LEGISLATIVE COUNCIL

Wednesday 2 April 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:20): I move:

That the sittings of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the written answer to question on notice No. 507 of the last session and the following questions on notice of this session be distributed and printed in *Hansard*: Nos 119, 137 and 198.

DRUGS SUMMIT

507 The Hon. J.M.A. LENSINK (20 September 2006).

1. Which non-government organisations are being funded as a result of the 2002 Drugs Summit recommendations?

2. (a) How much has been granted to each organisation on a recurrent or one-off basis; and

(b) For what services?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): I am advised that:

1. The majority of funding that resulted from the 2002 Drugs Summit was provided to lead agencies in Government.

More recently, one-off funding of $206,000 has been provided until June 2008 through the Drugs Summit Initiative to establish the South Australian Network for Drug and Alcohol Services (SANDAS). SANDAS is the peak body for NGOs representing the interests of the South Australian alcohol and other drugs sector.

2. Drugs Summit funding indirectly increased the capacity of the non-government sector to respond to drug misuse issues.

For example:

- a number of Drugs Summit funded initiatives were joint projects that involved non-government agencies as key stakeholders in the conduct and consultation phase of these projects.
- several projects increased the capacity of NGOs to engage the target group by providing training and printed resources (eg, the dance party scene and heroin overdose projects).
- additional funding was provided to strengthen existing programs, such as the Drug Court to provide treatment and support services. Some of these support services are delivered by NGOs.
- funding of $450,000 was provided to the Department of Education and Children's Services for three financial years for school drug strategy work. This funding was shared proportionately across government and non-government schools based on per capita enrolments.
- a major outcome of the Aboriginal Drug Action Team trial was the building of stronger networks between SAPOL and Aboriginal communities and agencies within local service areas.

MARBLE HILL

119 The Hon. J.M.A. LENSINK (21 November 2007). Have contractual arrangements been finalised for the Marble Hill site, as indicated by the minister in a reply to a question on the Appropriation Bill on 1 August 2007?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): I am advised that:

Following the Expression of Interest process, negotiations are continuing with proponents.

DEPUTY PREMIER'S OFFICE

137 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 2007?

2. What positions were vacant as at 1 December 2007?

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 2007-08; 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 2006 and up to 1 December 2007 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 2007:

Position Title	3. MINISTERIAL CONTRACT/PSM ACT	4. SALARY & OTHER BENEFITS
Ministerial Liaison Officer (DTF)	PSM Act	ASO-7
Office Manager	PSM Act	ASO-7+
Personal Assistant to Minister	PSM Act	ASO-5
Senior Administrative Officer (part time—0.8 FTE)	PSM Act	ASO-5
Parliamentary Officer	PSM Act	ASO-4
Executive Assistant	PSM Act	ASO-4
Ministerial Support Officer (Cabinet) (part time—0.6 FTE)	PSM Act	ASO-3
Business Support Officer (DTF)	PSM Act	ASO-2
Business Support Officer (Reception & Industry and Trade)	PSM Act	ASO-2

+ plus access to car park

Details of ministerial contract staff are due to be printed in the *Government Gazette* in July 2008.

2. Business Support Officer (General)—ASO-2

3. See answer to Part I above

4. See answer to Part I above

5. (a) $1,395,000

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

- Ministerial Liaison Officer
- Senior Administrative Officer (part-time)
- Parliamentary Officer
- Business Support Officer
- Business Support Officer

6. Renovations—$4,375.43 (for window blinds)

Furniture—$6,281.00 (for sofa and chairs)

GROUNDWATER SAMPLING

198 The Hon. D.G.E. HOOD (14 February 2008). Is the Government using, or investigating the use of, hydrogeochemical exploration or 'groundwater sampling' as publicised by the CSIRO on 6 February 2008, for mineral exploration in South Australia?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (00:00): The Geological Survey within PIRSA has been actively collaborating with the CSIRO, CRC Landscape Evolution Mineral Exploration (LEME) and Geoscience Australia in the area of hydrogeochemical exploration for the last seven years. I am advised that PIRSA holds 301,538 water assays in the corporate SAGeodata database.

Sampling of water bores through the Gawler Craton, Curnamona Province, the Musgrave Province in the far NW of the State and part of the Adelaide Hills was completed by researchers from CRC LEME and CSIRO over a period of five years. The Geological Survey has been contributing $100,000 and up to seven staff as part of its commitment to the CRC LEME work.

The results from the regional work are due to be published in a number of CRC LEME keynote publications over the next few months, including the Gawler Exploration Regolith Guide and the Curnamona Exploration Regolith Guide.

ADELAIDE CITY COUNCIL ANNUAL REPORT

The PRESIDENT: I lay on the table the report of the Adelaide City Council 2006-07 pursuant to sections 131(6) of the Local Government Act 1999.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:21): I bring up the 15th report of the committee 2007-08.

Report received.

CHILDREN IN STATE CARE INQUIRY

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:22): I lay on the table a copy of a ministerial statement on compensation available to abuse victims made by the Premier today.

MURRAY-DARLING BASIN

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:22): I lay on the table a copy of a ministerial statement on the Murray-Darling Basin national plan made today by the Premier.

QUESTION TIME

POLICE, COOBER PEDY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Police a question in relation to a matter that was raised yesterday: Coober Pedy policing.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday, my colleague, the Hon. Terry Stephens, raised some issues in relation to 24-hour policing. It is interesting and timely that I have had some correspondence from a resident of Coober Pedy. When I thought the minister would be visiting Coober Pedy this weekend for the Property Council's Invest SA conference, I was going to take the opportunity to take him by the hand and go and meet these people so that he could see at first-hand that his policing policies are not working. However, I discovered last night when I perused the guest list that he is no longer going to the Invest SA conference.

I refer to two letters that I have received from this particular resident. The title of the comment is 'Protection for citizens of Coober Pedy', and it states:

> We have made our homes jails with bars and mesh to protect our homes and ourselves. We are frightened of what will happen next, it seems the police in Coober Pedy cannot do anything to help us prevent any dangerous situations that arise. The young...children as young as five are out till all hours of the morning breaking and vandalising shops and homes, this has to stop, we have had enough. In our neighbourhood there are Housing SA homes which are occupied by...families who have broken into our homes and stolen our items and nothing can be done, and we are made to feel we have no rights.

When I responded to say that I hoped that the minister may well be in Coober Pedy this weekend with me and we would arrange a meeting, the correspondent replied:

> The most pressing urgent matter at the moment is a family which is living in our neighbourhood in a Housing SA property, who have breached many rules including breaking and entering, stealing, vandalising, verbal abuse and threatening to burn our houses down. After many written complaints and police report numbers they are still there. We want them relocated as soon as possible.

In response to my colleague's question yesterday in relation to 24-hour policing, the minister said that we have 24-hour policing in Port Augusta, which is some 500 kilometres away. Clearly this is not working. The good law-abiding citizens of Coober Pedy are not safe in their own communities. When will the minister take the concerns of the residents of Coober Pedy seriously, as well as the concerns raised by members opposite seriously, and provide an adequate police service which protects the good law-abiding citizens of Coober Pedy?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:25): In fact, some additional police resources have been provided to Coober Pedy over the past 12 months, or so. My understanding is that there are two additional police officers, but I will get those details and bring them back for the honourable member. Additional police officers have been provided to Coober Pedy. As I said yesterday, many communities in this state would like additional police resources, as well as other additional resources for that matter. However, the honourable member opposite needs to understand that we must operate within the framework of a budget and all the additional demands that are placed upon the people of this state.

Certainly, members opposite are never backward in coming forward in asking for huge additional taxpayers' money to be spent everywhere. Indeed, over the next two years, as we approach the next election, I am sure the government will be in a position to remind the people of South Australia of all the things on which the opposition wished to spend additional money. Of course, what members opposite do not tell us is how they would be able to afford that. In relation to police, one can compare the opposition's wish list with its actual performance. Back in the mid 1990s, there were just over 3,400 police officers in this state. There are now more than 4,000, and we will—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: No, there is not.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, the Productivity Commission—

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —figures are almost 12 months old. The Productivity Commission figures relate to the end of the last financial year. This government has been continually increasing the police numbers. We have more than 4,000 sworn police officers in this state, and vastly more than the opposition ever produced. The people of South Australia are not foolish; they know the record of the previous government, and they know that their promises cannot be—

Members interjecting:

The Hon. P. HOLLOWAY: Well, under this government they know that within six years (the previous lot had eight years when police numbers went backwards) in places such as Coober Pedy the number of police officers actually increased, as they have right across the state. The Leader of the Opposition rather condescendingly referred to the need for me to go to Coober Pedy. I visit Coober Pedy on many occasions, because, of course, it covers my other portfolio of mining. I regularly speak to the locals up there. I am well aware that people would prefer a 24-hour police station, and why would they not?

Coober Pedy is a community of about 3,000 people. There are nearly 1.6 million people (and growing by about 16,000 a year under this government) in this state. In fact, as I said, under this government there has been a significant increase in police resources, but the allocation of those resources must be based on need.

Under the Police Act, the allocation of police officers is a matter for the Police Commissioner. As I said yesterday, the Police Commissioner is well aware of these needs. The police regularly look at the crime record, and they look at the time of the crime record. It is not just a matter of how much crime but when that crime occurs.

To have a 24-hour police service if there is relatively limited crime in the early hours of the morning does not make a lot of sense. We must deliver the best possible services available to the people of this state, and we will do it on need. If members opposite believe they can do a better job than the Police Commissioner—

Members interjecting:

The Hon. P. HOLLOWAY: Well, obviously, they do believe they can do a better job of allocating police officers than the Police Commissioner; so, they can go and sell that to the public in two years. I do not think the public will listen to them. The honourable member also quoted from a letter which was essentially about Housing SA problems, and he said how these people up there would—

The Hon. D.W. Ridgway: It's all about buck passing.

The Hon. P. HOLLOWAY: No. The quote from the letter was that he would like them relocated. I am sure that there are lots of people who might like their neighbours relocated, but I am not sure that it is a matter for the police to relocate people in various neighbourhoods.

POLICE, COOBER PEDY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): With respect to the figures that the minister quoted from February from the Productivity Commission, were they 12 months old like the figures that he claimed I was referring to?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:30): The Productivity Commission reports every year. It reports towards the end of the calendar year and, of course, it uses the results that are based on recently available information, which tends to be from the end of the financial year. In other words, the most recent figures used by the Productivity Commission would be, generally, for the 2006-07 financial year.

We all use statistics in this place. We all use the most recent available statistics. The figures that I would have used several months ago in relation to the proportion of the police force that is available would have been the most recent statistics available. The most recent statistics available from the Productivity Commission are those for the previous financial year.

Later on in this calendar year, no doubt, we will get an update on those figures for the 2007-08 financial year. We also have a number of other statistics available—some of them more recent. The police obviously have their own crime statistics, but in relation to the Productivity Commission figures, which the Leader of the Opposition was using, they are figures that applied about nine months ago.

CONTROLLED BURNS

The Hon. J.M.A. LENSINK (14:32): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question on the topic of controlled burns.

Leave granted.

The Hon. J.M.A. LENSINK: I have been contacted by some constituents in relation to a burn that has been conducted in the past 36 hours in the Ngarkat Conservation Park. I am informed that the department had to contact members of the CFS; and, indeed, CFS brigades were brought out to control the fire.

For several days the Bureau of Meteorology has been providing warnings of severe weather and damaging winds. Indeed, the warning that I am referring to states that, for people in Adelaide, the Mount Lofty Ranges, Yorke Peninsula, Kangaroo Island, the Mid North, the Riverland, the Murray Lands, the Upper South-East, the Lower South-East and parts of the Flinders districts, damaging winds averaging 60 to 70 km/h with peak gusts in excess of 90 km/h are forecast in the warning area.

My questions for the minister are: is there a list of criteria for initiating these burns? Was this burn compliant with those criteria, and was the CFS consulted beforehand?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:33): The Department for Environment and Heritage takes very seriously all measures to mitigate and manage fire protection programs, and prescribed burns is part of that management program. It is amazing that we are accused of not doing enough of them and then, when we do them, we are accused of doing too many of them.

I am advised that we have a significant program around our prescribed fire burns program that is managed and monitored very carefully. DEH is responsible for fire management on land under its control, as you know, and that is about, obviously, ensuring the protection of life and property and, obviously, the maintenance of biodiversity values as well. So, we try to balance all of these things. DEH manages in excess of 20 million hectares of protected area reserve across the state. So, it is indeed a very complex task.

DEH has committed in excess of $7.3 million in 2007-08 to implement a statewide fire management program and, as at 18 March 2008, DEH staff attended 62 fires across the state during the 2007-08 fire season. The area burnt totalled many hundreds of hectares, and it involved private and forestry lands. As we can see, the potential threats are very significant for us, so these prescribed burn plans play a very important part in helping to protect these properties.

The impact of bushfires and also the prescribed burns is continually assessed through the establishment of monitoring programs to facilitate adaptive management programs, and we do that in an ongoing way. Throughout the state, 17 prescribed burns were proposed for spring 2007, but drought conditions in parts of the state in early spring and late rains in November impacted on the program, with 12 burns (totalling 1,070 hectares) being completed. Approximately 34 prescribed burns are proposed for autumn 2008, totalling in excess of 7,000 hectares. So, members can see that it is part of a very large program.

Research burning associated with project FuSE was undertaken during March in the Ngarkat Conservation Park, with nine of the scheduled 15 burns completed. Record high temperatures impacted on completion of the program. However, researchers were able to gather valuable data from aerial suppression and fire behaviour experiments in the mallee and heath fuel types. Obviously, the—

The Hon. D.W. Ridgway: What has this to do with Ngarkat?

The Hon. G.E. GAGO: Well, I have just mentioned the program going on in Ngarkat. The honourable member needs to wake up. I have just outlined a program that is being undertaken in the Ngarkat Conservation Park. It is part of a program of prescribed burns, which is part of an overall management program for the state. In terms of the questions around consultation with the CFS, I have been advised—

The Hon. Carmel Zollo interjecting:

The Hon. G.E. GAGO: As my colleague responsible for the CFS says, they are always advised. So, those protocols were adhered to. To the best of my knowledge, the advice is that

there is a set of protocols and guidelines associated with these burns, and my advice is that those burns are conducted in a way that adheres to those procedures and protocols.

AERIAL FIREFIGHTING

The Hon. S.G. WADE (14:38): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about aerial firefighting.

Leave granted.

The Hon. S.G. WADE: In late February, the CFS warned that the fire danger season was still with us and that the community needed to remain bushfire ready. The CFS Deputy State Coordinator, Tim Davis, has said that we are still in the peak of the fire danger season, that bushfires are still a very real threat across the state and that the community should not become complacent. However, the opposition understands that, in spite of the high risk, the government allowed contracts for three firefighting helicopters to expire in late February/early March and these aircraft left the state.

March saw fires in Gumeracha, Kalangadoo, Williamstown, Willunga, Balhannah, Freeling, Naracoorte, Bordertown, Penola and the Coonawarra. My questions are:

1. Did the government fail to take the opportunity to extend the contract for three firefighting helicopters and to retain their services through March?

2. Was this decision based on a CFS assessment that the service did not need access to these aircraft in March?

3. Can the minister assure the council that reports that Treasury refused to extend the contracts on financial grounds are without foundation?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:40): I thank the honourable member for his question because it allows me to place on record this government's commitment to funding for emergency services in this state.

Clearly, aerial firefighting is a very important tool in fire suppression in the state and, in relation to the extension of any of the contracts, we had to bring them online earlier because of the dry season. I point out that we have had extension after extension throughout this whole time. I do not interfere. It is an operational decision in relation to how long the aircraft operations are extended for. As the season has progressed, the bushfire index (the soil dryness index) is looked at and, depending on the type of weather we have as we come into autumn, some of those contracts do come to an end. The call is made by the CFS at the operational level.

I had a briefing this morning from Chief Officer Euan Ferguson, and I advise the chamber that we still have the Erickson air crane here. I understand it is leaving tomorrow for overseas, but it has been here since the KI bushfires ready to support our wonderful CFS volunteers who work on the ground. Again, the contracts have been brought to a natural conclusion, first, depending on the availability because these aircraft do not stay in the one place. They are contracted to go with different bushfire seasons in different countries. Air support is still here in Adelaide, and it is looked at on a week-by-week basis from the beginning of March.

We still have with us two fixed-wing air tractors and a Cessna surveillance aircraft operating in the Mount Lofty Ranges, as well as two fixed-wing air tractors and a Cessna 172 surveillance aircraft in the lower South-East. A fixed-wing bomber on the lower Eyre Peninsula and two fixed-wing bombers for the secondary response zone concluded their contracts only last week. As I said, they are looked at on a week-by-week basis and a decision is made by the CFS at the operational level. As minister, I would never interfere with the advice that is provided to me at the operational level.

WHYALLA STEELWORKS

The Hon. R.P. WORTLEY (14:42): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Whyalla steelworks.

Leave granted.

Members interjecting:

The Hon. R.P. WORTLEY: The only time the opposition likes talking about regional areas is when there is gloom and doom and hardship on the land. Members opposite hate hearing good news stories.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Whyalla is currently undergoing an economic revival. Jobs are being generated and investments are being poured into the city. Will the minister provide an update on the changing fortunes being experienced by the city of Whyalla?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:43): I am delighted to do that for the honourable member. As he says, it is a pity that members opposite dislike hearing good news, because the future of Whyalla is looking bright; in fact, it is the brightest it has looked for decades. I was delighted, last month, to attend OneSteel's Project Magnet ceremony at the mine site just outside Whyalla at Iron Duke.

OneSteel has invested $400 million in Project Magnet to extend the life of the Whyalla steelworks. That is a major commitment to this important regional city and this state that will strengthen an important industry. At the core of Project Magnet, which is now fully operational, is the conversion of the Whyalla steelworks to produce steel from magnetite ore rather than hematite and also the increased sale for export of hematite ore.

The major advantage of Project Magnet is the ability for the upgraded plant to use magnetite reserves—a move that is expected to extend the life of the Whyalla steelworks from 2020 to at least 2027. Of the 11,600 workers employed by OneSteel across Australia, more than 1,700 work in Whyalla, and that workforce does not include the large number of contractors that service the mining, transport and steelworks activities of OneSteel.

As a consequence of the conversion to magnetite as a feedstock, OneSteel will be able to increase its hematite iron ore sales from about 1 million tonnes to 4 million tonnes a year. Steel production will grow by an additional 100,000 tonnes a year and about 200,000 tonnes a year of pellets can also be produced for sale as a result of Project Magnet.

With any project like this, there are environmental elements to be considered. I am pleased to say that Project Magnet has already delivered a significant reduction in 'fugitive' dust in the area, to the benefit of the residents of Whyalla.

However, rather than take a legal approach to the problem of dust in Whyalla that could have dragged on through the courts for years without success, this government took the opportunity offered by Project Magnet to lock in real benefits for the community of Whyalla. The significant reduction in fugitive dust in Whyalla is a direct result of a concerted effort by OneSteel in consultation with the community and the state government to improve air quality.

As part of Project Magnet, OneSteel has converted the pellet plant feed to a wet slurry operation and has covered exporting facilities for iron ore handling. Both these improvements are significantly reducing the impact of dust on the local community. This remarkable environmental achievement highlights OneSteel's commitment to both the project and the community.

Over the past five months there has been, I believe, a very significant reduction in dust levels. This is a promising outcome given that the summer is traditionally the driest and, therefore, the dustiest time of the year in this part of the state. The proof of the pudding, however, will be in the longer-term monitoring of air quality. So far, the indications are that the 40-year-old red dust problem in East Whyalla is well on its way to being resolved.

Agreed community dust targets come into force from January this year, and improvements have been made as Project Magnet has come into full operation. Whyalla has also entered a new era in community engagement with the successful operation of the Environment Consultative Group and the apparent healing of the differences between OneSteel and the Whyalla Red Dust Action Group. It is important that everyone continues to foster the cooperative relationship that has begun to manifest itself in Whyalla.

To further reduce environmental impacts in the area, Operation Magnet has introduced a transhipping operation that eliminates the need for major dredging of the Whyalla port. Transhipping allows the use of large cape size vessels, which dominate the international iron ore trade, to load from Whyalla.

Importantly for this state, this project demonstrates that large-scale manufacturing and mining operations can and should be implemented to provide necessary economic growth, but in ways that minimise the impact on the environment. The big news for Whyalla is that not only are jobs and prosperity strengthened for the next 20 years but also better environmental conditions (and, therefore, improved living conditions for all Whyalla residents) have been achieved as a direct consequence of the investment by OneSteel.

This government is absolutely committed to providing the certainty and support that allows business to invest in the kinds of projects that bring major economic benefits to the state and its people. This government has provided such support and regulatory certainty through amendments to the indenture legislation to allow companies such as OneSteel to confidently implement this project.

Project Magnet is undeniably great for this state and a major boost for Whyalla. The expansion of the operations has brought a range of employment and economic development opportunities to the Upper Spencer Gulf. These include 150 apprentices for OneSteel's operations and the resumption of the engineering cadetship program and an engineering degree course in Whyalla.

OneSteel will continue to invest in the future by implementing apprenticeship, cadet and graduate programs to ensure a skilled workforce. This sort of on-the-job training in a key industry is critical at this time when South Australia and the nation are both crying out for a skilled workforce. Project Magnet is playing a major role in providing a sustainable and competitive steelworks business. That is good news for the people of Whyalla and it is good news for the people of South Australia.

