to reduce WorkCover claims by 20 per cent, in fact, experienced a four per cent increase. I am also informed that the Metropolitan Fire Service was recently issued with 18 non-compliance items following a WorkCover review.

Members interjecting:

The Hon. S.G. WADE: I fear that the minister may not have been able to hear that because of interjections from the Leader of the Government. My question to the minister is: given that the government cannot manage WorkCover as a scheme and cannot manage occupational health and safety within its agencies, will the government be forced to recruit further firefighters to accommodate the increase in days lost—an estimated 80 per cent in the most recent financial year?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:26): It will be interesting when the debate on the WorkCover legislation reaches this council. We will watch with great expectation to see how the Hon. Stephen Wade actually votes. That will be interesting. I think that there is very little more that I can add.

Members interjecting:

The PRESIDENT: Order! Perhaps the minister would like to start again, because I could not hear it.

The Hon. CARMEL ZOLLO: Yes, I think I should repeat that. It will, indeed, be interesting to see how the Hon. Stephen Wade actually does vote when the WorkCover legislation comes to this place. It is this government—

Members interjecting:

The Hon. CARMEL ZOLLO: Yes. They all stood up for it then, did they not? It will, indeed, be interesting. I am already on record in this place saying how much this government has increased funding to the MFS (over $25 million since we came to government), and with 194 new recruits. The opposition record is so shameful that it really should be embarrassed. We all know, of course, that firefighting is a high-risk occupation and, clearly, it is a high-risk job that they undertake. We are working very hard with the MFS in relation to ensuring that our firefighters are always well prepared. Indeed, this government also, at a cost of several million dollars, introduced personal protective clothing in the state.

As I said, the record of the opposition is just shameful—just shameful and woeful. The fact that the Hon. Stephen Wade can get up in this place and attack this government and the way that it looks after the firefighters of this state really is shameful.

An honourable member interjecting:

The PRESIDENT: Order! The Hon. Mr Dawkins will take his place.

PLASTIC BAGS

The Hon. R.D. LAWSON (14:28): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the plastic bag ban.

Leave granted.

The Hon. R.D. LAWSON: Since 2002, successive environment ministers, the Premier and acting environment ministers have claimed that South Australia is about to ban plastic bags in this state. For example, in June last year the present minister announced that the government was considering an outright ban, or a price-based ban where retailers must charge a fee on single-use plastic bags of 10¢ a bag. In that statement the minister said that plastic bags can take up to 100 years to break down. In another statement, issued earlier this week, the minister has adjusted her opinion of the time taken to break down a plastic bag from 100 years to between 15 and 1,000 years. The government has apparently abandoned its proposal to charge 10¢ a bag as an option.

The minister also announced this week that, in many council areas, plastic bags are the single main contaminant of kerbside recycling. My questions to the minister are:

1. In what South Australian council areas do plastic bags constitute the single main contaminant of kerbside recycling?

2. What is the basis of the change in the minister's scientific evidence that bags that last year took up to 100 years to break down now are said to be taking up to 1,000 years to break down in the environment?

3. What is the justification for the government's abandoning its proposal to require retailers to charge 10¢ a bag?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:31): In relation to the questions that I have been asked about plastic bags, this government has been very clear in its commitment to ban free single-use plastic bags of the type that we typically see in supermarkets. We have led the nation in terms of our commitment to that ban.

An honourable member interjecting:

The Hon. G.E. GAGO: Exactly. South Australia has led the charge on such a ban. We have spent quite a considerable amount of time leading discussions. The former environment minister (Hon. John Hill) spent considerable time leading discussion papers at the inter-ministerial council meeting that deals with these issues, and I have done the same. Although South Australia has made the commitment to ban free single-use plastic bags by the end of this year, we have also expressed a goal to try to achieve a nationally consistent approach, in terms of the phasing out of plastic bags right throughout Australia by the end of this year.

We have announced that the next inter-ministerial committee meeting is to be held in April this year and, again, South Australia will be part of leading the charge in this debate. Time is clearly running out for the states and territories to make a decision about signing up to a nationally consistent approach—Clean Up Australia Day. We have put the states and territories on notice and we have indicated that, unless they can sign off at that meeting, or within very close proximity to it, we will be prepared to go it alone and we will introduce our legislation to bring about that ban by the end of the year. So, we have put them on notice. South Australia should be very proud of the role that it has played in these matters, not only in terms of the banning of single-use bags but also our role in CDL, and we also lead the nation with respect to recycling. So, I am very proud to say that we lead the nation on a number of these environmental fronts.

Our concern is that Australians currently use 4 billion of these single-use plastic bags a year. That equates to about 1,600 tonnes of plastic, which we know is made from polluting petrochemicals. Most of those bags, because of their very flimsy integrity, are only ever able to be used once. Some are reused as bin liners, and such like, but what we know is that, because of the

flimsy integrity of the plastic bags in question, most of them are used only once. In terms of the specific council areas, I do not have that information with me today; however, I am happy to bring back that information to the council. We know that plastic bags are incredibly damaging to our environment—

The Hon. R.D. Lawson interjecting:

The Hon. G.E. GAGO: The honourable member can sit there and say, 'Ha, Ha, she doesn't know which specific council.' What I do know specifically here today is that the single use plastic bags are extremely bad for our environment. They are incredibly wasteful of our environment and its resources, and we should get rid of them. That is exactly what this government is doing and we are very proud to do it. Not only do they litter our streets and streams but also they clog up our landfill, and they also contribute to greenhouse gas emissions. They are bad for our environment. We need to get rid of them, and that is exactly what we will do. The timing of the breaking down of the bags depends on a wide range of different factors.

It depends on what condition the bag is in at the time. It depends on temperature, moisture levels and exposure to sunlight. A wide range of factors contribute to the rate of a plastic bag breaking down. To get hung up on exactly how many years is missing the point. One year of a wasteful single use product being in the environment is bad for this environment. It is using up precious resources unnecessarily, because, with respect to greenhouse gas emissions and what have you, they cost us energy in terms of manufacturing them. Most of them can be used only once.

We are trying to ensure that they are replaced with alternatives that can be reused so that it is good for the environment. It is also good for local councils as it does improve their kerbside recycling ability because it is a cleaner waste. It is a win-win for everyone. The honourable member needs to lift his chin a little and look at the broader benefits for the environment and for our local community.

PLASTIC BAGS

The Hon. A. BRESSINGTON (14:37): As a supplementary question—

The Hon. R.I. Lucas interjecting:

The Hon. G.E. Gago: I'm not worried about my chin!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bressington has a supplementary question.

The Hon. A. BRESSINGTON: I do.

Members interjecting:

The PRESIDENT: Order!

The Hon. A. BRESSINGTON: Given the war on plastic bags that we will be waging, is the government intending to do anything about disposable nappies? Does it have an environmental impact study on that issue, that particular type of plastic, and the environmental damage they do?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:38): A number of waste matters are being investigated and we are looking at alternatives. Nappies, particularly the disposable nappies, are a challenge for us. During my trip to Europe last year one place we visited was a recycling facility that made completely compostable baby disposable nappies, as well as a range of other items. They made them from 100 per cent compostable items, such as cornstarch and potatoes. Alternatives are out there, but they are very expensive at the moment. We are exploring a range of options with respect to better disposal and alternatives which we might use and which might be more environmentally friendly.

CRIME GANGS TASK FORCE

The Hon. B.V. FINNIGAN (14:39): My question is to the Leader of the Government and Minister for Police. Will the minister provide the chamber with details of the success of the Crime Gangs Task Force established by South Australia Police?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:39): I thank the honourable member for his important question. The Crime Gang Task Force was formed to take over from the highly successful Operation Avatar which targeted the criminal bikie gangs and which resulted in hundreds of arrests and the seizure of millions of dollars worth of drugs, drug-making equipment and the proceeds of bikie gang criminal activities.

The new task force consists of 44 sworn officers led by Superintendent Desmond Bray, who reports directly to the Assistant Commissioner of Crime Service. It comprises investigators, general duties police, traffic motorcycle officers, and other specialist police resources as determined necessary to ensure that it has a robust disruption focus together with an ability to target both mid and high-level criminal investigation. Since the formation of the Crime Gangs Task Force, several major operations have been launched, and I would like to outline just a few of those successful operations and their outcomes.

On Monday 29 October 2007, 120 detectives and uniformed officers from across the metropolitan area searched 25 homes belonging to outlaw motorcycle gang members or associates, targeting illicit drug production and trafficking and illegal possession of firearms. Police located cannabis crops, cannabis prepared for sale, amphetamines, steroids, rifles, a number of loaded pistols, cash, and a clandestine laboratory. There were five apprehensions for offences for drug production and trafficking and illegal firearms possession.

On 17 November 2007, the Crime Gangs Task Force arrested members of a street gang after locating them in possession of several thousand tablets of the drug ecstasy. On 7 December 2007, a member of an outlaw motorcycle gang and two associates were arrested for attempted murder and other serious offences stemming from a home invasion where a man tending a commercial hydroponics cannabis crop was shot. The three men had attended the premises to steal the cannabis and shot the victim in the stomach with a pistol.

On 5 December 2007, the Crime Gangs Task Force, STAR Group, metropolitan police and officers from the North-East, Far North and Mid-West local services areas launched Operation Spencer in the Upper Spencer Gulf. The first tactical phase of this operation occurred on 13 December 2007, when 16 premises were searched at Port Pirie, Port Augusta and Whyalla, resulting in the seizure of amphetamine and equipment for making amphetamine, cannabis, ecstasy, firearms, and other drug paraphernalia.

Associates of outlaw motorcycle gangs were arrested for manufacturing and possessing amphetamines for sale, possession of firearms, and other offences. On Monday 7 January 2008, officers from the task force and other metropolitan areas launched a series of raids on houses occupied by outlaw motorcycle gang members, associates and a clubhouse. Police seized six pistols, together with ammunition, firearm parts, a ballistic vest, a baton, and small amounts of ecstasy, amphetamine, cannabis and prescription drugs, and charged five members of the outlaw motorcycle gang with firearms and property offences.

As a result of the crime stoppers phone-in on 29 and 30 January 2008, two outlaw motorcycle gang members were arrested for trafficking amphetamines. Two associates were arrested for firearm offences, an associate arrested for trafficking amphetamines, and a fourth associate was arrested for a significant cannabis crop involving 43 cannabis plants. Investigations are continuing in respect of the 135 actions that have been issued for investigation.

On the evening of Friday 15 February 2008, 47 police officers, including the Crime Gangs Task Force, Licensing Enforcement Branch, STAR group and officers from Southern Operations Service, attended and searched the Rebels clubhouse at Old Noarlunga for firearms and evidence of selling liquor without a licence issued pursuant to the Liquor Licensing Act. Police found two loaded semi-automatic pistols, up to $3,000 worth of alcohol, $480 cash, evidence of liquor sales and three ecstasy tablets.

On Saturday/Sunday 16 and 17 February 2008, 30 officers from the Crime Gangs Task Force, Hills Murray Local Service Area, STAR Group, SOS Tactical Unit and SOS Traffic were involved in policing of the Ponde Sand Drags at Mannum. Police undertook 157 alcohol tests, reported three people for traffic offences, issued six defects, and seized one gram of amphetamines.

All in all, these operations are a very encouraging beginning for the new Crime Gangs Task Force. SAPOL and the Rann Labor government are continuing to take the fight to these criminal gangs, which will ultimately eliminate their ability to fight us.

CRIME GANGS TASK FORCE

The Hon. T.J. STEPHENS (14:44): As the minister stated, you recovered some semi-automatic weapons from the bikies. Given that they seem to be the weapon of choice for the bikies, when will you introduce semi-automatic hand guns to our police officers?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:44): The honourable member probably has not been listening. He would know that semi-automatic firearms are intended to be introduced into a couple of local service areas on a trial basis. I believe the contracts have been—

The Hon. T.J. Stephens interjecting:

The Hon. P. HOLLOWAY: Well, I am not sure at what stage the contracts are; I will find out exactly what stage has been reached. Obviously, they have to be let for the supply of the new firearms, but they will be progressively introduced across the police service subject to the success of the trial. It is important that police officers be properly trained in any new firearm that is introduced.

I repeat the point that there is absolutely no threat that can be established that police officers are suffering in relation to the use of the firearms that they currently have. Indeed, in relation to the raids that I was just talking about, which involved the Star Force, they would have access to the best available firearms and other equipment required for them to do their job.

CRIME GANGS TASK FORCE

The Hon. T.J. STEPHENS (14:45): How many semi-automatic hand guns are you purchasing in the next financial year, given that we are heading for 4,000 police officers?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:45): I will get those figures from the police service, but obviously they will need to be introduced progressively.

Members interjecting:

The Hon. P. HOLLOWAY: As the question asked by the Hon. Mr Finnigan showed, the fact is that under this government the police are having the greatest success they have ever had in dealing with bikie gangs. Perhaps the question the honourable member should be asking is: why was the Liberal government so bad, up until 2001, in dealing with bikie gangs? Why was there a series of murders and explosions in 2000 and 2001 prior to the election of this government? Perhaps that is the question they should be asking: why did they do nothing about it?

Why, during those eight years, did they allow police numbers to drop to as low as 3,400? Why did they not build all the new police stations that we have been building? Why did they not provide the police with a new aircraft? Why did they not replace the boats that the police had, which has happened under this government? Why did they make them use secondhand boats that were not fit for the job?

They are the questions members opposite should be answering. Perhaps if they do a bit of soul searching on that at the next election they might come up with some policies that actually deal with this, but I would not hold my breath.

Members interjecting:

The PRESIDENT: Order!

MANNUM FERRY

The Hon. T.J. STEPHENS (14:47): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question regarding the Mannum ferry and emergency services vehicles.

Leave granted.

The Hon. T.J. STEPHENS: The opposition has been advised that the government has calculated a figure of $500,000 to make the necessary modifications to the upstream ferry at Mannum to facilitate its prompt return to service, a figure that we believe the government is balking at. I am also informed that the local council believes that the ferry can be brought back into service for $200,000. With the current low river level this must be the optimum time for any modifications to be made. My questions to the minister are:

1. Will the government undertake to immediately make modifications to the upstream ferry at Mannum to facilitate its prompt return to service?

2. Given the impact that this ferry's inoperability has on emergency services vehicles, what risk is the community currently suffering that they should not be?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:48): I thank the honourable member for his question. In relation to the Mannum ferry, clearly this is an issue for my colleague in the other place the Minister for Transport (Hon. Patrick Conlon). So, I will refer that particular aspect of the question to him and bring back a response.

In relation to emergency services, clearly this is something that is part of my jurisdiction. Whenever we have any issue with transport, as part of any smart contingency plan, the CFS always looks at alternatives. Whilst I do not have that plan before me here today, clearly there would be one to ensure that our community is always kept safe and not exposed to any extra risk.

I am quite happy, as I said, to say that there would be a contingency plan in place, as indeed there was, I think, when somebody else asked a question about the Port River at the time. It is part of our normal routine planning that there are contingency plans in place should anything ever go wrong, or if there should there be some sort of transport that we cannot use there would always be an alternative.

MANNUM FERRY

The Hon. T.J. STEPHENS (14:49): Given that there are community concerns and, as the minister says, she has a contingency plan, will she please provide it as quickly as she possibly can so that we can allay some fears within that community, rather than waiting the length of time that it normally takes to get answers to questions?

The PRESIDENT: Order! The honourable member is making a comment.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:49): With respect, I suspect that the fears and the rumours of fears are being engendered by the other side.

Members interjecting:

The PRESIDENT: Order!

EMERGENCY HOUSING

The Hon. A.L. EVANS (14:50): I seek leave to make a brief explanation before asking the—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. A.L. EVANS: —Minister For Emergency Services, representing the Minister for Families and Communities, a question regarding the crisis in South Australian emergency housing.

Leave granted.

The Hon. A.L. EVANS: I refer to the matter raised by my colleague the Hon. Mr Hood yesterday regarding a homeless lady named Sam, who had been living in her car with her five year old daughter. The question was centred around what could be done for her.

When members of the public do not have anywhere else to live and have exhausted all possibilities they often call this place. My office has received many calls from homeless constituents who need a place to live, and I am aware that other members of this place have gone out of their way to help homeless men and women in the past who have contacted their offices.

In 1991-92, Housing Trust stock peaked at 63,022 houses. Between 1992 and 2007, the Housing Trust reduced its low-cost rental stock by around 18,802 houses (30 per cent) to 44,220 houses through house sales to private buyers. In 2007, the proceeds of these sales totalled about $1.7 billion.

Over the same period, the Housing Trust also received grants from the state under the Commonwealth-State Housing Agreement. In 2007, it received $1.1 billion from the commonwealth government and $751 million from the state government. Between 1991-92 and 2006-07, the South Australian Housing Trust received a total of $3.5 billion in capital injections.

Since 1992, the South Australian Housing Trust has consumed the $3.5 billion in capital injections but, nevertheless, has 18,802 fewer houses to manage, yet it still showed an operating loss of $55 million in June 2007. The interest cost is a staggering $33.8 million per year on the current $747 million debt.

The government response has been to sell off a further 8,000 houses (18 per cent of its remaining low-cost rental stock) and shift the responsibility for expanding low-cost rental housing to the Affordable Housing Trust. This financial year, the Affordable Housing Trust will provide $20 million for joint ventures with NGOs, which may result in 200 to 300 new low-cost rental houses. However, at this rate it will take 30 to 40 years just to recover the loss of the 8,000 houses and reinstate the current level. My questions to the minister are:

1. Of what use is the Housing Trust now if it cannot even give someone in such a dire situation as Sam a place to stay with her child?

2. Is Sam in this predicament because the government has sold off so many trust properties that there will now be in South Australia an emergency housing crisis that may take 30 to 40 years to recover?

3. Is the Housing Trust in such a predicament because of inefficiencies in its administration, and would Sam now have accommodation if her case could have been handled by a government-supported and far more efficient community housing organisation?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:54): I thank the honourable member for his question in relation to housing and emergency housing, in particular. Perhaps I should commence by saying that I have checked with the Hon. Dennis Hood, and I understand that the case of the constituent that he raised yesterday has now been looked at and that person has been accommodated.

As I am not the minister responsible, it is rather difficult—without knowing the full details and without knowing the other side—to actually make any further comment. Nonetheless, I am extremely pleased that the constituent's case which was raised yesterday has now been properly assessed.

The honourable member made quite a few comments and asked several questions, but I place on record that clearly the problems the Minister for Families and Communities and Minister for Housing has is because of the excessive cut backs by the federal government under the Howard regime for many years. I am certain that would not have been of any assistance to us in this state, but nonetheless I will forward the honourable member's questions to my colleague in another place and bring back a response.

PEDESTRIAN SAFETY

The Hon. I.K. HUNTER (14:55): Will the Minister for Road Safety advise the chamber of the government's actions in raising public awareness about pedestrian safety issues?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:56): Every day of the year at least one pedestrian is injured on South Australian roads, and since 2000 about one in every nine road fatalities has been a pedestrian. The good news is that a new report by the Centre for Automotive Safety Research (CASR) shows that there has been a recent and substantial reduction in pedestrian casualty crashes. The CASR research shows that in 1994, 1995 and 1996 there were 94 pedestrian deaths—around 18 per cent of all road deaths—and 1,386 pedestrians were treated at or admitted to hospital, which is 8 per cent of all road casualties. In comparison, in 2004, 2005 and 2006 there were 32 pedestrian deaths—around 8 per cent of all road deaths—and 1,058 recorded treatments and admissions to hospital—6 per cent of all road casualties.

These declines may be explained in part by lower urban speed limits, that is, the 50 km/h limit. However, any death or serious injury on our roads is of concern and there is never any room for complacency when it comes to road safety. As a result, the state government has launched a radio campaign urging pedestrians not to be complacent when crossing roads. The campaign

highlights that pedestrian assessment of risk, coupled with good judgment, plays an important role in staying safe.

Pedestrians taking responsibility for their own safety is the key message of this campaign. They must never assume that motorists will always give way and should allow adequate time to cross a road at a safe location. It is important that pedestrians use traffic signals wherever possible and cross where oncoming traffic can be seen from both directions. Pedestrians should be aware that alcohol greatly impairs their ability to judge traffic conditions. Around 36 per cent of adult pedestrians killed and 26 per cent of those injured since 2000 had blood alcohol concentrations higher than .05.

In turn, motorists always need to look out for pedestrians and adjust speeds in high risk areas such as shopping and entertainment districts. If both motorists and pedestrians are on high alert, the odds of injury or fatality are greatly reduced. Because pedestrians are vulnerable road users, they often sustain serious injuries in road crashes. Motor Accident Commission (MAC) statistics reveal that each year about 300 personal injury claims are lodged by pedestrians involved in road crashes. This makes up about 5 per cent of total claims but equates to 11 per cent of claim costs, or around $40 million each year. This is a tragic indication that pedestrian injuries are often severe.

The current campaign targets older pedestrians aged 60 years and over, as well as intoxicated pedestrians, particularly males aged 17 to 25 years. These two pedestrian groups are most at risk of being injured or killed. The campaign focuses on metropolitan Adelaide as this is where 87 per cent of pedestrian casualties occur and where most of the pedestrian activity exists. The radio campaign is supported by bathroom posters, outdoor and print advertising.

SCHOOLS, TRUANCY

The Hon. A. BRESSINGTON (15:00): 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 truancy.

Leave granted.

The Hon. A. BRESSINGTON: Truancy continues to be an issue of concern for parents and teachers. According to recent government figures, on average about 9 per cent, or almost one in 10 students, are absent from school on any given day. However, the situation was significantly worse in lower socioeconomic areas, with up to one in four students absent at schools such as Smithfield Plains High and Enfield High. I have been informed that in the eastern suburbs a school voluntarily implemented SMS texting, and in a 12-month period that school recorded 18,000 notifications—which averaged out to about 14 notifications per student at a cost of $4,000 to $5,000 per annum. That cost was borne by the school.

Under section 76 of the Education Act a child is required to attend the school at which they are enrolled on every day instruction is provided for them. Where a child fails to attend, each parent of the child shall be guilty of an offence and liable to a penalty of up to $200. I note that under section 76(4) a recognised defence to this charge is that the failure of the child to attend school did not result from any failure of the parent to exercise proper care and control over the child. My questions to the minister are:

1. How many notifications were made to the Department of Education and Children's Services regarding parents failing to ensure their children attended school for each of the past five years?

2. What number of convictions have been recorded for this offence for each of the past five years?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:02): I thank the honourable member for her question. She has asked for very detailed information, and I will refer her questions to the Minister for Education and Children's Services in the other place and bring back a response.

COUNTRY FIRE SERVICE, RIVERLAND

The Hon. J.S.L. DAWKINS (15:02): My question is directed to the Minister for Emergency Services. What assistance will the government provide to Riverland CFS brigades to assess the

level of additional fire risk resulting from the significant areas of orchards, vineyards and wetlands that have dried off due to ongoing irrigation restrictions?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:03): Because of the climatic changes all of Australia, including this state, is experiencing, we are very much aware that we have an extremely dry soil index in the state—in the past three years it is probably the highest it has ever been.

I guess I responded to this question in part yesterday by saying how much we are prepared for such an eventuality, should fires go through the areas the honourable member has mentioned. As I said then, measures range from ensuring that we respond with extra crews and extra water tanks (which are in place) to doubling our aerial support. Again, and in relation to community education, this government has poured millions of dollars into ensuring that our community is much better prepared and that people themselves take responsibility for their safety and the safety of their property and assist our valuable CFS volunteers, who undertake that tremendous role on behalf of everyone.

Again, as I said yesterday, besides the aerial support and community education, CFS personnel themselves are better trained and better resourced in relation to what is happening right now in terms of our weather. We have also extended the contracts relating to aerial firefighting capacity—and we actually saw yesterday some aircraft in operation and the necessity for a CFS crew to be engaged, because the weather is still very hot for this time of the year.

Those are all the things I placed on record yesterday, and do so again today, outlining what we have done to ensure that not only is the community very much engaged in being ready themselves but also that the CFS has the level of support it needs.

I also mentioned yesterday the mutual aid agreements between all three services now. At any time that the CFS is called, the retained firefighters or the MFS from the city are there to provide support for the assets of regional towns, or the towns themselves. The role of the SES is incredibly valuable. It undertakes all the work required for the aerial support to be put in place. It undertakes all the logistical support that is required. It put in a tremendous effort on Kangaroo Island, where it provided all of that support.

We also have in place, of course, as I mentioned yesterday, mutual agreement or mutual cooperation. At the height of the bushfire season it is very common for the chief officers of all the services between all of the states to have teleconferences and seek information. It is a time when people request assistance from other states. Again, as I mentioned yesterday, we provided support to Western Australia and, of course, we saw a huge interstate deployment come to Kangaroo Island when we needed it. I really am not sure what else I can add. Yes; there have been climatic changes and, yes; we are across all the issues and realise the importance of the preparedness that is required.

COUNTRY FIRE SERVICE, RIVERLAND

The Hon. J.S.L. DAWKINS (15:06): I have a supplementary question. In light of the minister's statement about the need for the best preparation for these risks, will she indicate what assistance the government can provide to the Riverland communities to bulldoze and control-burn vast areas of dead citrus trees and vineyards that exist in that region?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:07): I will have to check with my Chief Officer. That particular area would have its own bushfire plan for a particular region. As the honourable member knows, rural councils are required to have a plan. There is also the Bushfire Mitigation Review which I commissioned last year and which spent some six months taking evidence right around South Australia. We also have a review of the act and the operation of the act being undertaken now.

We have also had recommendations from Wangary. A lot of those recommendations have already been put in place. In particular, in relation to those recommendations that were also made in the Bob Smith report, the CFS Project Phoenix and the Bushfire Summit, many of them have already been put in place as well, particularly in relation to the planning that we now see. It is obviously the intention of this government to bring all of that information together—the Bushfire Mitigation Review and the recommendations from Wangary—to ensure that, when it comes back to this parliament with those legislative changes, they are all picked up. That, in itself, I hope would see a better prepared community.

However, we are not just relying on that. Rural councils do need to have their own bushfire plans and, as I said, I will check with the Chief Officer (Euan Ferguson) as to whether there has been a variation to that because of the extra dry conditions this year.

COUNTRY FIRE SERVICE, RIVERLAND

The Hon. J.S.L. DAWKINS (15:08): I have a further supplementary question. Will the minister confirm that the plans that she refers to have the capacity to deal with the extraordinary situation we see in the Riverland, where there is more dry material than any of us can ever remember?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:09): As I said, there are plans in place and I will check on that. I have already outlined everything that we do in preparedness, from the individual householder to the government.

TOBACCO LAW COMPLIANCE

The Hon. R.P. WORTLEY (15:09): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about tobacco compliance.

Leave granted.

The Hon. R.P. WORTLEY: Last November, in an effort to improve the working conditions and health of consumers in licensed venues, tough new anti-smoking regulations were introduced to prevent smoking in enclosed areas. Will the minister update the council on the implementation of these laws?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:09): I am pleased to report to the council that our latest data shows that South Australia's pubs, clubs and licensed venues are embracing the government's indoor smoking bans, which is good news for everyone involved. I am proud of the fact that this government has taken a strong stance on smoking. We know that the health risks associated with second-hand smoke are far greater in enclosed venues. Removing passive smoke from enclosed public places is an important step forward for public health.

In May last year, we made it illegal to smoke in cars when children under 16 were present. We were the first state (and I think we are still the only state, although some of the other states might have followed by now) to bring in such regulations. As at the end of January this year, 63 fines and 25 cautions had been issued in relation to smoking in cars with children present. We have made it harder to buy cigarettes from vending machines. We have banned fruit-flavoured cigarettes (and, again, I think we were the first state, and perhaps the only one, to do that), and we have cracked down on gimmicks and customer loyalty programs. It is with great pleasure that I can report that, since the smoking ban was introduced last November, there has been a significant change within South Australia's licensed venues.

Anyone who has been to their local pub or club can immediately notice the difference. Cigarette smoke does not hang thickly in the air any more and, as a result, the experience of meeting up with friends for an evening out is much more pleasant for non-smokers and staff alike. As I have said previously, non-smokers can reclaim the pubs.

In fact, the industry has been so proactive in meeting the new requirements that only one fine has been issued to a metropolitan hotel for breaching the laws, and that is after 456 inspections by compliance officers. In this instance, the designated smoking area did not meet the minimum requirement of 30 per cent open space. For those wondering, the business was slapped with a $180 fine, which can be increased to $1,250 for ignoring the rules, and individuals face a $95 fine.

The state's licensed venues and clubs have embraced this new smoking law, which enables patrons to enjoy a safe and inviting atmosphere. They know that times have changed and, as we know, public concern about associated health risks has increased. Research conducted just prior to the introduction of these laws found that 86 per cent of South Australians supported the smoke-free legislation and 88 per cent supported smoke-free gaming rooms.

I would like to offer my congratulations to the industry. Just one fine in four months since the new laws took effect shows widespread acceptance of the initiative and, importantly, a positive

step towards a healthier hospitality industry. Of course, we will continue to police licensed venues around the state and, if departmental police learn about violations that go uncorrected, they will have the authority to impose fines.

TOBACCO LAW COMPLIANCE

The Hon. A. BRESSINGTON (15:13): Sir, I have a supplementary question. Will the minister give us some details about the banning of fruit-flavoured cigarettes? How is the law being enforced, and how does the minister know? I have been to three tobacconists (to buy cigarettes), and fruit-flavoured cigarettes were on display on the counter as recently as two weeks ago.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:13): If that were so, they would be in breach of regulations. If the honourable member wants to forward that information to my office, or to the appropriate authorities, we can investigate that. The bans are targeted at products that are particularly aimed at the youth market. So, they are targeted at the brightly coloured fruit-flavoured product. The traditional rum-flavoured cigars that have been around for a long time are not included in these bans. I am not too sure what the products were, but certainly—

The Hon. A. Bressington interjecting:

The Hon. G.E. GAGO: It sounds like the honourable member is describing the product that is banned.

TOBACCO LAW COMPLIANCE

The Hon. A. BRESSINGTON (15:15): As a supplementary question, and getting back to the question I asked, will the minister tell members what steps were taken to enforce that ban on tobacconists, and whatever? Were they notified? Are there inspectors? How is it being enforced?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:15): That ban, I have been advised, is enforced in the same way as all our other tobacco regulations are. When we change a regulation, or legislation for that matter, the appropriate stakeholders and industry members are notified. Their industry advocacy groups are also notified, and the inspectors include that in their routine investigations. They include the potential for that breach in their investigations, so that when they visit those establishments they would be looking for those products at those retail outlets.

TOBACCO LAW COMPLIANCE

The Hon. A. BRESSINGTON (15:16): As a supplementary question, will the minister provide to the council details on the number of inspections that have occurred at tobacconists since the ban has been in place?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:16): If it is available, I am happy to bring that information back to the chamber when I can.

TAFE ADELAIDE SOUTH

The Hon. SANDRA KANCK (15:16): I seek leave to provide an explanation before asking the Minister for Emergency Services, representing the Minister for Employment, Training and Further Education, a question about TAFE Adelaide South.

Leave granted.

The Hon. SANDRA KANCK: Information received by my office indicates that TAFE Adelaide South is operating at a loss approaching $1 million. Furthermore, staff are struggling to deliver services. Both staff and students are finding that administration and computer support is below standard, and mice are creating a problem at the O'Halloran Hill campus. A clear lack of promotion of TAFE through the local media has led some to conclude that TAFE is not interested in having students.

Students undertaking IT courses over the past three years have found that availability of courses has reduced every semester. This could have industry ramifications across South Australia, particularly as C-programming (which operates inside the very popular program Windows) is no longer offered. A constituent writes:

I would expect that Panorama TAFE, with a range of schools, including business, information technology, community services and engineering, would be a buzzing hive of education; instead it is the sort of place you might see a tumbleweed rolling through. It is a like a dead zone. How does this make sense with the demand for trades people, such as boilermakers?

Another letter states:

The start of each semester is chaotic. No-one knows what subjects are available. Computer systems are not working to access student files and the atmosphere is one of frustration. Lecturers are in battle with management to obtain software licences so students can begin work.

Yet another constituent informs me:

It took three weeks to enrol, then two weeks to find out who the online lecturers were. The other campus started one week ahead, giving me less study time. Very high turnover of admin staff, although some have been exceptionally good.

My questions to the minister are:

1. Do the current IT training courses offered through TAFE reflect what industry advises is needed? In particular, why is the C-programming language no longer available to students in TAFE Adelaide South? Is it taught anywhere within the TAFE system and, if not, why not?

2. What capital works programs exist for TAFE Adelaide South?

3. What vermin control measures are being undertaken at the O'Halloran Hill campus to control mice?

4. Is there any truth to the rumours that a number of courses are to be transferred to TAFE operations in Adelaide City TAFE, and that some suburban TAFE campuses will be closed down and the property sold?

5. Has an extra $2 million of recurrent funding been provided for fee relief for TAFE students undertaking work-related courses as promised in the ALP's 2003 state election platform?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:19): I thank the honourable member for her question in relation to TAFE Adelaide South. She has made quite a few comments and some allegations ranging from vermin control to the availability of courses. As she has raised some complex questions, I will have to refer those to my colleague the Minister for Employment, Training and Further Education in the other place and bring back a response for her.

ANSWERS TO QUESTIONS

DISABILITY SERVICES

In reply to the **Hon. R.D. LAWSON** (21 June 2007).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): The Minister for Disability has advised that:

The State Government's priority in disability services is to increase the supply of supported accommodation and respite services. The updated South Australian Strategic Plan has a new target to double the number of people with disabilities appropriately housed and supported in community based accommodation by 2014.

The Minister for Disability made the difficult decision to redirect funding from advocacy and information to direct services for people with a disability and their families. The $750,000 in savings from these programs is being reinvested directly into supported accommodation and respite. These budget measures are in no way a reflection of the value of the services provided by each of those organisations.

The State Government has been funding 13 agencies to provide information and advocacy services to South Australians and the decision was made that in a climate of increasing demand for supported accommodation and respite services, this level of support was no longer feasible.

Nevertheless, the services were briefed on the day of the budget announcement, and were given a minimum of three months notice of the decision coming into effect. The budget process does not allow disclosure of budget details.

It is important to note that the Federal Government has similar concerns about advocacy services and has put in place the National Disability Advocacy Program (NDAP) with the aim of improving advocacy services, performance reporting, access and geographic coverage. The State Government will be working with the commonwealth to ensure that South Australians have access to disability advocacy services.

It is important to note that Disability SA also spends more than $1 million on disability information services within the Department for Families and Communities, and that the Health and Community Services Complaints Commissioner also looks at complaints from people using disability services.

The State Government announced in June that waiting lists for equipment for children and adults with disabilities would be cleared through a one-off funding injection of $5.7 million.

This will help more than 1,000 people who've been waiting for equipment like new wheelchairs and walking frames, which includes children and adults with brain injury.

There is also an extra investment of $45.76 million investment in the Budget over the next four years into disability, taking total annual state spending on disability to $201.2 million, up from $118 million in 2001-02.

An important part of the Budget is an extra 1 per cent in indexation from the State Government to the non-government sector, specifically for wage increases for staff in disability services to help recruit and retain staff. This is in addition to ordinary indexation.

The Budget provides funding for 883 people living in group homes in the community and care for 1,500 people so they can continue to live in their own homes in the community.

There is also considerable spending in other parts of government on disability specific services, such as education, health, recreation and sport and more than $11.3 million in transport for the South Australian Transport Subsidy Scheme (SATSS), as well as $1.06 million in spending on Access Cabs.

MATTERS OF INTEREST

RIDE TO CURE DIABETES

The Hon. R.P. WORTLEY (15:20): Today I would like to speak about the Juvenile Diabetes Research Foundation's Ride to Cure Diabetes, which took place on 18 to 20 January. I am delighted to announce that the annual Ride to Cure Diabetes raised a record $1.1 million. Held as the official charity event of the Tour Down Under, the Ride to Cure Diabetes involved 270 participants from all over Australia, cycling a 35 kilometre, 80 kilometre, or 160 kilometre circuit through the beautiful Barossa Valley.

Each rider was challenged not only to cycle their chosen distance but to raise as much money as they could for research into type 1 diabetes. The Ride to Cure Diabetes is one of the major fund-raising events of the Juvenile Diabetes Research Foundation. There is also another event, which you would know about, Mr Acting President, the Walk for Diabetes, in which many members of this council took part last year. Many members of this council also sponsored a walker, and we raised about $10,000 for medical research, following which we were sent an appreciation plaque from the Juvenile Diabetes Research Foundation.

The Ride to Cure Diabetes is one of the major fund-raising events of the Juvenile Diabetes Research Foundation (JDRF), a charity dedicated to finding a cure for type 1 diabetes through the support of cutting-edge medical research. Reflecting on the success of the event was Mike Wilson, CEO of JDRF, who stated that 'the result is an absolutely outstanding achievement, and we are truly grateful to all the riders who made this event such a success'. All the funds raised at this event will go towards funding the best Australian research into type 1 diabetes. Exciting new research that JDRF is presently funding includes the following:

- Islet cell transplants: over 600 people with type 1 diabetes have received human islet cell transplants, effectively curing them of the condition. Whilst still in the clinical trial phase, this procedure is set to become a real clinical option around the world.
- A JDRF trial in Australia demonstrated that the onset of type 1 diabetes can be prevented by a new nasal insulin vaccine, protecting high-risk children for at least five years.

- An Australian research team discovered that taking a common hypertension medication can dramatically reduce the risk of kidney disease, preventing the onset of dialysis and kidney failure.
- International clinical studies into a new immune-based treatment, anti-CD3, is showing great promise in reversing the auto immune attack on the insulin-producing islet cells.
- Clinical trials of an artificial pancreas in the US and the UK have successfully maintained normal blood glucose levels in patients over an extended period.

A new government report confirms that type 1 diabetes is increasing. The Australian Institute of Health and Welfare has released a new report confirming that the rate of new cases of type 1 diabetes in children is increasing. The report shows that around 6,100 children aged 14 years and under have developed type 1 diabetes over a seven-year period, with the rate of new cases increasing significantly between 2000 and 2005 from 19 to 23 per 100,000 children. During the same period there were just over 6,200 new cases of type 1 diabetes in 15 to 39 year olds.

This new report serves to reconfirm the urgent need for investment in medical research to find a cure for type 1 diabetes and its complications. JDRF will continue to identify and fund the world's best diabetes research. I am sure that, with the operation of the Diabetes Research Foundation and the support it receives from members in this chamber, we will continue to raise money to support research into a cure for diabetes.

DAIRY FARMING

The Hon. C.V. SCHAEFER (15:25): I was disturbed to read yesterday an article from New South Wales entitled 'Dairy industry now the target for animal liberation'. It reads in part:

> ...when Lynda Stoner from Animal Liberation accused dairy farmers of being cruel and of harming the environment she pushed the farming community too far...Dairy farmers have done it tough battling through deregulation and drought, and now the very essence of what they do is under fire. Animal Liberation has come out strongly with an anti-dairy campaign. They cite: health risks from consuming too much dairy, environmental damage from excess water use and increases in greenhouse gas emissions caused by the production of dairy products. While the arguments are strong and numerous they can't deflect the fact that if the demand for dairy was not there, dairy farming would not exist.
>
> After 55 years in dairying, Kangaroo Valley farmer Bob Cochrane is shocked to hear the attack on dairy farmers and feels obliged to stick up for [them]...he is disappointed and frustrated to see people, who are not associated with the land and who don't understand the nurturing that farmers provide for their animals, attacking the dairy industry.

He goes on:

> There is a global shortage of dairy products...We care for our animals and the environment—if we didn't it would be very bad management from a business point of view.

At the same time, there has been a press release from the Tasmanian Minister for Primary Industries and Water, David Llewellyn, who has said:

> Disturbing footage of dead and suffering chickens that an animal rights activist has claimed she obtained at the Pitts Poultry sheds in Tasmania is at odds with recent official inspections.

He said that food safety, animal welfare, animal health and RSPCA officers have all inspected the Pitts Poultry sheds in recent weeks and found no breaches of animal welfare or food safety regulations. He also said:

> In fact, an experienced DPIW vet visited the sheds on Wednesday and found the hens to be in good condition.

I am in no position to either verify or otherwise the condition of hens in sheds in Tasmania, but it seems amazing that there have been five separate inspections which have found nothing, and yet one animal liberationist found all of this evidence.

Other activities which we have seen recently of extremists have been the feeding of bacon to sheep in Victoria—as we all know, meat fed to ruminants is toxic—and the vehement anti-mulesing campaign. Those who support the anti-mulesing campaign, in my view, have never seen a fly-blown sheep, let alone had to treat one.

We all want compassionate and humane handling of animals but I, for one, am sick and tired of all farmers being branded as cruel monsters. I, like the majority of Australians, want to be able to use dairy products, eat eggs and eat meat where the animals concerned have been raised

and treated kindly. I very much fear that the extremist animal rights movement has an entirely different agenda.

What that is and who finances it is a matter for conjecture, but if what they are seeking is the release of all animals in captivity and the cessation of the raising of all domestic animals then what we will see is the widespread starvation of the human race and (even more widespread) the starvation of those animals which have been bred generationally in domestic circumstances and which would not survive without the care of human kind.

YOUNG AUSTRALIANS IN KENYA

The Hon. B.V. FINNIGAN (15:29): I support the general tenor of the Hon. Ms Schaefer's remarks. I think dairy farmers have enough on their plate without animal liberationists getting on their case. I think the Hon. Ms Schaefer is probably correct, that the ultimate objective of many animal liberationists is to see the cessation of farming, which is a legitimate position for people to hold and advocate if they wish but it does not entitle them to take the law into their own hands.

I rise today primarily to speak about the Siloam Fellowship Ministry Academy in Kenya. I should perhaps declare an interest here in that my niece, Madeline Kathleen Barnett, spent a month or two over the Christmas period at this facility in Kenya, and she is the source of my information. I commend her and the other young Australians who travelled to Kenya and spent some time helping with this particular work.

The Siloam Fellowship Ministry Academy has been running for about 13 years or so in Kibera, Kenya. It was started by a married couple named Esther and Stephen. Stephen is a pastor who started a church at the orphanage. The orphanage started with one child named Neema, now 13, who was found dumped on the street when only a few days old. Esther and Stephen took her in and, ever since, have had quite a few children come into their care who are now cared for in this academy. The academy has no government funding. Stephen has a full-time job as a surveyor and Esther teaches at the school attached to the orphanage. So, while Stephen earns enough money that he could live comfortably in an apartment, he is instead devoting his time to this particular work.

During school, the children receive lunch from a program called Feed the Children. It is very difficult for the academy to stay solvent or to find the resources it needs, so paying the teachers is obviously its first priority. Of the 42 orphans at the facility, the youngest is three and the eldest is 19. My niece and the other young Australians who were there assisted in raising money by making bracelets, as well as receiving donations, and they were able to achieve quite a bit with those donations, which included some from very distinguished citizens in our community.

During the time that my niece and the other youngsters were there, they were able to purchase and organise the manufacture of 14 triple bunk beds which provided bedding for 42 orphans who had previously been sleeping on the ground of their classroom on empty rice sacks. They were also able to purchase crockery, cutlery, mattresses, bedding, bookshelves and books, and they rebuilt the kitchen of this particular facility. The young Australians were able to celebrate Christmas with the orphans, and they brought with them some gifts from Australia, as very few had any personal belongings besides their clothes and very limited schoolbooks.

As I said, the difficulty that the academy faces is in finding the resources to continue its work. It has been unable to pay teachers' salaries from last year. This year, they have two students who are undertaking their final year of high school, but they are unable to pay the fees for them to sit for their exams. Two students who graduated last year are unable to pay to get their certificate so that they can go on to college, and they cannot afford the college fees. These are the sorts of challenges facing this facility.

It is encouraging to note what can be achieved by a small group of people dedicated to assisting the lot of others and that the types of resources we would consider relatively modest can achieve an extraordinary amount in that sort of environment. I put on the record my commendation of the young Australians (including my niece) who went to Kenya to assist in this effort, and to the founders of the institution, Esther and Stephen. I wish them all the best for the future. In particular, I hope that resources will be made available for them to continue their work in educating young children in Kenya. We all know the value of education in progressing people's livelihoods, and that is no less so in developing nations such as Kenya.

Time expired.

SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAGUE

The Hon. T.J. STEPHENS (15:34): As opposition spokesman for sport, I had the pleasure of representing the Liberal Party at last night's South Australian National Football League AGM. I wish to use my time today to discuss how well the SANFL is doing and to pay tribute to some of the legends of South Australian football who received SANFL life membership last night.

The SANFL is a strong and proud football league, by far the strongest state league in the land, and it is in good shape for 2008 as it celebrates the 150th anniversary of our great game of Australian football. The league is in excellent financial order, with total revenue increasing by 1.4 per cent on last year's. The league also achieved budget for the 23rd consecutive year. All credit to Leigh Whicker and his management team and Rod Payze and his commissioners for the excellent financial shape the league is in.

The SANFL continues to promote itself as a family friendly, affordable experience and it is clearly working. Attendance at league matches continues to grow, with 2007 attendances increasing by a healthy 4.2 per cent over 2006. The 2007 finals attendance of more than 64,500 was an increase of 18.6 per cent on 2006, and the highest attendance since 2002. Game development is strong, with the SANFL establishing a dedicated game development department, which has allowed the appointment of six additional development officers and given 12 young people a traineeship with the league. The SANFL, in conjunction with the AFL, run the Auskick program and 13,300 children participated in the program in 2007—a fantastic result at a time when we need to encourage our youngsters to maintain an active, healthy lifestyle to combat the scourge of the current obesity epidemic.

As well as assisting our youngsters, the SANFL is helping to attract more women to play the game. The number of women now participating in South Australia is well over 300, representing a 150 per cent increase over four years. The strength of the indigenous programs delivered in the APY lands is another big tick for the SANFL and demonstrates how effectively it is growing the game.

I turn now to the recipients of SANFL life membership. First, Mr Greg Bolton, President of the Port Adelaide Power Football Club is a deserving recipient. Even an Adelaide supporter like me cannot help but acknowledge the excellent work Greg has done as a league director and Port Adelaide Football Club board member over many years. Additionally, Greg has taken on an extremely important role in horse racing as a member of the new controlling authority for racing, as a board member of Business SA and the SA Motorsport Board, showing that he is a man with a huge work ethic who contributes his time not only to footy but also to many other worthwhile causes.

Mr David Shipway, affectionately known as 'Shippy' to most people, is another great South Australian and has rightly earned life membership of the SANFL. David, a South Australian football commissioner, is doing first-class work to grow country and amateur league football through his work as the affiliated league's council chair and as SANFL community facility fund committee member. My colleague, the Hon. Rob Lucas, will also vouch for the fact that David has worked incredibly hard for his beloved West Adelaide Football Club as a board member for many years.

Another exceptional South Australian, Mr Peter Woite, also received life membership last night, and his work on the SANFL Drug and Disciplinary Committee and the SANFL Tribunal was duly recognised. In his playing days Peter won the SANFL's highest individual honour, the Magarey Medal. Peter won the Magarey in 1975 and played over 200 games for the Port Adelaide Magpies and Glenelg Football Club. Members may also be aware that Peter heads the South Australia Police Major Crime Squad and has had a stellar career with SAPOL. Add to this his voluntary motivational and educational talks to community groups and it is clear to see that Peter has excelled in his life outside football also. I pass on the Liberal Party's congratulations to Mark Clayton of the Port Adelaide Football Club and to Scott Bamford of the North Adelaide Football Club who both received player life memberships for reaching more than 200 games.

I publicly acknowledge the Deputy Chairman, John Halbert, MBE, who is retiring from the SANFL Commission, having had 53 years continuous involvement in our great game. It is an absolutely incredible achievement by an absolute gentleman. I take the opportunity to wish John and his very supportive wife and family all the best for the future. I encourage all honourable members to get out to a SANFL game this season and witness some local footy—a competition that is truly in great shape and one of which we should all be very proud.

BROADBAND NETWORK

The Hon. D.G.E. HOOD (15:39): I rise today to recognise the achievements of a local business and advise members of the activities of this business, of which South Australians should be truly proud. It is a trailblazing organisation in the information technology realm. The Prime Minister, Kevin Rudd, some time ago announced that Labor would build a $4.7 billion broadband network, up to 40 times faster than current speeds. Under the Labor plan 98 per cent of Australians would be connected to the internet at speeds of up to 40 times faster than they currently have available to them.

Family First strongly supports moves to improve Australia's broadband network. With the advent of ADSL 2+ South Australian businesses now have the ability to use the internet for far more than viewing web pages and sending email. The speed available to business users means that it is now feasible to run business software on the web—meaning that the code is run on one remote server rather than there being multiple copies of the same software on a number of computers.

One South Australian company that is now leading the world in this field is nuSoftware, a company that has been trading in Adelaide since 1992 as database specialists, headed by its CEO Steven Copley, the company's founder. Initially the company managed databases for a large variety of clients, mainly using Microsoft tools, until the 2003 release of its own product, nuBuilder, which has been developed using Open Source products such as PHP and SQL. nuBuilder works in the same way as many traditional database applications except that it runs completely online.

This innovative and world-leading software platform has now been adopted by a large number of companies, including Linfox, All Transport, National Recoveries and Leveda. This South Australian company is now competing with companies worldwide (including Microsoft), and will be highlighted in the next edition of the *in-business Insight* magazine.

It is a fact that, looking into the future, the PC or laptop will become less of a data storage unit (as it is currently), and more of an access point to the information superhighway, where all the data will be held, and there are many advantages to this model. First, business software that is written to run in a web browser needs nothing to be installed on the computer using it; the user simply starts up their web browser and goes to the web address at which the software resides, just as in the same way a user would go to a webpage.

In a business with a dozen or more computers needing to run the same software this can reduce IT management, as well as software licensing costs, quite substantially. Other users can now easily be given access, and even customers can receive access to their own orders, view reports, and so forth. With access by customers to these functions a lot of time-consuming tasks can be automated to the point where eventually two businesses' computer systems can communicate with each other, so that tedious stock counting and reordering can be automated. This is known in the information technology world as B2B, or the emerging 'business to business' model.

Finally, the responsibility for backing up this important data belongs to the company that hosts the software on their web server, providing security from the loss of information. In the case of fire or burglary there is no loss of sensitive information because all the data resides off-site along with the backups.

I believe in applauding companies that contribute to the so-called 'Brilliant Blend' of innovation in this state, and I encourage members to learn more about this South Australian success story in the next edition of *in-business* magazine. This truly is world-leading software which many members may not be aware is happening right here in South Australia, but which will have a substantial impact on information technology right around the world.

JUSTICE SYSTEM

The Hon. R.D. LAWSON (15:43): Justice delayed is justice denied. Everyone accepts this adage, and I imagine many in the past have accepted it by interpreting the phrase as connoting that a fair trial to an accused person is undermined by delay. However, delays affect more than just the accused; in particular, delays affect victims, especially if they are also witnesses. Many victims of crime, particularly crimes involving violence, cannot obtain what is now popularly known as 'closure' until the trial is complete and the sentence commenced. These victims cannot get on with their lives and are further victimised by delays; they can also be victimised by the court process itself.

Witnesses are also affected if a trial is not brought on. Their recollection of events fades, and they worry about it. Many of these witnesses may be victims, but they may also be citizens or professionals such as police officers. Once again, a police officer may not suffer any emotional difficulties about a delay but there are factors such as recollection and the like that are reduced by delay.

In South Australia we are renowned as having a criminal justice system that is, if not the slowest in the nation, certainly one of the slowest. Delays between the initiation of criminal proceedings and the holding of trials are endemic in our system, and that has been the case for some time. I do not believe that the current South Australian Attorney-General has shown sufficient leadership on this matter, nor has the Rann government. The government has been paralysed. It has established committee after committee but it still has not come up with any satisfactory conclusion.

Soon after the Attorney was appointed, he established a committee which was chaired by Justice Duggan. Justice Sulan, Judge Paul Rice, the then acting DPP, Wendy Abrahams, Gordon Barrett QC, and a representative of the Attorney's office were on that committee. It had reported by June 2005. The Chief Justice then appointed two former heads of the Attorney-General's Department (Kym Kelly and Bill Cossey) to look at how the courts handle criminal trials and to see whether practices could be changed to make them quicker.

Later on, Judge Paul Rice was commissioned to prepare a report, and he delivered a detailed report to the Chief Justice and the Chief Judge. Then the Attorney-General, in November 2006, established a Criminal Justice Ministerial Task Force to consider the report of Judge Rice. That task force is chaired by the Solicitor-General. It is still examining its proposals. There is still no resolution to this issue.

In the meantime, an obvious solution, one that has been referred to by the Chief Justice from time to time—namely, the establishment of additional courtrooms and the appointment of additional judges–has gone unanswered by the government. Recently, the courts said that they would like to reactivate two courts that were established in Sturt Street a number of years ago, which have not been used for many years, in order to address this backlog. However, there has been no answer from the government as to whether that project will be funded. The Attorney-General is more interested in blaming the former Howard government's attorney-general Philip Ruddock for not making commonwealth courts available. The time for talk and the time for committees is over. It is time for this government to show some leadership and ensure that our criminal lists are cleared quickly.

WORLD'S GREATEST SHAVE

The Hon. A. BRESSINGTON (15:48): I rise today to speak about the World's Greatest Shave. Since 1998, the World's Greatest Shave has raised in excess of $67 million. It is now the 10th anniversary of that particular event. Every year, around 100,000 people across the country pledge to shave, or colour their hair, to raise funds for the Leukaemia Foundation. Money raised will care for patients and families living with leukaemia, lymphomas, myeloma and blood-related disorders. I have made my intentions clear to some members here about participating in this activity.

An honourable member interjecting:

The Hon. A. BRESSINGTON: I know; I am a champion. I do this with the greatest sincerity. I remember speaking in this council last year to offer my condolences to the family of former senator Jeannie Ferris. Last year, also, a sister of mine was diagnosed with breast cancer. As I stand here, I wait to hear about a friend in Sydney who has had a very bad prognosis after a diagnosis of prostate cancer. It is something that is near and dear to my heart. I think this is an issue that all members would agree is above politics. I have asked some members to team up to participate in this, and I am awaiting answers from those members.

The Hon. I.K. Hunter interjecting:

The Hon. A. BRESSINGTON: I beg your pardon?

The Hon. I.K. Hunter interjecting:

The Hon. A. BRESSINGTON: I do not want to give you too many choices! I think that, for this parliament, this could be seen as a way of raising further awareness with respect to the issue of cancer. The Hon. Paul Holloway said the other day that South Australia has one of the highest

incidences of cancer, and we still do not know why. It would enable the public to see that people from this place and the other place are prepared to put their money where their mouth is and support this cause, and there is the potential for this place to raise between $7,000 and $10,000 if we were to put our mind to it.

I believe that there is a record to be broken here. Between 16 and 17 April 1999, more heads than ever before were shaved around the world in a 24-hour period, and this foundation is looking to break that record this year. If we can establish a team to do this, and send out a clear message that we are very much in touch with the pain of the community and the pain that families feel living with a member who has cancer, and also for those who themselves have cancer, it will be a very worthwhile exercise to undertake.

I note that the Hon. Stephen Wade is very eager to talk across the chamber while I am delivering this most important message—and I might add that he is one of the wusses who said that he will not participate in the great shave because his wife would not give him permission. So, I suggest that he sit and be quiet and listen to what we have to say about the importance of this exercise and the number of people who suffer in our community because of cancer.

I also note that the Hon. Rob Lawson was trying to think of a sum that would be adequate to pay to see me bald. Maybe we can get together and discuss that. I leave this with honourable members for their information and consideration and I ask that, when the time comes, they dig deep and make this a worthwhile exercise for this parliament and the people of South Australia.

Time expired.

The PRESIDENT: I am sure that all honourable members are aware of the worthiness of this cause, regardless of what they do with their hair.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. J.M. Gazzola:

That the annual report of the committee 2006-07 be noted.

(Continued from 27 February 2008. Page 1842.)

The Hon. T.J. STEPHENS (15:53): I rise to support this motion. Being a relatively new member of the committee, I wish to share some observations. I will not repeat the Hon. John Gazzola's reasonably lengthy contribution, but I concur with most of his comments. I found the Aboriginal Lands Parliamentary Standing Committee to be a bipartisan committee, with a genuine intention to improve the lives of our indigenous citizens. We have been quite privileged to hear from a number of people from different communities and share some of their problems. I am not sure how many solutions we have come up with at this point, but I guess that is a work in progress.

Like the Hon. John Gazzola, I would certainly like to thank those government and non-government sectors that have made contributions to the work of the committee during the period of the report. I would also like to thank the Aboriginal communities that I was fortunate enough to visit earlier in the year. I also pay tribute to the Presiding Member, the Hon. Jay Weatherill; the member for Little Para, Hon. Lea Stevens; the member for Giles, Lyn Breuer; the member for Morphett, Dr Duncan McFetridge; and also the Hon. Andrew Evans, for their solid contributions and enthusiasm. While I am handing out bouquets, I would really like to pay tribute to Ms Sarah Alpers, our committee secretary, who is extremely passionate in this area and who brings quite a lot of enthusiasm to her work. Without saying too much about her, Sarah really does drive the committee. I am sure that we serve the community better for her efforts in terms of coordinating things. With those few words, I commend the motion of the Hon. John Gazzola.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. B.V. Finnigan:

That the report of the committee 2006-07 be noted.

(Continued from 27 February 2008. Page 1858.)

The Hon. T.J. STEPHENS (15:58): I rise to support the motion of the Hon. B.V. Finnigan. The Statutory Authorities Review Committee, I believe, works diligently and tirelessly on the number of very important terms of reference that have been delivered to it by the Legislative Council. Currently, we are concluding a report into the Independent Gambling Authority, and recently we have handed down our report into the Medical Board of South Australia. I would like to

thank the Hon. Bernard Finnigan (our Presiding Member), the Hon. Ian Hunter, the Hon. Ann Bressington (our new member) and the Hon. Rob Lucas for their input into this committee.

We are currently looking at the Land Management Corporation, and, of course, we are undertaking an inquiry into WorkCover, which is extremely timely at the moment. Our committee is supported very well by its secretary, Mr Gareth Hickery; its research officer, Ms Jenny Cassidy; and our administrative assistant, Cynthia Gray. I look forward to working with all committee members for the betterment of the people of South Australia throughout the year. I commend the motion to the council.

Motion Carried.