DRUGS, PENALTIES

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:48): I table a ministerial statement made by the Attorney-General today on the subject of tougher penalties for hydroponic cannabis and amphetamines.

QUESTION TIME

STOLEN PROPERTY

The Hon. D.G.E. HOOD (14:48): I seek leave to make a brief explanation before asking a question of the Minister for Police.

Leave granted.

The Hon. D.G.E. HOOD: On the evening television news on Monday this week (31 March) and also on page 8 of *The Advertiser* yesterday (1 April) as well as by media release on the South Australia Police website, the South Australian police advised that they had attended a Blair Athol home seizing over 2,600 items of stolen property that the SA police had, so far, identified as being linked to 16 house break-ins throughout the metropolitan area of Adelaide.

Via the news stories the police invited members of the public who had been victims of recent house break-ins to 'contact police at Northern Operations Service Tactical Unit office by phoning 8270-6972 between 12 midday and 7pm on Tuesday 1 April'. Of course, that was yesterday. The purpose of the phone-in was to identify items that may belong to members of the public.

Following that, a constituent who lived in the inner northern suburbs and whose house had been broken into recently rang that number some 16 times during the seven-hour call-in window and on 15 occasions the line was engaged and on the other occasion the line rang out. So, the individual was never able to speak to somebody at the end of the so-called hotline. My questions are:

1. What went wrong?

2. Does the situation reflect the lack of adequate resources available to South Australia Police?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:50): I imagine that, if the phone were engaged 15 times, a large number of people could have been ringing in relation to this matter. Certainly, I can do two things for the honourable member: first, I will obtain an explanation

from SAPOL as to what happened in relation to the phone-in; and, secondly, if the honourable member provides me with the name of the constituent, I will ensure that the relevant police officers ring that person as soon as possible to get a response.

TOURISM OPERATOR, INNAMINCKA

The Hon. C.V. SCHAEFER (14:50): I seek leave to make a brief explanation before asking the Minister for Environment a question about tourism in Innamincka.

Leave granted.

The Hon. C.V. SCHAEFER: I have part of a letter from the proprietor of Cooper Discoverer Cruises in which he refers on a couple of occasions to National Parks. However, on inquiry, his complaint is indeed with the Department for Environment and Heritage. His letter states:

> ...I have been forced to cease my cruise boat operation on Cooper Creek at Innamincka.
>
> The constant financial harassment from National Parks and the continual demand of 10 per cent of my turnover—which is far greater than the percentage incurred by the majority of operators...combined with the lack of help from Tourism SA over the past six years, has forced me into this position of having to cease operation.
>
> Unfortunately, there seems to be no incentive to operate in these harsh, remote environments—just very large disincentives…my attempts to negotiate with National Parks all have failed. If you wish to pen a letter—

which is a letter to his customers—

> in support of my situation, please send direct to federal counterparts...as I have found over the last six years on a state level, that will only get a 'Yes Minister' response, if any at all.

My questions are:

1. Is the minister aware that her department has forced this tour operator out of business?

2. Does she believe that 10 per cent of turnover is excessive for what is called a 'visitor user fee'?

3. What services are provided at Innamincka for these visitor user services and fees?

4. Why have departmental officers refused to negotiate with this operator?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:52): I am not aware of this specific case nor of any correspondence to me from this person (although this person's name was not mentioned—not that I am asking for that in parliament); however, my office may have, and I am not too sure whether or not the department has received any communication. I would be very pleased to receive from the honourable member a copy of the correspondence.

If the honourable member were really concerned about the interests of this individual, I would have thought she would approach me or my senior officers and attempt to do something about it.

The Hon. C.V. Schaefer interjecting:

The Hon. G.E. GAGO: I am not aware of any correspondence from this person. He may have been communicating for six years, but it certainly has not been with me that I recall, although I do receive a lot of correspondence. However, I am sure that I would remember an issue such as this. I will check my correspondence.

As I do not know the specific details of this operator, I can speak only in general terms. Of course, the department's responsibility is to protect the environment of our very important parks and reserves. We spend a great deal of money on their management and upkeep, and they are critical to our tourism industry not just because of environmental and biodiversity values in their own right but also because of their important link with tourism.

This government is very sensitive to business interests and the South Australian economy overall, so we work hard to attract and support local businesses, not just in terms of the impact it has on the individual person and their families but we are also aware of the importance of supporting local and regional communities and their contribution to the economy overall. So these are important links and this government is very sensitive to those and we try to balance those interests wherever we possibly can, and sometimes that is a very challenging and difficult thing to do.

I am not too sure of the sorts of impacts this operation may be having on the environment. Around Innamincka it is a very sensitive and valuable environment. In general terms visitor fees contribute to the maintenance and management of our reserves system, the maintenance of roads and visitor amenities, and the management of things like weeds, feral animals and such like. To my knowledge, they are the sorts of things that visitor fees assist.

I am certainly not aware that my agency or ministerial office has refused to negotiate with this person: I find that very hard to believe. My department has a very good history of working with members of the public. After all, our reserves system is a community and public asset, and my department has a very strong track record of working well with the public. That is not to say that there are not at times a very challenging set of different interests that have to be balanced. If the honourable member cares to afford me the courtesy of showing me the details of this complaint, I am more than happy to follow it up.

McLEAN, PROF. J.

The Hon. B.V. FINNIGAN (14:57): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about the retirement of Professor Jack McLean.

Leave granted.

The Hon. B.V. FINNIGAN: For more than 30 years Professor McLean has been dedicated and committed to improving road safety in South Australia. Will the Minister for Road Safety outline some of his achievements and the impact his research has had on significantly reducing the road toll?

Members interjecting:

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:58): It is regrettable that members opposite are not interested in respecting the work of Professor Jack McLean.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will give the minister a fair go and be quiet.

The Hon. CARMEL ZOLLO: It is regrettable that members opposite do not care about the important work of Professor Jack McLean. It would be impossible to guess how many lives have been saved through the implementation of road safety policies and programs based on the recommendations arising from Professor Jack McLean's research. Perhaps they should speak to a former member of this chamber, the Hon. Diana Laidlaw, who I am sure has enormous respect for Professor Jack McLean's work.

There is no doubt that Professor Jack McLean has played a major role in the impressive reductions that have occurred in the Australian road toll since his work began. On Saturday night I was pleased to speak at the retirement function for Professor McLean. He has an extensive and impressive curriculum vitae. After completing a Bachelor of Engineering degree at the University of Adelaide in 1961, he held a series of research posts in the United Kingdom, the United States and Australia before being awarded a Master of Engineering from the University of Adelaide in 1968. Studies at Harvard University led him to being awarded further degrees: a Master of Science in Hygiene in the field of environmental health and a Doctor of Science in the fields of epidemiology and biostatistics. Upon achieving his doctorate, Professor McLean returned to Adelaide, where he founded the Road Accident Research Unit, now known as the Centre for Automotive Safety Research.

In the remainder of the decade he established the unit as a centre for excellence and innovation in the field of in-depth at-scene road accident investigation. His research set the benchmark for in-depth investigation of road crashes as recognised by the World Health Organisation.

As Minister for Road Safety, I thought it fitting to speak about Professor McLean's direct impact on the South Australian community through CASR. CASR represents an independent research voice that has led debate and generated practical change on the ground. The greatest single impact has been in the area of speed. The research project led by Professor McLean that identified the casualty risk associated with crashes at different speeds will surely go down as one of the greatest pieces of research ever to come out of South Australia.

The research findings reverberated around the world and underpinned the introduction of the default 50 km/h speed limit in Australia, and they will play an ongoing role in reducing the dreadful burden that road crashes place on human life. Professor Jack McLean's work represents a shining example of the way in which South Australia can be the base for highly relevant, sophisticated and important research that not only benefits South Australia but has a positive effect on the worldwide community.

On behalf of the South Australian government I would like to officially acknowledge and thank Professor McLean. I would also like to officially welcome Professor Mary Lydon who will be filling Professor McLean's rather impressive shoes. Professor Lydon is an expert in road safety, traffic management and road design. She has more than 30 years experience in the field and is expected to build on CASR's outstanding worldwide reputation as a leader in automotive safety research.

Again, I thank Professor Jack McLean for his public service to this state and, indeed, to the world community.

Honourable members: Hear, hear!

COMPUTER SYSTEMS

The Hon. J.A. DARLEY (15:02): I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Transport, questions in relation to legacy computer systems.

Leave granted.

The Hon. J.A. DARLEY: As the minister should be aware, a number of the state's major revenue systems such as water and sewerage, land tax, the Emergency Services Levy and the Natural Resources Management Levy rely on base data from the valuation/lands titles information systems, which are regarded as legacy systems written in an obsolete computing language, COBOL, up to 38 years old.

In addition, the number of personnel competent in these obsolete language skills is limited and they themselves are in their twilight years and the systems analysts responsible for the design of the systems have all but disappeared. My questions are:

1. Will the minister advise what funds, if any, were allocated in the 2007-2008 budget for the replacement of these systems and what progress has been made to date?

2. Will the minister advise what the total anticipated cost of replacing these systems will be?

3. What is the intended time frame for completing the project?

4. What preventative measures are currently being taken to avoid catastrophic failure of the systems and any consequential effect on the major revenue collection systems of the state?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:03): I thank the honourable member for his question. I will refer that on to the Minister for Transport, Energy and Infrastructure in the other place and bring back a response.

STURT HIGHWAY

The Hon. J.S.L. DAWKINS (15:03): I seek leave to make a brief explanation before asking the Minister for Road Safety a question in relation to road safety on the Sturt Highway.

Leave granted.

The Hon. J.S.L. DAWKINS: Last month I asked a question of the minister regarding the delays in the construction of a weighbridge adjacent to the Yamba fruit fly roadblock and the resultant community concerns about road safety, particularly relating to the potential overloading of heavy vehicles.

Since that time, I have been advised that, after years of planning for the weighbridge at Yamba by Primary Industries and Resources SA, SAPOL and the Department for Transport, Energy and Infrastructure, a decision has been made to move the proposed weighbridge to a new site. My questions are:

1. Will the minister confirm that DTEI has now determined that the Yamba site is unsuitable due to the traffic disruption which could be caused during the annual recalibration of the weighbridge?

2. Will the minister advise the council when this decision was made?

3. Given the long period of planning by the three South Australian government agencies, when was the issue of the traffic disruption first raised?

4. What action has been taken to find a new, suitable location for a Riverland weighbridge on the southern side of the Sturt Highway?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:05): I thank the honourable member for his questions in relation to the weighbridge at Yamba. The honourable member has asked me a series of questions in relation to this issue. I do not have those answers with me today. Clearly, I will ask the Minister for Transport in the other place to respond to the honourable member.

HEYSEN TRAIL

The Hon. I.K. HUNTER (15:05): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Heysen Trail.

Leave granted.

The Hon. I.K. HUNTER: The Heysen Trial is a South Australian icon, not only a testament to the state's past but also to this day a great way to experience our natural environment. Even I, sir, someone not known to engage in an awful lot of physical activity, have been seduced into walking a very short stretch of it.

The Hon. J.M. Gazzola: How much?

The Hon. I.K. HUNTER: Very short, and it took a whole day. It might take the Hon. Mr Gazzola only 30 minutes, but it took me a whole day. So, it must have rather broad appeal. It is important therefore to ensure that the trail is maintained for our cultural heritage and the use of avid and occasional walkers alike, and so it does not lose its unique ability to persuade Norms (like me) to get up off the couch and enjoy the pleasures of walking along the easier sections of the trail. Will the minister inform the chamber of recent work to upgrade the Heysen Trail?

An honourable member interjecting:

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:06): We do not plan to make it all downhill, I am sorry. I thank the honourable member for his important question.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: Yes—bad humour on the other side of the chamber. Obviously, he got out of bed on the wrong side today. Poor old Mr Grumpy! I am pleased to report that a section of one of South Australia's iconic trails has recently received a significant—

Members interjecting:

The Hon. G.E. GAGO: Mind you, he could do with a good walk, too, Mr President. A bit of a walk along this trail or, in fact, anywhere at all, would do the honourable member a world of good. I am very pleased to report that this section of one of South Australia's iconic trails has recently received a significant $90,000 upgrade. The upgrade of a four kilometre section of the Heysen Trail in Deep Creek Conservation Park will be completed and open for use by South Australia's enthusiastic walkers—and even those who are not so enthusiastic—by Saturday 12 April. This work, enhancing a very badly eroded section of the trail, will significantly improve the walking opportunities in this very beautiful part of Fleurieu Peninsula. The works also include look-out areas, with natural stone seating formed into the edge of the trail.

The trail alignment provides walkers with access to cool valleys and spectacular views of Backstairs Passage and the Boat Harbour Creek Gorge. The new pedestrian counter on the new

section of the trail will keep track of walker numbers, giving us a much clearer picture of the number of people venturing along the trail.

Deep Creek Conservation Park visitor numbers are growing, with more than 40,000 visitors attracted last financial year, many of them taking in the spectacular coastline scenery of Cape Jervis looking out to Kangaroo Island. Completion of the upgrade comes just ahead of the anticipated release of the forthcoming strategy of the Department for Environment and Heritage (DEH) to better manage more than 7,000 kilometres of trails in South Australia's protected areas.

The Chief Executive of DEH, Allan Holmes, will walk a section of the trail next Thursday to inspect the new work first-hand. Like many South Australians (including me), he is a keen walker. Deep Creek is one of the most popular destinations for Adelaide residents seeking a day trip, taking in Waterfall Gully, Para Wirra and Granite Island.

An estimated 40 per cent of visitors suggest that walking is their main activity when visiting South Australia's protected areas. I would like to thank the many members of the Friends of the Heysen Trail group who help manage this iconic outdoor attraction. The Heysen Trail stretches 1,200 kilometres from Cape Jervis to Parachilna Gorge in the Flinders Ranges and passes through national parks, state forests and several towns offering walkers very attractive overnight accommodation.

WHYALLA STEELWORKS

The Hon. M. PARNELL (15:10): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about dust exceedences at the Whyalla steelworks.

Leave granted.

The Hon. M. PARNELL: On 5 December 2007, the Whyalla Health Impact Study report was finally released. The study was undertaken in response to widespread community concerns about the possible health effects of red dust from the nearby OneSteel works. It found an extremely worrying cancer rate: 95 cases of lung cancer in Whyalla between 1999 and 2004, which was a rate 50 per cent higher than expected. It also found higher than expected hospital admission rates for asthma and chronic lung diseases.

Under the Freedom of Information Act, I discovered that cabinet had actually signed off for release of the Whyalla health study in July 2007 and the report itself was completed by the department six months before that. The reason for the 12-month delay in releasing the report, given in the documents I obtained, was to enable:

> ...negotiations between government departments and OneSteel about dust emission management, Project Magnet and new standards to be incorporated into the indenture.

In fact, on the same day that details of the health study were released, minister Holloway and minister Hill announced that new conditions would be placed on OneSteel to restrict the number of days the Whyalla steelworks would be permitted to emit elevated levels of fine dust, so that exceedences of the national health base standard would be reduced from around 30 days a year (currently) to 10 days a year in 2008, and reducing to five days a year by 2011. In the minister's press release of 5 December he said:

> These stricter requirements negotiated with OneSteel will be incorporated in its indenture, which needs to be formalised by state parliament.

As members would be aware, section 15 of the Whyalla Steel Works Act provides:

> If the environmental authorisation is varied, the minister must cause a copy of the variation and the environmental authorisation as varied to be laid before both houses of parliament.

Yet as of today, some four months down the track, the new licence conditions have not been tabled. Contrary to what the minister told this council earlier in response to another question on OneSteel, rather than the last five months getting better for the dust situation in Whyalla, members should note that there have already been five exceedences, out of the possible 10 allowed for 2008, in just one eight-day period between 9 and 17 March. That is recorded at the EPA's monitoring station in Wall Street, which is just across the road from the primary school. On 18 March, which was the day after the highest of those readings, minister Foley was in Whyalla, stating:

> The changes brought about by Project Magnet are leading to a significant reduction in dust, which has been a problem for Whyalla residents for many years.

My questions to the minister are:

1. Are the new environmental conditions for OneSteel formally in place for the year 2008 and, if so, on what date did they formally come into effect?

2. If the new conditions are in place, why have they not been tabled in parliament, as required under the Whyalla Steel Works Act? (I note that we have had 11 sitting days since the announcement was made.)

3. Why did you choose to announce the new environmental conditions for OneSteel on the same day and at the same time as the release of the Whyalla Health Impact Study report?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:13): It is probably inevitable that a member of the Greens would seek to raise this matter, when there is good news, when Whyalla is now, in fact, economically thriving for the first time in 20 years, and when they are actually building new houses—after 20 years it is finally happening. What is more, in Whyalla the environment has never been so good. When you fly in you do not actually see the huge clouds of dust.

If the Hon. Mark Parnell had still been there at the environmental defender's office, he would still be fighting away on this in the courts. There would be taxpayers' money and other people's money going into the court system, rather than having investment to actually fix the problem.

I think it is absolutely extraordinary that the Greens can find a negative in this situation, when we have had the successful investment in a new industry, which has not only improved the employment and economic outcomes of a city but also significantly reduced the fugitive dust problem in that city. Indeed, the Greens are about the only people who can find a negative in that news.

The Hon. M. Parnell interjecting:

The Hon. P. HOLLOWAY: We have just had—what was it—15 days of temperatures above 35 degrees in this city. This state has gone through one of the driest periods in the state's history. It is not surprising that, in such a period of the worst drought ever recorded since white settlement in this state, one would get dust in remote regions of the state; that is scarcely surprising. Whether that is due to fugitive dust is another matter. Whyalla does have, and always will have, a dust problem because of the nature of the environment around there.

We have been seeking to significantly reduce the fugitive dust problem from the works that are associated with the steelworks, that is, the crushing plant. In relation to that, the old equipment has to be demolished. That is why we are putting in the new standards, which, to answer another part of the honourable member's question, I think apply from December or some time in January this year (I will get the exact date for the honourable member).

In relation to those new standards, we have seen that they did allow for the fact that, during the dismantling of the equipment, when those huge old buildings that enclose the crushing plant that is situated right next to East Whyalla are being taken down, that will inevitably create some dust. I believe that work is already underway, but it will take up to two years or more for that work to be done, so there could be some problems then.

There also has to be some remediation of the area where the ore was formerly stored and, as I understand it, that work is underway, but it has not helped that we are in the worst drought in this state's history. Of course, in relation to using precious water to suppress dust: first, it is less effective when the temperature is high; and, secondly, there are, of course, limitations on water use in the area.

The new slurry process is up and running and has been since last year, and that will eliminate the need to have the crushing of ore at the edge of the town rather than having it at the mine site some 30 or 40 kilometres away.

The other matter the honourable member raised was in relation to the health study. As was pointed out at the time, the findings of the health study were inconclusive. However, we took the opportunity presented by Operation Magnet to ensure improved environmental conditions for the people of Whyalla and the use of world's best practice at the upgraded OneSteel operations.

Contrary to what the honourable member said in the press (the question he has asked today is something he has already raised through the *Independent*), OneSteel was never in a

position to negotiate the contents of the health study and was informed of its outcome only shortly before the public announcement of the air quality conditions in December, despite the honourable member's outrageous and unsubstantiated claim.

There was no reason that negotiations with OneSteel on the environmental standards and other issues related to the indenture should have been put on hold while a thorough analysis of that health study was being carried out. The honourable member well knows that that health study is inconclusive in relation to the cause. In fact, the areas of Whyalla that have the highest rates of cancer are not those at East Whyalla, adjacent to the crushing plant, where one would expect the dust level to be high. There are a number of possible reasons for health issues in Whyalla, and they are the province of my colleague the Minister for Health.

In relation to this government's actions, what we have done is enable fugitive dust issues to be addressed through the indenture because, whether or not they are the cause of ill-health, they are certainly an issue in relation to the quality of life for people in Whyalla.

We have had $400 million of investment, and it needs to be pointed out that that is not just for the capital works of the new crushing plant at Iron Duke. I think up to $60 million of that is for work specifically designed to improve the environment and the quality of life of the people of Whyalla. A significant amount of that $400 million expenditure was for enclosed rail carriages and other environmental measures specifically to reduce the fugitive dust issue.

I said in my answer to a question earlier today that the proof will be in the pudding in the long term when we get those results over the next couple of years, because that will facilitate issues such as the dismantling of the plant and the rehabilitation of the dump sites. It is certainly my expectation and, indeed, the environmental standards require that there be that significant improvement in the levels of fugitive dust and they have to meet those standards which are world's best practice.

WHYALLA STEELWORKS

The Hon. M. PARNELL (15:21): I have a supplementary question. As the minister said, given that the new standards are in place—and I await his notification of when exactly that was—when will they be tabled in parliament so that members and the community will know exactly what standards he has imposed on the company?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:21): Obviously, there is no secret in relation to those standards. I will ensure that they are provided as soon as possible.

BUSHFIRES

The Hon. R.D. LAWSON (15:21): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation questions about bushfire prevention.

Leave granted.