PEAK OIL

Adjourned debate on motion of Hon. S.M. Kanck:

1. That a select committee of the Legislative Council be established to inquire into and report on the impact of peak oil in South Australia with particular reference to—

(a) The movement of people around the state, including—

i. the rising cost of petrol and increasing transport fuel poverty in the outer metropolitan area, the regions and remote communities;

ii. ways to encourage the use of more fuel efficient cars;

iii. alternative modes of transport;

iv. the need to increase public transport capacity; and

v. implications for urban planning;

(b) Movement of freight;

(c) Tourism;

(d) Expansion of the mining industry;

(e) Primary industries and resultant food affordability and availability;

(f) South Australia's fuel storage capability including—

i. susceptibility of fuel supply to disruption; and

ii. resilience of infrastructure and essential services under disruptive conditions;

(g) Alternative fuels and fuel substitutes;

(h) Optimum and sustainable levels of population under these constraints;

(i) The need for public education, awareness and preparedness; and

(j) Any other related matter.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable stranger to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 13 February 2008. Page 1664.)

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:00): I have an amendment to this motion, which has been circulated. I move:

Paragraph 1—leave out the words 'That a select committee of the Legislative Council be established to' and insert 'That the Natural Resources Committee'.

Leave out paragraphs 2, 3 and 4.

I believe that peak oil, as it is called, is an important issue. Certainly it is something to which the government needs to pay close attention and does pay close attention. It is also something to which this parliament should pay close attention. In moving my amendment, I believe that this is one of the core matters for which standing committees were established. We have standing committees to look at these important ongoing issues of the day. On the other hand, we have a very large number of select committees in this place, and I believe the performance of those select

committees suffers accordingly because we have so many of them. Essentially, I have moved this amendment so that the matter can go to a select committee, because select committees are established for this very reason: to look at important issues such as this.

A lot could be said about the issues that have been raised. Certainly, if this matter goes to the Natural Resources Committee, officers from the Petroleum Geothermal Group of the Minerals, Energy and Resources Division of Primary Industries and Resources South Australia will, I am sure, be able to brief the committee on what work is being done within government. I receive reports from the committee in relation to these issues.

The community at large and all parliamentarians obviously want a diverse range of readily available, safe, secure, affordable and competitively priced energy supplies, including transport fuels. The recent rise in the world price for oil has focused attention on the implications of the eventual and inevitable peaking of the world's capacity to produce conventional oil. With that as an introduction, I would like to offer a few observations drawn from an analysis undertaken by my department, PIRSA—the energy resources division.

Most experts conclude that recent steep increases in the price of oil relate to the confluence of constrained investment in production and processing; increasing demand for oil-based products from developing countries, especially China; a diminishing in the size of oil discoveries; and both sporadic hostilities and natural disasters in proximity to major oil-producing centres. The result is a tight balance between oil demand and deliverability. There is also wide agreement that oil production will peak and put upward pressure on the price of oil unless exploration discovers considerably more oil and/or demand for oil is offset with alternatives, including energy efficiency from changes in transport modes and transport habits, bio fuels, gas to liquid fuel, coal to liquid fuel, shifts to hybrid vehicles, and other alternatives.

Whilst there is a diversity of views on how much oil and gas remains to be discovered and produced, to sustain prosperity it is sensible to simultaneously continue to entice investment in petroleum exploration and development, while also facilitating innovation to secure safe competitive and environmentally sustainable substitutes for oil. In this regard, the state government is taking some measured practical steps to offset threats to transport fuel supplies, including a legislated framework to attract environmentally sustainable petroleum exploration, production, refining and transport.

It is essential to enable investors to reap a competitive price for its products and services; to do otherwise would risk security of suppliers at any price. In terms of expanding mass transport, one target is to double the use of public transport to 10 per cent of weekday travel by 2018, which is in our South Australian Strategic Plan. The conversion of a proportion of government vehicles and public transport to use compressed natural gas allows the blending and sale of up to 10 per cent ethanol with petrol in the state. Public transport currently operates on 5 per cent (B5) biodiesel, and has committed to increase the use to 20 per cent (B20) biodiesel. We are also participating in the CSIRO's future fuel forum.

The goal of the FFF is to bring together stakeholders from community, industry and government to determine the implications of plausible scenarios for the future of transport fuels in Australia. The results of modelling are scheduled to be released to participants in June 2008. We are also joining with all states, territories and the federal government under the auspices of Ministerial Councils of Energy and Minerals and Petroleum Resources to consider the challenges all Australia must deal with in relation to the security of readily available and affordable transport fuels.

One key initiative of the federal government is its national energy security assessment. Stakeholder consultation for that assessment is expected to start in the second quarter of 2008. This assessment will address the challenge to meet climate change targets, while maintaining adequate, reliable and affordable energy. We are also undertaking gas supply demand assessments to underpin well-informed policies and programs to foster the security of our competitively priced gas suppliers.

Extensive stakeholder engagement has been and is continuing to be undertaken to design enabling best practice legislation for the geosequestration of greenhouse gases in South Australia. This is being done through our parliament's usual practices for proposed enhancements to legislation. In this particular instance, I refer to proposed amendments to the Petroleum Act 2000 to create a new form of compatible licence—gas storage licences—which will be complementary to the entitlements of petroleum production licence holders to store regulated gases including CO2.

Incidentally, that geosequestration has, I know, been used in Canada to also enhance petroleum production.

There are a number of fronts on which the state government is already taking those measured, practical steps to offset threats to transport fuel supplies. I can also refer to what is being done in my other portfolio of planning. We are, of course, planning for the future in relation not just to the prospect of large, real increases in the price of transport fuels but also water availability. It is essential that both of those areas be properly taken into consideration in our planning system.

The planning review, which I hope to be in a position to produce fairly shortly, will be a lengthy document. That planning review will have a number of recommendations, but central to the driving force behind it will be the impact of higher transport fuels as well as the need for sustainability of other resources. So, that will be, as I said, released fairly soon, and I trust the council and the people of South Australia will be impressed by the detail that that review has undertaken in relation to addressing the issues.

I will conclude by again pointing out that the government does regard the availability of transport fuels at affordable prices as a very important issue. The government is, through its various agencies, paying a lot of attention to a lot of work that is being done. We are quite happy to share that work with the parliament. Members of parliament, we believe, should not only be aware of these issues but should have the opportunity to contribute suggestions about how we deal with them.

It is the government's view that the best way to do that is through the appropriate standing committee set up for that task, which is the Natural Resources Committee of the parliament. That is why I support the amendment.

Debate adjourned on motion of Hon. I.K. Hunter.

STATUTES AMENDMENT (SURROGACY) BILL

Adjourned debate on second reading.

(Continued from 13 February 2008. Page 1665.)

The Hon. S.G. WADE (16:07): I rise to support the second reading of this bill. There are two primary forms of surrogacy: one is what is referred to as traditional surrogacy, where a surrogate mother carries a child for another person. Traditional surrogacy does not normally rely on the use of reproductive technology. Following the birth of the child the surrogate mother relinquishes the care of the child to the commissioning parents. Over recent decades reproductive technology has advanced significantly and it is now possible for an egg to be borne by a woman other than the woman who generated it.

Gestational surrogacy is where, using reproductive technology, a surrogate mother carries a child for another person. In most cases the commissioning parents provide both the sperm and the eggs. Gestational surrogacy is particularly useful for women who are unable to conceive due to the absence of a uterus, women who suffer from uterine abnormalities or for whom carrying a child would present a serious risk to their own health.

Gestational surrogacy highlights, in my mind, the fact that there are at least three bonds of parentage: first, genetic, the link that parents have with their child in that their own genetic material has come together to form the genetic material of the child; secondly, childbearing and birth, the gift of a mother providing the nourishing and protecting environment which enables a foetus to grow; and, thirdly, nurturing, the love, care and support provided by parents as a child grows and develops.

Most parenting relationships integrate all three elements, but they are not inextricable. For example, adoptive parents provide nurturing but not the other two elements. Gestational surrogacy, for its part, normally involves two of these three elements: a couple provide their own genetic material, a woman beyond the couple bears and births the child and the couple provides a family environment in which the child grows.

A key issue in considering gestational surrogacy is whether childbearing and birth are so integral to the parenting role that without them a person should not be regarded as a parent. In my view, a person should be regarded as a parent even if they are not involved in childbearing and birth. Where they are separated, the issue arises as to who is to be recognised at law as having the primary parenting role and the care and responsibility for the child's welfare. Then society needs to

determine the limits, if any, that it wants to put around the use of gestational surrogacy or the access to reproductive technology which facilitates surrogacy.

Gestational surrogacy is not illegal per se in this state. However, the strict criteria that surrounds its practice, coupled with legislative ambiguity, make it all but impossible to legally perform. This bill seeks to make the law clear and make gestational surrogacy clearly legal. The origins of the bill highlight the capacity of members of this chamber to advocate for their constituents and to take on issues which impact people across the state and which may not generate a critical mass sufficient to gain the attention of members of the other place.

In this case, the Hon. John Dawkins has been working for several years with a number of female constituents who are unable to carry children: some have undertaken surrogacy interstate and some aspire to do so in South Australia. I commend the Hon. John Dawkins for his advocacy on this issue. He has raised the issue and has gone to considerable effort to prepare not one but two private members' bills. He has provided ongoing support to people who have undertaken—or wish to undertake—gestational surrogacy, even to the extent of providing support for these people as they come to appear before the committee on gestational surrogacy.

The first bill—the Statutes Amendment (Surrogacy) Bill 2006—was introduced in the Legislative Council by the Hon. John Dawkins on 21 June 2006. Under that bill, gestational surrogacy would be allowed to heterosexual couples in either a marriage relationship or a recognised de facto relationship. The surrogate would need to be a family member who had had children, and no money would change hands.

The bill also addressed the current situation where the biological mother is not recognised on the child's birth certificate. On 27 September 2006, on the motion of the Hon. Ian Hunter, the bill was withdrawn and referred to the Social Development Committee to inquire into and report on the issue of gestational surrogacy. As a member of the Social Development Committee, I was involved in this reference, and I would like to acknowledge the work of the committee and pay tribute to its members: first to our chair, the Hon. Ian Hunter, who ably and sensitively chaired the committee and worked to expeditiously address the reference, and provided sound leadership towards consensus. I acknowledge the work of other members of the committee and also of the committee staff for their contribution: Robyn Schutte, Sue Markotic and Cynthia Gray.

The committee was fortunate to have a range of quality submissions and witnesses. In particular, I would like to acknowledge two groups of witnesses: first, those former or prospective users of surrogacy who gave the committee a personal perspective. Their accounts, often deeply personal, helped us to understand the issues facing the committee in more than a technical or legal sense. Secondly, I would like to pay tribute to a group of witnesses from Christian organisations. While their ethical opposition to surrogacy did not persuade the committee to oppose surrogacy, their exposition of the issues involved ensured that the issues received the detailed consideration they deserved. Also, I found their involvement very helpful in supporting the committee as it sought to give primacy to the interests of children of future surrogacy arrangements.

The committee was informed of the work being done at a national level by the Standing Committee of Attorneys-General in considering the possibility of introducing consistent surrogacy laws across all Australian states and territories. In the end, the committee recommended that the state prepare a bill legalising gestational surrogacy and making necessary changes to birth certificate arrangements. This private member's bill is before us today because the Hon. John Dawkins, in effect, dissents from that recommendation. According to his second reading speech, he does so on the grounds that already there has been enough delay. This is not mere scepticism. The Hon. John Dawkins is far from being the most cynical member of this chamber, but he is an experienced member. Based on that experience, he has formed the view that waiting for the government will result in unnecessary delay.

Following years of advocacy, the honourable member has been patient to await the outcome of what proved to be a 14-month committee process. It is now almost four months since the committee reported and, to my knowledge, there has not yet been a response from the government. The Hon. John Dawkins was assured that we would have a bill by early in the new year but, as notice was not given today, the first opportunity for such a bill to be tabled will be in April—hardly the new year. The new year is slipping away, and the balance of the year will slip on behind it.

In that context, the Hon. John Dawkins has decided to introduce this bill. It differs from his original bill in that, first, the bill removes the requirement that the surrogate mother must have already given birth to a child. Secondly, the bill removes the idea that the effect of an order under

the scheme is the same as an adoption order under the Adoption Act 1988 and replaces it with provisions about the effects of an order. The bill also differs from the first bill in that it deals with access to information on the register, which was an issue raised by the select committee.

The bill retains the provision that the legislation would be available only to heterosexual couples who are married or in a recognised de facto relationship. The committee noted that both the Pearce and McBain cases, in which South Australian and Victorian legislation restricted assisted reproductive technology to married couples, was found to be invalid and came to the conclusion that the committee did not support the restriction of gestational surrogacy based on discriminatory criteria. The Hon. John Dawkins clearly is confident that his bill will not offend anti-discrimination legislation. As the bill progresses the council will need to clarify the situation in that regard. In committee I look forward to detailed consideration of the provisions of the bill in light of the recommendations of the committee and other information available.

In considering the bill and seeking to support commissioning parents to access gestational surrogacy, I will strive to maintain the paramountcy of the interests of the children, specifically the interests of children born as a result of gestational surrogacy procedures and their treatment in terms of birth certificates and access to genetic information. At this second reading stage of the bill, however, the questions before us are much simpler.

In my view, there are two key questions each of us as members of this council need to ask in deciding to give the bill detailed consideration in committee. First, should gestational surrogacy be available in South Australia? Secondly, if so, is it helpful for South Australia to make laws for gestational surrogacy in anticipation of foreshadowed or possible nationally consistent laws? If we say yes to the these questions, we should support the second reading of the bill. If the majority of the council says yes to both questions, South Australia will have a regime in place much sooner than it otherwise would. If it ends up being superseded by a national scheme some years hence, at least in the meantime South Australian men and women would have had the opportunity to access this service in their own state. If the majority says yes to both these questions, SCAG will have the views of this parliament as it seeks to develop a national regime.

The Western Australian parliament has enacted legislation. Recently the Victorian Law Reform Commission developed a detailed proposal. There would be value in having a South Australian voice and a parliamentary voice in the form of this bill. If the majority of the council says no to the first question, that is, that it does not support gestational surrogacy, the second question does not arise and we could save the Attorney-General the time and trouble of engaging in the SCAG process.

In summary, whether or not members support the concept of gestational surrogacy, I urge them to support the second reading of the bill so that it can progress and these issues can be further clarified. I support the second reading. I believe the bill provides a workable base on which to build a South Australian scheme.

Debate adjourned on motion of Hon. J. Gazzola.

GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF CONTROLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 November 2007. Page 1485.)

The Hon. I.K. HUNTER (16:19): The government opposes the bill. The commonwealth's Gene Technology Act 2000 established a national cooperative regulatory scheme for gene technology that seeks to protect the health and safety of people and to protect the environment by identifying risks posed by or as a result of gene technology and by managing those risks through regulating certain dealings with GMOs. The commonwealth Office of the Gene Technology Regulator manages the scheme.

In accordance with the commonwealth/state/territory regulatory framework, states and territories can regulate genetically modified crops where there are risks to markets and trade as these are not addressed as part of the national regulatory process. South Australia's Genetically Modified Crops Management Act 2004 gives effect to the government's commitment to regulate the cultivation of GM food crops in South Australia. Pursuant to this act the government proposes to designate the whole of South Australia as an area in which the cultivation of GM food crops is prohibited. The proposed regulations will take effect no later than 29 April 2008, which is when the current regulations that prohibit the cultivation of GM food crops in South Australia expire.

Therefore, the Hon. Ms Kanck's bill, which seeks to extend the current moratorium for another five years, becomes redundant.

The government acknowledges the findings of the GM Crops Advisory Committee, which recommended the lifting of the current moratorium in South Australia, except on Kangaroo Island, but in reaching its position also considered a number of other significant market signals that has led it to believe that maintaining the status quo is the responsible course of action. These signals have included a statement by Foodland saying that it would ensure that all its home brand products are GM free, and a reaffirmation by Japanese meat importers that they want a guarantee that none of the meat products they purchase have come from cattle that have eaten GM grains.

Additionally, there is no immediate need to give the go-ahead for commercial cultivation of the GM canola varieties approved by the Office of the Gene Technology Regulator. Primary Industries and Resources SA has advised that the availability of the GM canola seed is likely to be limited, and consequently only a very small number of growers would have been able to access the seed developed by companies Monsanto and Bayer.

It is intended that a review of South Australia's position will occur when there is a compelling reason to do so, having regard to the Victorian and New South Wales experiences with the commercial cultivation of two of the OGTR-approved GM canola varieties. The benefits of the moratoriums in Western Australia and Tasmania will also be monitored. A public consultation period has now commenced and interested parties have the opportunity for further comment on the changes to the regulations in the act that will continue the current moratorium in South Australia.

I applaud the government and the Hon. Ms Kanck for adopting a precautionary approach to GM crops. There is insufficient research into the environmental and consumer safety impacts of GM products. I do not oppose the concept of GM crops per se, but the public and governments need to be more discriminating in deciding which genetic modifications should be supported.

The crucial thing to understand is that it is the trait that is important, not the mechanism used to introduce the gene that expresses that trait. I grow distinctly uneasy when a large multinational tries to extol the virtues of a crop designed to resist the application of weedicide, for example, especially when that very same company just happens to market that particular weedicide to which the crop is resistant.

The Hon. Sandra Kanck: You are cynical.

The Hon. I.K. HUNTER: Some may say I am cynical: perhaps I am just a sceptic. I am not convinced that such applications are desirable compared to alternative practices that may be available. I am a strong supporter of GM technology, but I am also a strong advocate of rigorous and long-term scientific evaluation. To believe the claims of commercially-driven multinational companies—whose primary goal, after all, is to get a quick return on their investments—without independent evaluation would be extremely foolish.

Making the decision to extend the moratorium on GM crops for good, sound, market-based reasons has also given us the opportunity to extend the testing of these crops for environmental and consumer safety. Since the government's decisions in this area have essentially made the Hon. Sandra Kanck's bill redundant, we will not be supporting it.

Debate adjourned on motion of Hon. J. Gazzola.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: COASTAL DEVELOPMENT

Adjourned debate on motion of Hon. R.P. Wortley:

That the report of the committee, on coastal development, be noted.

(Continued from 27 February 2008. Page 1870.)

The Hon. SANDRA KANCK (16:23): Apart from our indigenous Australians, the first European people to embrace the coast were probably Australians. For a long time that meant healthy outdoor holidays—crabbing, swimming, fishing and beach cricket—and home base was a simple shack, unit, caravan park or tent. However, over the past two decades we have begun to love and exploit our coast to death.

As a consequence of what is termed 'seachange', luxury holiday mansions are privatising clifftop views and disturbing, if not destroying, birdlife; marinas are disrupting the normal movement of sand and water; new industries, such as aquaculture, are polluting the waters; and BHP Billiton and Greg Norman have set a trend towards desalination plants to serve private interests to the

potential detriment of our coastline. In the process we are destroying not only the coastal environment but also the easy-going, egalitarianism of the beach. We are in the process of creating a society where only the well-off will have easy access to the beach—and how unAustralian is that!

This valuable and timely report documents the problems and gives some very useful strategies for action. These include important new processes, such as giving the Coastal Protection Board power to direct in regard to coastal hazards rather than (as it currently does) just give advice and have it ignored, giving NRM boards input into the planning process to protect native vegetation, and help for councils so that they can better control development and update development plans.

There are some important new ideas in this report, such as the need to consider the cumulative impacts of development—so, rather than looking at one house on its own we would look at that house in relation to all the others that have gone up. This is a concept we should really bring into all development planning everywhere. The report also notes the loss of a sense of place being experienced in many seaside communities, and recommends limits to height and setbacks, as well as greater sympathy in design. It also notes the visual pollution of our coastlines.

One area in which the report could have been improved is that of social impact, the way in which beachfront living is increasingly being denied to people on low to medium incomes. The report was also a bit light on in regard to jetties. The decay of jetties is a major long-term threat to tourism and the amenity of our coastline. Jetties are a vital part of the evening or morning stroll for many people; they make it possible for people who cannot afford boats to engage in low-cost fishing, and they are the site of holiday romances and courting rituals of young people. They are an important part of the attraction of beachside holidays, and they are therefore economically important.

Members may recall the efforts I made a few years ago to assist the locals at Rapid Bay to have their jetty restored. Without a working jetty their economy has nosedived because it centred around the jetty, tourists and divers. The local residents have to be congratulated for the pressure they successfully brought to bear on government, resulting in an undertaking for a replacement jetty to be built. The Rapid Bay jetty is probably the worst example of a jetty simply being left to rot, but many other jetties are decaying. Nails and bolts protrude, boards hang loose; they are civil liability cases waiting to happen. We need some consideration now of how this vital part of local tourism infrastructure can be maintained around the state.

I think this report missed jetties because of a general lack of awareness of social issues. I note, for instance, that the words 'families' and 'children', two of the main users of jetties, do not appear in this report. Nonetheless, it is a very good report and it should be the start of a new and sustainable direction in the management of our coast and marine environments. The question is: will it?

There are three barriers to this happening: a willingness by government to bend the rules to assist developers; the cleverness of developers; and an unwillingness by government to take action. The first of these barriers is that whatever rules are put into place can be bent, broken or avoided by a development-obsessed government. Consider the track record of this government. The Southern Ocean Resort on Kangaroo Island was rammed through by the state government even though it was against the Kangaroo Island development plan. Accountability comes second in the rush to get developers' money.

The Copper Coast has its first high-rise residential tower, the six-storey Copper Cove Marina Hotel at Wallaroo—so completely out of place on that coastline—and a second one is on the way. Port Lincoln now has a seven-storey hotel, which is more understandable than the Wallaroo decision, because Port Lincoln is five times the size of Wallaroo, but there is a risk that it will be followed by more and more towers until we have another great wall of Glenelg that shuts off any view of the sea. How many Adelaide residents have been affronted, as I was, by the building of apartments at the end of Anzac Highway? For many of us it was part of our youth to travel its length and see the gulf as we approached the end of the road. Surely we should all be able to share the views.

The report notes that declining water quality is a major threat to our marine habitat—which, being out of sight, is effectively out of mind—and therefore the trend towards brine-producing desalination plants is of major concern. Such plants are being considered at Port Hughes to water Greg Norman's millionaires' golf course and residential development. Local recreational fishers at Port Hughes, and the small tourist-based businesses that depend on them, will pay a heavy price if the water around the Port Hughes jetty becomes too salty for fishing.

BHP wants and almost certainly will get a huge desalination plant at the head of Spencer Gulf. If it gets its way, Whyalla will have to replace the tourism based on the spawning of the giant cuttlefish with exports of dead and salted cuttlefish.

Clifftop housing at Scaeles Bay, near Streaky Bay, is threatening the habitat of rare sea eagles. Of course, marinas are sprouting everywhere on the coast: Yorke Peninsula has marinas at Wallaroo and Port Vincent, and one is planned for Stansbury. Another one is planned a little further away at Port Wakefield, in an environmentally sensitive samphire area, right up against a conservation park.

Back in the city, a five-storey apartment and tower is proposed for Henley Square. Where this is built, more will follow, there is no doubt. You can be sure that, in the longer term, there will be a wall of glass and cement overshadowing the delightful Henley Square and blocking the view of the sea. You would think that the local council would have learnt from what we see at the end of Anzac Highway.

High-rise development is destroying the character and heritage of Port Adelaide—and that is a tragedy. Port Adelaide was ripe for sensitive development to enhance its outstanding collection of heritage buildings but, instead, its character will be swamped by the glitzy and monstrously oversized Newport Quays. Legal action against local residents who criticised this development is highlighting, once again, that the fast money to be made from development brings out all the worst instincts of developers and governments.

Development can also be a threat to our democracy. We have seen this with the SLAPP writs that have landed on local residents and environmental groups when they have dared to query some developments in this state. We have also seen the anti-democratic nature of planning decisions in the past few weeks in regard to the Wollongong council in New South Wales. Who you know, who you sleep with, and how much money you have is the final arbiter, it seems.

This development rush on our sensitive coastline highlights the second barrier to a sustainable egalitarian and convivial coastline. Developers move much faster than governments. They have smart lawyers and, as I have already said, they use SLAPP writs to stop opposition. We have seen with the Wollongong council in New South Wales that, if you have money, money talks. It will take years for this government to catch up and, by then, the developers will have done their damage, moved on and left a trail of pollution and inequality behind them, with state and local governments—in other words, the ordinary taxpayer—having to pick up the costs.

Then there is the third great threat: this report will be buried. I hope my predictions are wrong, but I suspect that it will gather dust and most of its recommendations will never see the light of day. We will all wait with interest to see what the minister has to say when he responds directly to the committee in about a month. I will be delighted if there is positive action from the government as a result, but none of us will be holding our breath.

This report highlights that our planning processes just cannot cope. We do not even have a way of assessing developments that threaten endangered species. We need to slow down this mad sea change to let our processes catch up and evolve. Some aspects of coastal development are complex and will require time to think through, but others are simple and all they will require is an act of will by our leaders—that is, us.

Greg Norman is planning a desal plant to water his millionaires' golf course at Port Hughes. The price will be paid, however, by the ordinary folk who fish off the jetty. Our coastal councils cannot keep up with the rate of applications and the pressure of development on our fragile coastline. I am, therefore, pleased that the Environment, Resources and Development Committee has produced this excellent report, and I am very happy to support the motion.

Motion carried.

PUBLIC TRUSTEE

Adjourned debate on motion of Hon. A.M. Bressington:

That the Statutory Authorities Review Committee inquire into and report upon the Office of the Public Trustee, and in particular—

1. The management systems, processes, procedures and protocols in place to deal with allegations of misappropriation of funds and any other improper conduct at the Office of the Public Trustee (but excluding any matter which may currently be sub judice).

2. The management of client files and their funds, including the management systems, processes, procedures and protocols in place to ensure that clients' files and funds are effectively and efficiently managed.

3. The management systems, processes, procedures and protocols in place to deal with allegations of inefficient or incompetent handling of client files.

4. Allegations of workplace bullying and harassment in the Public Trustee's office and the management systems, processes, procedures and protocols in place to deal effectively and efficiently with such allegations.

5. Whether clients and/or potential clients of the Public Trustee are appropriately advised as to likely consequences and costs of engaging the services of the Public Trustee, particularly in relation to the drawing of wills and the management of estates.

6. Any other matters relevant to the operation of the Office of the Public Trustee or the legislation under which it operates

(Continued from 13 February 2008. Page 1673.)

The Hon. S.G. WADE (16:35): Since it was established in 1881, the Office of the Public Trustee has played an important role in the life of South Australia. Originally it was primarily responsible for the management of deceased estates but, since then, it has expanded its operations to deliver a wide range of trustee services to the South Australian community, but estate management does remain its primary area of activity.

The Public Trustee assumes special responsibilities for people who are unable to handle their own financial or legal affairs due to accident, disease, age, illness or disability. These people are among our community's most vulnerable and, as such, it is especially important that they receive quality management of their affairs from an agency such as the Public Trustee. Without an institution such as the Public Trustee, there is a danger that these people may fall victim to abuse. It is for this reason that the office of the Public Trustee must have the complete trust of the South Australian community.

Effective, efficient and honest management of estates, especially those of people who are unable to manage their own affairs, is one of its primary roles—a role that it can carry out only if it has the trust and confidence of the public. However, since April last year, a number of concerns have been raised in relation to the operation, management and actions of the Public Trustee and staff within the office of the Public Trustee. Some of these allegations are serious, and could serve to seriously undermine public trust in the office.

For example, there have been allegations of misappropriation of funds and the delay of payments. I understand that concerns have been raised in relation to the procedure for and the adequacy of the auditing of clients' files and funds; the cost and efficiency of the CBIS computer system; the practice of placing public servants from the Public Trustee's office within other sections of government and the cost thereof; the bullying of staff; relationships with carers; and the need to disclose to consumers the costs of using the Public Trustee, including when the Public Trustee is assisting with the preparation of wills and it is envisaged that the Public Trustee would undertake the executor role.

In moving this motion, the Hon. Ms Bressington highlighted several other cases that raise some serious concerns in relation to the Public Trustee. The Hon. Ms Bressington also highlighted an independent audit of the Public Trustee ordered by the Crown Solicitor's office. I also know that the Public Trustee, Mr Mark Bodycoat, expressed concern that the recent media allegations against the office of the Public Trustee were having an adverse effect on the office and could undermine the community's faith in the office. It is for these reasons that the opposition will be supporting the motion.

While some, such as the Attorney-General, have expressed their faith in the office of the Public Trustee, the concerns raised by others are of a serious nature. If they are true, they need to be dealt with. If they are not true, it is in the best interests of the Office of the Public Trustee that the truth be told and the faith of the community be renewed. It is difficult to ask the public to place complete trust in an office while these allegations stand unresolved.

I draw the attention of the council to the fact that the motion does not envisage a select committee. It is a proposal for a reference to the Statutory Authorities Review Committee. It is the opposition's view that this is exactly why the Statutory Authorities Review Committee exists: to review the operation of public agencies. In that regard, we do not believe that it is an addition to the healthy workload of the council but, rather, that it can be managed within its existing workload.

As I said earlier, the role of the Public Trustee in administering estates is important for the South Australian community, and it is essential that the office has the support and confidence of the community. The opposition supports this motion, because we believe it supports that end.

The Hon. M. PARNELL (16:39): I also will be supporting this motion. I received a letter in November last year from Mr Mark Bodycoat, the Public Trustee, expressing concern about recent adverse publicity. He set out in his letter a number of what he said were inaccurate statements, and his conclusion was that they did go to the confidence of the public in the Office of the Public Trustee. My response to Mr Bodycoat at that stage, with respect to his invitation to meet, was to say that I had not heard of any particular concerns from constituents and, therefore, I did not see the need for a meeting. But it appears to me that, if he is correct and that public confidence is being undermined by allegations in the community, some of which might be untrue, I can see no better way to clear the air than to give the Public Trustee a forum to correct the record.