The Hon. R.D. LAWSON: The minister's department has recently acknowledged that it was responsible for a bushfire which occurred in Brownhill Creek on 17 January this year. That bushfire tore through 29 hectares of scrub and it took about 120 firefighters and an army of CFS, MFS and departmental vehicles almost four hours to contain it. As the owner of a property which adjoins the site of that bushfire, my family and I are exceedingly grateful to those officers for their work. But the department has now announced that it has introduced an interim work practice for grass-cutting until a statewide policy is developed. The department has stated that these new rules just introduced are as follows:

- Until the end of the fire season, the environment department slashers must always be used by an operator with fire equipment kept nearby, regardless of the fire danger rating;
- a 9-litre fire extinguisher and firefighting rack-hoe will be fitted to each tractor used for slashing;
- slashing will not be permitted when the forest fire danger or grass fire danger rating is either high or very high; and
- operators should undertake slashing early in the morning and only in areas of high asset protection.

My questions are:

1. Will the minister confirm that until this recent announcement her department did not have any policy on grass-cutting in bushfire-prone areas, that there was no requirement for departmental slashers to be operated with fire equipment close at hand, that there was no policy on slashing in forest fire or grass fire danger areas where the rating was high or above, and that there was no requirement prior to these latest interim rules that operators undertake slashing at times when bushfire risk was minimised?

2. When will the new statewide policy in relation to this matter be introduced?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:25): An investigation by senior DEH officers into the cause of the fire at the Brownhill Creek Recreation Park on 17 January 2008 has confirmed that the fire started when a tractor-mounted slasher struck a rock, causing a spark which ignited grassland. The slasher was being used to create firebreaks in very rugged terrain next to private properties, and this work was being conducted within the legislative requirements of the Fire and Emergency Services Act. That is the framework within which these activities were occurring.

After investigating the cause of the fire, DEH introduced a new work practice for grass slashing to provide additional precautionary measures. Under this work practice a DEH fire appliance equipped with a water tank, pump and hoses and an operator will always accompany a slasher operation, regardless of the fire danger rating. A nine-litre fire extinguisher and a fire-fighting rake hoe have been fitted to each tractor used for slashing, and no slashing will be undertaken when the forest fire danger or grassland fire danger rating is very high or above.

In terms of policies relating to slashing prior to that, I am not aware of details, other than, obviously, the legislative requirements relating to the Fire and Emergency Services Act. However, I am happy to provide those details and bring back a response.

ANSWERS TO QUESTIONS

CHILD ABUSE LINE

In reply to the **Hon. J.S.L. DAWKINS** (14 November 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 Families and Communities has provided the following information:

The average call waiting time is four minutes. However, this can obviously be longer when call volume increases. The need to manage a large volume of sensitive calls for assessment for Families SA intervention and the development by Families SA of a new model for the Care and Protection System, have led to considerable analysis of the call management processes and work practices at the CARL over the past 12 months.

The volume of calls to CARL is highly variable. The peak time for call volume is between 2pm and 4pm weekdays, during which time the highest assignment of staff answering calls is made.

Expert advice was sought on improvements to CARL's call handling processes and the use of improved telephone systems.

Changes that are about to be implemented include:

- The adoption of skills-based routing, to allow calls to be taken by the most appropriate social worker/team.
- The introduction of a 'hold script' so that when callers are on hold they will be provided with helpful and informative information.
- Callers to be advised what number they are in the queue.
- The expansion of E-CARL, an electronic child protection notification system, to SAPOL personnel. SAPOL are the second highest notifier group after teachers. The aim of this is to provide alternative means of notification other than telephone to a large notifier group.
- The development of a CARL portal on the DFC website to assist notifiers with information regarding notifying abuse.

- Further consideration will be given to the adoption of call centre methods to manage calls, for example when sudden or unexpected peaks in caller volume occur.

DISABILITY, MODIFICATION OF MOTOR VEHICLES

In reply to the **Hon. C.V. SCHAEFER** (27 March 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 provided the following information:

The question raised does not provide particulars of the vehicle modifications(s) required or why the constituent has been 'refused' assistance. However, the state government disability agency, Disability SA, has three client groups who require vehicle modifications from time to time. They are people with intellectual disability, brain injury and adults with physiological and neurological disability.

Disability SA, through the Independent Living Equipment Program (ILEP), funds both the provision and installation of wheelchair carriers designed to carry a folded manual wheelchair, either roof mounted or tow-bar mounted, and portable ramps for manual wheelchair transport.

It does not fund the installation of tow-bar mounted carriers for powered wheelchairs or powered scooters, platform lifters designed to lift a person in their wheelchair into a car or van, or carriers for transporting powered wheelchairs or powered scooters.

Disability SA's equipment resources are targeted to the provision of disability-related equipment such as wheelchairs, lifters, electric beds for which there is a very high demand and which Disability SA views as essential to assist clients to maintain wellbeing and 'local' mobility. Whilst Disability SA funds modifications to its own fleet vehicles that are used for clients living in its community (group) homes, it does not have the capacity to fund high-cost vehicle modifications outside of current guidelines for the wider client group.

The question raised does not provide particulars of the vehicle modifications(s) required or why the constituent has been 'refused' assistance. However, the state government disability agency, Disability SA, has three client groups who require vehicle modifications from time to time. They are people with intellectual disability, brain injury and adults with physiological and neurological disability.

Disability SA, through the Independent Living Equipment Program (ILEP), funds both the provision and installation of wheelchair carriers designed to carry a folded manual wheelchair, either roof mounted or tow-bar mounted, and portable ramps for manual wheelchair transport.

It does not fund the installation of tow-bar mounted carriers for powered wheelchairs or powered scooters, platform lifters designed to lift a person in their wheelchair into a car or van, or carriers for transporting powered wheelchairs or powered scooters.

Disability SA's equipment resources are targeted to the provision of disability-related equipment such as wheelchairs, lifters, electric beds for which there is a very high demand and which Disability SA views as essential to assist clients to maintain wellbeing and 'local' mobility. Whilst Disability SA funds modifications to its own fleet vehicles that are used for clients living in its community (group) homes, it does not have the capacity to fund high-cost vehicle modifications outside of current guidelines for the wider client group.

MATTERS OF INTEREST

HEALTH BUDGET

The Hon. R.I. LUCAS (15:26): The morning newspaper carried an article headed 'Problems strangling hospital efficiency'. It refers to an expensive government-commissioned report, one of the key findings of which is stated as follows:

> The report says inefficiencies are forcing the State Government to regularly step in with emergency funding [for hospitals and health services]. This bail-out funding process has become a generally expected annual practice and fostered a culture of not having to manage within allocated targets.

There have been further statements from the government and its ministers today highlighting the problems with the bail-out funding culture within the health system.

I want to remind members and, in particular, the government that this particular problem that has now been identified after almost six years of the Rann government was specifically

created by the Rann government itself and Treasurer Foley in the decisions that he took from 2002 onwards.

For those with long memories in this place, in 2002 when the government was elected it created the fictional black hole in the state's finances to justify various broken promises and made various claims in relation to overspending within government departments and agencies. It referred to various documents that had been moving between Treasury and myself (as the former treasurer) in relation to decisions the former government had taken, in essence, to penalise agencies that had overspent such as health and education.

In a memo to the Under Treasurer on 15 January 2002 I said:

> As you are aware, I have strong views agency overspending should not be rewarded by writing it off—so I do not believe we should provision for it.

On 8 May 2002, in outlining the details of that documentation of early 2002 I made the following observations in relation to what the government was doing. The government basically said that these agencies had overspent, that it was going to give them additional money and that it believed that the policy of the former government to tell these agencies that they had to manage within their budget was unsustainable. I said a variety of other things, that the government had been deceptive, and I made other accusations along those lines because they were trying to make a political point that supposedly there was a black hole. On 8 May I said further:

> If a treasurer is to adopt a position—

that is, this current treasurer—

> that overspending would be rewarded by the debts being written off, no agency, in essence, would have the incentive to manage their budget within the strict terms of the funding agreements which have been provided to them.

Further on, I said:

> If you have a treasurer and a government that says, 'Don't worry about that. We'll just give you the extra money'—if that is the Treasury approach that is to be adopted, let me warn you now that that is a recipe for disaster. That is indeed the response this current Treasurer is adopting.

I highlighted that the former government had told the health and education departments, 'You have overspent your budgets, and we're not going to accept this.' Over a period of time (we told education that it had four years), we entered into what I described in essence was a scheme of arrangement, whereby its forward estimates would be reduced by the amount it had overspent; and a similar situation applied to health.

For the sake of a political point, Mr Foley came in and said that that was outrageous and that we were trying to make health and education stick within their budgets. He provided bail-out funding and, for the past six years, he has been providing bail-out funding every year whenever the departments and agencies overspend. I assume that they spent many thousands of dollars on this report (I am not sure how much it cost them) to find out what the problem was. They found out that there was a culture of rewarding overspending—that is, if an agency like health overspent, you just gave them money at the end of the year. Of course, that did not encourage them to stick within their budget.

That is the problem—a problem that was created by Treasurer Foley because he just wanted to make a political point about a fictional black hole in 2002, and he has continued to bail out these agencies every year since. Now he and the health minister are saying, 'We've got to cut $51 million from the health budget because there are inefficiencies, overspending and a culture of overspending within the agencies.' That decision was taken by Kevin Foley. It was a political point, and his chickens have come home to roost as of today.

ISLET TRANSPLANTATION PROGRAM

The Hon. R.P. WORTLEY (15:32): I rise today to talk about the islet transplantation program in Australia, which was launched in 2006. It was funded by a grant of just over $30 million from the Australian Department of Health and Ageing, and it is managed by the Juvenile Diabetes Research Foundation (JDRF).

This exciting program supports both clinical and basic research into islet cell biology, immunology and transplantation protocols. Clinical research partners include Westmead Hospital in New South Wales, Queen Elizabeth Hospital in South Australia, and St Vincent's Institute of Medical Research in Victoria.

Mr President, you may very well ask: what is islet transplantation? Islet cells produce insulin, the very substance lacking in type 1 diabetics. Islet transplantation involves the placement of islet cells removed from a deceased organ donor into a patient. A donor pancreas is transferred to a specialised laboratory facility where a complicated process of mechanical and chemical separation isolates the islet cells from the whole organ.

The transplantation procedure is significantly less invasive than a whole organ transplant, with the cells being either infused through a catheter or inserted through a small incision in the abdomen. Once implanted, patient recovery time is fast, the beta cells in the islets begin to make and release insulin almost immediately, and the positive effects can be seen for around 10 to 15 years.

Using current protocols, one donor pancreas will supply about half a million islet cells. The number required for an insulin-free recipient is around 1 million, which means that most islet recipients require two transplants and two donors to be diabetes free. Currently, about only 10 per cent of islet donations make it to a successful transplant stage. Many techniques are being researched to help find a cure for diabetes; however, islet transplantation is one of the most promising.

Since its inception in 2006, the JDRF islet transplantation program (ITP) has undergone some exciting new developments, and in 2007 a very significant milestone was achieved: the first successful human islet transplant using the ITP protocols. This procedure took place in the clinical centre at Westmead Hospital in New South Wales, and donor cells were successfully transplanted into a young South Australian patient, helping her to produce her own insulin for the first time in 25 years. While she will require a second transplant to have a chance to be insulin independent, she has experienced a major reduction in the severe and unpredictable hypoglycaemic attacks she used to experience on a daily basis.

The launch of the basic research arm of the ITP was also a very significant milestone. As islets sourced from donors can never be the answer to curing diabetes, research into alternate sources of insulin-producing cells is vital. Basic and clinical research support each other as clinical research tests what has been developed in the laboratory and feeds information back to the lab to encourage refinement and advancement of techniques.

The initiation of the ITP basic research program, with an emphasis on immune tolerance, will help to provide solutions to the challenges patients undergoing clinical islet transplants currently face. It also marks a new era of research collaboration, with scientists from traditional fields working together through the ITP. Future plans for the ITP are: to successfully transplant more patients using approved protocols; perfect the use of alternate enzymes for islet isolations; increase patient recruitment and the number of suitable and active recipients; raise awareness and promote the program through public forums; and commence the recruitment of transplanted patients into outcome studies that will feed back into both basic and clinical programs.

I am sure members of this chamber are excited by the recent developments I have talked about today. I look forward to informing this chamber of ITP developments in the future.

REGIONAL DEVELOPMENT BOARDS

The Hon. J.S.L. DAWKINS (15:37): I rise today to speak about the manner in which the state government has mismanaged the allocation of new resource agreements for South Australia's 13 regional development boards. I will quote first from my Address in Reply speech of 29 May 2007, as follows:

> ...resource agreements for regional development boards are a matter of some concern to me. I will probably go into the detail of that in a few moments; however, resource agreement funding that comes from the state government needs to be determined fairly quickly. There are a number of boards whose five-year agreement runs out at the end of June next year, and the remaining boards have their funding agreement running out at the end of June this year. The minister has indicated to the boards which are due to run out of funding in a few weeks that they would get a 12-month roll-over, so that all the boards would come for renewal of their agreements at the same time.
>
> I do not see anything particularly wrong with that, but I appeal to the government to make sure it does not repeat the ludicrous situation that occurred only a couple of years ago when the Business Enterprise Centres were in a similar situation. They were kept hanging on without any certainty and, in fact, were only given an extra 12 months funding about five weeks before their funding levels were to run out. On that occasion the Business Enterprise Centres lost a lot of very good staff because people did not have the certainty of a job, because if you get to 31 May in a year and you do not know whether you are going to have a job beyond 30 June that is a fair incentive to start looking around for another position. Those Business Enterprise Centres were all situated in metropolitan Adelaide where opportunities for other employment are probably greater than for employees located at many of the regional development boards. So, I ask the government to ensure that in the next 12 months, when it examines the funding of

the resource agreements for these boards, it does so in a timely fashion, preferably I would think before the end of this calendar year.

I also mentioned in that speech the role of councils as funding partners with the state government for regional development boards and the discussion paper prepared by the LGA in relation to this cooperative commitment to economic development. State government delays about funding for regional development boards have particular impacts on the budget decisions of their local government partners.

On 31 July 2007, in the Appropriation Bill debate, I referred to the Minister for Regional Development's responses to questions asked on my behalf during estimates earlier that month, as follows:

> The minister indicated during estimates that a draft resource agreement is expected possibly as early as October. She added that the Department of Trade and Economic Development and the Office of Regional Affairs would be looking at early next year to finalise the agreement in order to ensure that the boards have adequate time for planning for the next financial year. I cannot emphasis the importance of this time frame strongly enough.

We are now a long way down the track. A draft resource agreement was distributed to all the boards late last year, but those drafts did not include any indication of funding levels. They did not include any resolution of the need for extra funding for business advisers, where currently it is only $65,000 per year and the boards say that, all up, they need to have at least $100,000 to get someone of adequate experience. There has been no resolution regarding the replacement of the new system which has replaced the previous system of discretionary funding. There has been no indication that the level of core funding will be increased for the first time in 10 years.

Many people in this chamber would recognise that the regional development boards do great work within their regions. I say let them get on with it; give them some certainty. We are now in the second quarter of 2008. We are less than three months from the end of those current resource agreements. We are talking about staff security, the ability of these boards to let contracts for office accommodation and equipment, and we are also talking about, as I said earlier, the impact on local government budgets.

The Minister for Regional Development needs to ensure that the Office of Regional Affairs and DTED take some action to ensure that there is financial security for the regional development boards.

LIBERAL PARTY

The Hon. B.V. FINNIGAN (15:42): I rise to talk about the leadership of the Liberal Party of Australia. In January—

An honourable member interjecting:

The ACTING PRESIDENT (Hon. I.K. Hunter): Order!

The Hon. B.V. FINNIGAN: Thank you, Mr Acting President. I will not ask you at this stage to stop the clock, but I will if interruptions continue.

We saw back in January that the Liberal leaders, except for the federal leader, got together to plan their great recovery and an article was published in *The Australian* headlined 'Libs to lead fight back from Howard's lost cause'. There was a photograph which featured most of the leaders there. There is, of course, Zed Seselja from the ACT. The ACT Liberals are a wonderful little outfit. They have seven members and somehow they manage to keep coalescing into fractions of three with one in the middle, they are never able to agree on anything and they are constantly changing over their portfolios and their leadership.

We have Mr Mark McArdle from Queensland. You may recall he was the leader who was almost elected on the toss of a coin when there was the high farce of the Liberal Party in Queensland being unable to decide on whom their leader would be, and the leader not even allowing a ballot to allow his challenger to challenge him and so on. The compromise was Mr McArdle. It is hardly any wonder that the Nationals are trying to push aside the Liberals in Queensland and form a joint party, because they have no confidence in them.

In New South Wales, of course, Barry O'Farrell is the leader for the moment, but we know that there has been much speculation that Joe Hockey is going to transfer to the state parliament to become the leader there. Ted Baillieu is the Liberal leader in Victoria. He became leader because Jeff Kennett decided he was not available for a comeback. Then, of course, there is Troy Buswell in Western Australia, who recently became the leader and who participated in this gathering by telephone. Mr Buswell was the one who came back and said he was not available to be leader

because of some alleged incidents in his past and then decided he was available to be leader. He became the leader and so united was his party behind him that one of its members immediately quit the party and became an Independent.

Brendan Nelson was not there, of course, I assume because the state leaders are well aware that he will not be leading the Liberal Party to the next election at the federal level and there is some question over whether his election was even legitimate.

In South Australia, of course, we have Martin Hamilton-Smith. Such was the confidence of the Liberal Party room in Mr Hamilton-Smith (the member for Waite in another place) that he could not get any vote bar his own against the member for Frome (Hon. Rob Kerin) when he was the leader. There was not even a spill because Mr Hamilton-Smith could not get a seconder. Mr Hamilton-Smith then served so loyally under the Hon. Iain Evans (the member for Davenport) that he led the overnight coup against the Hon. Mr Evans. So insecure is his leadership that Mr Hamilton-Smith has taken the extraordinary step of sidelining, or demoting, the two most experienced former ministers in the Liberal Party: our own Hon. Mr Lucas, who was, of course, unceremoniously dumped from the leadership of this council, and he is not even in the shadow cabinet; and the Hon. Iain Evans, who has effectively been turned into a very junior player.

One can only assume that Mr Hamilton-Smith is so worried about his own position that he cannot afford to have anyone who might actually know the process of government better than he does and who is able to make a greater contribution put in a position where they can. I contrast this extraordinary string of embarrassments for the Liberal Party—the great Liberal Party of Menzies and Playford which cannot even put together a decent field of leaders anywhere in the country—with the Labor Party. Under the leadership of the Hon. Mr Rann, our own Premier, we have seen the formation of the Council of the Australian Federation to ensure that state governments get together and cooperate rather than the extraordinary division we see within the Liberal Party.

Of course, we have seen the recent meeting of the Council of Australian Governments which is now a genuinely cooperative forum and which will make change that will benefit all Australians rather than an opportunity for political division.

Time expired.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. A.L. EVANS (15:46): In October 2007, hundreds of volunteers from a number of South Australian churches completed the renovation of the Paediatric Outpatients Department of the Women's and Children's Hospital in Adelaide. The clinic, which provides more than 230,000 services to children and their families each year, has new child-friendly waiting areas, which include new flooring, furniture, lighting, television sets and DVD players. In material and labour costs, the scope of works has been valued at $300,000 to $350,000. The renovation blitz was carried out by 377 volunteers working around the clock over just five days, with the support of 18 businesses which helped fund the project through the donation of labour, materials and finance.

The project was led by Edge Church International in partnership with the Women's and Children's Hospital Foundation, as well as 16 Christian churches from a number of denominations around the city and state. The senior minister of Edge Church, Danny Guglielmucci, noted that the Christian Churches of South Australia wanted to provide a brighter environment for South Australian families in their time of need. He noted that he desired to see the Christian church involved in the community on both Sunday and Monday, and this was one example of how churches in South Australia can do 'Monday church'. The renovation has had a remarkable impact on hospital staff and families using the Paediatric Outpatients Clinic.

The project followed the $500,000 refurbishment of the hospital's accommodation block in 2006. Churches of South Australia also raised the funds and provided the voluntary labour needed to complete that significant program. It also follows a similar joint venture in which church volunteers refurbished the Women's Prison at Northfield. These ventures have served to inspire churches around Australia and the world to renovate other public facilities in their own communities, such as schools and prisons. They are something of which the State of South Australia can be proud. It is incredible what can be achieved in a short period when people join together for a specific project and give their time and resources. This is not only of benefit to the community but also it builds community within the participating group of people.

I believe it is appropriate that this council be made aware of the excellent work being done by Edge Church International. This church has recently expanded to other church campuses, with

Edge Church City at Wayville and Edge Church West at Hendon, and I trust that the council wishes them the very best as they continue their valuable work in the community.

BILL OF RIGHTS

The Hon. I.K. HUNTER (15:50): I rise today to call for the introduction of a bill of rights. In 2006, the Victorian parliament passed its Charter of Human Rights and Responsibilities, which was designed to ensure that all legislation passed in the future would have to adhere to a set of principles—principles thus far not enshrined in any Australian constitution.

Human rights encompass values held in common by all of us: equality of opportunity; a fair go in life and at work; and freedom from unfair and unnecessary persecution. A bill of rights, had it existed in Australian law 10 years ago, may have prevented some of the more draconian anti-terrorism legislation drawn up by the Howard government. It may have seen our processing of asylum seekers and refugees conducted in a more humane fashion, and it may have prevented the worst aspects of WorkChoices.

We have seen many attempts over time to introduce such changes, both in statute and to the Constitution. The Curtin government, in 1944, was unsuccessful in its attempt to enshrine freedom of speech and expression in the Constitution. In 1973, the Whitlam government sought to implement the International Covenant on Civil and Political Rights in the Australian Human Rights Bill. The conservative Senate, of course, blocked it. In the 1980s, Labor introduced similar bills, only to see them fail again in the senate.

I should say that the Australian Democrats, to their credit, have been pretty consistent in their support for a legally enforceable regime of individual rights, as have the Greens. I welcome their embrace of these historically Labor issues.

I believe that it is time that we looked again at the human rights legislation, preferably at a federal level and preferably with a view to enshrining it constitutionally, but also at a state level as an interim step.

We live in a country where many of us take our basic freedoms for granted. Indeed, thanks to American television, it may be the case that many Australians already believe us to have constitutionally guaranteed rights, but this is simply not the case. The Constitution's guarantees are simply not adequate.

It is true that there are some rights enshrined quite clearly—the right to freedom of religion, at the federal level, and the qualified right to a trial by jury are two often cited examples. It is also true that some activist High Court judges have sought to extrapolate implied rights from the bare bones of the Constitution. Most of the freedoms we take for granted, however, are simply not explicitly guaranteed.

Were we to find ourselves in the situation where a government controlled both the House of Representatives and the Senate, coupled with a conservative High Court given to strict legalistic interpretations of the Constitution, such a government could trample unhindered over any number of human rights. Indeed, within the confines of the Constitution, such a government could do pretty much whatever it wanted.

This may seem an unlikely scenario, and I do not want, for one second, to impugn the professionalism of the High Court. It is, however, technically possible, and can only be comprehensively avoided by the establishment of a bill of rights. Ideally, this should be a constitutional change, achieved through the amendment provisions of the existing Constitution, but statutory bills, such as the Victorian charter, are a welcome start and guide the framing of state legislation and the decisions of state judiciaries.

As a political moderate, I see perfect sense in working first towards a statutory bill of rights, even if they are only stated-based, such as the Victorian legislation, before seeking to enshrine such changes in the Constitution.

A bill rights of rights assists legislators like us in passing legislation which complements the values of our community. Should such a bill exist, all legislation would have to be held up to it and judged and be held accountable on the basis of the legislation's adherence to the principles contained therein before becoming law.

A bill of rights would protect my rights and your rights. It would protect our rights to free speech and expression, free association and freedom of (and from) religious worship. It would

prevent arbitrary law-making by governments of any stripe. It would also protect the individual rights of minority groups who may never make their voices heard above the majority.

Obviously these freedoms would need to be qualified in some cases, and any constitutional change would need to be very carefully considered, but I believe that this is an idea whose time has come. The spirit of cooperative federalism in this country at the moment means that the conditions are right to bring human rights legislation in Australia into the 21st century.

SLEEPER WEEDS

The Hon. SANDRA KANCK (15:55): In a home garden, what might be a weed to me could well be a beautiful plant to someone else. However, there are weeds that are definitely weeds because they are classified as such, yet people continue to grow them in their home gardens. But often they escape, and what looks beautiful in a backyard can become a scourge in areas of native flora.

Just look at what was once seen as a very pretty plant, the bridal creeper, and its impact when it escaped from suburban gardens: it took over parts of Fleurieu and Eyre peninsulas and completely smothered and therefore destroyed many native plants at ground level. That is an example of what can happen when mere weeds transform into invasive species. Fortunately, biological control methods have been implemented against the bridal creeper on Kangaroo Island and Eyre Peninsula, and it is having effect.

Boneseed, with its deep green leaves and its bright yellow flowers, was brought from South Africa in the late 19th century, but it is now a proclaimed weed in South Australia because of its hardiness and its propensity to take over native bushland. It is important to note that one plant can produce 50,000 seeds, with the impact that that will have on native birds and animals.

The Weeds Management Society of South Australia tells me that biological control methods to control invasive species yields a 23 to one return on the research investment, and they work particularly well in areas where spraying, for instance, might not be practical, such as steep, rocky or arid areas.

The cost of weeds to Australia in terms of cropping, pastoral and native ecosystems is $4 billion per year. We have used pesticides to such an extent that in almost all farms in South Australia there is a problem of herbicide-resistant weeds, and that is a problem that will lead to a loss of land for agricultural production. We need much more action to deal with this problem of weeds. Victoria is spending $20 million per annum on weed research and control; but, by comparison, South Australia spends just $2 million.

Victoria has a program where bushwalkers are trained to be able to identify and remove weeds, so why do we not have something similar? Bushwalkers are an unused resource because these people are already placing a high value on the environment. Why do we not have a weed spotters network similar to Victoria?

What role is the Department for Environment and Heritage playing in educating nursery owners and operators about the potential for some of the plants they sell to go feral? I wonder how many nurseries are selling plants which, although not classed as invasive species, have the potential to become so. These are called sleeper weeds.

I have, for instance, recently seen lantana for sale in a nursery, and this is a plant that has taken over parts of the national parks on the east coast of Australia and, with the right set of circumstances, it could do the same here. I wonder why fountain grass is still being sold in South Australian nurseries. The yellow star thistle is present in South Australia, which is worrying because we have the same climate as California and Argentina, where it has become an invasive species.

A minor change in a plant's genetics or a change in climate can trigger growth in the population of a sleeper weed. Mimosa has become a seriously invasive weed in the Northern Territory, yet it sat around quietly for 70 years without doing damage. Australia has somewhere between 28,000 and 32,000 introduced plant species, and who knows when one of them could become first a weed and then an invasive species.

The Co-Operative Research Centre for Weed Management has been based in Adelaide for 14 years, and the state government has sat back and relied on it to do the work the government ought to be doing. However, South Australia should not expect that the benefit of this centre will continue unless we lobby to keep it here. Its existence is not guaranteed beyond June of this year

and, even if the federal government decides to keep it, there is no guarantee that its location will continue in Adelaide.

Should it move, no doubt it will become eastern states focused. Research into weeds is vital to the natural environment, agriculture and the state's economy and, as the Weeds Management Society says, prevention is better than cure.

NATURAL RESOURCES COMMITTEE: EYRE PENINSULA NATURAL RESOURCES MANAGEMENT BOARD

The Hon. R.P. WORTLEY (16:00): I move:

That the 16th report of the committee, on the Eyre Peninsula Natural Resources Management Board, be noted.

One of the Natural Resources Committee's statutory obligations is to consider and make recommendations on any levy proposed by a natural resources management board that exceeds the annual CPI rise. We received numerous submissions regarding the levies proposed for 2007-08 by these boards and we concluded that there were a number of issues common to all regions.

It became clear to the committee that, to understand better the expectations and obligations placed on these boards, we would need to visit a number of regions and talk with community representatives and local NRM groups. So, in November of last year, we went to the Eyre Peninsula and met with local government representatives from the City of Port Lincoln, District Council of Lower Eyre Peninsula, District Council of Elliston, District Council of Le Hunte and the City of Whyalla. We also met with the Eyre Peninsula Natural Resources Management Board, the Eyre Peninsula Drought Task Force, the Eyre Peninsula Water Security Reference Group and local action groups of Tumby Bay and Charlton Gully. As you can see, Mr Acting President, it was quite a full agenda. I list some of the perceptions raised in submissions to the committee and during discussions with local interest groups, as follows:

- the widely varying levy amounts in different local government areas are inequitable and unfair;
- the natural resources management board staff structure is top-heavy with levy funds largely expended on salaries at the expense of on-ground works;
- there is board instability and high staff turnover; and
- local community feelings of alienation with local natural resources management groups and volunteers being removed from decision-making regarding on-ground works.

Although the board may legitimately object to some of these criticisms, it must address the serious perception issues, whether they reflect underlying shortcomings is another matter.

The inquiry left the committee with the impression that community groups on Eyre Peninsula are at a critical fork in the road. Strong volunteer involvement in NRM is a critical prerequisite to run community supported projects efficiently. The committee is particularly concerned to see volunteer groups supported and re-engaged in NRM work as a matter of urgency. We also note the inequity that exists across the state regarding the capacity of boards to raise funds and deliver the programs expected of them. It would seem that some provisions should be made within the overall scheme of levy collection to allow regions such as this one to obtain a contribution from more affluent regions. I am not sure how this might come about, but we think the concept is worth pursuing.

Without dwelling on the problems faced by the Eyre Peninsula NRM Board, I would simply like to conclude by saying that the committee feels that many of the problems that currently beset this region are equally being experienced across the state. In this regard, the committee would hope that there are significant improvements throughout all regions to address these actual or perceived problematic issues.

I thank all those who gave their time to assist the committee with this inquiry. The committee heard evidence from 60 witnesses, received four submissions and travelled together around the Eyre Peninsula region visiting Port Lincoln and Whyalla, as well as a number of towns, including Elliston and Wudinna. I also commend the other members of the committee: the Hons Graham Gunn MP, Sandra Kanck MLC, Steph Key MP, Caroline Schaefer MLC and Lea Stevens MP, and Presiding Member Mr John Rau MP, for their contributions. All members of the

committee have worked cooperatively throughout this inquiry. Finally, I thank the staff of the committee for their assistance.

Debate adjourned on motion of Hon. C.V. Schaefer.

PARLIAMENTARY SUPERANNUATION ACT

The Hon. M. PARNELL (16:05): Obtained leave and introduced a bill for an act to amend the Parliamentary Superannuation Act 1974, the Southern State Superannuation Act 1994, the Superannuation Act 1988 and the Superannuation Funds Management Corporation of South Australia Act 1995. Read a first time.

The Hon. M. PARNELL (16:05): I move:

That this bill be now read a second time.

This bill is about enabling public servants, politicians, police and others—for whom Super SA is their compulsory super fund—to have a choice to put their own money into a responsible investment option. Currently, Super SA offers a range of options which are all based on risk. My bill will require it to provide one more option. Most South Australians can choose an ethical option for their retirement savings but, because Super SA is a compulsory fund, public servants, politicians, police and others cannot. As they cannot choose their own fund, the very least their fund should be able to do is to offer an ethical option.

This is not the first time that I have raised this issue. In December 2006 I moved amendments to the Southern State Superannuation (Insurance, Spouse Accounts and Other Measures) Amendment Bill. I asked a number of questions in parliament and I raised the issue through the media, in particular, the issue of Super SA investing in big tobacco and oil companies.

The response that I received from the government to these calls throughout 2006 was that there is no demand. In fact, I received a letter from the Treasurer, dated 22 June 2007, which included the following statement:

> You also suggest in your letter that Super SA should survey all fund members to establish a level of interest in an ethical investment option. I am advised that the Super SA board has maintained a watching brief on the issue of member demand for ethical investment options for some years and member demand for such an option has been low.

That is the official response from the Treasurer. The response is very similar to ones that have been received by other members (and members of the public as well) who have contacted the government , the Treasurer, or Super SA about this. It is also been the consistent line in answers to questions in parliament.

However, I do not accept that that is the case, and so I started a campaign which was borne out of the communications I received from public servants who said that they did want an ethical superannuation option. There is a petition, which will be presented shortly, with 470 public servants saying that they want this option. These are not just citizens. People might think that 470 is not a big number, but from that group of public servants I think it is a huge number.

I also used the Freedom of Information legislation to try to find out where the real blockage was in the provision of an ethical superannuation option. As part of that exercise I obtained some survey results that had been collected on behalf of Super SA. The survey was conducted in March and April of 2007. It was called 'satisfaction research' and it was conducted by MRD Research Pty Ltd. It produced the following results. First of all, they sampled members of the Super SA Triple S scheme. The sample size was 2,678 members. Anyone who is familiar with research would know that that is a reasonable sample size.

The question people were asked was: would you choose to invest your super in socially responsible investments if that option were available to you? The result of the survey was that 828 people (31 per cent of the sample size) said yes, they would choose to invest if that option were given to them; 10 per cent said no, they would not; and 58 per cent said maybe. So, 89 per cent of the people answered 'yes' and 'maybe' and were interested in an ethical super option.

To show that the result was not just a fluke, another survey was undertaken involving members from a different fund, and it was done at around the same time. Members of the Super SA lump sum scheme were surveyed, and the sample size was 423, so it was a smaller sample. The question posed was: would you choose to invest your super in socially responsible investments if that investment were available to you? The result was that 34 per cent said yes, they

would; 10 per cent said no, they would not; and 54 per cent said maybe. So, they were very similar results, in that 88 per cent of people were in the 'yes' or 'maybe' category.

It is clear that I have not been the only person lobbying for these changes. I note from another document obtained under the Freedom of Information Act that at least 50 people have contacted Super SA. I note that one of the documents provided to me was an email prepared for the benefit of the government when answering questions during estimates. It states:

> We have done a count of contacts on SRI—

that is, socially responsible investment—

> over the financial year to date. We have had about 35 emails, one complaint and four Treasurer complaints (which includes Mark Parnell)—

I am not sure what that means—whether it is complaints about Mark Parnell or that I am one of the people who complained to the Treasurer—

> and phone calls are about 12.

So, at least 50 other people, most of whom I do not know, have contacted Super SA. I know that there have been many letters from backbenchers, some of the more notable ones being from the Hon. Ian Hunter and the member for Hartley in another place (Grace Portolesi). The curious thing for me relates to the timing of the responses and their consistency. For example, the letter in reply to the Hon. Ian Hunter was dated after August 2007, and the Treasurer's reply stated that they had no intention of putting ethical super choice in because member demand for such an option remained low, yet we know that in March 2007 (four months earlier) the survey showed, in fact, that demand was high. So, the Treasurer has been either badly briefed or not playing with a straight bat on this, even with his own colleagues.

The member for Ashford in another place (Steph Key) moved for the Economic and Finance Committee to investigate and report on ethical superannuation. I commend her for that approach, but in reply I say that it is not necessary to do that. This is not rocket science; it is not a revolutionary idea. We know that the Economic and Finance Committee already has a backlog and that, in sending this matter to the committee, it is likely to take a very long time to achieve any results.

We also know that other states, such as Queensland and Western Australia, have offered ethical superannuation for a long time. In general, those funds have outperformed the mainstream funds. More recently, members of parliament in Victoria now have a free choice in relation to their superannuation, including an ethical superannuation investment option. Whilst I commend the member for Ashford, I do not believe that we need another investigation: I think we just need to get on with it.

When I introduced this measure some time ago, I was heartened by some of the responses, in particular those from the Hon. Rob Lucas, the Hon. Dennis Hood and the Hon. Sandra Kanck, who commented that they could see some merit in the idea and that its time would eventually come. The Hon. Rob Lucas had the following to say:

> In terms of the issue of ethical investments, I suspect that, as with a number of other things, the views of the Hon. Mr Parnell will eventually prevail. I do not think that in relation to all the views of the Hon. Mr Parnell, but I suspect that we will look back in X years—and I am not sure what X will be—and there will be an ethical option there somewhere.

More than a year after first introducing it I am putting it forward again to members as an idea whose time needs to come. The Hon. Rob Lucas also said:

> We are all different, but I suspect that ultimately we will see some version of an ethical investment option at some stage in the future.

So I have decided to again test the will of the Legislative Council with this measure and have decided to do that in preference to the direct lobbying of the Treasurer, which has not yet achieved results. That would be the simplest thing to do because Funds SA could, without any legislative authority, do this tomorrow. It could put in place an ethical superannuation option, just as it has put in a range of other options towards high risk, low risk, money markets, capital and different types of share options. There is no excuse for further delay. Other states have offered it, and it is relatively straight forward.

I note that the executive director of the company Australian Ethical Investment, Mr James Thier, wrote to the Premier on 23 January 2007. His fairly brief letter sums up the situation fairly well, as follows:

Dear Mr Rann, I am an executive director of Australian Ethical Investment, a dedicated ethical fund manager with funds under management in excess of $500 million. For 20 years we have produced competitive returns through investment in sustainable and socially just enterprises. It is disappointing that in December 2006 your government rejected a call for an ethical superannuation option to be made available to South Australian public servants. You may be aware that the ACT Labor government is currently being criticised due to the inappropriate investments its public sector superannuation fund has made. The fund has invested in destructive activities such as tobacco, gambling and armament manufacture. Understandably, there is vocal appeal for these public servants to be given an ethical investment option. There was a similar outcry last year when it was revealed that the New South Wales government had considerable investments in tobacco, in spite of their strong anti-smoking policies.

There is an expectation that our governments will govern responsibly, and this responsibility should extend to the use of all taxpayer funds. Logically, it is unacceptable that the South Australian government support blatantly harmful businesses. Fund members and the wider community should expect congruity between government policy and their investment strategy. Giving your public servants the choice not to direct their funds into the manufacture of armaments, for example, is not an onerous exercise. Funds SA already has many experts in assessing the financial credentials of the companies in which it invests, and a network of ethical research organisations exists to provide data on the ethical credentials of these companies.

Australian Ethical Investment, for example, outsources its ethical research to the non-profit Centre for Australian Ethical Research. The centre is part of a world-wide network providing research on corporate sustainability. I am happy to speak with you or send you information if you are interested in further details about how your government can provide an ethical superannuation option to its employees. Yours sincerely, James Thier.

This issue is becoming mainstream. Even *Choice* magazine provides an analysis of the array of different funds offered, alongside the choice of refrigerators and washing machines. The member for Ashford, Steph Key in another place, had the following to say about how mainstream ethical investment has become:

What I am saying is nothing that is particularly revolutionary. A number of private funds around Australia have ethical and sustainable investment and may also engage firms that do the investment for them to make sure that those principles are observed. Some examples of this include AMP Capital Sustainable Share, Australian Ethical Super Equities, BT Institutional Australian Sustainable Share, BT Institutional Ethical Share, Challenger Socially Responsible Share, Hunter Hall Australian Equities, ING Sustainable Investment Australian Share, Perpetual Ethical SRI, SAM Sustainability Leaders Australia Fund, and Benchmark ASX 200 Index.

The government has been hypocritical on this issue up to date and the case I have referred to on many occasions is the investment of Funds SA on behalf of Super SA in the company Altria, the parent of the big tobacco giant Philip Morris, maker of Marlboro. I raised concerns last year that some $160 million was being invested in this cigarette company. I obtained that figure from the Super SA website, which lists the Funds SA top shareholdings.

In two columns, one headed 'Australian equities' and one headed 'international equities', we find that the Altria Group Inc. comes in under the international column at some 0.5 per cent of total investments. The vast bulk of companies are under 1 per cent as there are so many different companies. Only three companies have over 5 per cent, so half of 1 per cent is a big holding. It amazed me that some time around August last year Super SA quietly disinvested itself in Altria shares. When we looked, they had gone; the shares had been sold. Clearly some sort of ethical screen is being applied. My feeling is that it was too embarrassing for the government to keep on investing in Marlboro. Clearly, if a test has been applied, I want to know what that test is, and if we are going to put tests in place let us put one in place to give public servants, politicians, the police and others a chance to have an ethical choice.

It was not as if the company had gone bust; its returns were as good as ever. Clearly, the government has decided that it does need to apply some ethical standards to its investment, so I am saying that we should formalise that through the offering of an ethical investment fund for superannuation.

The Hon. R.I. Lucas: Is BHP Billiton an ethical investment?

The Hon. M. PARNELL: The honourable member asks whether BHP Billiton is ethical. I am not an expert in ethical investment, but I have pointed out a number of groups that are. I think you would apply the test to that company as you would to any company. The broader question for me is why should it take a member of parliament to raise concerns individual company by individual company—whether it is BHP or whether it is Altria—before some sort of action is taken? Instead, the government should be taking a good hard look at where it is investing our money on our behalf and recognise that its investments do need to be consistent with its policies.

There was another bit of information from the government that floored me and that is the State Greenhouse Strategy, which members will recall we have discussed at some length in this place. Get out your copy and have a look inside the front cover of the State Greenhouse Strategy,

and right alongside the foreword, which is signed by Premier Rann, there is a list of greenhouse friendly actions that you can take. One of the suggestions is 'moving my superannuation to a sustainable fund'. That is the advice that we are giving to everyone else in the community. Why should that advice not also be applicable to our public servants and our members of parliament?

The Funds SA Annual Report talks about how it is helping the State Strategic Plan. It states:

> Funds SA contributes to the state's strategic plan through the plan's objective 'growing prosperity'.

My question is: what about the other 70 targets of the plan? What about all those other social and environmental objectives? There is more to this than just growing prosperity.

In March this year, the Australian Conservation Foundation released a report entitled 'Responsible Public Investment in Australia'. That report highlighted inconsistencies between state government policy and where state government funds are invested. For example, it points out that in South Australia some $383 million of state money is invested in fossil fuels compared to only $9 million which is invested in renewable energy.

It also showed that South Australia is a backwater on this issue. For example, the equivalent fund in Victoria which is responsible for managing $40 billion worth of investments for 14 different Victorian government entities has already signed up to the United Nations Principles for Responsible Investment. These United Nations principles were launched 13 months ago. They now guide about $10 trillion in investments globally.

These principles oblige signatories to incorporate environmental, social and corporate governance (ESG) issues into analysis and decision making processes across their entire investment business. They commit to filing shareholder resolutions consistent with long-term ESG considerations, engaging with companies on ESG issues, and asking for standardised disclosure on ESG matters, using tools such as the global reporting initiative. So, they are putting pressure on the companies in which they invest.