I note the comments made just recently by the Hon. Stephen Wade that we are not setting up yet another select committee but that we are in fact referring this matter to the Statutory Authorities Review Committee. I agree with the Hon. Stephen Wade that that is precisely why that standing committee was established, and I think that it would be a good and useful reference for it to take, which will allow both sides of the debate—those who wish to raise allegations and those who wish to defend the Public Trustee—to have their say. So, I support the motion.

Motion carried.

GENETICALLY MODIFIED CROPS MANAGEMENT (RIGHT TO DAMAGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 November 2007. Page 1491.)

The Hon. I.K. HUNTER (16:41): I rise to express the government's opposition to this bill. The Hon. Mr Parnell's bill seeks to protect food and other producers from accidental contamination of non-genetically modified crops with genetically modified organisms and to provide them with the right to be properly compensated. Like the Hon. Ms Kanck's bill, the government's decision not to lift the moratorium has rendered this bill redundant.

To reiterate, in accordance with the commonwealth/state/territory regulatory framework, states and territories have the power to regulate genetically modified crops where there are risks to markets and trade, as these are not addressed as part of the national regulatory process. South Australia's Genetically Modified Crops Management Act 2004 gives effect to the government's commitment to regulate the cultivation of GM food crops in South Australia.

To help maintain South Australia's clean and green image, which has been especially important in marketing our food and wine products, the government proposes to designate the whole of South Australia as an area in which the cultivation of GM food crops is prohibited pursuant to section 5(1)(a)(ii) of the Genetically Modified Crops Management Act 2004. The proposed regulations will take effect no later than 29 April 2008, which is when the current regulations that prohibit the cultivation of GM food crops in South Australia expire.

By definition, under the act such a regulation will include a prohibition on anyone transporting a GM food crop into South Australia. A breach of the regulations to be made under this section would be an offence carrying a maximum penalty of $200,000.

In addition, pursuant to section 24(1) of the act, if a person is convicted of an offence, the court in which the conviction was recorded may, in addition to any penalty that it may impose, do one or more of the following:

(a) order the person to take specified action to make good any contravention or default on which the conviction is based in a manner, and within a period, specified by the court (including an order that the person destroy any crop that has been found to have been cultivated in contravention of this act, or that the person deal with or destroy any GM related material);

(b) order the person to pay to the Crown an amount determined by the court to be equal to a fair assessment of any financial benefit that the person, or an associate of the person, has gained, or can reasonably be expected to gain, as a result of the commission of the offence;

(c) order the person to pay to any other person who has suffered loss or damage as a result of any contravention or default on which the conviction is based, or who has incurred costs or expenses as a result of any such contravention or default, compensation for the loss or damage or an amount for or towards those costs or expenses.

The government considers that these provisions give growers of non-GM crops who have suffered a loss as a result of GM contamination the means by which to obtain compensation without altering the well-established legal principles associated with such matters (and I assume that means common law, negligence and consumer protection legislation). Any question of how liability should

be apportioned is a matter for the courts, according to the specific circumstances of each particular case.

The independent panel that reviewed the commonwealth legislation in 2005-06 also examined the compensation issue and concluded that the operation of common law and consumer protection legislation in Australia provided sufficient coverage of these issues. Separate compensation arrangements were simply not considered necessary. It is intended that a review of South Australia's position will occur when there is a compelling reason to do so having regard to the Victorian and New South Wales experiences for the commercial cultivation of the two Office of Gene Technology regulated-approved GM canola varieties. The benefits of the moratoriums in Western Australia and Tasmania will also be monitored. As I said earlier, a six-week public consultation period has been announced, and interested parties have the opportunity for further comment on the changes to the regulation in the act which continue the current moratorium in South Australia. For these reasons, the government will not be supporting the bill.

Debate adjourned on motion of Hon. J. Gazzola.

FAIR WORK ACT

Adjourned debate on motion of Hon. R.D. Lawson:

That the regulations under the Fair Work Act 1994, concerning clothing outworkers, made on 18 October 2007 and laid on the table of this council on 23 October 2007, be disallowed.

(Continued from 27 February 2008. Page 1876.)

The Hon. R.P. WORTLEY (16:46): In opposing this motion, I want to cover five issues: the exploitation of clothing workers as a serious industrial and social problem; how vital the code is to ensuring that there is a consistent national framework for protecting clothing outworkers; the fact that the Australian Retailers Association and other key stakeholders support the code; having all retailers placed on a level playing field; and, the economic impact it has on business and how it furthers the government's social inclusion. The Rann government introduced legislation in 2005 to enable the establishment of a code of practice to ensure that outworkers are treated fairly and in a manner consistent with the Fair Work Act 1994.

Clothing outworkers are amongst the most vulnerable workers in our Australian society. As predominantly migrant women working from their homes they have limited ability to negotiate rates of pay or any other working conditions, and they are beholden to their employer and those in the supply chain above them. The exploitation of clothing workers is a serious industrial and social problem in Australia. The industry is structured in a complicated chain of outsourced production, which often ends with socially isolated and grossly underpaid workers who subsidise the profits of others in the production chain. The outworkers, their families and the broader community bear the costs of those exploitative employment conditions.

The Outworker Code of Practice provides a fair system and supports the integrity of those employers who act responsibly in the production and sale of clothing. The code clearly outlines responsibilities of all parties in the clothing trade, including retailers, suppliers, manufacturers, contractors and outworkers. In particular, the code is an important step in ensuring that there is a consistent national framework for protecting clothing outworkers. The code endeavours to secure the fair treatment of outworkers consistent with best practice in the industry and the principles and objectives of the Fair Work Act 1994. This consistency creates a commercial and competitive standard which is understood and which reasonably reflects the social expectations of the Australian community.

The introduction of the code will be of benefit to complying retailers. Any competitive advantage that those not complying previously enjoyed will be eliminated as all retailers are placed on a level playing field. The economic impact on business, if any, is expected to be minor. If businesses have artificially reduced minimum terms and conditions of employment through the exploitation of outworkers, they will incur additional costs. The record-keeping requirements for manufacturers are no greater than those which exist under the Clothing Trades Award. Retailers subject to the requirements of the code have particular reporting requirements, which, to a large extent, mirror what is required of manufacturers under the state award.

Of course, retailers have the opportunity to become a signatory to the national and voluntary Homeworkers Code of Practice. A business will be exempted from the code if it signs up to the voluntary code. This approach recognises that the voluntary code may suit some retailers and is consistent with modern regulatory practice.

The impact of the code on retail businesses is a of minor machinery nature and does not substantially alter existing arrangements in terms of record-keeping. In any event, the requirements under the code allow retailers to have greater control over and understanding of what happens in the supply and production chains. It allows for greater certainty in regard to supply chains and delivery times and financial costs of garments.

The code is built upon the New South Wales mandatory code and maintains consistency with the Fair Work Act 1994, the Clothing Trades Award and the national and voluntary Homeworkers Code of Practice. Consistency with the New South Wales code was important, given that the chains of supply for clothing products operate nationally and internationally. The code is also closely aligned with the Fair Wear Campaign, which aims to encourage all Australians to think about where and how their clothing is produced.

The code was released for a three-month public consultation period, which concluded in early February 2007. Key stakeholders and other organisations that might be affected by the draft code were given an opportunity to provide a submission. The Australian Retailers Association and the Textile, Clothing and Footwear Union of Australia provided a joint submission which fully supports the introduction of the code. This is an important recognition that the implementation of the code is a vital step in creating a unified national regulatory system. It also recognises the role of the code in creating an acceptable and effective incentive to encourage retailer adherence to the national voluntary code.

Business SA, as a key member of the outworkers group (which comprises representatives from the Working Women's Centre, the Textile, Clothing and Footwear Union, SafeWork SA and the Office of Employee Ombudsman) is assisting with the promulgation of the code, including by its agreement to participate in the distribution of the explanatory pamphlet (which bears its logo) to its members. A positive social and family impact is anticipated by facilitating fairer access to minimum award pay and conditions. This will enhance the income of some of the lowest paid workers in South Australia.

The provision of the appropriate living wage for workers should contribute positively to the achievement of the government's social inclusion objective. The introduction of the code will help South Australia meet some of the key objectives of the State Strategic Plan. In particular, the code will improve the quality of life and wellbeing of South Australians through improvements to outworkers' workplaces in order to ensure secure and fair employment. This also furthers the government's policy of providing a fair go at work for all South Australians. In conclusion, we oppose the motion.

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

TOBACCO PRODUCTS REGULATION (PROHIBITION ON SMOKING IN CHILDREN'S RECREATIONAL PARKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November 2007. Page 1292.)

The Hon. SANDRA KANCK (16:53): I first introduced a clean air zones bill in this place in 2003. It gave power to the minister to impose through regulation a ban on smoking in playgrounds, parks, reserves or beaches, and adjacent to the Christmas Pageant, at bus stops and at the Royal Adelaide Show—all of which are places that children and families and active people frequent. My first bill was not passed, so I reintroduced it in 2006.

The Cancer Council, in responding to the bill, specifically that part relating to playgrounds, indicated support and pointed out that there is a role-modelling factor in having adults around playgrounds not smoking and, in addition, the risk of children ingesting toxic cigarette butts would also be removed. Unfortunately, both the Labor and Liberal parties opposed it. I was very surprised because the bill was a moderate one, leaving the minister to determine which of those places, if any, listed in my bill would have any bans.

The argument given was that local government should take the action and that statewide regulation was not necessary. I subsequently contacted all local councils to advise them that the view of the Labor and Liberal parties was that it was up to them and not the state government to take this action. The results of my inquiries with local government show that, with the odd exception, little is happening, and quite a number of them advised that they did not consider it was their role. I will not name these particular councils because I have not sought their permission to quote them, but the following are quotes from some councils. One council said:

> This council is surprised to find that Local Government would be considered to have such responsibility.

Another council said:

> Local Government is already heavily burdened with enforcement and regulatory responsibilities and it is highly improbable that local government will voluntarily accept a role as lead agent in addressing the issue of smoking.

Another comment was:

> ...believe it is the responsibility of State and Federal Governments to establish the measure by legislation, and to enforce any such measures, as we do not have the resources, be it legislative, financial or human resources for such measures.

Members may recall that, about 12 months ago, following the call of councillor Mark Basham of Port Adelaide Enfield Council to ban cigarette smoking at bus stops, there was some media coverage. The Port Adelaide Enfield Council continues to investigate that as an initiative.

The shining light in all the responses that I received from local government was from Prospect council, which has applied a smoking ban to all 14 of the children's playgrounds in that jurisdiction, and I congratulate it on this forward move which has been in place since September 2005. But this is the exception that proves the rule: leaving it to local councils means that it is much more miss than hit. The question we must ask ourselves—because I have no doubt that the minister will again trot out the argument that it is up to local government when this bill gets to a vote—is whether it really is the place of local government to regulate the provision of clean air zones, or is it merely a convenient cop-out for the state government to say that it will leave it to local councils?

My view is that a move to make playgrounds smoke-free would have a far better chance of working if the state government was to take up the initiative, because it has the resources to publicise and ensure it is well understood, and it would ensure the same rules apply across the state. I do remind members that we did not ask local councils to take action regarding smoking in bars. I commend the Hon. Mark Parnell for following my lead in bringing this matter to the attention of the council, but I really have to question the commitment of both Labor and Liberal parties to public health when they have failed to bite the bullet on two previous occasions to support a move such as this. In some ways all we can do in this place in the absence of ministerial will on the matter is to fiddle at the edges, yet good, sound, public health policy dictates that we persevere in the face of recalcitrant governments and oppositions.

We must continue to identify the opportunities and keep on introducing—and even reintroducing—legislation in the hope that commonsense will eventually prevail for the benefit of the community. I am proud of the Democrats' initiatives on tobacco going back to 1983, when we introduced a bill in this chamber to stop tobacco advertising, which, by the way, was opposed by the major parties. Then there was a bill by Senator John Coulter in 1987 to stop cigarette smoking in aircrafts. I have coined the term clean air 'ramps' in an attempt to illustrate that giving accessibility to people who are affected by environmental tobacco smoke is every bit as important as providing safe access to buildings for people with mobility issues. These days we would not envisage creating a new public space without accessibility; similarly, a clean air ramp provides accessibility for all. It is a term I would like to see widely taken up.

The Democrats called for a ban to stop smoking in cars with children present and, eventually, the government took up the idea. We might not always succeed in keeping governments honest, but we can give them a few good ideas and, from time to time, they even take them up. I indicate that I will be supporting this bill and I encourage other members to get behind what is an important health initiative.

Debate adjourned on motion of Hon. J. Gazzola.

DRUGS, ROADSIDE TESTING

Adjourned debate on motion of Hon. Ann Bressington:

> That this council urges the government to reconsider its roadside drug testing policy given that the drug wipe test using the Cozart RapiScan chromatographer failed to meet international standards for the detection of illicit drugs.

(Continued from 21 November 2007. Page 1495.)

The Hon. S.G. WADE (17:01): In 2006, the government acceded to opposition demands led by Ivan Venning, the member for Schubert, that roadside drug testing be introduced in South

Australia. The government was tardy in introducing roadside drug testing; the government was tardy in expanding the testing to include MDMA.

The South Australia Police uses two devices in roadside drug testing, that is, Securetec DrugWipe Twin II and Cozart RapiScan. These devices are used to detect the presence of three prescribed drugs: cannabis, methamphetamines and MDMA. The two devices were recently reaffirmed to SAPOL's choice of equipment through a tender process, but neither device is certified to be able to detect THC concentrations below 30 nanograms per millilitre of saliva.

On 14 November 2007, the Hon. Ann Bressington introduced this motion regarding roadside drug testing in the Legislative Council. The Hon. Ms Bressington's concerns focus on the ability of the test to detect one of the three illegally prescribed drugs, that is, THC (or cannabis). She suggests that a person's driving ability is impaired by a THC level of four nanograms and 5 nanograms of saliva produces a similar level of impairment of a blood level of 0.05. She also suggested that the SAPOL equipment cannot detect THC levels below 30 nanograms and that there is equipment on the market able to detect THC in levels as low as four nanograms.

I understand that SAPOL does not consider that there are any devices able to consistently detect drugs in a roadside test at a level as low as four nanograms. I am informed that, while 30 nanograms is the certified accuracy level, the tests do give positive readings with levels as low as 20 nanograms.

I understand that SAPOL uses a range of criteria in its tender evaluation for roadside drug testing equipment, such as the cost; the time delay to drivers; the ease of administration of the test by police in a roadside environment; the factor of specificity (in other words, the ability to detect particular drugs at which a 30 per cent level is required); the factor of cross reactivity (that is, the ability to differentiate between particular drugs at which a 90 per cent level is required); and the factor of accuracy (the ability to return a positive test in which 95 per cent is required).

I take this opportunity to thank the Hon. Ann Bressington, Assistant Commissioner Grant Stevens, and Superintendent Peter Thomson for their informative briefings on this matter. Following the first 12 months' operation of roadside drug testing, Bill Cossey chaired a review, which is commonly called the Cossey review, which in September 2007 made 18 recommendations, including the following recommendation:

> That SAPOL continues to explore, with its counterparts interstate and the roadside equipment manufacturers, ways to ensure improved performance of the equipment used at the second stage in the roadside testing process, as part of the wider scale implementation of roadside testing planned for 2007-08

In a ministerial statement on 25 October 2007, minister Zollo indicated 'that the government is considering all the report's recommendations and I am seeking advice about further strengthening some of these recommendations'. Some of the recommendations would require legislative change. The Hon. Ms Bressington's concern is that many THC users are escaping detection due to the limitations of SAPOL equipment, with an impact on road safety and undermining the credibility and the deterrent effect of testing.

Ms Bressington's motion calls on the government to reconsider its policy. The opposition supports the Hon. Ms Bressington's motion on the grounds that the government is already reconsidering its roadside drug testing policy in the context of the Cossey review and that that review foreshadows changes to the legislation. It is our view that the issues raised by the Hon. Ms Bressington will be able to be more thoroughly aired through parliamentary debate on the above legislation.

The opposition would ask the government, as part of its response to the review, to provide this parliament with a summary of the outcomes of the tender process so that the council can be better informed of the relative performance of the roadside drug testing equipment offered in the tender process. The opposition supports the motion.

The Hon. A.L. EVANS (17:05): I rise to indicate Family First's support for this motion, as introduced by the Hon. Ann Bressington. The honourable member is concerned about the accuracy of our roadside drug testing when it comes to the detection of cannabis misuse. Family First's inquiries into this matter have also raised a number of concerning issues. Here in South Australia we use two different tests, the first being Cozart RapiScan, and the second, as I understand it, being the Securetec DrugWipe Twin II test. Much of the information regarding test data is kept confidential by SAPOL, but we understand that those are the testing systems used in South Australia.

We also understand, following discussion with those in the industry, that the Cozart test is able to detect THC in a driver's saliva above 150 nanograms, and the second test (DrugWipe II) can detect THC above 30 nanograms. In the absence of official data, I am using industry figures regarding the accuracy of these tests, and I would welcome the minister's release of SAPOL-held data regarding the current testing, if that is at all possible.

In any event, both tests fall well short of internationally accepted standards for THC detection. Pennsylvania in the United States has recently specified that their drug swabbing must be able to detect THC at the level of 5 nanograms, which seems to be a common accuracy requirement in that country. Nevada recently mandated 2 nanograms, according to an industry representative consulted by Family First; yet our police have paid something of the order of $16.5 million for swab tests which can only detect THC at levels of 30 and 150 nanograms.

The Hon. Ann Bressington states that at 150 nanograms someone would have to be 'absolutely legless' and totally incapacitated from the effects of cannabis. An article in the *Drug and Alcohol Dependence* magazine noted 'slight and selective impairment' at levels between 2 and 5 nanograms per millilitre, with impairments becoming 'truly prominent across all performance domains' at THC concentrations between 5 and 10 nanograms per millilitre.

One industry representative, Matthew Fry of Rapid Swan Holdings, who is an importer of drug swab tests, has informed me that THC levels initially spike at 1,000 to 2,000 nanograms within five minutes of consuming cannabis. The level then dramatically drops to below 150 nanograms within 30 minutes. Within an hour, the THC level is usually around 20 nanograms, a level which would not be picked up, even by the Drug Wipe 2 test. This means that, in South Australia, we can potentially have someone smoking cannabis half an hour before being swab tested, driving while under the influence of cannabis, and the test not producing a positive result.

As I understand it, we currently find about 2.2 per cent to 2.9 per cent of drivers under the influence of drugs. A recent industry study conducted in New Zealand with a 4 nanogram swab test had a staggering 16.6 per cent of 600 drivers delivering a positive result. The only distinguishing feature between our 2.9 per cent positive result and New Zealand's 16.6 per cent result was the type of test used.

It is a sad fact that 33 per cent of Australia's population admit to illicit drug use, particularly cannabis. Clearly, our current drug swab tests do not catch everyone they should, and I encourage the minister to look at other swab tests on the market when the current stocks run out. Therefore, Family First strongly supports the motion moved by the Hon. Ann Bressington.

The Hon. A. BRESSINGTON (17:10): I thank all members for their contribution and for the words of support from the Liberal Party and Family First. As I said when I introduced this motion, it is not about the blame game. I understand that certain technology was available when the government decided to go ahead with roadside drug testing, and this is science that is being made available to us now over the last 12 months.

As I said, my main concern is that people are driving on our roads who are definitely under the influence. It is now been established overseas that the level of five nanograms is equivalent to .05 for readings of blood alcohol for drink driving. The argument has been all along that we cannot legislate effectively for this because there was no standard or accepted level for the absorption of or content of THC in the bloodstream. Over the past 12 months, that has been shot to pieces.

The detection level of 30 nanograms in South Australia is the equivalent of someone driving with a blood alcohol level of around 3 to 3.5. It is not acceptable for alcohol, and it certainly should not be acceptable for THC. I also stress that the tests we are using are very effective for picking up amphetamine, ecstasy, opiates and all those drugs. The reason it is not effective in picking up THC in the bloodstream is not only the rapid decrease in the level in saliva but also the THC molecule is very sticky. The foam the buccal swab is made from absorbs the THC or the THC molecule clings to the swab and is not released. This, combined with the rapid deterioration in the level of THC in saliva, is why it is so difficult to detect at five nanograms.

In South Australia, we have the idea that, because we have roadside drug testing, the roads will be far safer for people to drive on; however, that has been proved not to be the case.

We have had people under the influence of drugs driving and slipping through. I have had probably about six or seven parents contacting me to ask why their children had not been detected in the roadside drug testing for cannabis because they had come home from a party or a night out

and were obviously stoned and had managed to slip through the drug testing regime. They were confused as to how that could happen because the level of impairment to them was obvious. These parents were quite disturbed that that was the case and feared that word would spread amongst their kids' friends that it does not matter if you use drugs and drive because you will not be detected. Some parents are concerned about their kids driving under the influence and saw it as a way of discouraging that practice, but as their kids had slipped through the net they are distressed that they will continue to use drugs and drive. I thank members for their contributions. I am hopeful that common sense will prevail.

Motion carried.

NATIONAL PARKS AND WILDLIFE (MINING IN SANCTUARIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February 2008. Page 1882.)

The Hon. I.K. HUNTER (17:18): This bill has been triggered by concern about a specific matter regarding mineral exploration in the area of Mount Gee in the Arkaroola Wilderness Sanctuary. The Minister for Mineral Resources Development has announced that the matter is being dealt with as a high priority by the Department of Primary Industries and Resources, and the company will not be permitted to resume activities on this exploration licence until a number of investigations, reports and rehabilitation works have been completed.

The government opposes this bill for a number of important reasons. First, the sanctuary program has been a way for conservation-minded landowners to be recognised by the government, as it provides a higher level of statutory protection for the plants and animals on that land than on other land. It is important to note that the sanctuaries program was developed to recognise and encourage private land conservation activities. This is an important distinction between sanctuaries and heritage agreements under the Native Vegetation Act 1991.

Sanctuaries are able to be withdrawn by either party, whereas heritage agreements are binding covenants registered on the title of the land and confer certain rights and responsibilities on the owner. Since their introduction, heritage agreements have been the preferred mechanism for conserving native vegetation on private land in the past 20 years. This is not to deny that sanctuaries, while few in number, are an important part of the suite of conservation measures available to the community for their land.

The amendment bill seeks to address two issues relating to sanctuaries and the National Parks and Wildlife Act 1972. Currently a sanctuary can be revoked by notice of the minister at either the minister's instigation or at the request of the landholder. The bill proposes that sanctuaries would have the same level of covenanting as national parks and other reserves under the act, by which the land can lose its status only by resolution of both houses of parliament.

Sanctuaries are voluntary arrangements and are not registered on the title of the land, with no specific requirements for the owner of the land to meet certain management objectives or other requirements under the act. Those landholders who manage quality native vegetation on their properties, and who wish to protect those values in perpetuity, usually enter into a heritage agreement under the Native Vegetation Act 1991. Consultation with each sanctuary owner would be required before the government could support such a move. For these reasons the first amendment is not supported.

The second amendment relates to mining. The bill proposes that exploration and mining be prohibited in all existing and future sanctuaries, and to apply this amendment retrospectively to any existing exploration or mining rights in existing sanctuaries. Existing reserves under the National Parks and Wildlife Act 1972 are proclaimed either with or without access for exploration or mining: a decision made at the time the land is proclaimed as a reserve, based on an assessment of conservation values and mineral prospectivity.

While there could be scope for some sanctuaries to be afforded a higher level of protection in relation to exploration and mining, exploration could occur on many sanctuary areas with little or no impact on the land. A proper assessment would also need to be made of any proposal that removes existing legally held exploration or mining rights, and whether significant areas of mineral prospectivity would be affected by such a move. Such an assessment would normally be carried out prior to the reserving of any land for government-managed conservation purposes.

There has also been no analysis of potential financial impacts on the landowner, land manager, or native title claimant—for example, loss of potential mining income or additional

management costs such as fencing or pest control—that could become the future responsibility of the landowner. On this basis, the second amendment and the bill is opposed by the government.

The Hon. J.M.A. LENSINK (17:21): I rise to speak on behalf of Liberal members in relation to this particular bill, which seeks to amend sanctuary provisions of the Native Parks and Wildlife Act in two ways: first, to ensure that sanctuaries can only be de-proclaimed by resolution of both houses of parliament; and, secondly, to prohibit mineral exploration and mineral extraction in sanctuaries.

The Arkaroola Wilderness Sanctuary is some 610 square kilometres on a pastoral lease that the lease owners have dedicated to conservation and ecotourism. It is home to the threatened yellow-footed rock wallaby and reptile and plant species in danger of extinction. Arkaroola was granted sanctuary status in 1996 by the then Liberal government.

Marathon Resources believes that the Mount Gee area is one of Australia's largest undeveloped uranium deposits, and I note that this bill has been introduced in relation to that issue. Indeed, there have been a number of media articles—which I think have disturbed a number of us and probably do not place the mining industry in the best light—on some of the activities, whether it has been the contractors on that site or company employees, and we wait to hear from the government as to its investigation in those areas.

It should be a warning in the future that it ought to heed the respect that our community expects companies to demonstrate to the environment. That said, I am of the understanding that, in the agreement with the government, Marathon Resources may not have had some of the environmental expectations outlined as thoroughly as it could have, and for that I think the government ought to hang its head in shame.

This bill is to try to bring similar status to sanctuaries that apply to other environmental areas, such as national parks and so forth. I note that it does apply to private property. I think that the comparison can be drawn with the Native Vegetation Act and, indeed, heritage buildings, in that there can be some disincentives for private owners to have those areas specifically recognised in the way suggested by this bill, because it does limit them in some way.

A number of private landholders to whom I have spoken about the Native Vegetation Act have found some of the practices—and this would be well outlined by a number of my colleagues in the House of Assembly—so imposing that they are less inclined to actually participate in other native vegetation activities on a voluntary basis. I think it is very important that private landowners, who have these great assets which they look after on behalf of all South Australians and future generations, be given every encouragement to do so.

In terms of sanctuaries, my understanding is that the purpose of a sanctuary is largely to protect native flora and fauna and, in particular, to encourage private owners to be involved voluntarily, notwithstanding some of the negative activities that may be occurring in connection with the Marathon Resources lease. The Liberal Party will not be supporting this bill.

The Hon. M. PARNELL (17:25): By way of summary, I think all honourable members who wanted to speak in this debate have done so, and I gave notice some three weeks ago that I would put this to a second reading vote today.

I had no idea, on 7 October last year when I introduced this bill, that the topic of mining in sanctuaries would take the turn it did between the Christmas and new year period. I introduced the bill as a matter of principle—that being that those important parts of our state that had been preserved for conservation purposes by, mostly, private landholders deserved a level of protection that they did not otherwise have in legislation. Certainly my bill was driven by the Arkaroola situation, but back in October we had no idea of the scope of problems that had occurred in that wilderness sanctuary.

We did not know, in October, about the 22,000 bags of radioactive waste illegally buried in shallow graves in the wilderness sanctuary; we were not to know, back then, that there would be a Primary Industries and EPA joint investigation into the activities of Marathon Resources, the company mining in Arkaroola. So, this debate has changed a great deal since I introduced the legislation. Nevertheless the scope and purpose of the legislation is as worthwhile now as it was back in October, and I will be testing the will of the council at a vote shortly.

A couple of other things have changed since I introduced the legislation. The first is that it seems that any person of prominence who has ever been up to Arkaroola for a holiday is now coming out, on the record, and saying that this place is too precious to mine.

The Hon. Sandra Kanck interjecting:

The Hon. M. PARNELL: As the Hon. Sandra Kanck reminds me, the Hon. Iain Evans has been collecting signatures on a petition. He knows this area, he knows how important it is, and he has publicly stated his opposition to the mining of Arkaroola. Senator Nick Minchin has similarly come out supporting calls for the protection of Arkaroola. He is not usually known for his support of the Greens party and our issues, but he is right behind us in this case because he can see that there are some parts of South Australia that are just too important to mine, regardless of what economic benefits the proponents might claim will flow from it.

I will not go into all the detail of the Primary Industries and EPA joint investigation of 16 January this year—that has been raised on other occasions in this place—but I do want to refer to some of the correspondence from, and views of, the sanctuary owners, because these do address the point that the Hon. Ian Hunter made. In particular, he talks about the amount of consultation that would be required of all these different owners of sanctuaries. I refer members to a media release dated 13 February 2008 from the Arkaroola Wilderness Sanctuary. Marg Sprigg is the contact point. I think it is worth all members noting what she says, which is as follows:

> We genuinely believe that the whole future of Arkaroola as a carefully-managed, world-acclaimed wilderness sanctuary is seriously compromised by Marathon's clumsy practices.

I add that I think she is being very generous to talk about 'clumsy practices' because all the evidence points to a systematic abuse and disregard of environmental laws over a long period. I think that she is overly generous in describing it as 'clumsy'. The press release goes on:

> Quite apart from the most recent incident, we've had to contend with a succession of inappropriate activity, including hydrocarbon spills, waste dispersal, safety issues, damage to our roads and unauthorised use of our scarce water supplies.
>
> In summary, Marathon has a poor track record with us to date and we do not have any confidence that they will change their practices.