The United Nations principles which are intended to influence decision making across the investment spectrum rather than just in socially responsible investment—which is the subject of my bill—have had widespread take-up in Australia. There are a number of other heavyweight signatories, including HESTA which has $9.8 billion under investment. VicSuper has $5.4 billion, and there is a range of other large investors.

My bill says that the concept of socially responsible investment is not new, not unique, and there are many different options available. I say that because last time we discussed this there was some concern about what is ethical. The debate, I would suggest, has actually moved on because clearly we are not asking everyone to sign up to any particular model of what is ethical. Through this legislation we are trying to give people a choice.

I make the point that this is not about my version of ethical, and I am not asking Super SA to reflect my views. The bill says that the option of nominating a class of investments based on consideration of the impact of the investment on society and the environment must be made available to contributors subject to terms and conditions determined by the board. We are still giving the fund managers the option to manage the funds, but they can follow guidance and should follow guidance from bodies such as the United Nations.

What does responsible investment look like? Really, it is an umbrella term that is used to describe an investment process which takes environmental, social, ethical or governance considerations into account, and the process stands in addition to, or is incorporated into, the usual fundamental investment selection and management process.

There are many terms that are used and they are often used interchangeably: responsible investment, ethical investment, green investment, sustainable investment, socially responsible investment, clean technology investment, or simply the shorthand acronym SRI. Responsible investment products can differ from each other in the way in which they take these issues into account.

Typically, a responsible investment product will manage environmental, social, ethical, or governance issues using one or more different practices. For example, you can use negative screening, which means you avoid some types of investment. You avoid investing in gambling companies, or weapons manufacturers. You can do positive screening, which means that you can give a preference to activities or characteristics which are deemed desirable, for instance, future oriented industries such as renewable energy or health care.

You can also take an approach which is referred to as 'best of sector', which means selecting leading firms in every business sector—whether it be manufacturing or mining or whatever—based on their environmental and social performance or sustainability. It does not need to rule out companies of the type that the Hon. Rob Lucas referred to. Socially responsible overlay is another way of sorting through the range of investment options.

That approach involves selecting shares for a portfolio in the usual way, then adding a process for addressing issues that relate to social responsibility. So, you might not even be starting with the best companies: you might be starting with companies that are not there but working with them to improve. As I said, SuperSA will decide how and what it chooses to offer for its members.

There are now over 100 superannuation funds in Australia that offer an option that takes into account environmental and social considerations. That figure includes eight of Australia's 20 biggest superannuation funds. So, if eight of the 20 biggest funds see sufficient demand to offer it to their clients, how on earth can we in this state maintain that our public servants, police officers or members of parliament are so different to the people in mainstream Australia that we do not care about these issues? I cannot accept that for one minute.

I do agree with the Hon. Rob Lucas that this is inevitable. I say that we are already behind global and national trends, but the message from my bill is that, at the end of the day, this is about choice. No-one is forcing people to invest other than how they want to. I am saying that, if a choice is to be made available, let one of those options be an ethical choice. I do not think the Treasurer has been straight with us about the level of demand. The final call at the end of the day should rest with our public servants. They are saying that they want this option, so let us just get on and do it.

Debate adjourned on motion of Hon. J. Gazzola.

CULLEN, PROF. P.

The Hon. M. PARNELL (16:32): I move:

That the Legislative Council notes with sadness the recent passing of Professor Peter Cullen and acknowledges the great contribution he made to South Australia.

Professor Peter Cullen AO passed away on 13 March 2008 in Canberra aged 65. Professor Cullen left an enormous legacy. As South Australians we owe him an enormous debt of gratitude, and we owe that gratitude for three main things: first, his advocacy for the River Murray; secondly, his contribution to public debate, particularly on water issues; and, thirdly, for his time as a Thinker in Residence in South Australia in 2004.

According to John Williams, who delivered the eulogy at his service, Peter started his career as a science teacher, and he always 'had his feet on the ground and mud on his boots'. He was an agricultural scientist. He spent time as a young man plodding around irrigation farms. He graduated in agricultural science from the University of Melbourne, and his areas of expertise quickly became water reform, fresh water ecology, environmental flows and catchment management.

Peter taught at the Canberra College of Advanced Education (later the University of Canberra) where he became founding Chief Executive of the CRC for Fresh Water Ecology from 1992 to 2002. He was a visiting fellow at the CSIRO Land and Water. Probably, Peter Cullen is best known to us as a founding member and leader of and spokesperson for the Wentworth Group of Concerned Scientists, where his quiet wisdom and expertise influenced many.

The Wentworth group was highly influential in focusing government policy on Australia's water crisis, especially through its Murray-Darling Basin *Blueprint for a Living Catchment*. Peter Cullen had an all too rare ability to be able to explain concepts clearly, to work with the media and to help ordinary people make sense of the water debate. He did this with great wit, humour and insight.

Peter's list of accomplishments and achievements was immense. Peter was also a Fellow of the Australian Academy of Technological Sciences and Engineering and a member of both the International Water Academy and the International Ecology Institute. He was a past president of the Federation of Australian Scientific and Technological Societies (FASTS) where he drove successful initiatives such as 'Science meets Parliament'.

Peter Cullen was a commissioner to the National Water Commission, Chair of the Victorian Water Trust Advisory Council, a member of the Natural Heritage Trust Advisory Committee and a Director of Land and Water Australia. He was awarded the Prime Minister's Prize for

Environmentalist of the Year in 2001 for his work on the National Action Plan for Salinity and Water Quality. Peter Cullen was appointed as an Officer of the Order of Australia in 2004 for services to fresh water ecology. He was awarded the Naumann-Thienemann Medal from the International Limnology Society 2004 for his exemplary scientific leadership.

In these remarks I mainly want to refer to Peter's role as a Thinker in Residence in South Australia—a role that he took up in 2004. I think it was an inspired choice of the Premier's to involve Peter in that program. The focus of Professor Peter Cullen's residency was the future of the River Murray and a sustainable future for Adelaide's water supply. However, it went beyond just water to address broader resource management issues. His final report, Water Challenges for South Australia in the 21st Century, should be compulsory reading for all South Australian politicians. His recommendations were simple and they were timely. He told us, 'Don't look upstream for your salvation. You need to get on and solve problems yourself.' This was a hard message for those of us who are used to blaming other states for the dire state of the Murray.

He emphasised the importance of all sources of water, including groundwater and the protection of the Mount Lofty Ranges. I will refer briefly to some parts of his report, which contains 18 recommendations for action. All 18 recommendations were important, but seven were seen as priorities. The four areas were, first, to understand and protect the sources of water. These include addressing flow and salinity issues in the River Murray and controlling land use in the hill catchment. The second area was to use water efficiently in urban and rural communities to reduce demands on this scarce and precious resource. This will involve further development of water entitlements and a water market.

The third area is 'to develop and learn how to use alternative sources of water. [Including] recycling, using stormwater and developing capability for desalination of seawater and saline groundwater'. He says, in relation to desalination:

> These are less urgent, but they will take time, so a start should be made.

The fourth area is 'to develop the capacity of rural communities to live sustainably in their catchments by providing appropriate support to the new natural resources management boards'.

What I would call on the government to do is to collectively get out your copies of Peter Cullen's Thinker in Residence report for 2004 and let us have another look at implementing those recommendations. Some of the responses to his death have focused on the status that he held in the water debate in Australia. West Australian Greens senator, Rachel Siewert, said that he was a conservation giant and a great man. She said:

> Peter Cullen was a giant in terms of his contribution to natural resource management and water management in Australia. I was so looking forward to his contribution to the ongoing debate on the Murray River…Australia has lost a great man.

Fellow water expert and Wentworth Group scientist Mike Young said Professor Cullen was able to help the average person understand the importance of water management. To quote Mike Young:

> A big person with big ideas, big ideas that were easy to understand. Peter understood, better than most, that to change policy you had to change the way people thought. He instinctively knew how to explain water science and water policy options to the young and to the old. Carting his big, joyful frame around him and using the national water initiative as his template, Peter believed that Australia could excel in water management. He sensed that now was the time to get the fundamentals right. The legacy of his ideas will endure.

Long-time friend and chairman of the Barton Group on sustainable water use, Professor Paul Perkins, said:

> The nation has lost a great man. We know him most over the last two decades for water, fresh water ecology, but he had a lifetime in natural resource management. He towered above everything. He was a big man in intellect, in size, in appetite for new things.

Peter Cullen called for sustainability and for new ethics to confront water scarcity. Three of his principles were:

1. Do unto others as you would have them do unto you. (I have heard that one somewhere before.)

2. Do not covet your neighbour's water.

3. Maintain the health of our aquatic ecosystems for all other users are dependent on this health.

I am grateful to Professor Mike Young, who when I rang him the other day pointed me to his website, where he has a series of little documents that he calls droplets. His droplet number 11,

from 16 March, is entitled 'Cullenisms: Thinking about water', and he has a page or more of quotes from Peter Cullen. I will not go through all of those, but I will go through a couple of things that Peter said. Before I do that, I will refer to one more eulogy of Peter, and that is from another South Australian, Peter Cosier, another member of the Wentworth Group of Concerned Scientists. Peter Cosier says that Peter Cullen was:

> ...a man of towering physical presence, big ideas and a wicked sense of humour. Most people know Peter Cullen as the great professor, the expert debating water reform, a national water commissioner, a member of the Wentworth Group of Concerned Scientists.
>
> He was a big man in every sense of the word. He was comfortable with prime ministers and premiers, scientists, journalists, irrigators, farmers, a man of great courage who could never be bought or intimidated, always cool under pressure, always respectful.
>
> He had an enormous capacity for work, an enormous generosity to people and the capacity to cut through the noise and to focus. But the true mark of Peter Cullen is his humanity. He loved his life and he loved people. He is adored by his family and is adored by his friends.

I quote some of Peter Cullen's words—his reflections on the role of government:

> While politicians like to blame other levels of government, the reality is that our politicians reflect what we as a community are telling them. We are all responsible for the mess we find ourselves in.

He also said:

> Communities must demand that political leaders take control and responsibility for putting in place management regimes that benefit all of the community not just a favoured few.

One final thing I would point out in terms of these quotes from Peter Cullen was his comments on climate change, as follows:

> It is no longer prudent to believe this is a drought that is about to break. We are entering a tough new world, and we have little in our past experience to help us make smart decisions.

In conclusion, I point out that Peter Cullen's legacy for South Australia is enduring. His Water Challenges report has stood the test of time: only a few years old but still a vital document for all of us to understand. He has been influential in governments, academic circles and, in fact, throughout the community. South Australia has indeed lost a friend and we have lost some wise counsel, and he will be sorely missed, but I am confident that Professor Peter Cullen's legacy will live on in South Australia.

Debate adjourned on motion of Hon. J. Gazzola.

TOBACCO PRODUCTS REGULATION (A SMOKE-FREE ADELAIDE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February 2008. Page 1853.)

The Hon. SANDRA KANCK (16:44): The Democrats support this important initiative as a small but significant step in creating a smoke-free Adelaide. Creating smoke-free clean air zones is an effective public health measure and we support their implementation whenever and wherever possible.

In the absence of stricter statewide controls, which we have tried to get on a number of occasions, I applaud this move by the Hon. David Ridgway. I look forward to the enthusiastic cooperation of other members of this chamber and the Adelaide City Council in promoting a smoke-free city for World No Tobacco Day 2008.

In a similar vein to the welcome signs in Norway, which say 'Welcome to Norway. The only thing we smoke here is fish', I look forward to the day when visitors to Adelaide are welcomed with a sign that says, 'Welcome to Adelaide. The only thing we smoke here is almonds.'

Debate adjourned on motion of Hon. Carmel Zollo.

PEAK OIL

Adjourned debate on motion of Hon. Sandra 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 strangers 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 5 March 2008. Page 2030.)

The Hon. A. BRESSINGTON (16:46): There may be a dispute as to when the world will face a peak in oil supply, but common sense indicates that this must occur one day, as oil is a finite resource and, as legislators, it behoves us to address this matter sooner rather than later. My greatest fear is that politics, rather than true public interest, will drive the coming debates.

There are those whose vested interest is to continue the present situation for as long as possible, and there are others who are politically committed to scientifically inadequate technologies. Neither of these positions can provide a sustainable future, even at the present standard of living, and I for one do not wish to leave to our descendants a legacy of shrinking opportunities.

If the peak in oil is indeed as close as 2012, as some have suggested, the time for action on our part is now. I would rather that we had an inquiry that examines the whole question of energy use, rather than one being limited just to oil, but I suspect that debate will be here sooner rather than later, so I will save my thoughts on that matter for another time.

I have sought expert opinion on the history of an oil-based world and on the strengths and weaknesses of various alternatives. One fact that is striking is the very large percentage of Australia's oil consumption that is used for transportation purposes in comparison with many other nations. Hence, in the shorter term, this is where we can expect the impact of future shortages to hit us the hardest. Any increase in transport costs will not only directly affect our citizens at the petrol pump but will flow on to the cost of all of our other purchases—and citizens who live outside of Adelaide will be the hardest hit of all and, on average, incomes are lower in these areas.

With our vast distances and scattered population, Australians are amongst the highest per capita users of motor vehicles in the world. In addition to obvious advantages this has conferred in getting access to employment, it has enabled us to maintain social contacts in an ever more mobile time. Also, we have a tourist and leisure industry that, in large part, is reliant on clientele who use their motor vehicles for recreational purposes.

Our cities have developed in such a way that the removal of personal transportation is not a credible option. One only needs to look at the current state of our public transport to recognise that the capital investment needed to replace cars would be astronomical. So, our focus on peak oil must be made with these facts in mind.

There are on the horizon a glittering array of alternatives to the internal combustion and diesel engines, but none would be available in meaningful numbers by 2012—indeed, I doubt by 2020. There are the hydrogen cell engines, more efficient electric cars, and, indeed, cars powered essentially by compressed air. Then there are the attempts to adapt the existing vehicle technology, either by having machines with hybrid engines or by substitution of the so-called biofuels, or for oil and petrol.

I am all for research and experimentation to be carried out on any and all of these fronts. My own research suggests that the biofuel option contains two serious problems. First, with the shrinking agricultural land supply, food crops will be reduced to make available the vast amounts of land needed to supply the fuel. With the price of food already rising, the richer nations may well be buying their new fuel at the price of the health and even the lives of some of the world's poorest people. Secondly, there will be vast clearances of existing native vegetation to make way for plantations devoted to feedstock for fuel, and it seems that this is already occurring in some parts of the world.

Let us suppose that the alternative vehicles could be provided within a decade and that the replacement of existing cars began right now. What does that mean in monetary terms for our people? If we were to use 500,000 cars as a conservative figure and, say, $25,000 as the minimum replacement cost, we are talking about $12.5 billion—and this will come direct from the pockets of South Australian workers.

Of course, as just one example of the other costs to be incurred, huge sums would be involved in retaining those in the vehicle maintenance sector. I wonder how many of those on the government benches or in rural areas would be willing to admit to the battlers in their electorate that, effectively, they would have to find the $25,000 I have referred to, because that is what it would mean—there would be a terribly disproportionate impact upon our poorest and our non-urban citizens.

There is the additional fact that, as the percentage of cars manufactured in this country steadily falls, so the new vehicles would be largely imported. As a nation, we already have what seems to be a chronic balance of trade problem. Adding billions of dollars more to this situation can hardly be termed in the national interest.

Accepting that there is indeed a peak oil question to be considered, I submit that we must find a solution that allows us to spread the cost of change over a longer period of time. There is a solution that we here in South Australia can adopt, and we could begin almost immediately. There are massive supplies of natural gas in Australia, and we are familiar with the technology needed to convert our existing vehicles to use it. The conversion work could be done right here, so it would not mean sending our money offshore. It would also strengthen an existing industry and provide more jobs for our people.

We could also take some pride in the fact that we, in South Australia, will help to reduce the national balance of payments problem. We, as legislators, must be prepared to be temperate in our fuel-taxing policies, to encourage vehicle conversion and examine how the poorest of our people can be assisted to make the needed conversions. I support the motion moved by the Hon. Sandra Kanck for an inquiry into peak oil.

Debate adjourned on motion of Hon. J. Gazzola.

STATUTES AMENDMENT (SURROGACY) BILL

Adjourned debate on second reading.

(Continued from 5 March 2008. Page 2032.)

The Hon. A. BRESSINGTON (16:53): I rise to support this surrogacy bill, because I know of many childless couples, some of whom have been in my immediate family, who have accessed IVF, and a couple of members of my family in Queensland have undergone surrogacy in order to be able to have children. I think that South Australia is lagging behind in this area. Bringing some relief to childless couples is a responsibility we have as legislators. I know it is not a God-given right that every couple have children but when couples who would provide good, healthy homes for children long for that experience, then I believe we should take whatever steps we can to ensure that occurs. I thank the chamber for allowing me the opportunity to speak on this matter.

The Hon. J.M.A. LENSINK (16:57): I rise to speak in support of this private member's bill and to commend its mover for his persistence in seeking to get this baby through the parliament, so

to speak. It has had a long gestation and we do not even know whether we are there yet; indeed, he introduced the original bill on 21 June 2006 and, as we know, then it was referred to the Social Development Committee, which reported last year in November. That has been at least 18 months since the proposal first came before us. I think that the Social Development Committee report is quite a useful reference in that—

The Hon. Sandra Kanck: It was regarded as brilliant.

The Hon. J.M.A. LENSINK: Regarded as brilliant by whom?

The Hon. Sandra Kanck interjecting:

The Hon. J.M.A. LENSINK: Okay, that is good. The two main issues have arisen from the report: first, the inequality for the status of children who have been born to South Australian parents as a result of gestational surrogacy procedures performed interstate; and, secondly, a far more complex issue which relates to whether South Australia will enable gestational surrogacy to take place.

On that first issue, I note that the committee described as totally unnecessary the requirement for couples to go through the adoption process and that children who have been conceived through this procedure should not be discriminated against or disadvantaged. I think we would all share those concerns; indeed, in my contribution on the previous bill, I read into *Hansard* comments from Kerry Faggotter, who would be well known to most of us these days. She is also to be commended for her work in presenting this issue to parliament and for exposing elements of her personal life which must be quite a difficult thing to go through. She spoke on radio about how she has been through difficulties even in enrolling her son in swimming classes. Other people have had trouble when they have taken their child on a plane. I will read that again because I think it is worth mentioning, even though I will be repeating what I said in September 2006. She said on radio:

> Although my husband is registered on the birth certificate of our son, if he was to die I, as Ethan's mother have no legal entitlement to him as the law stands today. These restrictions also prohibit me from enrolling him at schools, opening a bank account and obtaining a passport for him. The list is endless. My husband is the only one besides the surrogate, my cousin Yasmin, who can do all of the above as the law stands now.

I think that is a bit of a no-brainer really. Those aspects of existing legislation ought to be closed as soon as possible.

I note, too, that the Standing Committee of Attorneys-General has been looking at this issue. I urge this government not to delay progressing any moves. There are already five jurisdictions in Australia which allow this in some way, as I understand it, and Western Australia has a bill before its parliament. If the aim of that exercise is to unify legislation between all of the states I think that will slow things down significantly because, ultimately, it is the parliaments of each of those jurisdictions which will determine what form it will take. Trying to get unity through every parliament across Australia, I think, would be very fraught with difficulty indeed.

I note that in relation to whether we enable surrogacy to take place in South Australia some have stated—indeed, I think, the report of the Social Development Committee noted—that surrogacy itself is not illegal but that it is almost impossible to perform because of the particular criteria. In his contribution the chairman of that committee, the Hon. Ian Hunter stated:

> The bizarre part of this is that many procedures are undertaken in South Australia but when it comes to the embryo transfer the couple were sent interstate for this part of the process.

I think if that is the case it is all the more reason to enact some form of legislation in South Australia to close that off. These issues can be difficult. There are obviously moral issues and, as the report itself notes in its executive summary, there are very divergent views about this issue and it is difficult to reach a consensus. I think we all understand that, but the fact that this may be seen as uncharted waters is no reason not to seek a solution.

There have been countless times throughout history when there have been different advancements and scientific breakthroughs and so forth where parliaments have had to come up with some solution to the situation. I urge the government to progress this issue and bring in some legislation. I commend the Hon. John Dawkins for being so persistent in driving this issue for the benefit of South Australian families.

Debate adjourned on motion of Hon. B.V. Finnigan.

GLENSIDE HOSPITAL REDEVELOPMENT

Adjourned debate on motion of Hon. J.M.A. Lensink:

1. That a select committee of the Legislative Council be established to inquire into and report on the state government's proposed sale and redevelopment of the Glenside Hospital site with specific reference to—

(a) The effect of the delivery of services by the proposed co-location of mental health, drug and alcohol, rural, regional and state-wide services and the possible security implications;

(b) The effect of the proposed sale of 42 per cent of the site and its impact on the amenity and enjoyment of open space for patients and the public, biodiversity, conservation and significant trees;

(c) The impact of the reduction of available land for more supported accommodation;

(d) The effect of the proposed sale of precincts 3, 4 and 5 as identified in the state government's concept master plan for the site and its possible effect on access to the site and traffic management generally;

(e) The proposed sale of precinct 4 by private sale to a preferred purchaser; and

(f) Other matters that the committee considers relevant.

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 strangers 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 27 February 2008. Page 1867.)

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (17:05): The government opposes this motion, not because we are against scrutiny of this very important project—there is rigorous statutory scrutiny built into the process—and not because we do not think that the project warrants attention. In fact, I think it is one of the most important health projects we will undertake this decade.

We oppose this select committee because it is aimed at only one thing, or predominantly one thing, and that is preventing and delaying long, overdue reform of South Australia's mental health and drug and alcohol treatment services. Worse than that, the process of this politicised committee has the potential to whip up ill-informed hysteria and, further, publicly stigmatise people who need treatment and support, not derision and fear.

The Glenside campus redevelopment is a visionary project. It is a project that is of statewide significance and will contribute to South Australia receiving a modern mental health and substance abuse system to which it is entitled and which it deserves. This reform is long overdue.

During the 1990s other states across Australia reformed their mental health systems but, sadly, South Australia did not. While other states were investing in community-based care and new facilities in line with the national mental health plan, South Australia maintained an asylum-based system and allowed patients to be housed in unsuitable environments. I know this because as secretary of the Australian Nursing Federation I campaigned to close the Kurrajong Ward at Glenside campus. That facility was completely unsuitable for modern health care and it took a tour with cameras to finally bring to light that nobody should be cared for in such a facility.

Some of the older wards that operate now are obviously not as bad as that one. However, in my view, they are not physically conducive to a therapeutic environment. For years—decades, in fact—the future of the Glenside campus has been up in the air. On 20 September 2006, the government's announcement ended the uncertainty that surrounded the campus and put in train a fundamental reform to our system. This plan is part of a complete overhaul of our mental health system—one that has been thoroughly investigated by numerous committees over many years.

The Stepping Up report, prepared by the Social Inclusion Board, outlined the reforms needed across the system, including this reform of the Glenside campus. The reform plan was widely consulted on and lauded both in South Australia and nationally by mental health experts when it was released. The considerations of the Social Inclusion Board dealt with the need for these reforms and the need to completely change Glenside to become part of the community, not a stand-alone asylum.

The board's report specifically recommended that services be co-located and, in particular, that mental health and drug and alcohol services, as well as rural and remote specialty services, be located at Glenside. This was supported in the report because of the critical importance of treating people with dual diagnoses holistically and the view held by country people that Glenside was an important central location for rural and remote services. They very much support this model of their rural and remote services remaining at this site.

I note that the proposed select committee's terms of reference want to view these important services in the light of security implications. We all know that those words are code for stigmatising these clients and for scaring their neighbours. Modern treatment has changed all over the world, and these services are successfully delivered in community settings. Treatment delivered in this way is superior, and the entire community benefits from having people recover and contribute.

I have no doubt that South Australia deserves a best practice approach to mental health and drug and alcohol services. With this greenfield development, we will be able to design a hospital and allied services that ensure best practice building design in treatment and, most importantly, dual service delivery where it is needed. Major change like this redevelopment requires leadership, and this government is confidently providing leadership. On the other hand, opponents of the development want to short-change the community and have taken a rather different approach—one of misinformation, scaremongering and pleading the case for more and more of the same.

Unfortunately, some of these ill-considered and baseless accusations have been repeated by the Hon. Ms Lensink in this place. I need to set the record straight and, hopefully, persuade the honourable member that she is in fact ill-advised and misinformed. The Hon. Ms Lensink commented previously on the lack of consultation with both the community and recognised experts, such as the Royal College of Psychiatrists. She needs to be corrected.

The government has established a comprehensive engagement process to inform the redevelopment. In fact, two key pieces of work are now occurring concurrently: the first is a refining of the concept master plan, with the objective of completing it shortly; and the second is finalising models of care for the new hospital. This work is being informed by dialogue with neighbours, stakeholders, consumers, their families and staff. That is not to say that many of these concepts are not challenging; however, they require leadership.

One of the many mechanisms used to gather input has been a series of listening events, which occurred through October and November 2007. These ranged from public meetings at Burnside Town Hall to community workshops held with me. If I recall correctly, I conducted three or four community meetings where I met personally with local residents and held intensive discussions with open and frank exchanges. These events were well attended, and over 500 valuable inputs were provided by the community. In addition, the Department of Health has established a number of other engagement methods, namely:

- key stakeholder meetings with various interest groups, such as the Burnside shopping centre and a range of other stakeholder groups, some of which I have also attended;
- an 1800 toll-free number;
- a website;
- ministerial communiqués, which are delivered to the homes of local residents and also posted on the website;
- clinical workshops, developing the models of care for the health facility; and
- the formation of a community reference group (and I have also met with that group).

The Royal College was also engaged in the 2007 report of the Social Inclusion Board, Stepping Up. I assure the Hon. Ms Lensink that members of the Royal College continue to be engaged throughout the redevelopment process. They may not agree with all our vision, but they have certainly been engaged right from the outset, including the Social Inclusion Board's Stepping Up consultative process, where the design of the blueprint was put together. I reiterate that there is a big difference between agreeing with all aspects of our vision and not consulting. Consultation has been extensive.

All of these engagement mechanisms have provided a diverse range of thoughtful and valuable input. These inputs have now been synthesised by the project team as part of the finalisation of the master plan. Unfortunately, when people prefer status quo they are typically

dissatisfied with the consultation process. Unequivocally status quo is not an option, and I make no apologies for that. This state deserves better mental health and substance abuse services. The Glenside campus redevelopment is an important step in delivering better services.

The Hon. Ms Lensink has also spoken of supposed secrecy around the Glenside concept master plan. I am certain it is no secret to the public that the future of Glenside has been uncertain for the past 10 to 15 years. The Premier, Monsignor Cappo and I announced on 20 September 2007 a concept master plan for the Glenside campus, and I will publicly launch a finalised master plan shortly. As a result of the thorough consultation and public announcements, the process has not been in secret but has in fact been open and transparent.

The Hon. Ms Lensink has also suggested that the community reference group members are anonymous. Considering that the names of members are listed on the Glenside redevelopment website, it is hardly a secret. They were put on that website at the earliest convenience, I think the next day after the evening of their first meeting where they adopted their terms of reference and endorsed publication of a list of their names. Big conspiracy!

The honourable member also voiced concerns about the proposed development plan amendment, the DPA process. There is no reason for concern as the DPA is a defined legislative process prepared under the Development Act 1993 and is a necessary process to introduce planning policy and support the change of land use. The DPA involves both a consultation process that spans a two-month period and a series of rigorous statutory requirements.

I also make clear that other state legislative requirements will be adhered to in this development. The significant tree legislation will be complied with for significant trees on the site, and our state listed heritage buildings will also be preserved. Assertions that the redevelopment of Glenside will result in a reduction in adult mental health beds are simply not true.

I take this opportunity again to set the record straight. The reform of the mental health system to the new stepped model will deliver an estimated 86 additional adult beds across all levels of care to bring the state to a total of 516 adult mental health beds. The increase in the range of care and support services available will not only meet the needs of more people but will ensure that an increased number of people can receive care or support in their homes or in the community before they become acutely unwell.

We make no apology for relocating some beds into the community, in fact closer to where people actually live. This is part of moving away from the asylum-based model of care and is why we have built and are building new services such as the highly acclaimed Margaret Tobin Centre, the new aged care facility at the Repatriation General Hospital (a mental health aged care facility), the new mental health unit being built at the Lyell McEwen Hospital, our three new community recovery centres (two of which have already been opened), and the new intermediate care beds, which we will build in different areas of Adelaide and in country regions. The list goes on.

Because of our new focus on providing services in local communities and no longer having a large asylum, some of the land at Glenside is clearly surplus to requirements. This provides a real opportunity to integrate the local community with these health services and develop the best practice approaches that we know operate in other parts of the world and Australia.

Looking at the big picture, it also provides a complimentary opportunity for the creation of much sought after additional residential housing close to the Adelaide CBD. The residential development proposal will also include affordable housing for people such as first home owners, who may otherwise struggle to buy a house in this area.

The Hon. Ms Lensink has voiced her concerns regarding the mix of patients at Glenside. There is currently already a varied and diverse mix of patients at Glenside, and that has been the case for many years. The new facility sees a reduction in the mix. We will bring in drug and alcohol services but will move forensic and aged patients to other more appropriate sites. I remind people that there is a significant cross over between people with mental illness and substance abuse problems. People with addictions have always been on the Glenside campus, and many of these have been treated there as well. The inclusion of drug and alcohol services on the campus was promoted by the Social Inclusion Board to promote more effective and integrated treatments. South Australia's drug and alcohol services have been located in residential areas for many years, sharing local neighbourhood fences with suburban neighbours over decades. They have demonstrated their ability to be good neighbours.

The introduction of targeted substance abuse services recognises a co-morbidity that exists between mental health and substance abuse. With the new state-of-the-art facility rather

than old and inadequately designed buildings that currently exist, the Department of Health will be better positioned to continue to provide safe and secure services. The false rumour that aged care residents will be removed from Glenside by Easter 2008 is another concern the Hon. Ms Lensink has been propagating. These claims are unfounded. As obviously Easter 2008 has now come and gone and, of course, the supposed 'evictions' have not occurred—

The Hon. B.V. Finnigan interjecting:

The Hon. G.E. GAGO: —yes, that's true—concerns were nothing more than conjecture and rumour and there was never any substance to that. It was irresponsible of members in this place to perpetuate ill-founded rumours and conjecture.

The Hon. Ms Lensink has stated that mainstream aged care services do not have the expertise to deal with complex mental health clients. What she may not be aware of is the commitment that this government has made to reform the mental health system so that it is prepared to support complex clients.

The new stepped system has different graduating levels of care comprising: community care and support, 24-hour supported accommodation, community recovery centres, intermediate care and acute beds, and secure care beds. The system will provide people with extra support in the community where they need it most, either in their own homes, in a number of different community facilities, or in an acute care setting. The range of care and support available will enable individuals to better manage their health and enjoy the benefits of being part of their local community. We will be working with mainstream aged care providers to ensure that appropriate expertise is in place. This may involve significant in-reach arrangements.

The Hon. Ms Lensink has voiced concerns about the co-location of services on the development. The views of mental health staff, consumers, carers, and the broader community have been influential in shaping the way future services will be delivered at the Glenside campus. Input from a wide range of health stakeholders and the local community has refined the approach to be taken in the redevelopment, including changing where the new hospital will be located on the site. The new $100 million-plus hospital will now be built on the southern side of the campus, with the residential development now to occur to the north. The change will lead to a smoother transition of services, a more integrated site with the amenities and community, and even more public space. We believe it is also likely to improve traffic access.

I have heard some romanticising of the Glenside campus in recent times by neighbours waxing lyrical about their beautiful park. Anyone who believes that clearly has not visited the campus of late. The site incorporates a lot of built form at the moment, including a number of deteriorating buildings that can no longer be used, and a number of them have not been used for many years. Glenside is not a public park for local residents, it is an operating hospital and grounds. The site is very built up, with dozens of separate buildings on the site in a range of various states of repair. There are some magnificent state heritage buildings which the reform of Glenside will see retained and enhanced.

The Hon. Ms Lensink has spoken of the lack of open space to be provided in the redevelopment. To the contrary; one of the exciting features of the concept master plan is the environmental improvements that the redevelopment will bring and the creation of more usable public open space. Much of the existing Glenside grounds are difficult to access or just not designed to provide for functional public open space. The development will ensure that the public open space provided is inclusive and usable open space for all.

I also remind members that Glenside is across the road from Adelaide's magnificent parklands, so the parklands are, in fact, in very close proximity for local residents. I am very sure that local residents do benefit from those beautiful parklands just across the road.

The Hon. Ms Lensink has made reference to the Stepping Up report as being used to ward off questions about Glenside. In fact, the report sets the parameters for the conceptualisation of the Glenside redevelopment. The board emphasised that the site needs to be more integrated into the community and that Glenside should have facilities that the community uses in order to help destigmatise the site and remove its institutional past. In direct response to this vision, the site will be designed to enhance the movement and integration of persons through the site and its services, as well as enhancing the integration of mental health clients and the local community.

The sale of three metropolitan DASSA sites is also of concern to the Hon. Michelle Lensink. The existing three sites in North Adelaide, Norwood and Joslin are not purpose built. They are old and inefficient. Selling the sites and using the funds to consolidate the three services into

one state-of-the-art contemporary facility will contribute to providing more efficient and effective drug and alcohol provision. This is what the public expects of a government that is providing the community with needed services, rather than having some irrational desire to maintain the status quo.

The Hon. Ms Lensink has been concerned with the procurement approach outlined for precinct 4. The government announced on 20 September 2007 that the owners of the Frewville Shopping Centre—the Chapley Retail Group—would be given first opportunity to purchase precinct 4. This was detailed within the concept master plan. It is not unusual that the government will negotiate with a single entity if there is strong strategic rationale to do so.

In this situation, design synergies exist in enlarging the existing retail precinct rather than potentially creating a separate, competing and polarised retail development adjacent to the existing retail area. Simultaneously, the government will acquire land from the owners of the shopping centre to allow for the widening of the Glen Osmond Road and Fullarton Road intersection.

I draw members' attention to the well-known fact that the former Liberal government had already agreed to sell some of the Glenside campus land to Chapley's Frewville Shopping Centre—

Members interjecting:

The Hon. G.E. GAGO: I have a copy of the correspondence. It is signed by the Hon. Iain Evans, if my memory is correct. The piece of correspondence has his signature on it. The former Liberal government did agree to sell some of the Glenside campus land to the Chapley's Frewville Shopping Centre directly. This particular grievance is complete hypocrisy. I have a copy of the correspondence. A village-style retail precinct will be developed at the southern end of the site building on the existing Frewville Shopping Centre. The government will require a design that faces shops, cafes and restaurants onto the broader development, therefore integrating these uses into all other uses on the site.

Design criteria will be established as part of the development requirements. An independent valuation will be conducted to determine the market value as well as the optimal sale price. Further, the honourable member holds a general misconception regarding the introduction of retail, residential and commercial uses onto the campus site. She falsely believes that it is simply about deriving income. The income is, indeed, a benefit, but a secondary benefit, and it will undoubtedly assist us to fund responsibly these health service changes; however, it is not the primary reason for introducing these uses. These uses are about integration of every day community activities with the provision of mental health and substance abuse services.

The integration of our services with the community has, is and will continue to be central to our mental health reform agenda. Contrary to suggestion, these uses are not simply for revenue; they are mechanisms by which we integrate, destigmatise and deinstitutionalise our services. For many of our reform activities we are taking our services to the community. In this instance we are bringing the community to our services. These uses are not about revenue; they are primarily about integration. Moreover, this approach is consistent with developments in the United Kingdom and Europe. The revenue achieved from the introduction of these everyday uses onto the campus site will be channelled into the provision of health services.

The Hon. Ms Lensink has commented on mental health staff being dissatisfied. I strongly refute this statement. The future of the Glenside campus has been debated for years. The release of the concept master plan has finally provided our mental health and substance abuse staff with the certainty they have been asking for. In fact, many of our staff have been instrumental in developing our models of care (and I congratulate all those who have been involved), which will guide the services to be provided on the site into the future. I am advised that there is more hope and enthusiasm in the mental health sector because of the Stepping Up reforms than there has been for decades.

Finally, the Hon. Ms Lensink has spoken of traffic congestion. I can assure the Hon. Ms Lensink that traffic and access has been an area of detailed investigation, like many other technical areas. The Department of Health and its traffic advisors and the Department of Transport, Energy and Infrastructure have been conducting traffic and access assessments and modelling in order to inform the development of the master plan. These investigations are campus wide and will provide traffic and access solutions for all precincts, while providing a new strategic approach to traffic management for all those living in the surrounding environs.

The disappointing aspect of the Hon. Ms Lensink's motion is not that she does not support the Glenside campus redevelopment but that she is in opposition to change and consequently to improvement. I would hope that no member here fails to recognise the fundamental need to reform our mental health and substance abuse systems. While the government provides leadership in reforming our out-dated, Victorian lunatic asylum type model of care, the opposition argues for its retention. Whilst opposition members have not said this overtly, that is the result of the misinformation, the scaremongering and the false accusations regarding the Glenside development. It is stigmatising to assert wrongly problems with patient mix and suggest security concerns and secrecy.

Any community leader allowing this type of stigmatisation should be ashamed of themselves, and this proposed select committee seems to me to have a high risk of feeding just that agenda. Mental health and substance abuse services are important and serious topics. This council should not contribute to their trivialisation or demonisation, and I am concerned that a select committee could provide a platform for this to occur. I strongly oppose this motion.

The Hon. SANDRA KANCK (17:35): In supporting this motion, I acknowledge that there is a need for cultural change within the mental health service. However, we are less certain that commercial redevelopment of the Glenside campus is the best way to bring this about. Community feeling has run high around the method of consultation employed by the government. It is a method called 'no consultation', with decision making from the top down prevailing. Some Burnside residents and counsellors have been less than complimentary about minister Gago's behaviour. In fact, I—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: —think that some of the comments have been—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Kanck has the floor.

The Hon. SANDRA KANCK: —a little unkind. However, the basic decision to carve up the site was cabinet's, and the fact is that no consultation was entered into. It appears from the public perspective that all the decisions have been made, and that the only opportunity for input will be about where some of the services, housing and shops will be located on the site, and people are feeling miffed about that. The question of whether this carving up of the site is the right thing to do, I think, is answered probably by the fact that this is part of our common wealth and therefore we should all have been a part of the consultation.

The issue of consultation within the mental health community in South Australia has earned a poor reputation for successive governments, both Labor and Liberal. That the trust of the people of South Australia has been broken is a great pity. Mental illness is a normal part of life: directly for one in five South Australians and indirectly for all of us.

A little bit of history: back in 1841 a Board of Pauper Lunatics was set up to find an alternative to keeping people with a mental illness in the Adelaide Gaol. So, in 1842 the Maintenance Act was passed. It stated that it was the legal responsibility of the family to support any member who was destitute or sick.

In 1846, the government rented a house with eight rooms and a small cottage at Parkside for people with a mental illness. In 1852 the Adelaide Lunatic Asylum was opened to care for the mentally ill. Although it provided far better facilities for the insane, in less than two years it proved to be far too small.

While the terminology has changed—we do not talk about lunatics or asylums—and there have been advances in treatment, and hopefully increased tolerance from the wider community now exists, much of the personal and familial crisis and stigma around mental illness persists.

When I was a child, to refer to Parkside was derogatory as it meant that one was referring to the lunatic asylum. I have to say that around that time my great-grandmother spent time in there because of her dementia. The concept of 'asylum' is to provide a safe haven, and in the midst of a psychotic episode it is a necessary thing to ensure that people are safe.

Since the walls were pulled down and a slight name change took place, generations of South Australians have seen Glenside Hospital as a place of reassurance should they or someone in their family have need of it. In working to care for people with a mental health issue we, as law

makers, must remember that such people are part of our society, not a separate group of alien beings.

Ensuring that appropriate, timely and respectful services are offered to them is a mark of a civilised society, and Glenside Hospital is well placed to do that. The culture within our mental health services is not as good as it needs to be to really support people living with mental health issues. Funding is one part of the picture but so is regularly updating skills, encouraging best practice in all areas and having concern for human rights.

Morale amongst staff must be maintained at a high level if they are to deliver optimum care, and I am reliably informed that morale at Glenside is at the bottom. Redeveloping the Glenside campus offers some possibilities—possibilities which were not envisaged by the government when they sat in opposition nor when they came to power.

Something has shifted in their thinking in recent times and now it is seen as an inevitability, albeit one which will please a small number of developers only, that the site will be partially sold off. Glenside has intrinsic heritage value, but it also offers the strong symbolism of asylum. In its current configuration, however, it is not meeting the needs of the mental health community, and that means clients and workers alike.

In 2005, the government proposed to close Glenside, but it was just prior to an election and, surprise, surprise, they reversed the decision. What is proposed now is closure by stealth. The opportunity exists to recast Glenside while retaining its heritage, both built and natural, and to create a world-class centre of excellence for people who live with mental illness.

Such a model centre could create a safe haven for people who are not being detained under the Mental Health Act but who are housed in a community where they can feel secure and can access expert assistance as they require it.

Whether there is a need for more shops in this precinct is debatable, although the minister has made it part of her plans for subdividing the site. Existing retailers in the Glen Osmond and Fullarton Roads precinct may not be thrilled at that prospect. Many of those retailers have welcomed the business of Glenside residents for many years and they have shown themselves to be good corporate citizens in the process.

A greenfields site, to use the lingo of the development industry, so close to the city would appear to be ideal from the perspective of providing mental health services. In other cities it would be snapped up by health planners, so it seems strange that the South Australian government is choosing to carve up some of that beauty and to hive it off to developers.

The option to bring the community into the Glenside campus to house clients of the Mental Health Services side by side with others would break down barriers, but there still needs to be a safe place where people living with mental illness can receive the best possible treatment and be protected from harm.

We need an emphasis on harm minimisation to avoid the long-term mental health impacts of drug abuse. We need to offer early intervention, counselling services and primary mental health care, and Glenside is the place where it could happen if the resource is not sold off to the highest bidder. Glenside Hospital could consolidate many outpatient services, and its location on a bus route is part of its suitability for mental health patients. Glenside, in so many ways, is an ideal location.

So, I applaud the initiative by the Hon. Michelle Lensink to bring this motion before the council. It is clear that in applying public pressure the minister has already announced some changes to her plan. If the reason for selling off this land is the Treasurer putting the squeeze on the mental health budget then we need to be told this, and perhaps the committee will recommend ways of making budgetary savings at the Glenside site.