In this press release Marg Sprigg added:

> We fully appreciate that Arkaroola was subject to mining activity many decades ago and that this opened up access to the location and defined water sources. But our parents, SA geologist the late Reg Sprigg and his wife Griselda, looked beyond the mining era and with great vision saw Arkaroola's potential as a lasting, largely unspoilt and magnificent environmental reserve for the benefit of all. We have devoted our working lives to achieve that end.
>
> We ask the Premier to take urgent action to stop the further degradation of the Arkaroola Wilderness Sanctuary and to withdraw all exploration and mining licences within the ranges of Arkaroola.

That pretty much sums up the views of one of the parties that would need to be consulted in relation to this bill. They are saying, 'Bring it on.' They do not want mining in the Arkaroola sanctuary.

On 13 February, Marg and Doug Sprigg wrote a letter to the Premier and circulated it to a number of members. I will read the last couple of sentences of that letter because it shows that this campaign or push to stop mining in sanctuaries such as Arkaroola is not a simple anti-mining campaign. In the letter Marg and Doug say:

> Premier, we understand and appreciate that SA needs a mining economy to prosper. However, there are a number of other uranium finds and prospects in South Australia that are not located directly in the middle of a wilderness sanctuary and which do no not have the concomitant costs of operating in an extremely sensitive environment. Evidence of a backlash against a uranium mine on the Sanctuary from current visitors has already emerged, representing a potentially significant impact on an exemplary ecotourism operation in the future. The cost of losing this unique gem is too high a price for the world community to pay for the benefit of a few shareholders. We urge you to ban mining in the ranges of the Arkaroola Wilderness Sanctuary. Your sincerely Marg and Doug Sprigg.

But as if the revelations of the December-January period this year were not enough to convince us that this area should be off limits for mining, yesterday we find Arkaroola back in the news again for all the wrong reasons. I refer to the ABC online news report posted yesterday, Tuesday 4 March, at 11am. The heading is 'More contamination likely in Flinders Ranges'. This media story says:

> Two more sites at Mount Gee in South Australia's northern Flinders Ranges will be investigated to see if they are contaminated. Investigators from the Department of Primary Industries (PIRSA) will travel to the mining exploration sites this week.
>
> Marathon Resources had its exploration licence for Mount Gee suspended last month, over concerns the company incorrectly disposed of uranium drill samples near Arkaroola. A PIRSA spokeswoman says they are investigating another two sites, one at Hodgkinson and another at Mount Gee West. It is believed one site contains 16 sealed plastic and steel drums filled with drill samples.

My understanding is that at least one of those disposal sites is either in or very close to a creek bed and, in the event of a severe rain event (which we will inevitably have at some stage) that rubbish could be dispersed over a wider area than it is currently.

I would also like to briefly respond to some of the comments that honourable members have made about the economic impact of a measure such as prohibiting mining in sanctuaries. A good starting point for us to think about is: how many of these sanctuaries are there and what type of area do they cover? I am very much indebted to the Parliamentary Library for helping me to track down some of this information. What I found is that there are some 91 sanctuaries in South Australia. They range in size from a few hectares up to nearly 60,000 hectares, that being the Arkaroola Wilderness Sanctuary. In fact, half these 91 sanctuaries are less than 100 hectares in size; they are quite small. Arkaroola alone comprises more than half the total area of sanctuary. However, when we look at it in the context of the state of South Australia, what we find is that these sanctuaries comprise one-tenth of 1 per cent of the area of South Australia.

So, the question that we are asking ourselves in this bill is whether or not one-tenth of 1 per cent of South Australia is too precious to mine. Is that one-tenth of 1 per cent deserving of our protection, so that the goodwill of current and previous owners, in having set it aside as a sanctuary, is honoured thorough a level of legal protection? It is not going to destroy the economy of South Australia to protect one-tenth of 1 per cent of our land area from mining. I do not, for one minute, buy that this is an economic disaster about to befall South Australia. Perhaps I am overstating the case of the Hon. Ian Hunter—he did not use those words—but certainly the economic impact appears to have driven the government to oppose this legislation.

In conclusion, I would like to thank the Hon. Ian Hunter, the Hon. Michelle Lensink and the Hon. Sandra Kanck for their contribution to this debate. I have heard the contributions so I know where the numbers lie. Nevertheless, this issue is so important that I will be dividing on it. One final message that I leave with the council is that I will be back. I will be back with another bill and I will make it narrower in scope. I will bring the sort of bill to this council that the Hon. Iain Evans said he might bring before the lower house. In other words, let us focus for the moment not on those other 90 sanctuaries; let us just focus on the Arkaroola Wilderness Sanctuary and put in place a mechanism to protect from mining that jewel in South Australia's ecotourism crown. I urge all undecided members of the council to support this bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. P. HOLLOWAY: I indicate that the government will oppose this bill. We will obviously divide on the third reading but I think the convention in this place is that we generally allow a private member's bill to continue through into committee. One point I wish to make is that there has been mineral exploration on Arkaroola more or less, on or off, for at least 40 years. It has been almost continuous. There are existing rights so any change would obviously mean that a company with those rights would, under the Mining Act, have a right to compensation if they were arbitrarily removed.

But the important thing is that in this state we have a classification of national parks that are preserved. Some of them have allowed exploration and mining under strict conditions, while others totally prohibit mining. That is the regime we have developed. As my colleague the Hon. Ian Hunter has pointed out, sanctuaries are not part of that scheme. In fact, mining and exploration have taken place in Arkaroola, and it is almost a century ago that uranium was first mined in this area.

This government has made it clear that, although we have continued past policy in allowing exploration in the area—and, as I have said, we have allowed something like 40 years of continuous exploration—we have also made it clear to companies that we will not allow any mining involving significant surface disturbance; in other words, there would be absolutely no chance of getting any sort of open-cut mining or anything like that in the area. However, if companies wish to come up with other proposals, I guess that is their right to do so, knowing the risk.

Also, I think it should be pointed out in view of the Hon. Mark Parnell's comments that when the Spriggs originally had this, as I understand it, there was never any request made in those early days for prohibiting exploration or mining because it had been such an intrinsic part of the history of Arkaroola. However, notwithstanding that it is such a wonderful part of the state and the eco-tours have continued—incidentally, by using tracks provided by the mining industry for exploration, I think

the fact that mining has gone on means that limited exploration can be compatible in some regions with the conservation values.

I know that this is an emotional issue and I know that the Greens are committed to stopping uranium mining in any form anywhere and they will attack it wherever it occurs using whatever arguments are convenient at the time. This government, as I am sure members are aware, has taken action in relation to the issues with Marathon Resources. The investigation of that is still continuing, so I am limited in what I can say about it, but clearly this government will not tolerate any mining company that does not adhere to the environmental conditions that are set out, not just in sensitive areas but in any area of the state. We will divide on the bill at the third reading for the reasons my colleague the Hon. Ian Hunter and I have set out in the earlier debate.

The Hon. SANDRA KANCK: In responding to what the minister has just said—and we are talking about not just about Arkaroola in this bill but also the other 90 sanctuaries—I will give an example of a landowner in the Adelaide Hills who knew he had native vegetation but he also found that he had some threatened species, so he fenced it off and got it declared a sanctuary. It was one of these very small ones that the Hon. Mark Parnell was referring to. As I understand it, that land declared a sanctuary could be mined, so if he had not incorporated it as a sanctuary would that land have had more or less protection from mining and exploration?

The Hon. P. HOLLOWAY: It is not perhaps relevant to the—

The Hon. Sandra Kanck: It is.

The Hon. P. HOLLOWAY: Well, it is probably relevant to the bill but it is not my job to explain it, although I am happy to do so. Exploration is obviously subject to conditions. Should some exploration be successful and a company wish to move towards mining—in the situation to which the honourable member refers, involving native vegetation and the like, obviously, before any mining takes place, it is subject to an environmental assessment process in the form of a full EIS.

Any mine would be subject to that, and that is when any conditions in relation to native vegetation issues would have to come out, and either conditions would be imposed on the company or it would be excluded because of the value of that vegetation. However, that would all come out in any environmental assessment process.

I think what needs to be remembered here is that we have a system of national parks where we try to assess values and set the ground rules where mining, which includes exploration, can and cannot take place. Clearly, that system is imperfect. There are some regions of the state, for tourism and other values, that probably are not in national parks but where we still would want to restrict mining. I have certainly been talking to representatives of the Chamber of Mines and Energy, and I think we also need to involve some of the conservation groups, about identifying them so that we can manage it better.

By and large, the mining industry as a whole does not want to be involved in mining and issues which create public controversy and which create conditions that are to the detriment of the mining industry as a whole. They would rather avoid such issues. So, where there are areas of high conservation value or other aesthetic value that are not within national parks or are not within a classification of park that prohibits mining, we need to assess them. I know that my colleague the Minister for Environment and Conservation is aware of that, and we are trying to develop a system where we can ensure that we do not have these issues arise.

We should not be doing what this bill says and just taking some arbitrary classification of a sanctuary—which, incidentally, could easily create some loophole where, if someone does not want to permit mining, they could just declare it a sanctuary for the purpose of evading the Mining Act. If this bill were to be carried, that would create some loophole. We need a much better and much more sophisticated assessment about where mining should take place than that. That is something to which I will certainly be turning my mind, as will, I am sure, the Minister for Environment and Conservation, so that we do not get these conflicts. It is not in the interests of the industry as a whole to have land use conflicts, and we need a better system. However, this bill does not provide that better system.

The Hon. SANDRA KANCK: To deal with the specifics on which we are now focused—Arkaroola—would the minister be likely to grant a mining licence now in Arkaroola, first, to anyone and, secondly, to Marathon Resources?

The Hon. P. HOLLOWAY: This is not my bill, and I do not think it is really appropriate for me to answer those sorts of questions. This bill is not about those matters. This bill is about saying that you cannot mine in any sanctuary. I am just arguing that sanctuaries are not the appropriate definition that one should use for determining mining: there are other classifications.

In relation to Arkaroola, I had already indicated in answer to the previous question that, because of the sensitivity of the area, this government has made it clear to anyone exploring there that any mining activity that involves significant, or virtually any disturbance of the surface, other than perhaps a ventilation shaft or a safety escape tunnel or something, would not be favourably looked upon. I think that is pretty clear: I have already made that statement.

However, as I said, in an area where exploration has been ongoing for 30 or 40 years, if a company wants to come up with a proposal that it can find some way of mining it without surface disturbance, we have said, 'Okay,' and we have not stood in the way of that. But we have made it absolutely clear that significant surface disturbance in sites such as that would not be permitted.

The Hon. M. PARNELL: I have a few brief points in response to what the minister said. First, this bill is not specifically related to uranium mining. My view would have been the same in relation to Arkaroola, no matter what it was that they were looking for. My second point is that the minister said he believes that limited exploration activity is possible without causing damage.

My bill seeks to say that you start at the end. If a place is too special to mine, do not create an expectation in the mind of mining companies that they will be able to mine so, therefore, do not let them explore. If you let someone explore, you pretty well have to let them mine. It is very difficult for government, notwithstanding the EIS process and all the things the minister said, having allowed someone to spend a lot of money on exploring, to then not let them mine.

The second point in relation to the difference between sanctuary status and other reserves under the National Parks and Wildlife Act is that these sanctuaries are, mostly, not public land. To be declared a reserve under the National Parks and Wildlife Act—that is, a national park, conservation park, etc.—it has to be public land. Most of these areas do not qualify. I know from many years dealing with the National Parks and Wildlife service that they do not want little tiny parcels of land and to have to try to create parks out of them. They are not interested in someone coming along with just 50 hectares and inviting them to make it a national park. So, really, this level of protection, sanctuary status, is the most appropriate status.

In relation to heritage agreements, I agree that is a method of protecting wildlife and vegetation. It does not protect an area from mining. It protects the vegetation and the animals, but that is about it. But the other obvious point, I guess, is that those heritage agreements only apply to private land. Whilst I said that most sanctuaries are private land, they are not all. My understanding is that Arkaroola is a mixture of private and public land, the private part being a small freehold part where the buildings are, but the remainder as I understand it is an old pastoral lease, so still technically public land and therefore probably not eligible for a heritage agreement.

Finally, the minister talked about the sophisticated assessment that the government undertakes in relation to the declaration of reserves and the appropriateness of mining in them. My point is that practically all new reserves in the last 10 or 20 years have been declared under what is known as the joint proclamation provisions of the National Parks and Wildlife Act. When you add up the area of national parks and work out how much of that area is open to mining and how much is closed off, something like 21 per cent of the state is declared reserve under the National Parks and Wildlife Act and it is about 4 or 5 per cent that is protected from mining. Interestingly, it is the historic parks—the oldest parks, before the government realised that it could have its cake and eat it too by declaring parks for both conservation and mining—that are completely protected. It is the newer parks that have been declared with joint proclamations. I would just like to put those things on the record.

The Hon. P. HOLLOWAY: I will give two examples of recently declared areas where no mining occurs. One is the Coongie Lakes and the other is the Yellabinna wilderness area. They have both been declared during the life of this government and are both very significant areas. I think Yellabinna is one of the largest. They are just two areas, and there have been a couple of other smaller areas, and I am sure my colleague would say they have been declared by this state because of their importance. The Coongie Lakes is a good example of where the mining industry, in this case Santos, which has been the main explorer up there, led the way, in a sense, in negotiating that agreement that ensured those areas would be preserved because of their sensitivity.

The CHAIRMAN: I remind members that during discussion on private members' bills they have the right to question anyone who is on their feet in opposition, but only about the subject rather than the bill. The minister did not introduce the bill. He was quite right in what he said. Also, I remind members that if they have a problem with it, or anything that is debated in the council, they should ask the Chairman or President for an appropriate ruling.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

The Hon. M. PARNELL (17:55): I move:

That this bill be now read a third time.

The council divided on the third reading:

AYES (4)

Evans, A.L.	Hood, D.G.E.	Kanck, S.M.
Parnell, M. (teller)		

NOES (16)

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

Majority of 12 for the noes.

Third reading thus negatived.

[Sitting suspended from 18:00 to 19:45]

CONTROLLED SUBSTANCES (CULTIVATION OF CONTROLLED PLANTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November 2007. Page 1319.)

The Hon. R.P. WORTLEY (19:46): This bill proposes to eliminate some recent government amendments to the Controlled Substances Act 1984, contained in the Controlled Substances (Serious Drug Offences) Amendment Act 2005. The provisions outlined in the bill under discussion would set a blanket penalty of $10,000 or two years imprisonment or both for the offence of cultivating any controlled plant, including cannabis. Essentially, this bill would treat cultivating cannabis in the same way as the production of any other serious drug. The bill would also bring into closer proximity the acts of cultivation and manufacturing and, effectively, equate any cultivation with an intention by the grower to sell the drug to a purchaser.

However, the offence carries a very low maximum penalty of two years' imprisonment, regardless of the seriousness of the offending. The government's recent amendments recognise that any cultivation of cannabis is an offence. We make no apology for being tough on illicit drugs, not only because of the well-documented damage they can cause to an individual user but also because we recognise the extended harm caused to our community, such as robberies committed for the purchase of drugs and the activities of outlaw bikie gangs.

Even so, cannabis is not like any other serious drug. In fact, it is the most widely used drug after alcohol and tobacco. It is quite prevalent in our community. Nearly two in every five Australians aged 14 or older (39 per cent) at some stage have used cannabis, according to the Australian Institute of Health and Welfare. I put on the record that I have not.

Surely, almost 40 per cent of Australians cannot be hardened criminals, but this is what the bill before us implies. There is no doubt that some users grow small amounts of cannabis for their own consumption. That is why the government's amendments imposed a hierarchy of sanctions.

These depend on a number of factors, such as the quantity of cannabis being cultivated and the intended end user.

At the last election Labor promised to crack down even further on drugs. We promised to create a specific offence for cultivating cannabis hydroponically and legislate to ensure that courts treat the manufacture, sale and distribution of amphetamines, ecstasy and similar drugs at a higher level of the penalty range rather than the mid-range; and make the possession of firearms in conjunction with drug offences an aggravating element in the drug offence, thereby attracting a higher penalty.

In my view the government's recent amendments are preferable, being more proportionate to the offence than those proposed here. I offer a few instances of their operation for members' consideration. The expiation fee for cultivating just one non-hydroponically grown cannabis plant has been doubled from $100 to $300. If there is more than one plant, the offence is not expiable. This legislative position means that, while personal use of cannabis is an offence, it is not treated as a serious drug for penalty purposes.

Proponents of the bill may be of the view that the prescribed number of plants permitted for personal consumption will remain at 10. That is not accurate. Growing even one cannabis plant hydroponically would attract a maximum fine of $500. Any more than five plants would attract a maximum fine of $2,000 or two years' imprisonment or both. A similar situation applies for any cultivation where there is supply or intended supply. The grower will attract that same penalty of $2,000 or two years' imprisonment, or both.

Moving up the hierarchy, there is a presumption of sale if a trafficable quantity of cannabis (250 grams or more) is cultivated, resulting in a penalty of $50,000 or 10 years' imprisonment, or both. A penalty of $200,000 or 25 years' imprisonment, or both, will be incurred if a commercial quantity of cannabis is cultivated. (A commercial quantity is defined as one kilogram of pure cannabis, or 2.5 kilograms if mixed with other material.) The liability incurred for the cultivation of a large commercial quantity of cannabis (being two kilograms of pure cannabis or 12.5 kilograms if mixed) is $500,000 or life imprisonment, or both.

The quantities I have outlined in setting out the hierarchy of sanctions reflect the recommendations of the national Model Criminal Code Officers' Committee. Indeed, it is in the spirit of the government's view on drugs that our amendments are even tougher on cannabis transactions involving children: these will attract a penalty of $1 million or life imprisonment, or both.

My remarks make it quite clear that the government considers that the recent amendments reflect both contemporary reality and are proportionate to it. For the reasons I have outlined, I oppose the bill.

The Hon. D.G.E. HOOD (19:51): I will not detain the council; I understand the numbers in the chamber. This bill is really an attempt to do one simple thing: to provide a strong disincentive to grow cannabis for on-selling. Under current legislation, the growing of up to five cannabis plants with, I am told, a street value in some cases of up to $40,000 attracts a maximum penalty under South Australian law of $500. That is the maximum a judge can impose: judges have before them no other penalty options whatsoever; that is the maximum. Potentially, if a person is growing a crop worth up to $40,000, or let us say that it is even half that—say it is a poor crop this year, and they grow $20,000 worth of cannabis—the maximum penalty that can be imposed on them under current law is $500.

The Hon. A. Bressington: By the regulations.

The Hon. D.G.E. HOOD: By the regulations. How that is tough on drugs—

The Hon. B.V. Finnigan interjecting:

The Hon. D.G.E. HOOD: Indeed. I do not understand how that is tough on drugs; it is just a fantasy to suggest that. The Hon. Mr Wortley may not have prepared that speech himself, but I suggest that he gets a new speech writer because—

An honourable member interjecting:

The Hon. D.G.E. HOOD: Well, maybe he did. The suggestion that the current regulations are tougher than this legislation is absolutely ridiculous. Put simply, what this bill does is it allows judges to impose much stricter penalties for people who are growing cannabis. To the government's credit, under the regulations, it used to be that 10 plants and above was the number

at which the tougher penalties applied, and the government has now reduced that to five plants. Family First heartily supports that and gives the government credit for it.

But the truth is that five plants can still fetch approximately $40,000 on the street and, if the maximum penalty is $500, what is the disincentive to stop doing it? Let us be clear: the penalty is $500 maximum no matter how many times I have been caught doing it; I could be caught doing it a thousand times. Indeed, I have looked at the court cases, and there are literally dozens and dozens of examples of people who have been caught growing multiple cannabis plants. They are usually slapped with not the maximum but a $300 or $400 fine and, you know what, they are back in the courts six weeks later for exactly the same offence. Why? Because there is no disincentive to stop doing it.

If I can earn $40,000 by growing five plants and the maximum fine that can be imposed is $500, why would I stop doing it? If I can get $39,500 tax free, why would I stop doing it? There is no disincentive whatsoever under the current law to stop doing it. This bill would correct that once and for all. What is more, it is not a particularly draconian penalty I am proposing. All I am proposing under this bill is that judges have the option—and I mean the option—to impose penalties up to a maximum of $10,000 (which is still about a quarter of what can be earned through growing these plants) and/or up to two years' imprisonment.

I do not envisage that many people will go to gaol for growing cannabis. In fact, no-one goes to gaol for that at the moment. Under this bill, judges will at least have the option to impose other penalties, such as community service orders, for example. They would have options available. At the moment, the only option available to a judge is a financial penalty to a maximum of $500, regardless of how many times the offence has been committed. What a joke. How can that be considered to be tough on drugs? It is anything but.

The Hon. R.P. Wortley: For self use.

The Hon. D.G.E. HOOD: The Hon. Mr Wortley says: for self use. Five plants would supply somebody for years. It just absolutely defies belief. Be that as it may, I understand that the government does not support the bill, and that is disappointing, to say the least.

In summing up, having explained what the bill is really about, I would like to thank members for their contribution. I thank the Hon. Ms Bressington, who contributed way back in June last year; although she has indicated her opposition to this bill. I thank the Hon. Ms Kanck for her contribution back in July last year; I thank the Liberal Party, which indicated its support back in November last year; and, indeed, the government, which has put forward its position this evening through the Hon. Mr Wortley.

The Hon. B.V. Finnigan: Ably.

The Hon. D.G.E. HOOD: Ably and succinctly, although I am afraid I cannot help but disagree with everything that was said. I would also like to draw some comparisons with the penalties that exist in other states. Needless to say, we are at the absolute bottom of the scale with respect to penalties for this offence.

In New South Wales the penalty is—guess what?—up to two years' imprisonment; exactly what I have proposed. The penalty in Victoria is up to one year imprisonment; in Queensland it is up to 15 years' imprisonment for the same offence; and in Western Australia it is up to two years' imprisonment. Why should we be at the bottom end of the scale? The suggestion by many people interstate and, indeed, in this state that we are indeed the cannabis capital is absolutely correct. The fact that the government refuses to acknowledge that is really disappointing and only serves to reinforce the fact that, indeed, we are the cannabis capital.

I will quote some statistics which prove that cannabis is not a harmless substance, as many people often suggest. Research at Yale University in the US has shown a clear link between cannabis use in teenage years and mental illness later in life. The report states:

> Those who smoked the drug regularly at 18 were 1.6 times more likely to suffer serious psychiatric problems, including schizophrenia, by their mid-20s.

Just five or six years later. It goes on to state:

> For those who were regular users at 15, the stakes were even higher, with their risk of mental illness being 4.5 times greater than normal.

It is little wonder that Holland has such a high rate of schizophrenia, given their weak and lax laws with respect to cannabis. I will quote another few facts with respect to the danger that cannabis presents to our community. Other research carried out at the Maudsley Hospital—a major

psychiatric hospital in the UK—has also suggested that the interference with brain function caused by cannabis can cause permanent damage, particularly in cases where young teenagers were consuming the drug. The report states:

> For those who started up in their early teens, there is some evidence that, five or 10 years after they have stopped, they are left with cognitive impairment.

This is not a harmless drug, but our laws suggest that it is. If passed, this bill will change that. The penalties are not draconian: the maximum penalty is $10,000 and the maximum term of imprisonment is up to two years. I do not envisage that many people would receive those maximum penalties. Certainly, at the moment, nobody receives those maximum penalties. Our penalties in South Australia are clearly at the absolute bottom rung of any of the penalties nationally. Why shouldn't they be the same here?

This is a significant bill, because cannabis is a gateway drug to other drugs, and we know that for certain; the research is overwhelming. If we are serious about tackling the problem of drugs in our community, why shouldn't we start with a drug that most people try and which leads them to other drugs? For that reason, I commend the bill to members and ask for their support.

Bill read a second time.

In committee.

Clause 1.

The Hon. A. BRESSINGTON: I reiterate what the Hon. Dennis Hood said but take another tack. Apart from the fact that cannabis is a gateway drug (which people seem to reject, despite the scientific evidence), the fact I think the figure quoted last year by the head of mental health was a 75 per cent increase in drug-induced psychosis, and the fact that cannabis and crystal meth were the main drugs, we are playing with the future of our kids and their wellbeing.

I do not care about the popularity of the drug, neither do most of the parents out there—the parents of the one in four who are smoking this stuff. It is a bit like saying that if a phase started with kids wanting to consume rat poison, and one in four thought it was a good idea, why would we act on it? This is as much about protecting the future of our children as it is about protecting the so-called rights of adults to smoke dope. None of the bills that are put up in this place target people who are not problematic drug users.

The CHAIRMAN: I remind the honourable member that we are in committee. She has spoken to the second reading, and I do not intend to allow her to make another second reading speech. We are on clause 1 of the bill in committee.

The Hon. A. BRESSINGTON: What can I speak on? I thought that in the past you could be pretty general with clause 1, but I will not make a second reading speech. I do not understand the government's schizophrenic approach to drug policy in this state or the fact that apparently it is important to be in line with other states on legal practices and so on but not on drug policy. There seems to be a divide: we will be in line on some issues but not on others.

The Hon. R.I. Lucas: Too much jungle juice.

The Hon. A. BRESSINGTON: Maybe too much jungle juice, as the Hon. Rob Lucas says. I think that the parents of the kids of our state, who are dealing with their children and psychosis and schizophrenia, expect better of this place.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill reported without amendment.

The Hon. D.G.E. HOOD (20:04): I move:

That this bill be now read a third time.

The council divided on the third reading:

AYES (10)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Evans, A.L.	Hood, D.G.E. (teller)	Lawson, R.D.
Lensink, J.M.A.	Lucas, R.I.	Schaefer, C.V.

Wade, S.G.

NOES (7)

Finnigan, B.V.	Gago, G.E.	Gazzola, J.M.
Holloway, P.	Kanck, S.M.	Parnell, M.
Wortley, R.P. (teller)		

PAIRS (4)

Ridgway, D.W.	Zollo, C.
Stephens, T.J.	Hunter, I.K.

Majority of 3 for the ayes.

Third reading thus carried.

Bill passed.

FIREARMS (FIREARMS PROHIBITION ORDERS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (20:05): Obtained leave and introduced a bill for an act to amend the firearms act 1977 and to make related amendments to the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953. Read a first time.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (20:10): I move:

That this bill now be read a second time.

After the Tonic Nightclub shooting incident, the government pledged to introduce new laws to curb motorcycle gang violence. The Firearms (Firearms Prohibition Orders) Amendment Bill 2008 gives effect to that pledge. The bill strengthens the powers of police to combat firearms related violence by introducing firearms prohibition orders, giving police the ability to ban persons with a known propensity for violence, or persons who associate with such persons, from possessing or accessing firearms. Although primarily aimed at targeting motorcycle gangs and their associates, firearms prohibition orders can also be applied to any person who has a known history of serious crime or violence, or who has been identified by a medical professional as being a risk to themselves or others because of a health condition.

Complementing the prohibition orders is a range of ancillary legislation which will provide the police with further tools to both investigate firearms related crime and to ensure that only appropriately responsible persons are able to gain a firearms licence and possess registered firearms. This is the first step in the process of refocusing the attention of police from the regulation of the legitimate firearms community towards combatting the criminal elements who use firearms in the furtherance of their criminal endeavours.

In South Australia, the majority of violent criminal behaviour with firearms does not involve legitimate firearms owners, nor legitimately owned, secured and registered firearms. Whilst there is some conjecture as to the quantity of illegal firearms circulating in the community, there is no doubt that there is a market for unrecorded and essentially untraceable firearms to be used for a criminal purpose. It is the nature of this enterprise that there exists difficulties in police being able to prevent this trade and the subsequent crime arising from it.

In light of this, examination by SAPOL's Firearms Legislative Reform project has determined that there are three main, but not exclusive, levels of firearms related offences within the state. Firstly, offences committed by otherwise legitimate firearms owners in relation to administrative or regulatory matters not involving violence, which include such matters as 'insecure firearms', 'storage of firearms and ammunition together' and such like.

Secondly, intentional criminal behaviour involving firearms, committed by those with a history of violence, association with others involved in crime, or with a tendency or potential towards violent or criminal behaviour, including intentional shootings, carriage of firearms and firearms trafficking. Thirdly, there are 'incidental' offences involving the use of easily accessed and available firearms, which may involve persons belonging to both the legitimate firearms community or criminals, including domestic violence related shootings or threats, suicides or offences arising from mental health conditions.

Thus far, firearms regulation has focused on placing controls and conditions on the licensing of firearms owners. Offences involving violence and the criminalised use of firearms tend to be rolled into generalised offence categories, such as assaults, wounding or murder. Matters involving specific firearms related offences not involving violence tend to be heard summarily and, as a consequence the penalties applicable, tend to be low and, in many cases involving career criminals offences under the Firearms Act, are withdrawn or not proceeded with in deference to other more serious charges.

This has been compounded with difficulties of prosecuting a person for possession of offences with regards to non-registered and unrecorded firearms, wherein purported ignorance of the existence of a firearm, such as in a car in which a criminal is travelling, can severely limit, if not negate, a successful prosecution.

It is in consideration of this that the focus should be on the behaviour of persons rather than on the firearm itself. This is combined with a view that firearms ownership and possession is a privilege, not a right, and that the ultimate determination of the exercise of the privilege is vested in the state. It is intended to concentrate police efforts on reducing the level of firearms related crime and taking pre-emptive action on the potential for that to occur, while maintaining an appropriate level of cooperative legislation within the legitimate firearms using community.