On the other hand, if the objections we are hearing about are simply about preserving housing values for nearby residents, I have little time for that. If it is about fears relating to community treatment of recovering alcohol and drug addicts, the committee will be able to reassure the community that they will not be at risk. Community treatment programs are happening all over Adelaide with almost no knowledge of their existence by nearby residents.

I indicate that I am willing to serve on this committee because I do not want to see it become an avenue for party political free kicks. I look forward to discovering more about this project, free from hype and gobbledygook, free from the interference of those whose vested

interests in property developments might otherwise muddy the waters. I want to get to the truth and hopefully come out at the other end with recommendations that are best for mental health consumers in particular, and for South Australians in general.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. PARNELL (17:44): The debate over the future of Glenside seems to me to embody three main questions. The first question is how best to provide mental health, drug and alcohol services in South Australia. How do we do that? That is the first question. The second question is: how do we use public assets to best effect in this state? The third related question but a broader one is: how do we use land to best effect for the whole community? That is effectively a town planning question.

Despite the protestations of the minister, I do not believe that the establishment of a select committee pre-empts the answer to any of those three questions, but it does provide a process for them to be asked and to be debated. I am very heartened to hear that the Hon. Sandra Kanck is interested in serving on this committee, because it reminds us all that this chamber is not dominated by either the government or the opposition. It is a council of mixed membership, and I believe that we are a better place than the other place to have a proper inquiry into these topics.

The focus of my contribution is to look at the planning issues for Glenside and to pose the question: how do we get proper scrutiny over major decisions with possibly irreversible outcomes? A subsidiary question (or the flip side, if you like) is: is the current system of statutory public consultation and scrutiny effective? My answer to that is clearly no, the current system will not deliver sufficient public or parliamentary scrutiny.

So, what is wrong with the current system? There are two main aspects to it. When we are talking about changing the use of land, we are talking about rezoning. The process involves the passage of a development plan amendment, and part of that process is consultation by the Development Policy Advisory Committee.

A number of us have been to meetings of DPAC (Development Policy Advisory Committee), and we know that is not a forum for debate over the future of land use in this state. Basically, you get an opportunity to stand up in front of members of the Development Policy Advisory Committee and you tell them what you think. You have no opportunity to grill the proponents or the people behind any rezoning, and there is no opportunity to ask any questions. It is simply a stale, one-sided forum where you tell the Development Policy Advisory Committee what you think.

That organisation then gets its advice from Planning SA—and it is Planning SA that has redrafted the rezoning—and that is its main avenue of advice. It would be no surprise to members to learn that the history of the Development Policy Advisory Committee is one of support for government rezoning proposals. The committee occasionally tinkers with them, but it overwhelmingly supports them.

The biggest insult to injury in this process is that as a community we never find out what happened to our submissions—we never find out what the Development Policy Advisory Committee did with them, how it analysed them, whether it accepted or rejected them—because we never get to see the advice of the Development Policy Advisory Committee to the minister. It is a Star Chamber and a sham of a process. There is no debate, and it is a system I have called for to be reformed on many occasions.

The next level of scrutiny under the present system is that any rezoning, any development plan amendment, is subject to parliamentary scrutiny. How does that work? There is the Environment, Resources and Development Committee. The Hon. Michelle Lensink and the Hon. Russell Wortley sit on that committee. They may not agree with me publicly, but I have put it to that committee on several occasions that parliamentary scrutiny of planning schemes is a joke. It is an absolute joke in this state, because we do not get to see those planning schemes until they have been brought into effect. Once they have been brought into effect—

The Hon. B.V. Finnigan: Then resign from the committee.

The Hon. M. PARNELL: I am not going to resign from the committee because the committee has a number of functions, as the Hon. Bernie Finnigan knows. We have just produced an excellent report on coastal development. What I will tell the honourable member is that I do not spend as much time scrutinising the planning schemes as they deserve because I know the horse

has bolted. I know that, by the time the ERD Committee of parliament gets to see a planning scheme, it has already been brought into effect. Any application for development approval that has been lodged under that scheme is legally binding and, even if the ERD Committee had the courage to recommend throwing out a planning scheme—to come back into this chamber and say, 'The scheme is no good; we don't like it'—it would be too late. There is no retrospectivity in parliamentary scrutiny over planning schemes. We know that that does not work.

If the existing mechanisms for public scrutiny and for parliamentary scrutiny over major land-use decisions such as this were adequate, we would not need a separate process—we would not need to move select committees because we could say, 'You don't need the committee; there is already a process in place.'

A select committee will provide some level of scrutiny, and it will run parallel to the government process. It is not going to stop the government process. It will proceed apace with the master plan, with the rezoning—and the parliamentary committee need not stand in the way. I would urge those who are members of the committee to keep up with the government's process to make sure that whatever recommendations you come up with are not wasted.

I do not want the Hon. Michelle Lensink, or me or anyone else to have to keep bringing to this chamber proposals for select committees when we could have standing committees that do the job properly. We should not have to do it for Glenside, and you can think of any number of other major projects where we could have established a select committee, and I refer to Cheltenham and the Port Adelaide redevelopment—big decisions where the public and parliamentary scrutiny process has been inadequate.

I would also say that my supporting this motion does not imply my support for any particular outcome. I agree with most of what the minister said about such things as the collocation and the integration of mental health services; I disagree with much of what the Hon. Michelle Lensink had to say about mental health. But that is not the point. The point for me, if we can put this in the reverse, is that to not support this motion is to tacitly approve or support the existing mechanisms, the existing regime, for scrutiny over major decisions such as this. I do not support the current system of scrutiny, therefore I do support establishing this select committee.

The existing regime is flawed and, until we fix it, select committees like this will be necessary every time major public assets come up for redevelopment. I support the motion.

The Hon. S.G. WADE (17:52): I have been provoked to make a contribution by the minister's persistent attacks on my colleague the Hon. Michelle Lensink, particularly by her use of the term 'stigmatisation'. I find it extremely personal and offensive the way the minister has attacked the honourable member, particularly because of the way that the government's proposal does stigmatise mental health patients. Let us remember that a crucial element of this proposal is that the Grove Ward at Glenside will be closed, as will James Nash House, and they will be transferred to be collocated with a prison. What could be more stigmatising for a person with health-care needs to have their service delivered hand in glove right next door to a prison! I think it is absolutely offensive that the minister should choose to ignore that element of the proposal which proves the stigmatisation of the mental health community by this government.

In support of my case, I will refer to the annual report of the Office of the Public Advocate which was tabled in this chamber in November or December last year. John Harley, the Public Advocate, said this about this proposal:

> The SA government has recently announced its intention to build a new forensic facility at Mobilong to replace James Nash House at Oakden and Grove Closed Ward at Glenside Campus. I advised the Hon. Gail Gago, MLC, Minister for Mental Health and Substance Abuse, that I have and I continue to have two major issues with the proposal.
>
> The first is that the plan is for the facility to house only 40 beds. At present, Forensic Mental Health Services already has 40 beds which is insufficient as they are chronically full with at least 50% of inpatients being non-prisoners—

I pause there to remind the council that we are talking about 50 per cent of people in this facility who are non-prisoners. Why should they be stigmatised by having their facility transferred right next door to a prison? I cannot think of anything more stigmatising than the government's proposal. The report continues:

> ...(declared liable to supervisions under section 269 of the Criminal Law Consolidation (Mental Impairment) Amendment Act 1995). In fact, in many cases there are non-prisoners being held in prison facilities because there are no vacancies in James Nash House.

Does this council really believe that after being collocated with a prison there will not be more of that? We will have more non-prisoners being placed in prison facilities as a result of overflow, because this government refuses to expand. Let us remind ourselves that the Grove Ward at Glenside and James Nash House have a total of 40 beds. The government is proposing to increase significantly the size of the prison population but not increase the size of the forensic mental health facility. It is committing itself to overcrowding and, therefore, in my view, to non-prisoners with mental health problems being placed in prison facilities. What could be more stigmatising? What a hypocritical minister! The report of the Public Advocate continues:

> This is in clear violation of their human rights. I have previously drawn this to the attention of Parliament. The competition for beds also affects mentally unwell prisoners' access to the facility due to the limit of 40 beds. There is substantial evidence of the need to increase beds in any new forensic mental health model.
>
> The second issue is one of service delivery. At present the staff work hard to facilitate regular contact between friends and relatives, government and non-government organisations and patients in James Nash House. This is particularly important for those non-prisoners who are being gradually re-integrated into the community (which is, in the majority of cases, metropolitan accommodation).

The minister preaches about re-integration and then has the audacity to transfer a whole group of mental health patients out of the city well away from any prospect of community integration and stigmatise them by placing them next to a prison. The Public Advocate continues:

> Placing any new facility in Mobilong will result in a great disadvantage for patients and their families who need to be able to have face-to-face contact with each other. This also affects accessibility for patients to most support services which are relied upon for rehabilitation and recovery. Any transition into the community would also be severely hampered as most patients choose to live in the metropolitan area. The move of the facility to Mobilong could be likened to the Commonwealth Department of Immigration and Citizenship's previous policy of locating detention facilities in remote areas such as Woomera, Nauru and Port Augusta to ensure inaccessibility of detainees from support networks. I would like to be convinced that the SA government is not following the same policy.

I encourage members of the government to search their conscience after having attacked the federal government so hypocritically in relation to Baxter. They might like to look at their own policy in relation to placing a health care facility next door to a prison. The report continues:

> I have requested that consideration be given to dual services taking into account the two groups of individuals that require a service, i.e., prisoners and non-prisoners. A metropolitan-based facility, in addition to the one proposed, could take into account the above issues and lack of beds.

[Sitting suspended from 18:00 to 19:47]

The Hon. S.G. WADE: I thank the Leader of the Government for the opportunity he gave me to collect my thoughts over dinner. I took that opportunity to consider other annual reports of the Public Advocate and I propose to refer to them shortly. I will just conclude my comments on his most recent annual report. I remind members that we were considering the hypocrisy of the minister in relation to her use of the word 'stigmatisation' with respect to the proposal for a select committee when, in fact, it is this government that is doing the most offensive stigmatisation of people with mental health problems, in terms of placing their mental health care facility next to a prison.

In the conclusion of that section, the Public Advocate says:

> In my annual reports of 2002-03, and 2003-04, I brought to the attention of the parliament my concerns about the inadequacy of forensic mental health services and mental health services provided by the prison health service. They did not produce any response from the government nor any questions in Parliament. As of the date of this report—

which was the end of last year—

> I have also not, apart from acknowledgment, received any response from the minister addressing my further concerns.

So much for the minister's concerns about stigmatisation, when she has two annual reports and receives a third piece of correspondence (apparently, on this occasion, a letter from the Public Advocate), and she still has not responded. I do not know whether the minister has responded since that time. I think she might have. An FOI request from the shadow minister might well have elicited a letter from the minister to the Public Advocate. However, it took two annual reports and a letter from the Public Advocate to get the minister to address his concerns in relation to forensic mental health services.

That is my first point: that it is hypocritical for this government to talk about stigmatisation in relation to its proposal to consider the Glenside redevelopment when part of that redevelopment is to place mental health care collocated with a prison.

My second point is that on the Glenside site, the James Nash site and in the proposed new Murray Bridge site, this government is failing to provide mental health care—

An honourable member interjecting:

The Hon. S.G. WADE: I am sorry but I will not correct myself, because the government insists that it is the Murray Bridge site. If it wants to call it Mobilong, it should let us know.

So far, I understand that it is the Murray Bridge site. The point is that in those three sites the mental health service provided to prisoners is totally inadequate. I will read from the 2003-04 annual report of the Public Advocate, which states:

> Studies both locally and interstate indicate that approximately 7% of prisoners have schizophrenia or related psychotic conditions (not including substance related psychosis) and an additional 10% suffer from depressive disorders, post-traumatic stress disorder or anxiety disorders. Substance abuse by this 17% is also the norm.
>
> The South Australian Prison Health Service and the Department for Correctional Services provide primary care for prisoners with these problems. However, there is also a responsibility for specialist services to provide both direct care and support primary care services in their management of prisoners with complex and serious mental disorders.

Subsequently, the Public Advocate refers to a number of international instruments and the human rights that people with mental health issues are accorded under those instruments. He goes on to say:

> These international treaties are being breached because the level of services being provided to prisoners is not equivalent to that available in the community. At present non-violent offenders with obvious mental health problems are kept in prison whilst waiting for assessment of mental impairment—

I pause to explain the implications of that. It means that, whilst people are waiting for this government to deliver appropriate mental health care, they are being left in prison, which is a totally inappropriate environment for people whose need is a health need. I will commence reading that part of the report again, as follows:

> At present non-violent offenders with obvious mental health problems are kept in prison whilst waiting for assessment of mental impairment before the courts, whereas they should be placed in suitable health facilities or their assessments arranged in the community. Violent offenders with the same mental health problems should be placed in a secure health facility, such as James Nash House, pending assessment. This frequently does not occur due to a lack of bed space.

These quotes are from two reports of the Public Advocate, but it would be unfair to suggest that the Public Advocate is the only stakeholder who expresses concerns about this government's failure in terms of mental health and, in particular, its consequences for people who find themselves in the prison system. In that context, I will read from a 2007 report of the Human Rights Committee of the Law Society. In relation to the mentally ill, it states:

> The absolute failure in the treatment of the mentally ill in the prison system has now reached the stage of being an unmitigated disaster and crisis. On 1 August 2007, when giving evidence before the Coroner in the inquest into the death in custody of Arthur Charles Smith, who hanged himself with sheets at Yatala in 2005, forensic psychiatrist Dr Craig Raeside told the court that most of the 40 beds at James Nash House and Glenside Hospital are being taken by people who were found not guilty of crimes due to mental impairment, and there are more people suffering from serious mental illnesses in South Australia's prisons than its psychiatric hospitals. Dr Raeside went on to say that there are inmates in the Adelaide Remand Centre and Yatala who are in far greater need of admission to the mental health facilities and he expects things to worsen, especially if one of the facilities is transferred to Murray Bridge, south-east of Adelaide.

I pause to remind the council that that proposition is integral to this government's proposal to redevelop Glenside Hospital. I commend the motion before members tonight, because it gives the council an opportunity to consider not just what happens at Glenside but also the knock-on effects it has for people with mental health needs throughout the state. The report continues:

> That evidence serves as a damning indictment on the current system and the almost certain disastrous consequences which will follow if something drastic is not done now to change direction and increase the level of resources for programs and treatment. This is not the way to treat offenders who are ill..

In concluding my remarks, I urge the council to support the Hon. Michelle Lensink's motion not simply because it gives us an opportunity to think about the Glenside site and its consequences for the community around that area but also because of the effect it will have on services not only in

metropolitan Adelaide for mental health and substance abuse and also in terms of the forensic mental health care delivered by the Department of Health and the Department for Correctional Services.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (19:55): I wish to say a few words. There is not much I can say about the detail of the proposal for the use of—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, I do know a lot about it, and because I am the Minister for Urban Development and Planning ultimately it will be within my jurisdiction to adjudicate on any development plan amendment which will come before the government. For that reason, I have excused myself from cabinet discussions in relation to the future of the Glenside campus, and I will not talk about that.

However, I do oppose the establishment of a select committee, because I believe it really does set an extremely unhealthy precedent. I am not aware of any other case where a select committee has been established running concurrently with a statutory process.

What does 'statutory process' mean in relation to this preparation of the development plan amendment? This is a process that was not established by the government. The statutory process is a part of the act of parliament. The Development Act sets out statutory provisions for the consideration of a development plan amendment, which would be necessary for any changed use of the Glenside site.

It was this parliament that determined what those procedures would be. Why then would we have a select committee that is appointed and set up to look at matters which will run concurrently with a statutory process—a statutory process which, incidentally, involves public consultation? And there will be a public meeting, as there always is, in relation to this particular provision.

I am not aware of any precedent in this parliament or other parliaments where you have that take place. I can think of only one reason why one would do it, and that is really to play politics with it. If this parliament has established a statutory process under the Development Act to take place to consider things, why on earth would we need a select committee running parallel with that?

Ultimately, it is well within the traditions and purview of this parliament to look at decisions taken by government. Certainly, in any case, the development plan amendment, as the Hon. Mark Parnell points out, if it proceeds to that stage, and any decision that I make or the conduct of that statutory process, will ultimately go to a committee of this parliament (the Environment Resources and Development Committee) for consideration.

So, I suggest that what we have here is a duplication, and I cannot think of any reason other than the total politicisation of this process as to why we would do that. How stupid does it make this Legislative Council look if on the one hand we pass legislation which sets up a statutory process to examine these sorts of matters and then we have a select committee running parallel with it?

It is for that reason that I strongly oppose this resolution. As I said, I will not speak about the particular measures that relate to the future of the Glenside campus, and I have deliberately kept outside of the cabinet decision in relation to those matters, because ultimately I will have to deal with any development plan amendment and the process that comes out of it.

How silly for any parliament to set up a statutory process that is part of legislation and then to run that parallel with a select committee. It is unprecedented, in my knowledge, and I challenge members opposite to indicate another case. But let us see where it will lead.

I have just pointed out how silly it is to do this, but let us just think through where this is going to go. If this parliament passes legislation that sets out statutory processes and we then double-guess them through setting up select committees or other processes, then apart from making ourselves—or at least those who support these measures—look foolish, it is really just telling the public that this parliament, if it supports this, really has no idea what it is doing.

The Hon. J.M.A. LENSINK (20:00): To sum up, I think the only parallel here is not the process but the parallel universe that this government seems to be living in. The number of stakeholders I referred to in my speech previously who have expressed their concern and outrage

at this decision has been added to by the Australian Psychological Society. I would like to read into the record their letter to the Premier which must indicate their particular concern.

I am grateful for the break in proceedings in debating this motion because I was personally very disappointed with the Minister for Mental Health's contribution in which I found she quite manipulatively misrepresented my position. She tried to indicate that I was some sort of reprobate in terms of mental health progress, and she would be well aware because I am sure that some smart alec in her office has sifted through every comment of mine in the public domain and, if they had actually bothered to record that accurately, they would be aware that I have said that we support reform but we do not support the selling of open space. I will return to those remarks in a moment but I want to read this letter from the Australian Psychological Society:

Dear Mr Rann

Re: Glenside Hospital Redevelopment and James Nash House Transfer.

I am writing on behalf of the Australian Psychological Society (SA Branch) to comment on the plans for the redevelopment of the Glenside Hospital site and the transfer of forensic mental health services (James Nash House) to Murray Bridge. We acknowledge and support the government's intention to modernise mental health services in South Australia and to provide more options in the community.

Glenside Hospital

At the same time we are deeply concerned that a large portion of the Glenside land is to be sold to fund these services. We question the justice and wisdom of this decision and we support the comments of the Royal Australian and New Zealand College of Psychiatrists (*The Advertiser,* 27.11.07). The inner south-eastern suburbs of Adelaide are well provided with retail and commercial space in this vicinity, for example, the expanded Burnside Village, and the Fullarton Road and Greenhill Road commercial precincts.

Social Justice—

it is interesting that the APS needs to remind a Labor government about social justice—

does not require the provision of more shops and offices in this area. In contrast, there is very limited land available close to the CBD for health and community services.

If the Glenside land is privatised and parcelled out for commercial ventures it can never be re-established. As Adelaide expands, future mental health services on this site will be crippled by space restrictions, as there does not appear to be provision for any additional or expanded services suggested by consumer and professional groups. Rather than attending a central hub whenever specialist services are required, future clients, families and health professionals will have to travel longer distances for some specialist services.

James Nash House

The proposed transfer of the James Nash House service to Murray Bridge raises more immediate issues for forensic mental health clients (who like any other mental health clients are people with illnesses and a need for care). Relatives and legal advisers will have to travel long distances to visit patients and provide the support required for justice to be served and rehabilitation to be achieved. Skilled specialist staff are hard to retain in the public system already and most private practitioners work in the city; the commute to and from Murray Bridge will not assist the taxpayer.

We believe that city and country taxpayers are increasingly aware that a devastating mental health breakdown is no different from a serious car accident, in that it can happen to any family in any community.

For some people, a brief engagement with specialist services is all that is required. For others, a lifetime of support and rehabilitation will be necessary, and patients and caregivers need at least occasional access to central specialist services as well as to local services.

We acknowledge the major financial issues involved in building newer and better specialist health units. We note, however, that there is no proposal to sell half the space available on the Marjorie Jackson-Nelson Hospital site to fund the development of the other half, or to site the MJNH at Gawler or Murray Bridge. Taxpayers and investors will fund this physical health service in an accessible location. Social justice requires the same for mental health services.

We appreciate that you are working hard to reform and support services for people with mental illness in South Australia, and we would like to discuss the proposed developments with you. Meanwhile, we would like to emphasise the crucial importance of building up, rather than taking away from, the range of services and amenities available to this very disadvantaged group of South Australians.

We request that you delay a final decision on the Glenside sale and the James Nash House transfer, and instead provide 'bridging finance' for the Glenside development and new community-based services. If that is not possible, we believe that reducing the size of the Glenside land sale and reserving some land for new or expanded services would be a responsible step on behalf of future generations of South Australians, and welcomed by voters and taxpayers.

We hope that this will be the beginning of a constructive dialogue about assisting people with mental illnesses, and we will be more than happy to respond to consultation at any time.