The bill provides for the introduction of two levels of firearms prohibition orders. The first is an interim firearms prohibition order which can be issued by any police officer but requiring the authorisation of a supervisor. An interim order can be issued against a person if it is suspected on reasonable grounds that possession of a firearm by the person would be likely to result in undue danger to life or property or that the person, through their behaviour, is not a fit and proper person to possess a firearm. Interim orders provide for an immediate response by police which will effectively prohibit a subject person from gaining access to a firearm regardless of any other action being taken against the person.

The second level is a firearms prohibition order issued by the Registrar of Firearms. These orders carry the full range of powers and may be issued if the registrar is satisfied that possession of a firearm by a subject person will be likely to result in undue danger to life or property or the person is not a fit and proper person to possess a firearm and it is in the public interest to prohibit the person from possessing or using a firearm.

The proposed police powers in relation to the registrar-issued orders are strong but necessary. The person subject to such an order can be stopped and searched on sight; any vehicle, vessel or aircraft they are in charge of can be stopped and searched, and the place of residence of subject persons can be inspected at any reasonable time for firearms, firearm parts or ammunition. The bill provides for a range of offences in relation to firearm prohibition orders making it an offence for a person to possess a firearm; to reside in premises if there is a firearm on the premises or to bring a firearm on to premises where a person subject to a firearms prohibition order resides; to supply a person subject to a firearms prohibition order with a firearm; and to attend any shooting range of firearms dealership.

Revised appeal process. Against the background of the strong compliance powers, the bill makes amendments to establish a thorough appeals process. The bill changes the name of the Firearms Consultative Committee to the Firearms Review Committee. In line with the committee's change of name, the bill removes the requirement that the committee give its approval before the registrar can make specified decisions. Instead the Firearms Review Committee will act as a body of review. A person aggrieved by a decision of the registrar may apply for review of the decision by the committee. The committee may affirm the decision of the registrar or remit matters to the registrar for consideration or further consideration.

The amended bill removes the existing right of appeal to a magistrate and instead establishes a right of appeal from decisions of the registrar and the Firearms Review Committee to the Administrative and Disciplinary Division of the District Court.

Complementary proposals. The bill provides for the creation of aggravated offences under the Firearms Act. This will consist of carrying a loaded firearm or a firearm and a loaded magazine for the firearm or if a person has a firearm concealed about the person. The bill also provides a range of reporting requirements on certain bodies and persons.

Firearms clubs are required to report to the registrar on members who the club considers to be persons who should not have access to firearms, and reporting persons will receive indemnity from civil or criminal liability for doing so. Likewise medical professionals and other prescribed

persons will be required to report to the registrar on persons they have seen in their professional capacity and who they determine may pose a risk to themselves or others if they possess firearms.

This complements current law, but also strengthens the ability of police and health services to take positive pre-emptive action to mitigate the potential for a Port Arthur or Virginia Tech type tragedy occurring in South Australia. Further, medical professionals and other prescribed persons will be required to report to the registrar if they treat a person who has suffered a wound caused by a firearm and will be required to furnish police with any projectile or fragment of such removed from a wound. Naturally the welfare of the injured party is paramount but early advice to police will allow for timely and appropriate follow-up investigation.

The bill also provides for tighter controls on the manufacture of and dealing in firearms. Broader provisions on the association and employees of firearms dealers will mean the registrar has a greater say in who may take part in this legitimate business; as well, stronger laws in relation to manufacture will provide police the tools to make a significant impact into the clandestine firearms trade.

In terms of direct crime-fighting powers, police will have the power to require a person whom they suspect on reasonable grounds is committing an offence in relation to firearms to state their full name and whether they are the owner of the firearm, part or ammunition to which the question relates or if not to state who is the owner. They will also be required to answer questions in relation to the purpose of possession of a firearm and who else may have had possession of it.

To assist in progressing successful prosecutions, certain terms and definitions will be clarified or expanded by the bill. A definition of possession of a firearm is inserted. A person is to be taken to have possession if the person:

- has custody of the firearm or has the firearm in the custody of another; or
- has and exercises access to the firearm; or
- occupies, or has care, control or management of, premises, or is in charge of a vehicle, vessel or aircraft, where the firearm is found,

unless that person establishes that:

- he or she did not know, and could not reasonably be expected to have known, that the firearm was on or in the premises, vehicle, vessel or aircraft; or
- the firearm was in the lawful possession of another or he or she believed on reasonable grounds that the firearm was in the lawful possession of another.

Further, the bill provides for the expansion of the term 'fit and proper person to have possession of a firearm, licence or ammunition' by altering the reference from 'being convicted of an offence under the Firearms Act, or an offence involving actual or threatened violence' to 'having been found guilty of such offence'. This will allow for the application of previous offences where a person has been convicted without penalty, in the assessment processes of the registrar for matters where a determination as to a person's fitness for access or possession of firearms is required. This will be complemented by a broadening of criteria to allow the reputation, honesty and integrity of a person, and the people with whom that person associates, to be taken into account.

The bill also provides the registrar with the power to request a person to undergo a medical examination or provide a report to the registrar to assist in any process where it is necessary to determine whether the person is a fit and proper person. No offence is committed if a person refuses to do so but the person may then be taken not to be a fit and proper person for the relevant purpose.

In conclusion, the Firearms (Firearms Prohibition Orders) Amendment Bill 2008 is the first step in the refocusing of firearms regulation in South Australia. It provides for increasing the powers of police in relation to violent crime involving firearms, and provides police strong powers for taking pre-emptive and compliance authority over persons who, through their own actions and history, have shown they are a menace to society and a threat to public safety. Such strong powers are complemented by development of judicial review process, and are targeted against those who have shown a propensity for the use of violence for their own ends, rather than against the legitimate legal firearms community. The bill will introduce the strongest powers available nationwide to police in South Australia to combat violent firearms related crime. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Firearms Act 1977

4—Amendment of section 5—Interpretation

This clause makes some consequential amendments to the interpretation section in the principal Act, and makes the following substantive changes to the meaning of 'fit and proper' and 'possession'. The concept of fit and proper person is currently relevant to decisions about licences and permits and is relevant under the proposal to the issue of firearms prohibition orders. The concept of possession is central to the current Act and, in particular, to the offences set out in section 11.

Fit and proper

- An amendment to subsection (11) substitutes references to 'convicted' with references to 'found guilty' in paragraphs (b) and (c), the effect of which is to apply the grounds on which a person may be taken not to be fit and proper for the purposes of subsection (11) to a person who has been found guilty of an offence captured by paragraphs (b) or (c). This departs from the current position which limits the ability to make such a finding to a person who has been convicted of such offences. A further amendment to subsection (11) inserts new paragraph (ca) and extends the grounds on which a person may be taken not to be fit and proper for the purposes of subsection (11) to a person who has been found guilty of any prescribed offence.
- Subclause (13) has been inserted to broaden the grounds on which a person may be found not to be fit and proper. In determining whether a person is a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence regard may be had to the reputation, honesty and integrity of the person and of the people with whom the person associates.

Possession

Subclause (14) extends the meaning of possession of a firearm beyond the meaning currently given to the term in the Act (other than for the purpose of Part 3 Division 2A) by deeming a person to be in possession of a firearm if the person—

- has custody of the firearm or has the firearm in the custody of another; or
- has and exercises access to the firearm; or
- occupies, or has care, control or management of, premises, or is in charge of a vehicle, vessel or aircraft, where the firearm is found.
- Subclause (15) prescribes the basis on which a person caught by the extended meaning of possession of a firearm under subclause (14) can establish his or her defence as follows:
- if he or she did not know, and could not reasonably be expected to have known, that the firearm was on or in the premises, vehicle, vessel or aircraft; or
- if the firearm was in the lawful possession of another or he or she believed on reasonable grounds that the firearm was in the lawful possession of another.

5—Insertion of new sections

This clause inserts new sections 6A, 6B and 6C.

6A—Registers

Proposed section 6A requires the Registrar to maintain a register of licences, a register of firearms registered and a register of firearms prohibition orders. The first 2 registers are currently the subject of section 27.

The proposed section also prescribes various rules governing the inspection, availability and maintenance of the registers, in particular, ensuring that the new register of firearms prohibition orders is made publicly available.

6B—Power to require medical examination or report

Proposed section 6B enables the Registrar to require a medical examination or report for the purpose of determining whether a person is a fit and proper person. This is a new power.

6—Substitution of heading to Part 2 Division 2

This clause deletes and substitutes a new heading for Division 2 of Part 2 and is consequential on the substitution of the Firearms Consultative Committee with the Firearms Review Committee in the principal Act. It is proposed that instead of decisions of the Registrar relating to licences etc being vetted by the Committee on an

ongoing basis, the scheme provides that a person aggrieved by a decision of the Registrar may apply for review of the decision by the Committee. See new section 26B.

7—Amendment of section 7—Establishment

8—Amendment of section 8—Quorum etc

9—Amendment of section 9—Allowances and expenses

10—Amendment of section 10—Procedure

Clauses 7 to 10 change the name of the Committee established under the Act from the Firearms Consultative Committee to the Firearms Review Committee and make other consequential amendments.

11—Insertion of Part 2A

This clause inserts new Part 2A into the principal Act, which establishes a scheme for the issuing of firearms prohibition orders.

Part 2A—Firearms prohibition orders

10A—Interim firearms prohibition order issued by police officer

The proposed section gives a police officer power to issue an interim firearms prohibition order if the officer suspects on reasonable grounds that possession of a firearm by the person would be likely to result in undue danger to life or property or that the person is not a fit and proper person to possess a firearm.

The provision states that if the police officer issuing the order is not of or above the rank of sergeant, the officer must, before issuing the order, obtain the authorisation of a police officer of or above that rank either orally or in writing.

The provision governs the form in which the order must be made and the manner in which the order takes effect.

The proposed section enables the police officer to require the person to remain at a particular place so that the order may be served on the person and, in circumstances where the person refuses or fails to comply with that requirement or there are reasonable grounds to believe that the person may not comply with that requirement, the police officer may arrest and detain the person for a maximum of 2 hours.

A person against whom an order is issued must notify the Registrar in writing of an address for service and an interim firearms prohibition order expires 28 days after the Registrar receives such notification.

The Registrar may revoke an interim firearms prohibition order.

10B—Firearms prohibition order issued by Registrar

Proposed section 10B gives the Registrar power to issue a firearms prohibition order against a person. The Registrar may issue a firearms prohibition order if—

- satisfied that possession of a firearm by the person would be likely to result in undue danger to life or property or the person is not a fit and proper person to possess a firearm; and
- it is in the public interest to prohibit the person from possessing and using a firearm.

A police officer issuing an interim order under proposed section 10A need only suspect on reasonable grounds that one of the matters prescribed in paragraph (a) or (b) of section 10A(1) exists. Whereas the Registrar is required under section 10B to be satisfied of either of those matters and that it is in the public interest to prohibit the person from possessing and using a firearm before issuing a firearms prohibition order. A police officer may only make an interim order under section 10A but an order made by the Registrar under section 10B continues until it is revoked.

The provision governs the form in which the order must be made, the manner in which the order takes effect and the basis on which the order will be taken to be served on a person against whom an interim firearms prohibition order under proposed section 10A is already in force.

The Registrar may revoke a firearms prohibition order.

10C—Effect of firearms prohibition order

Proposed section 10C sets out the effect of a firearms prohibition order on the person against whom an order has been issued and on other persons.

The person is subject to the following rules:

- the person is disqualified from obtaining any licence or permit under the Act;
- any licence or permit under the Act held by the person is suspended;
- section 31A (Period of grace on cancellation, suspension etc of licence) does not apply;
- the person must not acquire, possess or use a firearm, firearm part or ammunition;
- the person must forthwith surrender to the Registrar all firearms, firearm parts and ammunition owned by the person;

- the person must not be present at—
- the grounds of a firearms club or the range of a commercial range operator; or
- a place at which a person carries on the business of manufacturing, repairing, modifying or testing firearms, firearm parts or ammunition or buying, selling or hiring out, firearms, firearm parts or ammunition; or
- any other place of a kind prescribed by regulation;
- the person must not become a member of a firearms club;
- the person must not be in the company of a person who has a firearm on or about his or her person or under his or her immediate physical control (It is a defence to prove that the person did not know, and could not reasonably be expected to have known, that the other person had a firearm on or about his or her person or under his or her immediate physical control.);
- the person must not reside at premises on which there is a firearm, firearm part or ammunition (It is a defence to prove that the person did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on the premises.);
- the person must inform each other person of or over the age of 18 years who resides or proposes to reside at the same premises as the person of the fact that a firearms prohibition order is in force against the person and ask each such person whether or not he or she has or proposes to have a firearm, firearm part or ammunition on the premises.

The following rules apply in relation to other persons:

- a person must not supply a firearm, firearm part or ammunition to another person to whom a firearms prohibition order applies or permit such a person to gain possession of a firearm, firearm part or ammunition;
- a person who has a firearm on or about his or her person or under his or her immediate physical control must not be in the company of a person to whom a firearms prohibition order applies;
- if a person to whom a firearms prohibition order applies resides at premises, a person who brings a firearm, firearm part or ammunition onto the premises or has possession of a firearm, firearm part or ammunition on the premises is guilty of an offence.

It is a defence to prosecution for an offence against these rules to prove that the person did not know, and could not reasonably be expected to have known, that a firearms prohibition order applied to the other person.

Possession is given a special meaning for the purposes of the proposed section: if a person to whom a firearms prohibition order applies is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a firearm, firearm part or ammunition is found on or in the premises, vehicle, vessel or aircraft, the person will be taken to possess the firearm, firearm part or ammunition unless it is proved that the person did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on or in the premises, vehicle, vessel or aircraft.

Acquisition and supply are also given extended meanings in line with other offences in the principal Act (see sections 14 and 14A).

A discretion is given to the Registrar in proposed subsection (15) to exempt a person, unconditionally or subject to conditions, from a specified provision of this section and the Registrar may vary or revoke an exemption by notice in writing served personally or by post on the holder of the exemption. This is designed to enable the particular circumstances to be taken into account and arrangements made, for example, for the delivery of firearms not in the immediate possession of the person.

12—Amendment of section 11—Possession and use of firearms

Section 11 of the principal Act makes it an offence to unlawfully possess a firearm in circumstances where the person—

- does not hold a firearms licence authorising possession of the firearm; or
- holds a licence but the possession or use of the firearm is for a purpose that is not authorised by the licence held by the person.

The proposed amendment to section 11 makes the offence of unlawful possession of a firearm under section 11 an aggravated offence if it has been proved that the offender—

- was carrying a loaded firearm or a firearm and a loaded magazine that can be attached to and used in conjunction with the firearm; or
- had a firearm concealed about the person.

The carrying of a firearm or magazine is taken to have occurred if the person has the firearm or magazine on or about the person or if it is under the person's immediate physical control.

The penalties that apply to an aggravated offence are higher than in the case of an offence against section 11 where there is no aggravating factor.

This clause amends subsection (8) of section 11 by limiting the prosecutor's discretion to prosecute an offence under section 11 as a summary offence. The amendment removes the discretion in the case of a person who has previously been found guilty of an offence against section 11.

13—Amendment of section 12—Application for firearms licence

This clause deletes paragraph (b) from section 12(6) to remove the requirement for the consultative committee to agree that an application for a firearms licence made under section 14 of the principal Act should be refused before the Registrar may refuse the application under that section. The removal of paragraph (b) is also consequential on the amendment of Part 2 Division 2, to change the name of the committee established under the Act from the Firearms Consultative Committee to the Firearms Review Committee.

14—Amendment of section 13—Provisions relating to firearms licences

This clause amends section 13 by deleting paragraph (c) from subsection (4) and deleting 'with the approval of the consultative committee' from paragraph (b) of subsection (4). The amendment to paragraph (b) is consequential on the removal of all references to the consultative committee from the principal Act.

The amendment to subsection (9) is the first in a series of amendments designed to ensure consistency in the form of service of notices effecting variation, suspension or cancellation of licences and permits, in each case requiring the notice to be served personally or by registered post.

15—Amendment of section 14—Acquisition of firearms

The proposed amendment to section 14 corresponds with the amendment to section 11(8) and removes the discretion to prosecute a person for a summary offence against section 14 in the case of a person who has previously been found guilty of an offence against section 14.

16—Amendment of section 14A—Supply of firearms

The proposed amendment to section 14A corresponds with the amendment to sections 11(8) and 14(7) and removes the discretion to prosecute a person for a summary offence against section 14A in the case of a person who has previously been found guilty of an offence against section 14A.

17—Amendment of section 15—Application for permit

This clause amends section 15 by expanding the Registrar's power to grant a permit within 28 days of the application for the permit if the Registrar is satisfied that it is safe to do so and the applicant is the owner of a registered firearm of the same class as that to be acquired under the permit or there are special reasons for doing so.

18—Amendment of section 15A—Reasons for refusal of permit

This clause deletes subsection (5) and (6), which refer to the consultative committee, from section 15A.

19—Amendment of section 15B—Transfer of possession

20—Amendment of section 15C—Obligations of prescribed person

Amendments to sections 15B and 15C substitute references to various categories of persons who are authorised to witness the transfer of possession of firearms with references to a prescribed person. Prescribed person is defined to include the categories of persons currently identified in the principal Act and to include a Public Service employee authorised by the Registrar to witness the transfer of possession of a firearm.

21—Amendment of section 17—Dealer's licence

This clause amends section 17 by extending the Registrar's power to refuse an application for a dealer's licence if the Registrar is not satisfied that—

- a close associate of the applicant is a fit and proper person to be a close associate of the holder of such a licence; or
- the applicant is to be the person primarily responsible for the management of the business intended to be carried on under such a licence.

A definition of close associate is inserted in section 5. This clause makes consequential amendments by removing references to the consultative committee.

The amendments to subsections (4b) and (4d) are part of the series of amendments designed to ensure consistency in the form of service of notices effecting variation, suspension or cancellation of licences and permits, in each case requiring the notice to be served personally or by registered post.

22—Amendment of section 20—Cancellation, variation and suspension of licence

This clause extends the power of the Registrar to cancel a licence issued under the Act to a case where the licence has been obtained improperly. The requirement for the Registrar to have the concurrence of the consultative committee before the Registrar can cancel a licence is removed in line with the removal of all references to the consultative committee from the principal Act.

The amendments to subsections (1), (1b) and (2) are part of the series of amendments designed to ensure consistency in the form of service of notices effecting variation, suspension or cancellation of licences and permits, in each case requiring the notice to be served personally or by registered post.

This clause amends subsection (2) by—

- removing a further reference to the consultative committee; and
- removing references from the subsection that prevent the suspension of a licence for more than 3 months; and
- inserting a reference to subsection (1a) to extend the power of the Registrar to suspend the licence under subsection (2) if the Registrar is satisfied of the matters set out in subsection (1a) of the section.

23—Repeal of section 20A

This clause repeals section 20A (Reporting obligations of certain persons and clubs). These matters are proposed to be dealt with in new sections 21I and 27A.

24—Amendment of section 21BA—Cancellation or suspension of permit

This clause amends section 21BA by removing references to the consultative committee in subsection (1) and removing references from subsection (2) that prevent the suspension of a permit for more than 3 months.

25—Substitution of Part 3 Division 6

This clause substitutes Part 3 Division 6. The provisions for review and appeal are moved to Part 4A. Current sections 26A to 26D are relocated to the beginning of this Division by a later clause.

Division 6—Firearms clubs, paint—ball operators and commercial range operators

21H—Requirement to expel certain persons from firearms clubs

Proposed section 21H imposes an obligation on the controlling body of a recognised firearms club to expel a person from membership of the club if the controlling body has reasonable cause to believe that—

- the actions or behaviour of a member of the club has been such that there is a threat to the member's own safety or the safety of others associated with the member's possession or use of a firearm; or
- a firearms prohibition order applies to a member. (However, this does not apply to an interim firearms prohibition order or to a firearms prohibition order until the period allowed for an appeal against the order has expired or, if an appeal has been instituted, until the appeal lapses or is finally determined.)

A person incurs no civil or criminal liability as a result of action taken in good faith in compliance, or purported compliance, with this section.

21I—Obligation to report

Proposed section 21I imposes an obligation on the controlling body of a recognised firearms club to make a report to the Registrar if the body—

- has reasonable cause to suspect in relation to a member of the club that the member is suffering from a physical or mental illness or condition; or
- that other circumstances exist,

such that there is a threat to the member's own safety or the safety of another associated with the member's possession or use of a firearm. The obligation is similar to that currently set out in section 20A(2).

The following further obligations are imposed by proposed section 21I—

- if a member of a recognised firearms club or a person employed or engaged at the grounds of a recognised firearms club has reasonable cause to suspect that a person to whom a firearms prohibition order applies has gained or attempted to gain access to the grounds of the club, the member or person must, as soon as practicable after the suspicion is formed, report the matter to a police officer; and
- if a commercial range operator or a person employed or engaged at the range of a commercial range operator has reasonable cause to suspect that a person to whom a firearms prohibition order applies has gained or attempted to gain access to the range of the operator, the operator or person must, as soon as practicable after the suspicion is formed, report the matter to a police officer.

A person incurs no civil or criminal liability in making a report in good faith in compliance, or purported compliance, with this section.

26—Amendment of section 24A—Identification of firearms

This clause substitutes subsection (7) of section 24A with a new subsection (7) which extends the offence created to include a person who defaces, alters or removes the identifying characters of a firearm without the authority of the Registrar or a person who has possession of a firearm that does not have identifying characters as required under this section or the identifying characters of which have been defaced or altered without the authority of the Registrar. The proposed amendment increases the maximum penalty for an offence against section 24A.

27—Insertion of Part 4A

This clause inserts Part 4A into the principal Act. Part 4A sets out the processes and procedures governing rights of review and appeal under the principal Act.

Part 4A—Review and appeal

26A—Review of interim firearms prohibition order

Proposed section 26A allows a person to whom an interim firearms prohibition order applies to apply to the Registrar for a review of the decision to issue the order. The fact that an application for review has been made does not affect the operation of the original decision and the Registrar may affirm the decision or revoke the interim firearms prohibition order.

26B—Review by Firearms Review Committee

Proposed section 26B allows a person aggrieved by any decision of the Registrar specified in paragraphs (a) to (l) of proposed section 26B(1) to apply to the Registrar for the Registrar to refer the decision to the Firearms Review Committee for review of the decision.

Proposed subsection (2) facilitates the provision by the Registrar of the Registrar's reasons for making the decision (although if the making of the decision is based on information classified by the Registrar as criminal intelligence, the only reason that need be given is that the decision was made on public interest grounds).

Proposed subsection (3) sets out the procedural requirements that an applicant must adhere to including the time within which an application must be made. It also provides that the making of an application does not affect the operation of the decision to which the application relates or any action necessary to implement the decision.

The referral of the decision to the committee must be made by the Registrar following an application under proposed subsection (1) and the committee may, on the review, affirm the decision or remit matters to the Registrar for consideration or further consideration.

26C—Right of appeal to District Court

Proposed section 26C allows a person to appeal against a decision of—

- the Firearms Review Committee to affirm the decision of the Registrar; or
- a decision of the Registrar following remission of the matter by the Firearms Review Committee; or
- a decision of the Registrar to issue a firearms prohibition order,

to the District Court.

Proposed subsection (2) ensures that the written reasons of the Registrar or the committee for the decision being appealed against are provided (although if the making of the decision is based on information classified by the Registrar as criminal intelligence, the only reason that need be given is that the decision was made on public interest grounds).

Proposed subsection (3) sets out the time within which the appeal must be made.

Proposed subsection (5) establishes that on an appeal, the Registrar may apply to the District Court for a determination that information classified by the Registrar as criminal intelligence is criminal intelligence. The Court must maintain the confidentiality of information subject to such an application.

Proposed subsection (7) ensures that if the Court proposes to determine that the information is not criminal intelligence, the Registrar must be informed of the proposed determination and given the opportunity to withdraw the information from the proceedings.

Proposed subsection (8) provides that if the Court determines that the information is criminal intelligence or the Registrar withdraws the information, the Court must continue to maintain the confidentiality of the information.

28—Relocation of sections 26A to 26D

Sections 26A, 26B, 26BA, 26C and 26D are redesignated as sections 21C, 21D, 21E, 21F and 21G respectively and relocated so that they appear at the beginning of Part 3 Division 6 (as inserted by the measure).

29—Substitution of section 27

This clause substitutes section 27 and inserts sections 27A and 27B into the principal Act. The matter currently dealt with in section 27 (Registers) is proposed to be dealt with in section 6A.

27—Manufacture of firearms or firearm parts

Proposed section 27 creates an offence for manufacturing a firearm or firearm part or taking part in the manufacture of a firearm or firearm part unless the manufacturing of the firearm or firearm part is undertaken by a person in the ordinary course of carrying on business as a licensed dealer pursuant to the licence.

The proposed section creates a defence to prosecution for an offence against subsection (1) if it is proved that, in the case of a firearm part, the firearm part was a firearm part for a firearm registered in the name of, or otherwise in the lawful custody of, the person who manufactured the firearm part.

Proposed section 27 sets out the basis on which a person is deemed to have taken part in the manufacture of a firearm or firearm part in subsection (3).

The penalties for an offence against proposed section 27 are set out in subsection (4) subject to subsection (5), which gives a discretion to prosecute a person for a summary offence against section 27 except where the person has previously been found guilty of an offence against the section or the firearm is a prescribed firearm or the firearm part is a firearm part for a prescribed firearm.

27A—Obligation to report unsafe situations associated with firearms

Proposed section 27A imposes an obligation on a medical practitioner or other prescribed person to make a report to the Registrar if the medical practitioner or other person has reasonable cause to suspect in relation to a person whom he or she has seen in his or her professional capacity—

- that the person is suffering from a physical or mental illness or condition, or that other circumstances exist, such that there is a threat to the person's own safety or the safety of another associated with the person's possession or use of a firearm; and
- that the person has, or might be intending to acquire, a firearm.

The requirement is similar to that currently set out in section 20A(1).

Proposed subsection (2) imposes an obligation on employers to make a report to the Registrar, if an employer has reasonable cause to suspect in relation to an employee whose work with the employer involves the possession or use of a firearm that the employee is suffering from a physical or mental illness or condition, or that other circumstances exist, such that there is a threat to the employee's own safety or the safety of another associated with the employee's possession or use of a firearm.

A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with proposed section 27A.

27B—Obligations of medical practitioners etc relating to wounds inflicted by firearm

Proposed section 27B requires a medical practitioner or other prescribed person to make a report to the Registrar, if the medical practitioner or other person has reasonable cause to suspect in relation to a person whom he or she has seen in his or her professional capacity that the person is suffering from a wound inflicted by a firearm.

Proposed subsection (2) states that the report must be made as soon as practicable after the suspicion is formed and sets out the form in which the report must be prepared.

The proposed section requires a medical practitioner or other prescribed person who treats a person for a wound that the practitioner or person has reasonable cause to suspect was inflicted by a firearm to take reasonable steps to retain any ammunition or fragment of ammunition recovered from the wound until it can be collected by a police officer.

A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with this section.

30—Amendment of section 30—Information to be given to police officer

This clause substitutes subsection (1) and inserts subsection (1a) into section 30 of the principal Act.

The power for police officers to ask questions under section 30 is extended to allow them to ask questions of a person to whom subsection (1) applies—

- about whether the person is the owner of the firearm, firearm part or ammunition and, if not, to state the name of the owner of the firearm, firearm part or ammunition; and
- that relate to the firearm, firearm part or ammunition or to other persons who have, or have had, possession, of the firearm, firearm part or ammunition.

The police continue to have the power that the principal Act currently provides to ask the person to whom subsection (1) applies to state his or her full name, address and age.

A person to whom these questions may be asked is extended to include a person who—

- is in the company of a person who has, or recently has had, in his or her possession a firearm, firearm part or ammunition; or
- a person who is an occupier or in charge of premises or a vehicle, vessel or aircraft on or in which a firearm, firearm part or ammunition is found; or
- a person who is or was on or in any premises, vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) at the time or immediately before a firearm, firearm part or ammunition is found on or in the premises, vehicle, vessel or aircraft.

The police continue to have the power that the principal Act currently provides to ask questions under section 30 to a person who has, or recently has had, in his or her possession a firearm, firearm part or ammunition.

The maximum penalty for failure to comply with a requirement is increased in line with the increase in penalties in section 33.

31—Amendment of section 32—Power to inspect or seize firearms etc

This clause inserts a new subsection (a1) into section 32 to enable police to require the owner of a firearm to produce the firearm for inspection at a specified place at a specified time or within a specified period.

A new paragraph is inserted into subsection (1) by this clause to allow a police officer to seize a firearm if the police officer suspects on reasonable grounds that the holder of a firearms licence authorising use of a firearm can no longer use the firearm for the purpose endorsed on his or her licence.

This clause inserts subsection (3a) and (3b) into section 32. The proposed subsections give police the power to stop, detain and search a person in specified circumstances as reasonably required for the purpose of ensuring compliance with a firearms prohibition order issued by the Registrar. The Police may—

- detain a person to whom subsection (3a) applies and search the person for any firearm, licence, mechanism, fitting or ammunition liable to seizure under the section; and
- stop and detain a vehicle, vessel or aircraft to which subsection (3a) applies and search the vehicle, vessel or aircraft for any firearm, licence, mechanism, fitting or ammunition liable to seizure under the section; and
- enter premises to which subsection (3a) applies and search the premises for any firearm, licence, mechanism, fitting or ammunition liable to seizure under the section.

Subsection (3a) applies—

- to a person who a police officer suspects on reasonable grounds is a person to whom a firearms prohibition order issued by the Registrar applies;
- to a vehicle, vessel or aircraft that a police officer suspects on reasonable grounds is in the charge of a person to whom the subsection applies;
- to premises that a police officer suspects on reasonable grounds are occupied by, or under the care, control or management of a person to whom the subsection applies.

32—Amendment of section 33—Obstruction of police officer

This clause increases the maximum penalty that applies to a person who hinders or resists a police officer acting in the exercise of power conferred by the principal Act to $10,000 or 2 years imprisonment.

33—Amendment of section 34A—Powers of court on finding person guilty of firearms offence

This clause deletes references which compel the court to make at least 1 of the orders set out in paragraphs (a) to (e) of section 34A(1) following a person's conviction against an offence involving a firearm, mechanism, fitting or ammunition and inserts references which provide the court with a discretion to make 1 or more of the same orders following a finding of guilt against a person of an offence involving a firearm, mechanism, fitting or ammunition.

Paragraph (f) is added to section 34A(1) to enable the court to order that the person be subject to a firearms prohibition order until further order. A similar amendment is made to section 34(2), which gives the court a discretion to order that a person who has possession of a firearm and whom the court believes is not a fit and proper person to have possession of a firearm be made subject to a firearms prohibition order until further order.

Proposed subsection (3) gives the court the power to exercise the same power given to the Registrar under section 10C(15) to make exemptions in respect of the conditions imposed by firearms prohibition orders when the court makes an order that a person is subject to a firearms prohibition order. A further amendment is made to ensure that the Registrar of the court notifies the Registrar of Firearms of the details of any firearms prohibition order made under section 34A.

34—Amendment of section 35—Disposal of forfeited or surrendered firearms etc

This provision sets out the procedures that must follow the surrendering of a firearm, firearm part or ammunition owned by a person against whom a firearms prohibition order has been issued.

In the case of an interim firearms prohibition order the Registrar must retain the firearm, firearm part or ammunition or in any other case the Registrar must retain the said items for the period allowed under the Act for an appeal against the order or, if an appeal has been instituted, until the appeal lapses or is finally determined.

However, if the firearm, firearm part or ammunition is retained by the Registrar and a firearm prohibition order ceases to be in force, the Registrar must make the firearm, firearm part or ammunition available for collection by the person or some other person who satisfies the Registrar that he or she is entitled to the firearm, firearm part or ammunition. If there has been no collection of any of those items within the period allowed by the regulations, the Registrar may sell or otherwise dispose of the firearm, firearm part or ammunition and pay the proceeds of the sale or disposal into the Consolidated Account.

At the end of the period of retention, if the person continues to be subject to a firearms prohibition order, the Registrar must sell or dispose of the firearm, firearm part or ammunition in accordance with the regulations, with the proceeds going to the person. Earlier arrangements for sale or disposal may be put in place at the request or with the consent of the person.

35—Amendment of section 35B—Advertising firearms for sale

This clause makes amendments that are consequential on changes made to sections 15B and 15C by adding a reference to an authorised Public Service employee. Amendments to sections 15B and 15C add an authorised Public Service employee to the categories of persons authorised to witness the transfer of possession of a firearm.

36—Amendment of section 36—Evidentiary provisions

This clause inserts new paragraphs (aa), (ga) and (gb) into section 36 of the principal Act. In doing so it ensures that notice can be given to the court by the Registrar that—

- a firearms prohibition order applied to or was in force against a person for a particular period; or

- that at a specified time a person was or was not the holder of an exemption under this Act; or
- that an exemption under the principal Act was subject to specified conditions,

as evidence of those matters.

37—Repeal of section 38

This clause repeals section 38. The period within which a prosecution may be commenced will be determined by the rules set out in the Summary Procedure Act 1921.

38—Amendment of section 39—Regulations

The Governor may make regulations under paragraph (af) of section 39(2) requiring the keeping of records and the furnishing of information to the Registrar by specified bodies, organisations and persons. This clause makes an amendment to that paragraph to provide that such information may be required to be verified by statutory declaration and accompanied by documents. A further amendment is made to paragraph (af) by inserting subparagraph (iv) which adds owners of firearms to the list of specified bodies, organisations and persons about which a regulation under paragraph (af) may be made. Effectively this enables the regulations to establish a scheme for self audits by owners of firearms.

Schedule 1—Related amendments

Part 1—Amendment of Criminal Law Consolidation Act 1935

1—Amendment of section 299A—Orders as to firearms and offensive weapons

This clause amends section 299A of the Criminal Law Consolidation Act 1935 by allowing the court to make an order that a specified person be subject to a firearms prohibition order under the Firearms Act 1977, if the court is satisfied of 1 of the matters set out in paragraphs (a) to (c) of section 299A(1) of the Criminal Law Consolidation Act 1935.

Part 2—Amendment of Summary Offences Act 1953

2—Amendment of section 15—Offensive weapons etc

This clause amends section 15 of the Summary Offences Act 1953 by deleting all references to firearms and deleting subsection (1)(a) and paragraph (a) of subsection (1f). The amendments remove offences involving loaded firearms from section 15, which are no longer necessary following amendments to section 11 of the Firearms Act 1977 by this measure. (The amendments to section 11 make the unlawful possession of a loaded firearm (as defined by that section) an aggravated offence and provide for significantly higher penalties than section 15 of the Summary Offences Act 1953.)

Schedule 2—Further amendment of Firearms Act 1977

The Schedule contains technical amendments that substitute the terms—

- 'certified mail' with 'registered post'; and
- 'member of the police force' with 'police officer',

throughout the principal Act.

Debate adjourned on motion of Hon. J.M.A. Lensink.

TOBACCO LAW COMPLIANCE

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (20:22): I seek leave to make a personal explanation regarding tobacco control regulations.

Leave granted.

The Hon. G.E. GAGO: Earlier today I was asked about enforcement of the ban on the sale of fruit-flavoured cigarettes in South Australia, and stated that I understood this ban was enforced in the same way as other tobacco regulations are. As members are aware, the government issued a notice under section 34A of the Tobacco Products Regulation Act 1997, which banned the sale of fruit-flavoured cigarettes in late 2006. That prohibition was operative following the grant of a 12-month exemption from the commonwealth's Mutual Recognition (South Australia) Act 1993.

Whilst the regulation banning fruit-flavoured cigarettes still exists in South Australia, the exemption from the commonwealth's Mutual Recognition Act expired late last year. Exemption from mutual recognition legislation cannot be extended. This means that the regulation cannot be enforced in South Australia until there is agreement with all other jurisdictions.

In May last year, at the request of South Australia, the Ministerial Council on Drug Strategy agreed to support a permanent exemption from the Mutual Recognition Act, and states and territories agreed at that meeting to consider passing complementary legislation to ban the sale of

these cigarettes within their jurisdictions. The commonwealth also considered an important ban through the customs legislation; however, to date these matters have not been resolved.

The effort to achieve national consistency is continuing and I am hopeful that it will soon be resolved. Alternatively, I have sought legal advice on how to overcome the technical enforcement difficulties with the ban and may seek to continue the prohibition of these products through other state law mechanisms.

STATUTES AMENDMENT (ADVISORY PANELS REPEAL) BILL

Adjourned debate on second reading.

(Continued from 14 February 2008. Page 1736.)

The Hon. R.D. LAWSON (20:25): Liberal members will be opposing this outrageous measure. It is outrageous because it is window dressing of the worst order. There are established, under existing legislation, advisory panels to advise the minister. We know, of course, that the ministers in this government are all-knowing and do not need any advice from anyone—certainly not from anyone who knows anything about the subject.

The point is that this government has decided that it will abolish three advisory panels. They are the advisory panel for plumbing and gas fitting—gas fitting being a subject about which the Hon. Russell Wortley knows nothing, and I am not surprised to see him leaving the chamber—and the advisory panel for electrical work (both established under the Plumbers, Gas Fitters and Electricians Act 1995), and, thirdly, the advisory panel established under the Building Work Contractors Act.

The advisory panel for plumbing and gas fitting contains representatives of the Master Plumbers and Mechanical Services Association of SA Inc; the South Australian Gas Company Limited; the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (as I think it was then called)—Plumbing Division—SA Branch; the Federated Gas Employees Industrial Union; the Minister for Employment, Training and Further Education; the SA Water Corporation; the Minister for Mines and Energy; and also the Commissioner for Consumer Affairs. So, there is a panel containing representatives from various sections of a particular industry which is in a position to give good advice to a minister who probably needs it.

The electrical advisory panel contains representatives of the National Electrical Contractors Association (SA Chapter); the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union (Electrical Division); the Electrical, Electronic Industry Training Advisory Board SA Inc; the minister responsible for the administration of the electricity act; the Minister for Mines and Energy; and also the Commissioner for Consumer Affairs. Once again, an advisory panel containing a wide range of representatives capable of providing, one would hope, impartial, balanced and sensible advice to a minister.

The representatives on the advisory panel established under the Building Work Contractors Act come from the Housing Industry Association, the Master Builders Association, the Building Industry Specialist Contractors Association, the Building Industry Specialist Contractors Organisation of South Australia Inc, the Commissioner for Consumer Affairs and other relevant organisations representing the interests of building work contractors, employees of contractors, and consumers. Once again, a wide-ranging and balanced group of individuals.

The government's justification for abolishing these advisory panels is that they have not been meeting under the current minister, and it is also said that these panels were established for a particular initial purpose in relation to licensing and that, as that purpose has been fulfilled, there is now no valid function for them.

However, the fact is that each of these advisory panels has a very wide-ranging remit, not only to advise the Commissioner for Consumer Affairs in respect of licensing and registration but also to inquire into and report to the Minister for Consumer Affairs or the Commissioner for Consumer Affairs on any other matter referred to by either the minister or the commissioner relating to the various subject matters, and other matters generally, in relation to these specialist industries.

On this side of the council we accept that people in the plumbing and gasfitting, electrical or building industry have specialised knowledge that is not generally available to ministers, commissioners, public servants and the like. We happen to believe that it is good that the government obtains advice from wide-ranging areas of any particular industry to ensure that the

minister is well informed and that policies adopted by the government will not have unintended consequences, and that the minister will be alive to issues within the particular industry.

At a time when the Premier was in the sway of Mr Robert Champion de Crespigny and his committee, that committee advised (in a somewhat haughty fashion) the abolition of all advisory boards because it took a rather high-minded view and asked, 'Why do you need to accept advice from people? Ministers should be able to make decisions without taking advice. Boards are a waste of time. They are an impediment to rapid decision-making. Get rid of them.' Of course, the Premier said, 'We'll get rid of all these boards.'

The members of government and this particular minister have fallen in line and produced this bill, which will be solely for the purpose of saying, 'We've managed to get rid of three advisory boards. They didn't meet. The reason they didn't meet was that I didn't actually ask them to meet, or encourage them to meet. We've done something to improve the economic efficiency of South Australia.'

We will do absolutely nothing by this bill to improve the economic efficiency of this state. Given the quality and the standard of the ministers of this government, we think it is appropriate that there be as many advisory boards as possible to—

The Hon. B.V. Finnigan interjecting:

The Hon. R.D. LAWSON: The Hon. Bernie Finnigan says, 'Spend money.' These boards cost nothing. The members of these boards are voluntary representatives, prepared to give their time in the interests of the state to provide the government with the advice that it ought to receive.

The Hon. R.P. Wortley: Because they are a rort.

The Hon. R.D. LAWSON: These organisations are not a rort, as the Hon. Russell Wortley is pretending to suggest.

Members interjecting:

The ACTING PRESIDENT (Hon. I.K. Hunter): Interjections are out of order.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.D. LAWSON: To hear the word 'rort' fall from the lips of the Hon. Russell Wortley is a truly amazing—

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Wortley will come to order. The Hon. Mr Lawson will ignore interjections.

The Hon. R.P. Wortley interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.D. LAWSON: I should have said that to hear the Hon. Russell Wortley utter a sentence which did not include the word 'rort' would truly be a surprise, and here he is, talking about rorts this evening. These advisory boards are not rorts at all. As I say, they are voluntary boards, comprising people who are prepared in the public interest to volunteer their time to advise ministers who need advice—desperately need advice.

So, we are strongly opposed to this measure which is an unnecessary piece of window dressing; it will not save the state any money. It will deprive ministers of advice and it will also deprive members of the community who actually know something about an industry to have an avenue to provide information and advice not only to ministers but also to the Commissioner for Consumer Affairs and the bureaucracy generally. We think this is an ill-advised piece of legislation and we will not be supporting it.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (20:35): I thank members for their contribution to this bill to repeal three advisory panels. It is the result of a recommendation of the Economic Development Board (EDB) in its report *Framework for Economic Development in South Australia*. In actioning this report, the government decided to pursue significant reductions in the number of boards and committees operating across the public sector. The EDB had found that there were myriad advisory bodies and committees established by

ministers or their departments. Over 500 were recorded in the government's Board and Committee Information System.

When the relevant acts (PGE Act and BWC Act) were introduced in 1995, it was essential to develop appropriate licensing criteria, policies and procedures. At that time, the panel meetings were held bimonthly. For the three years to 2006, each panel met only twice a year. As a result of the review suggested by the EDB, these three panels were identified as bodies that were not essential for the effective administration of acts under which they operated, because they had served their purpose and now these purposes could be met through less formal consultative measures.

OCBA will continue to consult with industry stakeholders, namely, those involved in the building, plumbing, gas fitting and electrical industries, as and when it is appropriate. A good example of new consultative mechanisms can be found with the two recently released discussion papers reviewing the Building Work Contractors Act. These were distributed to a range of groups and individuals as well as being open to the public. The plain fact is that in most cases issues can be more effectively managed through the use of such discussion papers and working groups rather than at panel level.

This government is committed to reducing red tape and unnecessary legislative burden. The panels have served their purpose, and now the government wants to continue to consult with the various industries in a less formal manner and on an as needs basis rather than by forcing a mandated set of procedures on industry.

OCBA has four other categories of licensing, but it does not have mandated advisory panels for these; rather, it holds successful industry liaison meetings with these groups. Consultation will occur, as has been demonstrated, and the abolition of these panels will reduce the legislative burden on these industries. I take this opportunity to thank the staff of the Office of Consumer and Business Affairs for their hard work in the development of this bill. I commend the bill to you and, again, I thank honourable members for their contributions.

The council divided on the second reading:

AYES (10)

Darley, J.A.	Evans, A.L.	Finnigan, B.V.
Gago, G.E. (teller)	Gazzola, J.M.	Holloway, P.
Hood, D.G.E.	Kanck, S.M.	Parnell, M.
Wortley, R.P.		

NOES (6)

Dawkins, J.S.L.	Lawson, R.D. (teller)	Lensink, J.M.A.
Lucas, R.I.	Schaefer, C.V.	Wade, S.G.

PAIRS (4)

Zollo, C.	Ridgway, D.W.
Hunter, I.K.	Stephens, T.J.

Majority of 4 for the ayes.

Second reading thus carried.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March 2008. Page 1992.)

The Hon. R.D. LAWSON (20:45): When announcing the government's intention to introduce this legislation, the Attorney-General issued a press statement with the Minister for the Status of Women in which it was said that this legislation introduces 'sweeping changes to the state's rape and sexual assault laws'. The minister said that 'this legislation will give a clear direction to the courts over what can be admitted as evidence' in rape offences. These statements are typical hyperbole of this government. This legislation contains a number of important provisions but they are not sweeping and they will, I regret to say, not give a clear direction to the courts over what can be admitted in evidence in cases involving sexual assault and rape.

The Attorney-General is quoted in his own statement as saying that the driving force behind the changes is the unacceptably low conviction rates for rape and sexual assault. He said:

> Only 17.6 per cent of rape cases sent to the courts result in a conviction. That tells me there is something wrong with our current laws.

It is true that there is a low conviction rate for rape and sexual assault. This was a matter which was the subject of an inquiry by the Legislative Review Committee which reported in 2005. The inquiry of that committee was entitled 'Inquiry into Sexual Assault Conviction Rates'. The committee examined the South Australian statistics and also statistics from other jurisdictions. It is quite difficult to establish precisely what is the conviction rate by reason of a number of factors, which includes matters such as the number of these offences reported, and we know that, regrettably, there is a low reporting rate in relation to rape and sexual offences, for reasons which members would or should understand.

Factors are involved in the evidence collected by police and whether or not that evidence is sufficient to support a conviction. Also, there are factors relating to the way in which the office of the DPP determines whether or not to proceed with charges of rape, attempted rape and other sexual offences. There are quite a number of other factors. However, when one boils it all down, the Legislative Review Committee concluded that the conviction rate for rape and serious sexual assault was about 56 per cent, and I here refer to page 17 of the report of that committee. I think that most people would regard 56 per cent as an unacceptably low rate. The Attorney-General in his statement claiming that only 17.6 per cent of rape cases sent to the courts resulted in a conviction is inconsistent with the conclusions of the Legislative Review Committee; but I think this government does have a penchant for over-exaggerating the nature of problems.

To say that only 17.6 per cent of rape cases results in a conviction, when it would appear that the rate is something of the order of 50 per cent, is an exaggeration. I happen to consider that 50 per cent of cases in this type of offence is too low; and the Liberal opposition certainly does not contest the proposition that the fact that only half of the accused persons who are charged with rape in our courts are convicted of that offence indicates a serious issue. However, the point is: will this bill result in more guilty persons being convicted of these offences? I seriously doubt whether this piece of legislation will result in more people who are guilty being convicted of these offences. The Attorney said at that stage:

> One of the most significant reforms will be the definition of what constitutes consent to sexual activity, making South Australia among the first jurisdictions in the country to define 'consent'.

Well, true it is—we may be one of the first jurisdictions to put in legislation what is consent, but the question one must ask oneself is: do we really need a dictionary definition of 'consent'? Is the question of consent a real issue in most rape cases, or is there sufficient doubt about the existing common law about what is consent that there needs to be a change? We seriously doubt that the current definitions of 'consent' which are applied under the common law are sufficiently doubtful to warrant legislative intervention. Members on this side of the chamber happen to believe that the British system of common law, where cases are developed on a case-by-case basis based upon the facts of a particular situation rather than a theoretical consideration in advance of what might arise, is a better way of developing the law.

It is an attractive proposition to suggest that parliament should lay down all the laws, that we should codify the laws, and that when we see the thousands of pages of the laws of South Australia in statute and the hundreds of thousands of pages of judicial decisions that it would be better to confine the law to what parliament says the law is rather than what the judges say the law is on a case-by-case basis. The fact is that building laws and principles by reference to actual cases, rather than by reference to theoretical surmises and academic considerations of what might arise in the future, is a better way. It is the proven way in which the English common law has developed. It is the common law not only in the United Kingdom but also in Australia, the United States and various other countries. We think we have a good system for developing the law, and one of the difficulties about codifying the law is that, by writing down what you think consent is in advance of a particular situation, it often results in unintended consequences.

In the statement to which I am referring, the Attorney-General is quoted as saying:

> Too often a case can fail on the question of what is consent, so we will make certain the new legislation defines that consent as being free and voluntary.

The statement continues:

> Mr Atkinson says the new laws will set out that consent is not given if:

- The victim is so intoxicated that they are incapable of agreeing [to sexual activity]
- The victim was asleep or unconscious
- The victim was forced to agree to sex because of threats or harassment
- The victim misunderstood the nature of the activity
- The victim could not consent because of physical or intellectual impairment.

All these things are covered in the existing law. There is nothing in the existing law that suggests that a victim who is asleep or unconscious can give consent to sexual activity. There is nothing in the existing law to suggest that if one obtains consent to sexual activity by means of a threat or harassment, or some other form of physical pressure, it amounts to valid consent. There is nothing in the existing law, as I understand it, which suggests that a victim who misunderstands the nature of the sexual activity to be undertaken can be taken to be giving consent. If a woman consents to what she believes to be a medical procedure, it cannot be taken to be consent to some sexual activity by the person pretending to be a doctor or suggesting that as a medical practitioner he is entitled to undertake some procedure.

We seriously doubt whether this legislation will have the good effects that are intended. We believe that, once again, the Labor Party and the Rann government are overstating the effect of legislation of this kind. This legislation is difficult—there is no doubt about that—as is illustrated by the fact that this government said it was going to review the laws of rape quite some years ago. It produced the statement to which I have referred, produced a bill and then abandoned it, and produced another bill and then abandoned it; and now it has come up with a third version on the same topic because, as a result of consultation, it realises that things that it thought were a great idea in the first place are not such a great idea. It asked judges how these procedures would work and it now finds that they will not work in practice.

In February 2007, the government produced a bill of six pages; I will not go back to the earlier version. Now we have a version before us with twice that number of pages—13 pages of legislation—to address what it said was a relatively simple issue. It is not a simple issue.

It has introduced some new concepts into this bill, and one might have some doubts about the necessity for those new concepts. One of the difficulties that has really bedevilled the law in relation to sexual assault is that definitions are changed and distorted from the ordinary concepts of language. For example, most people would know what sexual intercourse is, but the definition that has been included in our criminal law as a result of amendments is as follows:

> Sexual intercourse includes any activity involving—
>
> (a) penetration—

people would well understand that—

> (b) fellatio;
>
> (c) cunnilingus

Those two latter concepts are not really within the ordinary concept of sexual intercourse as most people understand it. However, we have added those things to include something in sexual intercourse which is not within the ordinary usages. We have defined 'rape' as not only including forced sexual intercourse but also various other practices; offensive activities they might be, but they are not rape by ordinary definition. However, you can create a rape by defining it as the penetration of any orifice of the body.

So, what we do in our desire to make the law all encompassing is to include within various concepts things that are not traditionally so associated. I see, for example, in this latest version we have a new definition of 'bestiality', a pretty rare sort of offence, but it certainly does not fall within what might be termed traditional concepts.

We have the new concept of 'compelled sexual manipulation', which is where an offender, for a prurient purpose, compels a person to engage, or continue to engage, in an act of sexual manipulation of the offender or some other person, or an act of sexual self-manipulation. So, we have a long section (proposed section 48A) dealing with this whole topic of 'compelled sexual manipulation': three big words. It was all previously covered by the concept of gross indecency. I think people understand what gross indecency is; you do not need to break it up into various kinds of activity. It covers a whole range of activities, including what is now defined as 'compelled sexual manipulation'.

We see there are quite a number of cases where the legislation originally introduced in February 2007 has been markedly changed. I mentioned earlier the fact that the case law already establishes pretty well what is consent and what is not consent. The government is making great play of the fact that here in this bill we have decided to define exactly what is consent, and there are a number of paragraphs defining what is not consent. This is where a person is unlawfully detained or a person is asleep or unconscious, so affected or intoxicated as to be incapable of giving consent.

Yet another concept has now been added: a person who agrees to engage in an activity with a person under a mistaken belief as to the identity of that person. This was not previously included in the bill of February 2007, and it is a somewhat unusual provision. Taking a hypothetical example, if an adult woman decides that she would like to engage in some sexual activity with some rock star at a concert, hangs around the stage door after the concert and actually finishes up being bedded by somebody who claimed to be the rock star but was actually only the lighting mechanic, is that actually now—

The Hon. A. Bressington interjecting:

The Hon. R.D. LAWSON: It might be a big disappointment to the woman. She might not be able to post a particular conquest on her website. Is that particular situation really rape when she willingly entered into a sexual relationship with the person, had sexual relations with that person but was mistaken as to his identity? Or, if someone meets somebody in a pub and thinks he is a millionaire but he is not, is that considered to be rape because the woman was under a mistaken belief as to the identity of the person?

In this provision relating to the identity of the person committing the sexual offence, one can well imagine that if, in my hypothetical example, the lighting mechanic pretended and said that he was in fact the rock star, that might actually be a circumstance in which one would say that consent was not validly given. But the section does not actually provide that the alleged offender has to have induced a belief that he had a particular identity, a particular quality or that he was a millionaire, but simply that the victim—the now victim—entertained a mistaken belief. So, there need be no dishonesty or subterfuge on the part of the alleged offender for there to be an offence. I seriously doubt whether that matter now included in this bill has been sufficiently thought through.

The bill now also introduces a statutory definition of the concept of reckless indifference. Reckless indifference arises in relation to consent in this way: it is an offence if a person engages in a sexual activity where the partner has not consented. In the courts, there are often questions about whether or not the—let us say in this example—woman has communicated the fact that she is not consenting to the activity and, if the alleged offender continues with the activity, recklessly indifferent as to whether or not she was consenting, he is guilty of the offence because consent is absent.

What this bill now seeks to do is create a statutory definition in 10 lines of what constitutes reckless indifference. Such a definition has not previously been thought necessary because, as I mentioned, common law works out in a case by case way—and in a practical way—what is reckless indifference.

When you look at the definition of reckless indifference, you can say that it is a fair enough definition. However, there is no doubt that, when you put 10 lines of legislation into a statute, it will create endless arguments about the meaning of each and every term. Contrary to the idea that it will resolve difficulties, it actually does not resolve them but creates by definition additional difficulties.

In connection with the offence of rape, which is contained in section 48 of the Criminal Law Consolidation Act, I might say that the existing provision is perfectly reasonable and simply provides:

> A person who has sexual intercourse with another person without the consent of that other person—
>
> (a) knowing that that other person does not consent to sexual intercourse with him; or
>
> (b) being recklessly indifferent as to whether that other person consents to sexual intercourse with him,
>
> shall (whether or not physical resistance is offered by that other person) be guilty of rape and liable to be imprisoned for life.

Those six lines of text—well understood and well applied—are now being expanded to some 28 lines of text which will leave more room for debate and legal argument and which are not

necessarily a clearer provision. It is interesting once again to see how this proposed law, so vaunted by the Attorney-General in his statement in February 2007, has changed. The bill originally proposed to insert into the concept of rape not only knowing that the person does not consent or being recklessly indifferent but also—and this was the proposal—that a person who has sexual intercourse with another person without the consent of that person 'having failed to take reasonable steps in the circumstances to ascertain whether the other person consented to sexual intercourse'.

What is proposed is that a person would be guilty of rape if he (as would usually be the case) had failed to take reasonable steps in the circumstance to ascertain whether the other person consented. In the ordinary course of human behaviour, in my very limited experience in this matter, and in my understanding of the behaviour of others, the steps that are taken by somebody, whether male or female, to know whether there is consent are not actually signing a form or asking, 'Do you mind if I do what I propose doing? What do you think about this? Would you mind signing a statutory declaration? Can we go ahead?'

That was the government's proposal. That is what it wanted to put in but, wisely in my view, it abandoned that. The reason I raise this is just to say that what the government thought a year ago was a fabulous idea and had to be included has now been brushed aside. I commend it for brushing it aside, but I think it shows the uncertainty about ideas and concepts in this field.

Yet again, in this provision, new section 48 under the heading 'Rape', they have included not only sexual intercourse with a person other than the offender but also sexual self-penetration and acts of bestiality. I mentioned earlier expanding the concept of rape. People understand what is rape and what is sexuality. To describe bestiality, namely, sexual activity with an animal, as rape seems to be a bizarre notion. There is already an offence in the Criminal Law Consolidation Act which says that the offence of bestiality is a particular offence: it is not rape, it is bestiality, and one can be charged with that. It used to be called 'buggery of an animal', which is perhaps too brutal for our modern ears, so they call it bestiality. To my way of thinking it is not rape as it is commonly understood. This is a way of distorting the criminal law.

They have introduced in the bill currently before us—and it was not thought to be so important in February last year—a new offence of 'compelled sexual manipulation'. This is whereby some person, for a prurient purpose, compels some other person to engage in some form of sexual activity where the person does not consent to engaging in that act. That is already surely covered by the generalised offence of gross indecency, which covers all sorts of activities of this kind.

There is already in the Criminal Law Consolidation Act an offence of sexual exploitation of children, undoubtedly an entirely appropriate offence and one that ought to be on the books. That offence is being redefined. We have no particular problem with it because we now understand that sexual exploitation of children is a major issue—one that for many years was not appropriately addressed either in the criminal law or in our social support systems. The offence of persistent sexual exploitation of a child will now occupy some two pages of text in a detailed explanation.

There are provisions in this bill relating to the joinder of charges. These are important provisions and have been in the Criminal Law Consolidation Act for some time. They are rather complex, but the existing law is that, where a person is charged with two or more offences, they may be joined in the same information, which means they will be tried before a jury at the same time. If the charges are founded on the same facts, or a part of a series of offences of the same or a similar character, the current law is that, where before a trial, or at any stage of a trial, the court—meaning the judge—is of the opinion that the accused person may be prejudiced or embarrassed in his defence by reason of being charged with one or more offence on the same information, the various offences should be tried separately.

It is widely recognised—and we certainly accept—that that can lead to injustice to a victim who is required not only to give evidence at a particular trial, but at another trial and perhaps another trial and yet another trial. There are new and rather more complex provisions proposed to be inserted which are generally in favour of allowing all offences being joined in the same information and being tried together, with a residual power in a judge to order separate trials relating to particular victims or offences, and rather complex provisions relating to whether or not the evidence in relation to a particular charge will also be relevant to evidence in another charge. We agree that this particular provision is appropriate, especially given the fact that the judges have indicated that amendments ought be made and they have been made, as we understand it, to the bill.

Notwithstanding the reservations we have about this particular measure, we agree with the basic principle that the current laws relating to sexual offences are not as effective as they should

be, insofar as that is reflected in the very low conviction rate. However, we do not believe that these laws, of themselves, will make a great difference to that, so we are sceptical. The reason people do not report rape and other sexual offences is not because of some technical deficiencies in the laws. The reasons are to be found in many other things. The way in which reports are taken, the sensitivity with which they are handled, the support which victims of sexual assault are given, the encouragement that they are given, and the protections that they are offered in the course of the trial do not relate to this particular bill at all.

If we are to be serious about increasing the number of convictions and ensuring that guilty people are found guilty and punished, we need to do more than simply window-dressing the underlying legislation. We need to provide far more mechanisms and support to ensure that the evidence is presented, that people do not abandon prosecutions, that people are not dispirited and simply do not go on with them and do not think it is worth reporting. These are all issues which cannot simply be resolved with the stroke of a legislative pen, but which require real resources and real effort by government.

Admittedly there is another bill, which is associated with this particular one, which deals with some of the evidence and the facilities for giving evidence. We will be supporting that bill, but do not let it be claimed by this government that, by this measure, they have really done anything other than window-dressing in relation to ensuring justice for the victims of sexual assault. We will be supporting the second reading and we look forward to the committee stage of the bill, where some of the more technical aspects will be explored in greater detail.

Debate adjourned on motion of Hon. I.K. Hunter.

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

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

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (21:26): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to make amendments to the superannuation arrangements for police officers and in particular the arrangements for those police officers who are members of the Police Lump Sum Scheme. This scheme is established under the Police Superannuation Act 1990, and is referred to in that Act as the 'new scheme'.

The Bill also seeks to make changes to the arrangements under the Police Superannuation Act 1990, relating to the administrative arrangements for the supplementary investment accounts, rollover accounts and co contribution accounts established for members of the Police Pension Scheme and the Police Lump Sum Scheme.

This legislation makes amendments to the Police Superannuation Act 1990, which establishes and maintains the Police Pension Scheme and the Police Lump Sum Scheme, and the Southern State Superannuation Scheme 1994, which establishes and maintains the Triple S Scheme. The main feature of this legislation is the proposed transfer of the existing members of the Police Lump Sum Scheme to the Triple S Scheme. The transfer is proposed to take place on 1 July 2008. The Police Lump Sum Scheme is a closed scheme with about 380 remaining active members. The legislation makes no changes to the benefit structure and rules of the Police Pension Scheme.

The Government is proposing to transfer the Lump Sum Scheme members to the Triple S Scheme so as to rationalise the Government's superannuation arrangements, and provide the members with the real possibility of having a larger benefit on retirement. Members are expected to be better off in the Triple S Scheme because of that scheme's more attractive features and options. In Triple S the transferred police officer members will be credited with the actual investment earnings on the balance of their accounts, as opposed to a long term conservative rate of return that makes up the defined benefit in the Police Lump Sum Scheme. As members of Triple S, the transferred police officers will also have greater death and disability insurance cover. The legislation also provides a guarantee that members will not receive a lesser benefit on retirement from Triple S than the benefit that would have been payable from the Police Lump Sum Scheme. The guarantee will be subject to a transferred member continuing to make a member contribution to Triple S at a rate equivalent to that required in the Lump Sum Scheme. These transferred police officers will therefore not be disadvantaged by the transfer and only stand to be better off under the new arrangements. The Police Association has sought this guarantee to be written into the legislation, notwithstanding the retirement benefit comparisons indicating that all members are expected to receive greater benefits from Triple S.

The outcome from the implementation of this legislation is that police officers will be served by two schemes rather than the current three schemes. This has been sought by the Police Association and the Government is pleased to have been able to work with the Association to deliver this outcome.

The legislation effectively dissolves the Police Lump Sum Scheme, after transferring the members of the scheme to Triple S. At the same time as members are transferred, the legislation provides for an amount equivalent to the balance in each member's contribution account, and an amount equivalent to the present value of the employer financed share of the accrued defined benefit, to be transferred and applied to establish a starting balance for each member in Triple S. To ensure the transferring members are not disadvantaged by the transfer taking effect on 1 July 2008, when in accordance with the Enterprise Agreement 2007 there is a general salary increase coming into effect on 3 July 2008, which is the beginning of the first pay period commencing on or after 1 July, the legislation will require the crystallisation of the accrued Lump Sum Scheme benefit to take into account the July 2008 salary increase.

The transferred police officers are becoming members of Triple S with the standard mandatory five units of death and disability insurance, and this cover is being provided without limitation and irrespective of the health of the police officer.

As the transferring members have an existing option to retire and be paid their accrued benefit after age 50, this option is being maintained in the Triple S scheme. In fact the Bill also proposes that the age 50 retirement option will be made available to all police officers who are members of Triple S.

All those members in the Police Lump Sum Scheme who are no longer in employment with the Police Department and have a preserved account will have those preserved accounts also transferred to Triple S. This action is being taken to enable the dissolving of the Lump Sum Scheme.

As I mentioned earlier, the Bill also includes a proposal that the responsibilities for the administrative arrangements for the supplementary investment accounts, rollover accounts and co contribution accounts will be transferred to the Triple S Scheme, that is administered by the South Australian Superannuation Board. A member of the Police Pension or Police Lump Sum Schemes would have an investment account where the member is salary sacrificing additional money, or paying additional money from after tax income, into either of the schemes. A member would have a rollover account where they have rolled a lump sum benefit over from some other scheme, and a co contribution account would be established for a member who has received a co-contribution benefit from the Commonwealth Government. Whilst the Police Superannuation Board is currently responsible for administering these accounts, which are accumulation style accounts, it is considered more appropriate for these accounts to be held in the Triple S Scheme where members will be able to select an investment strategy option that meets their individual needs. As the Police Superannuation Board will be left with the administration of the Police Pension Scheme which is a defined benefit scheme, and does not have a need for investment choice options for members of that scheme, it is considered more practical to have the police accumulation style accounts held and maintained by Triple S. As a result, those police officers with a supplementary investment account, a rollover account, or a co contribution account, will have the benefit of being able to choose an investment strategy option of their choice.

The Bill also contains some amendments that address technical matters.

In relation to the technical amendments, an amendment is being made to the provisions in section 4(6b) of the Police Superannuation Act, that deal with the determination of 'salary' for a member who has been seconded to serve with another police force or a prescribed body. The proposed amendment will address a deficiency in the current provisions that do not provide for the recognised salary with the external SAPOL body to have its real value maintained where the person is no longer working for that body at the time when an entitlement is to be paid.

A new provision is also being inserted into the Police Superannuation Act, to provide clarification to the issue of the delegation rights of the Police Superannuation Board. The new provision that is being inserted will make it clear that the Board has the power to delegate any of its powers or functions to any person or body.

A technical amendment is also being proposed to section 50 of the Police Superannuation Act, which is the provision dealing with the Board's powers to resolve any doubts and difficulties. The amendment that is being proposed will bring the provisions of the Police Superannuation Act into line with the recently updated provision dealing with the same matters under the Superannuation Act 1988 and the Southern State Superannuation Act 1994.

The Police Association fully supports these proposals.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure will commence on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Police Superannuation Act 1990

4—Amendment of section 4—Interpretation

Definitions of a number of terms that are no longer required because of the transfer of new scheme contributors to the Triple S scheme are deleted. Consequential amendments are also made to some existing definitions that are to be retained.

The definitions of old scheme contributor and new scheme contributor are removed because, as a consequence of the amendments being made, the Act will apply to only one type of contributor. A new definition of contributor is substituted.

An amendment to section 4(6b) clarifies the operation of paragraph (d) of that subsection in relation to a contributor who has been seconded to another police force but is not employed in another police force at the relevant time.

5—Insertion of section 9A

This clause inserts a new section.

9A—Delegation by the Board

This section authorises the Board to delegate any of its powers or functions under the Act to any person or body. The section provides that a delegation must be by instrument in writing and may be conditional or unconditional. A delegation does not derogate from the power of the Board to act in a matter and is revocable at will by the Board.

This provision is based on similar sections in the Southern State Superannuation Act 1994 and the Superannuation Act 1988 that authorise the South Australian Superannuation Board to delegate powers or functions.

6—Amendment of section 10—The Fund

Section 10(4) requires the Treasurer to pay periodic contributions reflecting the contributions made by contributors, and co contributions paid in respect of contributors, into the Police Superannuation Fund from the Consolidated Account or from a special deposit account established for the purpose. Section 10 states that the Fund is to be made of three divisions. This clause amends section 10, as a consequence of other amendments, so that the section provides for the Fund to be made up of two divisions, one of which will be for contribution accounts. The other will be proportioned to the aggregate balance of co-contribution accounts to the extent that they hold the amount of any co contributions paid to the Board. As a consequence of these amendments, the Fund will no longer include a division relating to new scheme contributors or a division relating to accounts under Part 5A (which is to be repealed—see clause 18).

7—Substitution of heading to Part 2 Division 3

This clause substitutes a new heading for Division 3 of Part 2 and inserts a new Subdivision heading. These amendments are made as a consequence of the insertion into Part 2 Division 3 of new provisions relating to investment and rollover payments.

8—Amendment of section 13—Contributors' accounts

This amendment is made as a consequence of changes to the Act that mean that there will no longer be two categories of contributor.

9—Insertion of Part 2 Division 3 Subdivision 2

This clause inserts a new Subdivision into Part 2 Division 3 of the Act. The new Subdivision includes provisions relating to the establishment of investment accounts, rollover accounts and co contribution accounts. (Similar provisions currently appear in Part 5A of the Act.)

Subdivision 2—Investment option, rollover payments and co contributions

13A—Investment option

Section 13A authorises the Treasurer to accept monetary payments from a contributor whose employment as a police officer has not terminated.

A monetary payment under the section must consist of a salary sacrifice amount. The Treasurer must pay an amount equivalent to the monetary payment into the Southern State Superannuation (Employers) Fund. Unless the contributor who made the payment is already a member of the Triple S scheme, he or she will be taken to have elected to become a member of that scheme under section 15C of the Southern State Superannuation Act 1994.

13B—Rollover accounts

This section authorises the Board to accept the payment of money for a contributor from another fund or scheme. Money that is rolled over from another fund or scheme is to be paid to the Treasurer who must then pay an amount equivalent to the amount of money rolled over into the Southern State Superannuation Fund.

13C—Co-contribution accounts

This section requires the Board to establish a co contribution account in the name of a contributor for whom a co contribution has been paid to the Board. The account must be credited with the amount of any co contribution paid to the Board in respect of the contributor.

When a co contribution account is credited with the amount of a co contribution, the amount is to be transferred to the South Australian Superannuation Board and credited to a co contribution account maintained in the name of the contributor.

10—Amendment of section 14—Payment of benefits

These amendments are made as a consequence of the repeal of Part 5A, the insertion of section 13C and changes to the Act that mean that there will no longer be two categories of contributor.

11—Amendment of section 16—Contributors

This amendment is made because the Act will no longer apply in respect of police officers who are currently new scheme contributors. A police officer will be required to contribute to the Police Superannuation Scheme only if he or she became a contributor to the Police Pensions Fund before the commencement of the Police Superannuation Act 1990.

12—Amendment of section 17—Contribution rates

This clause amends the section of the Act prescribing the rates of contributions to be made by contributors. Those rates are currently prescribed in Schedule 2. However, because police officers who are currently new scheme contributors will no longer be contributors to the Police Superannuation Scheme, the determination of contribution rates is simplified and Schedule 2 is repealed by clause 29. The provisions of Schedule 2 relating to old scheme contributors are incorporated into section 17, which will now state that a contributor must make contributions to the Treasurer at the rate at which he or she was contributing immediately before the commencement of the Act. If the contributor was a police cadet immediately before the commencement of the Act, he or she is required to contribute at the rate at which he or she would have been contributing to the Police Pensions Fund if he or she had been a police officer immediately before the commencement of the Act.

13—Repeal of Part 4

This clause repeals Part 4 of the Act. Part 4 applies only to new scheme contributors. As those contributors are to become members of the scheme of superannuation established by the Southern State Superannuation Act 1994, there is no need to retain Part 4.

14—Amendment of heading to Part 5

This amendment to the heading to Part 5 is made because there will no longer be two categories of contributor.

15—Amendment of section 27—Application of Part to police cadets

This amendment is also made because there will no longer be two categories of contributor. Part 5 of the Act will apply to all contributors.

16—Amendment of section 31—Invalidity

The amendment made by this clause clarifies the operation of section 31, which applies to a contributor whose employment terminates on the ground of invalidity before the contributor reaches the age of 60.

17—Amendment of section 34—Resignation and preservation of benefits

Under section 34 of the Act, a contributor who has resigned from employment and elected to take an amount equivalent to the total balance of his or her contribution account is also entitled to a superannuation payment under section 34(1a). The contributor may elect to preserve the payment or to carry the payment over to another fund or scheme.

Under section 34(1a)(c) in its current form, if the contributor elects to preserve the payment, the payment will be preserved in the Police Superannuation Scheme. This clause substitutes a new paragraph (c). Under the new provision, the payment will be transferred to the credit of the contributor in an account in the name of the contributor in the Triple S scheme. The amount of the payment to be transferred will be determined under the section as if the payment were to be made to the contributor on the day that the transfer takes place and will be taken to be a preserved employer component under section 32 of the Southern State Superannuation Act 1994.

An additional provision inserted into section 34(1a) provides that a contributor who fails to inform the Board in writing within three months of his or her resignation whether he or she elects to preserve the payment or carry it over to another fund or scheme will be taken to have elected to preserve the payment.

18—Repeal of Part 5A

Part 5A, which includes provisions relating to investment accounts, rollover accounts and co contribution accounts, is repealed. Those provisions have been recast because investment, rollover and co contribution payments are to be transferred to the Southern State Superannuation Scheme. The recast sections are inserted by clause 9 into Part 2 of the Act.

19—Repeal of heading to Part 5B Division 1

20—Amendment of section 38J—Reduction in contributor's entitlement

21—Repeal of Part 5B Division 2

22—Repeal of heading to Part 5B Division 3

23—Repeal of section 38O

24—Repeal of heading to Part 5B Division 4

These amendments to Part 5B of the Act, the purpose of which is to facilitate the division under the Family Law Act 1975 of superannuation interests between spouses who have separated, remove provisions that operate only in relation to new scheme contributors.

25—Repeal of sections 47 and 47A

This clause repeals sections 47 and 47A of the Act. Section 47 authorises the Board to provide annuities on terms and conditions fixed by the Board. Section 47A authorises the Board to accept money from police superannuation beneficiaries for investment with the Superannuation Funds Management Corporation of South Australia.

26—Amendment of section 49—Confidentiality

Section 49 of the Act currently prohibits members or former members of the Board or the board of directors of the Superannuation Funds Management Corporation of South Australia (the Corporation), or a person employed or formerly employed in the administration of the Act, from divulging information as to the entitlements or benefits of any person under the Act except in certain circumstances. This clause amends subsection (1) by extending the prohibition to information of a personal or private nature. This amendment is consistent with an amendment recently made to the corresponding sections of the Superannuation Act 1988 and the Southern State Superannuation Act 1994.

27—Amendment of section 50—Resolution of difficulties

The amendments made by this clause are consistent with amendments recently made to the corresponding sections of the Superannuation Act 1988 and the Southern State Superannuation Act 1994. The section as amended will authorise the Board to give directions if the Board is of the opinion that the provisions of the Act do not address particular circumstances that have arisen. The directions must be reasonably required to address the circumstances (but only insofar as the Board determines it to be fair and reasonable in the circumstances). Any such direction will have effect according to its terms. (The section already authorises the Board to give directions reasonably required if any doubt or difficulty arises on the application of the Act to particular circumstances.)

Under new subsections inserted into section 50, the Board may, in certain circumstances, extend a time limit or waive compliance with a procedural step. The section lists matters that the Board must have regard to in determining whether to extend a time limit or waive compliance with a procedural step. If such action is taken by the Board, the Board's report to the Minister for the year in which the action occurs must include details of the action.

28—Amendment of Schedule 1—Transitional provisions

This clause inserts a definition of old scheme contributor for the purposes of the transitional provisions because the term is no longer used in the main body of the Act and the definition has therefore been removed from the interpretation provision.

29—Repeal of Schedule 2

Schedule 2, which prescribes contribution rates, is repealed because those rates are to be prescribed by section 17. (See the amendments made to that section by clause 12.)

Part 3—Amendment of Southern State Superannuation Act 1994

30—Amendment of section 3—Interpretation

This clause inserts a number of new definitions into the interpretation provision of the Southern State Superannuation Act 1994.

A police member is a member of the scheme who is a police officer or police cadet. However, police officers and cadets who are members by virtue of section 14(10a) or 15C (that is, they are members of the Police Superannuation Scheme for whom a contribution, co contribution or rollover benefit has been paid to the Board) are not police members for the purposes of the Act.

A definition of retirement age is also inserted. For a member who is a police officer, the age of retirement is 50. For other members and spouse members, 55 is the retirement age.

31—Amendment of section 4—The Fund

This amendment is made as a consequence of the fact that co contribution amounts paid in respect of members of the Police Superannuation Scheme are to be transferred to the Board.

32—Amendment of section 7—Contribution, co-contribution and rollover accounts

The amendments made by this clause to section 7 will have the effect of requiring the Board to maintain a rollover account in the name of a member of the Police Superannuation Scheme for whom an amount of money rolled over from another fund or scheme has been accepted by the Police Superannuation Scheme and paid to the Treasurer under section 13B of the Police Superannuation Act 1990. The rollover amount must be credited by the Board to the account. The Board will also be required to maintain a co contribution account in the name of a member of the Police Superannuation Scheme for whom the amount of a co contribution has been transferred from that scheme to the Board. The Board is required to credit the account with the amount of any co contribution paid to the Board in respect of the member.

33—Amendment of section 9—The Southern State Superannuation (Employers) Fund

The amount of any payment to the Treasurer for a member of the Police Superannuation Scheme under section 15C(2) is to be paid into the Southern State Superannuation (Employers) Fund.

34—Amendment of section 14—Membership

Section 14 of the Act, which relates to membership of the Triple S scheme, is amended by this clause so that a person who is a new scheme contributor within the meaning of the Police Superannuation Act 1990 immediately before Part 4 of that Act is repealed will be a member of the Triple S scheme.

A member of the Police Superannuation Scheme who has made an election under section 15C(1), or is taken to have made an election under that subsection, is a member of the Triple S scheme.

Also, if a contribution, co contribution or benefit rolled over from another superannuation fund or scheme is paid to the Board for a person who is a member of the Police Superannuation Scheme but not, at the time of the payment, a member of the Triple S scheme, the person will become a member of the Triple S scheme by virtue of section 14(10a) when the Board receives the payment.

35—Insertion of section 15C

This clause inserts a new section.

15C—Salary sacrifice and voluntary contributions by members of Police Superannuation Scheme

Section 15C(1) provides that a police officer who is a contributor to the Police Superannuation Scheme may elect to become a member of the Triple S scheme in order to establish an entitlement to the employer component of benefits by way of salary sacrifice.

36—Amendment of section 16—Duration of membership

This clause amends section 16 of the Act so that a person who is a member of the Triple S scheme solely by virtue of being a member of the Police Superannuation Scheme for whom payments have been transferred to the Board will cease to be a member of the Triple S scheme when the balance of each of his or her accounts has been paid.

37—Insertion of section 20

A new defined term is inserted for the purposes of Part 3 Division 2.

20—Interpretation

This section defines prescribed member to mean a police member, or a member prescribed, or of a class prescribed, for the purposes of the definition.

38—Amendment of section 21—Basic invalidity/death insurance

As a consequence of this amendment, a police officer who is a member of the Triple S scheme will not be entitled to basic invalidity/death insurance.

39—Amendment of section 22—Application for voluntary invalidity/death insurance

40—Amendment of section 23—Variation of voluntary insurance

These amendments are made as a consequence of the insertion of new provisions relating to the provision of voluntary invalidity/death insurance to prescribed members (including police members).

41—Insertion of sections 23A and 23B

Clause 41 inserts 2 new sections.

23A—Voluntary invalidity/death insurance—prescribed members

Section 23A provides that prescribed members have such voluntary invalidity/death insurance as is prescribed by regulation and are liable for premiums in respect of that insurance fixed by or under the regulations. A prescribed member may apply to the Board for additional voluntary invalidity/death insurance.

An application under the section is to be made in a manner and form approved by the Board, and an applicant is required to provide the Board with prescribed information as to the state of his or her health. The Board may require an applicant to provide satisfactory evidence of the state of his or her health.

The Board is authorised to refuse an application, or to grant an application on conditions authorised by the regulations, if it appears to the Board that an applicant's state of health is such as to create a risk of invalidity or premature death, or that an applicant has in the past engaged in an activity of a prescribed kind that increases the risk of invalidity or premature death, or that an applicant is likely in the future to engage in such an activity.

A regulation made for the purposes of the section may make different provision according to the various classes of members, matters or circumstances to which the regulation is expressed to apply.

23B—Variation of voluntary insurance—prescribed members

Under section 23B, a prescribed member may apply to the Board to increase or decrease the level of his or her voluntary invalidity/death insurance. However, a prescribed member cannot apply to reduce his or her insurance below the level applicable to the member prescribed under section 23A.

42—Amendment of section 25—Contributions

Section 25(3) is amended by this clause to change a reference to 'police officer' to 'police member' because the subsection is not to apply to police officer members of the Triple S scheme who are not police members. Subsection (3a) is recast to make it clear that subsection (3) does not apply to police cadets.

Under proposed subsection (4a), the regulations may require that specified members, or members of a specified class, contribute at a prescribed rate. Different rates may be prescribed by the regulations in respect of different members and different classes of member.

43—Amendment of section 26A—Interpretation

This consequential amendment will have the effect of allowing members in respect of whom payments are being made to the Treasurer under new section 15C (see note to clause 35) to apply to the Board to make payments for the benefit of his or her spouse.

44—Amendment of section 26J—Benefits for spouse members

This amendment is made because of the insertion into the Act of a definition of retirement age.

45—Amendment of section 27—Employer contribution accounts

Section 27 is amended by this clause because of the payment of employer contributions on behalf of contributors to the Police Superannuation Scheme who become members of the Triple S scheme under new section 15C.

46—Amendment of section 31—Retirement

47—Amendment of section 32—Resignation

These amendments are made because of the insertion into the Act of a definition of retirement age.

48—Amendment of section 33A—Disability pension

As a consequence of this amendment, the Board will be required to consult with the Police Superannuation Board before authorising the payment of a disability pension to a police officer.

49—Amendment of section 34—Termination of employment on invalidity

As a consequence of this amendment, the Board will be required to consult with the Police Superannuation Board before authorising the payment of a benefit following termination of employment for invalidity to a police officer.

50—Amendment of section 35—Death of member

This amendment to section 35 is made so that a contributor to the Police Superannuation Scheme who is a member of the Triple S scheme by virtue of section 14(10a) or 15C is not entitled to a benefit under the section.

51—Amendment of section 36—Information to be given to certain members

Section 36 as amended by this clause will require the Board to advise a person who becomes a member of the Triple S scheme by virtue of section 14(10a) or 15C of his or her membership of the scheme. The Board will also be required to provide the person with information, including any prescribed information, as to the management and investment of his or her payments and the benefits to which he or she is entitled under this Act.

52—Amendment of Schedule 3—Transitional provisions

This clause inserts a number of transitional provisions connected to the transfer of new scheme contributors to the Police Superannuation Scheme to the Triple S scheme.

14—Interpretation

This clause includes definitions of various terms used in the transitional provisions. The prescribed date is the date on which Part 4 of the Police Superannuation Act 1990 is repealed by the Statutes Amendment (Police Superannuation) Act 2007.

15—Accounts for certain police officers

New clause 15 applies in relation to persons who become members of the Triple S scheme by virtue of section 14(2a) of the Act, which says that a person who was a new scheme contributor within the meaning of the Police Superannuation Act 1990 immediately before the repeal of Part 4 of that Act will be a member of the Triple S scheme.

The clause provides that the Board is to establish an employer contribution account and a member's contribution account in the name of each such member. The balance of the contribution account will be an amount equivalent to the amount standing to the credit of the member's contribution account maintained under the Police Superannuation Act 1990. The balance of the member's employer contribution account will be determined in accordance with subclause (4) (which operates subject to subclause (7)).

If the Police Superannuation Board is maintaining an investor's account, a rollover account or a co contribution account in the name of the member, the Board is to establish a rollover account in the name of the member. The balance of the rollover account will be the aggregate balance of the amount standing to the credit of the member's investment account, rollover account and co-contribution account immediately before the prescribed date. However, if the member has an investment account that consists of a salary sacrifice amount, that amount is to be credited to the member's employer contribution account.

If the member's accrued superannuation benefits, or a payment to which the member is entitled, have been preserved under Part 4 of the Police Superannuation Act 1990, a rollover account will be established in the name of the member and an amount equivalent to the accrued benefits or payment will form the balance of the account. The amount of the preserved benefit will be calculated on the basis of the payment to which the member would be entitled if the payment were being made to him or her on the day on which Part 4 of the Police Superannuation Act 1990 is repealed. The provisions of section 32(6), which describe what happens where a member has preserved a component of his or her benefits, will then apply in relation to the amount.

An application made by the member for a disability pension under the Police Superannuation Act 1990 that has not been determined before Part 4 of that Act is repealed will be taken to be an application for a disability pension under the Southern State Superannuation Act 1994.

The member will be taken for the purposes of section 25 of the Southern State Superannuation Act 1994 to have made an election to make contributions as a deduction from salary at a percentage equal to the rate at which he or she was required to contribute under the Police Superannuation Act 1990.

When a member to whom clause 15 applies retires from employment, he or she is entitled to the benefits payable to him or her under section 31 of the Southern State Superannuation Act 1994 or, if they would be greater, to benefits determined in accordance with the prescribed method. This provision applies to the member only if he or she has continued to make contributions until his or her retirement as a deduction from salary at a percentage equal to the rate at which he or she was required to contribute under the Police Superannuation Act 1990.

When benefits determined in accordance with the prescribed method are to be paid to a member, the Treasurer must pay into the Southern State Superannuation (Employers) Fund from the Consolidated Account the amount by which the amount of benefits payable to the member exceeds the amount of benefits to which he or she would have been entitled under section 31.

16—Police officers in receipt of disability pension

If a member to whom clause 14 applies is temporarily or permanently incapacitated for work immediately before he or she become a member of the Triple S scheme, and is in receipt of a disability pension under section 24 of the Police Superannuation Act 1990, section 24 will be taken to continue in force in relation to the pension and the member will not be entitled to a disability pension under the Southern State Superannuation Act 1994.

If, immediately before the repeal of Part 4 of the Police Superannuation Act 1990, a police officer is temporarily or permanently incapacitated for work and entitled to a disability pension that is suspended because he or she is in receipt of paid leave or workers compensation, the provisions of clause 15 will operate in relation to the member from the day on which he or she ceases to be entitled to paid leave, workers compensation or a disability pension. Until that day, the Police Superannuation Act 1990 will be taken to continue in force in relation to the member.

17—Children in receipt of pension

A child in receipt of a pension under section 26 of the Police Superannuation Act 1990, which is to be repealed, will continue to receive the pension during periods of dependency as if the Police Superannuation Act had not been amended.

18—Accounts for certain contributors to Police Superannuation Scheme

This clause makes provision for the establishment of a rollover account in the Triple S scheme in the name of a person for whom the Police Superannuation Board is, immediately before the repeal of Part 5A of the Police Superannuation Act 1990, maintaining an account under that Part. The balance of the new rollover account will be an amount equivalent to the aggregate balance of the amount standing to the credit of the person's investment account, rollover account and co contribution account. (However, if the balance of an investment account includes a salary sacrifice amount, that amount will be credited to an employer contribution account established in the name of the member.) If the account in the Police Superannuation Scheme was a rollover account or a co contribution account, he or she will be taken to be a member of the Triple S scheme by virtue of section 14(10a) of the Southern State Superannuation Act 1994. If the account was an investment account, he or she will be taken to have elected to become a member of the Triple S scheme under section 15C(1).

19—Amounts preserved for certain contributors to Police Superannuation Scheme

This transitional provision is necessary as a consequence of amendments to be made to section 34(1a) of the Police Superannuation Act 1990. The Board is to establish a rollover account in the name of each person for whom a payment is preserved under that section, or for whom benefits are preserved under section 34(1)(b), immediately before the prescribed date. The balance of the rollover account will be an amount equivalent to the superannuation payment to which the person would be entitled under section 34 if the payment were to be made on the prescribed date. The provisions of section 32(6), which describe what happens where a member has preserved a component of his or her benefits, will then apply in relation to the amount. The person will be taken to be a member of the Triple S scheme.

20—Balances of accounts

This clause makes provision for payments from, and reimbursement of, the Consolidated Account or special deposit account in relation to the creation of new accounts as required for the purposes of the transitional provisions.

21—Investment of transferred money

For the purposes of determining a rate of return under section 7A or 27 in respect of an account established pursuant to the transitional provisions, the Board and the Corporation are to determine the relevant class of investments, or combination of classes of investments, on the basis that the relevant member has not nominated a particular class or combination.

22—Administration costs associated with transition

Costs associated with administrative acts required under the transitional provisions are to be recoverable from the Police Superannuation Fund.

23—Other provisions

This transitional provision authorises the making of regulations of a saving or transitional nature consequent on the enactment of the Act.

Schedule 1—Statute law revision amendment of Police Superannuation Act 1990

Schedule 1 makes various statute law revision amendments of the Police Superannuation Act 1990.

Debate adjourned on motion of Hon. J.M.A. Lensink.

STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION) BILL

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

At 21:28 the council adjourned until Thursday 6 March 2008 at 14:15.