With best wishes

Yours sincerely

A/Prof Jacques Metzer, PhD FAPS

Chair, SA Branch, Australian Psychological Society.

That is dated 15 February 2008. I could not have put that better myself. I did not have that letter at the time I gave my previous speech, but I think it underlines all the reasons we have moved to establish a select committee.

For the record, I found the minister's comments patronising. I believe that she has taken the usual tactic of ministers opposite who, when they cannot play ball, decide to play the man or the woman.

The Hon. R.I. Lucas: Matronising.

The Hon. J.M.A. LENSINK: Matronising; indeed. In relation to open space, this is a serious issue for metropolitan South Australia. I urge all members of the government to consult the presentation of Professor Chris Daniels. The Hon. Mark Parnell would know his exact title.

The Hon. M. Parnell interjecting:

The Hon. J.M.A. LENSINK: Whatever it is—Urban Chair at the University of Adelaide. Professor Daniels has cited that the Adelaide metropolitan area has an unusually low level of public open space, largely because historically we have had large blocks for housing but, as urban infill has continued, those blocks have decreased. Overall, in terms of the metropolitan area, it is some 10 or 12 per cent—I forget which—and it is less in a large number of cities.

The minister referred to the community reference group and said that there had not been any secretive behaviour in relation to that, but I am told that members of the reference group still do not have a list of members. They were given a set of terms of reference which they were told to adopt; they were not actually asked. The government clearly does not understand that consultation means that you ask people; you do not tell them. The minister referred to the stepped model of care.

Members interjecting:

The PRESIDENT: Order! It is getting into the evening.

The Hon. G.E. Gago interjecting:

The Hon. J.M.A. LENSINK: I sat in silence for you, Gail. You can give me the same courtesy.

The Hon. G.E. Gago: Go and have a look at the website. It's on the website.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Mr President, the parrot opposite will not listen.

The Hon. G.E. Gago: It's on the website.

The PRESIDENT: Order!

The Hon. G.E. Gago: It's been unanimously agreed to.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: You've had your chance, Gail.

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink has the floor.

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! It is getting late in the evening.

The Hon. G.E. Gago interjecting:

The Hon. J.M.A. LENSINK: You're undignified! Your entire speech was a personal attack on my understanding of mental health.

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: I have a point of order, Mr President. There is so much noise in the chamber I cannot hear the honourable member speak.

The PRESIDENT: Yes; I agree. The Hon. Ms Lensink will stop getting into conversation with the honourable minister across the floor and address her remarks through the chair.

The Hon. J.M.A. LENSINK: I apologise, Mr President. We have heard lots of fine words about stepped models of care. I am grateful to the minister for allowing me to visit the CRC in the inner west; however, I understand that a number of people who have been accepted to enter that facility are not even from acute facilities. One of the concerns of a number of stakeholders—

The Hon. G.E. Gago: Step up, step down.

The Hon. R.I. Lucas: She'll be stepping out in a minute, Mr President.

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas will come to order, too.

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: A number of stakeholders are very concerned that there are some significant gaps, particularly in terms of long-term rehabilitation beds.

The Hon. G.E. Gago interjecting:

The Hon. J.M.A. LENSINK: Mr President, I am beginning to wonder whether I have touched a raw nerve with the protestations opposite. The minister also tried to accuse me of supporting the status quo—

The Hon. G.E. Gago: Don't you understand? It's step up, step down.

The Hon. J.M.A. LENSINK: Mr President, I am having a lot of trouble concentrating at the moment.

The PRESIDENT: Order! The Hon. Ms Lensink has the call. The minister will come to order.

The Hon. J.M.A. LENSINK: I have this clanging in my head—

The Hon. G.E. Gago: It's called your brain.

The Hon. J.M.A. LENSINK: At least I have one.

The PRESIDENT: Why don't we have the debate, and the shadow minister and the minister can go outside and settle it out there.

The Hon. J.M.A. LENSINK: Mr President, I understood that the normal manner for debating was that members may interject (even though that is out of order) but, generally speaking, one would be allowed to speak without having one's opposite number constantly interrupting.

I have been accused of supporting the status quo, which I struggle to understand from anything I have ever said on the public record. I have said many times that I support reform, but there are aspects of this proposal that I think are, quite frankly, wrong—and I believe I am entitled to my opinion. As I said, the minister got rather personal. I attempt not to get into the gutter in my speeches, but I would like to say that I have had members of the ANF visit me and their comments about this minister have been particularly unflattering. They are very unhappy and, as other contributors to this debate have said, morale in mental health is at an all-time low.

A number of people in the forensic mental health facility at James Nash House (and this includes staff members and ANF members) will not go to Murray Bridge, and I remind this government that if you do not have staff who have the relevant qualifications you do not have a service. Health, and mental health, is not necessarily about buildings; it is also about the people who work in them. If you keep pushing around those people and are not actually listening to them they will become fed up and find something else to do.

I remind honourable members of the Labor Party's record on this, in that there are at least two instances on the public record prior to the last state election where the former minister for mental health quite clearly stated that Glenside would close. That has been the agenda of this

government. The process has been a farce, but I outlined that in quite a lot of detail in my previous contribution so I will not go through all those issues again.

We have been told that this new mental hospital cannot be built without the sale of all these significant sites, yet this government has been talking about buying the Mitsubishi factory site. Now, one of the things that the select committee will seek to determine is what the value of that site is, but I think it goes to the heart of the priorities of this government that, when it comes to vulnerable people and areas which are not, perhaps, as politically popular, it is quite happy to sideline them. I believe members of this government should hang their heads in shame every time the words 'social justice' are mentioned, because social justice to this government comes at a very high price.

Yesterday we had the ministerial announcement about what was happening with Oakden. Quite clearly, from what I have read, the commonwealth Aged Care Standards and Accreditation Agency pointed the gun at management and said, 'You have to fix this up; you have to find some solution other than what you are doing at the moment, or we will close the facility.' We also have the farce of Palm Lodge.

This is not a government that knows how to manage any specialist mental health service, so we have some fancy plan being sold to us as a fix for mental health services in South Australia while it treats the people working for it in mental and forensic mental health like trash. I am grateful for the indications of support from every one of the crossbenchers for the establishment of this select committee, and I urge all members to vote for it.

Motion carried.

The council appointed a select committee consisting of the Hons J.S.L. Dawkins, B.V. Finnigan, I.K. Hunter, Sandra Kanck and J.M.A. Lensink; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 23 July 2008.

DOWIE, MR J.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (20:17): I lay on the table a copy of a ministerial statement relating to the late John Dowie made earlier today in another place by my colleague the Minister Assisting the Premier in the Arts.

ADELAIDE PARK LANDS (FACILITATION OF DEVELOPMENT OF VICTORIA PARK) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 February 2008. Page 1671.)

The Hon. M. PARNELL (20:18): It will come as no surprise to honourable members that I oppose this legislation on behalf of the Greens. I strongly opposed the corporate facility often called a grandstand in Victoria Park, and I therefore oppose any legislation which seeks to remove from the Adelaide City Council the rights it has had over Victoria Park.

There is an interesting argument that comes through this bill and that is that there are some areas of South Australia that are very important at a state level. The honourable member's bill suggests, 'Well, let's take it off the local council and give it to the state government.' My question of the honourable member is, 'Well, will we have a Glenelg beach act where we take Glenelg beach off the local council and give that to the state government? Will we take North Terrace, that cultural precinct, away from Adelaide City Council and give that to the state government?' Where does it stop?

My belief is that whilst the Adelaide City Council over its history has on occasion made some bad mistakes in relation to the Adelaide Parklands, the fact is that the parklands are still there. I think a large part of the reason for that is that the Adelaide City Council has been a reasonable custodian.

This bill, I guess, puts it to the government that it should use whatever powers it can get to override the local council, and I do not think that is the appropriate way to go. I think the project for a corporate facility in Victoria Park was ill-conceived, and it is to the credit of groups such as the Parklands Preservation Association and local residents groups that they fought hard and long to stop yet another alienation of this important public space. With those brief words, I oppose the bill.

The Hon. B.V. FINNIGAN (20:21): The bill submitted by the opposition provides an ability for the treasurer of the day to fully occupy the Victoria Park precinct by gazettal and then grant rights to anybody for any event.

The scope of what this bill proposes is very broad. It does not only cover Victoria Park and the proposal for a multi-use stand but could include anything else so long as it comes under the guise of an event and covers any area much larger than Victoria Park. In addition, the Hon. Mr Stephens, in his contribution in moving the bill, said that where the government is not using any of the land for the purpose described the surplus land would be returned to parklands.

Let us examine this situation in detail. First, the Victoria Park precinct, under this bill, consists of any land occupied by the Motorsport Board or the South Australian Jockey Club during most of 2007. Consequently, it covers not only Victoria Park but also the Parklands from Wakefield Road to Bartels Road and most of the Parklands from Bartels Road to Rundle Road. Secondly, once a gazettal notice is lodged to cover the significant part of the East Parkland, it would remain available for the treasurer to manage for up to 99 years. Despite what the opposition says, it is not a matter of whether or not the government is using the land as to whether it returns to parklands; rather, it is what is covered by that gazetted notice.

So, this bill gives the right to a government, present and future, to take control of most of the East Parklands and lease it out to whomever it wants for any event it likes. This is just a prelude to the opposition's proposal to take control of the whole Parklands.

The bill goes on to allow the treasurer to enter into these arrangements for other events without the consent of the council or reference back to parliament. We may well ask: where is the transparency and accountability? Is this what the citizens of this state would have to endure if the Liberal Party is elected at the next election?

One would think the opposition had learnt from the ineptness when it presided over the Underdale fiasco, whereby they allowed the University of South Australia to sell the former university campus at Underdale without excluding about 50,000 square metres of the Torrens Linear Park: the opposition even allowed that portion of the river to be sold. Fortunately, it was this government that negotiated its return to the public realm and its improvement for the public.

In addition, the bill overrides the role of the Development Assessment Commissioner (the independent body), whose role it is to assess proposals against the City of Adelaide's development plan.

So, here we have the opposition wanting to create sufficient powers for a future Liberal government to take control and then turn the East Parklands into an event space for 99 years without the approval of council or parliament and despite whatever may be in the development plan or the Adelaide Parkland's Strategy.

This government passed legislation which provides for leases of 10 years or more over the Parklands to be brought before parliament for approval. The opposition proposes unfettered power to have arrangements for up to 99 years with whomever it wants for whatever it wants under the guise of achieving a grandstand for Victoria Park.

Let us now look at the opposition's understanding of what it is trying to achieve. The Hon. Mr Stephens said that the bill provides for the approval of the lease for the development. Not quite so. It purports to allow the development to proceed, but there is no recognition of the proposed lease that was being negotiated with Adelaide City Council over the site. Rather, it would allow the government, having got control of the land, to enter into any lease or licence with any person or body over the land if it so chooses.

In addition, while purporting to allow the development, the bill in fact gives the council's reference number for the development rather than the actual Development Assessment Commission's reference number. Further, the commission has not even given full development approval. Only provisional development planning consent was received for the Victoria Park redevelopment. The lack of understanding goes on. The Hon. Terry Stephens stated:

> As the bill provides approval only for the facilities described in DA/500/2007, additional buildings or any other variance would need to go before the Development Assessment Commission.

While they may go before the commission, the power for approval under this bill actually rests with the planning minister. They are trying to remove the decision-making powers from the independent commission, created by our legislation, and place them with the planning minister.

We also question the poor timing and efficacy of the bill in light of two recent and significant events. First, why introduce a bill when the government announced in December last year that it had withdrawn its plans to construct the permanent grandstand at Victoria Park and instead would spend in the order of $20 million for a demountable pit building, shade structures and other track and site improvements?

It is my understanding that the design and planning for the new demountable building and other works are well under way, and that the South Australian Motorsport Board is on target to have them in place for the 2009 Clipsal 500 race. Secondly, why have a bill that gives rights to the South Australian Jockey Club at Victoria Park when the SAJC recently announced that, after some 160 years, it is severing its ties with Victoria Park and will consolidate at Morphettville?

In conclusion, the opposition has produced a bill which it does not understand, is flawed, and gives an advance warning of its style of leadership for the parklands. The public of South Australia deserves better. What it is being offered by the opposition is: less accountability, less transparency, and a glimpse of what the citizens of the state would suffer under a future Liberal government should the state have the serious misfortune of electing one at sometime in the future. The government does not support this bill.

The Hon. T.J. STEPHENS (20:27): In concluding, I thank members for their contributions. It does disturb me that the Hon. Bernard Finnigan obviously does not have the faith that he should have in his Treasurer and his planning minister, because the Liberal opposition, on this particular occasion, believes that those two fine gentlemen could handle this particular development quite well.

In response to the Hon. Mark Parnell, this bill is quite specific about Victoria Park and a proposed development at Victoria Park. There is no mention of Glenelg or any other part of South Australia. This bill was brought to this chamber out of the frustration that many South Australians feel about the lack of activity in this state, the lack of our ability to actually go forward, and the lack of ability to protect not only the South Australian Jockey Club and its long-term plans, but to protect what is now an iconic event in this particular state.

To be honest, I was there when the Hon. Kevin Foley said that if the Adelaide City Council did not comply he would bring legislation to parliament and we would get this job done. Can I say that at that time I was actually quite pleased to hear the Hon. Kevin Foley make that particular statement. I am sick, as is my party, of us being the laughing stock of Australia, for being a backward state that just will not make things happen. A significant thing that people are forgetting with regards to the proposed development in Victoria Park is that the actual footprint on Victoria Park was going to reduce. Those who are concerned about this particular development will not acknowledge the fact—

The Hon. B.V. Finnigan: Name one thing you've supported.

Members interjecting:

The Hon. T.J. STEPHENS: We still do not support the trams; it is a joke—$30 million. With those few remarks, I am happy to close the debate. I look forward to the committee stage and the speedy passage of the bill. I look forward to members' general support.

The council divided on the second reading:

AYES (9)

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

NOES (8)

Bressington, A.	Finnigan, B.V.	Gazzola, J.M.
Holloway, P. (teller)	Hunter, I.K.	Parnell, M.
Wortley, R.P.	Zollo, C.	

PAIRS (4)

Dawkins, J.S.L.	Kanck, S.M.
Ridgway, D.W.	Gago, G.E.

Majority of 1 for the ayes.

Second reading thus carried.

Bill taken through committee without amendment.

Bill read a third time and passed.

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 5 March 2008. Page 2039.)

The Hon. A. BRESSINGTON (20:38): It will come as no surprise to those who know me that I have a deep interest in the concerns of the disadvantaged in our society. I have undertaken quite a bit of research on the issues surrounding this motion and have carefully weighed the arguments put for and against disallowance. The arguments for disallowance seem to come down to two main points: first, additional documentation being a burden on a business; and, secondly, the potential loss of jobs. I do not agree with some others in this place that the reporting burden is excessively onerous, as the returns are quarterly. That line of thinking also presumes that many business people—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bressington has the floor. If they do not want to listen, members can leave the chamber.

The Hon. A. BRESSINGTON: —have little concern for the source of their products. I have personally dealt with owners of small and medium-sized businesses and know a few who would be willing partners to exploitation. The fact that the Australian Retailers Association is supportive of these changes is, I believe, indicative of the attitude of the vast majority of the business community who would be affected. The second point relates to job losses. As members in this place would know, the majority of clothing sold in this country has been imported for many years. In fact, most of the work done by outworkers in this country does not involve manufacturing.

They are largely involved in tasks such as alteration and the sewing on of labels for specific retailers, after they have been on sold by importers. These are not tasks that are easily undertaken offshore, as this work can only be done after the items are in this country. As such, I would not expect any significant impact on employment. There are many who, effectively, are invisible and are easily overlooked. The outworkers in the clothing industry live in the shadows of our society. They are more likely to be women, often with small children. They are likely to be recent migrants with few saleable skills and often will have little or no command of the English language. By any definition, their power to bargain for what should be their natural rights is very limited.

The simple factor of their functional invisibility makes assessing their number difficult. It appears that there could well be thousands in this state. The number is not important. However, the fact that they are people not receiving payment and conditions comparable to the minimum award is of concern. It is encouraging to see that representatives of business and Labor were able to cooperate in addressing the issue of outworkers. I for one would be very pleased if more agreement could be found between these groups on other issues. If I have a reservation about this, it is that clothing is not the only industry using outworkers, and I do wonder why the government did not take a broader approach.

I would be hopeful that, in the near future, the remuneration and conditions of all outworkers will be addressed and would be pleased if the government could enlighten me and other members as to its future plans, if any, on this matter. The government is to be commended in finally addressing the question of fair remuneration and conditions for clothing outworkers. I do not support the motion for disallowance.

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

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (20:42):

Obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. 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) (20:44): I move:

That this bill be now read a second time.

This bill will strengthen the container deposit legislation (CDL) in the Environment Protection Act 1993 to further improve on this successful environmental tool that provides an important driver for recycling, reduces litter and decreases the number of beverage containers that go to landfill. The bill will address a number of systemic issues within the current beverage container refund system to improve its functioning. CDL was introduced by a former premier, the Hon. Don Dunstan, in the beverage container act 1975 to control litter. The system has worked well, changing community behaviour, promoting recycling, recovering valuable recyclables, as well as supporting resource recovery infrastructure.

South Australia has the highest container return rate of all Australian states, with industry sources reporting that as many as 85 per cent of certain types of containers in the CDL scheme are returned for recycling. Beverage container litter in South Australia is by far the lowest in Australia. In 2006 the scheme was added to the list of Bank SA heritage icons.

The main purpose of this bill is to improve the successful system by promoting the equitable regulation of all relevant stakeholders and to address concerns that refunds are being sought on a large scale for containers that have not been sold in South Australia. A series of minor administrative amendments to the operation of the Environment Protection Act are also proposed to streamline the governance and operational workings of the authority.

The industry has a series of super collectors, not regulated by CDL. 'Super collector' is a term applied to the industry sector that was established primarily to act as agents for beverage manufacturers and product distributors. Super collectors coordinate the collection and aggregation of containers from depots, reimburse depots for refunds paid to consumers, pay handling fees to depots and coordinate end recycling markets for collected containers.

The government is proposing to regulate these super collectors to remove any inequity with the collectors depots, which are already required to be regulated. Thus the bill proposes that a person must hold an approval to operate as a super collector, as is currently the practice for collection depots. The regulation of both collection depots and super collectors will help establish effective processes for resolving disputes between parties.

Another objective of the bill is to stop the movement of empty refund-labelled containers from other states into South Australia, thereby limiting the potential liability for collection depots, super collectors and manufacturers to pay refunds on products which have not been sold in this state and on which no deposit has been paid. I have been told by the Environment Protection Authority, which administers this scheme, that containers are being brought into SA from interstate for refund at our collection depots.

The bill provides our collection depots with the authority to refuse to accept containers for refund if they believe the containers have been purchased interstate. Depots will be able to request that a person verify that their containers were purchased in this state or a corresponding jurisdiction and must request a person to complete this declaration if the person presents 3,000 or more containers for refund within a 48-hour period.

Additionally, there is an offence for a person to present for refund a container not purchased in this state or a corresponding jurisdiction. The maximum penalty proposed for this offence is $30,000. In summary, the other major features of the bill are that it:

- Inserts an outline of the Beverage Container Division of the Environment Protection Act 1993 which recognises that, although the beverage container refund system was originally introduced to manage beverage container litter, the system has demonstrated dual benefits for both litter and recycling and has evolved in the context of increasing awareness of environmental sustainability.
- Amends definitions used by the Beverage Container Division of the Environment Protection Act 1993 to clarify existing terms and provide for new terms to support amendments.

- Removes references to 'collection areas' as collection areas for individual depots have not been used and the term is now redundant.
- Improves the approval system for 'classes of containers' so that multiple containers can be approved by linking the approval to the manufacturer or distributor and not require a case-by-case assessment where each container forms its own class.
- Strengthens the system of collection depot approvals by providing greater power to the EPA and increased protection for approval holders, similar to the approval of an environmental authorisation.
- Proposes amendments to various penalties in the beverage container provisions of the Environment Protection Act 1993 to create consistency of penalties for similar contraventions.
- Replaces the requirement that the board meet at least 12 times per year with a provision that the board meet at least 11 times per year.
- Introduces a new provision to allow for the approval of on-site works or process changes that occur during the term of an environmental authorisation. This will clarify some legislative ambiguity by providing an explicit head power for the existing regulation under the Environment Protection (Fees and Levy) Regulations. Provides the board with the ability to sub-delegate its powers and functions.
- Allows administering agencies to have the power to register a clean-up order on land, take action on non-compliance with a clean-up order or recover reasonable costs of doing so.
- Removes the ozone provisions under Part 8 of the act, as they have been overridden by commonwealth legislation and are now obsolete.

I commend the bill to members and 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 Environment Protection Act 1993

4—Amendment of section 16—Proceedings of Board

This clause reduces the requirement for the Board to meet from at least 12 to at least 11 times each calendar year.

5—Insertion of section 50B

This clause inserts new section 50B.

50B—Special conditions not exhaustive

Proposed new section 50B clarifies that the special conditions of environmental authorisations that may be imposed under Part 6 Division 5 do not constitute an exhaustive list.

6—Insertion of section 54C

This clause inserts new section 54C.

54C—Conditions requiring approval of certain works and processes

Proposed new section 54C clarifies the Authority's power to require holders of environmental authorisations to seek the Authority's prior approval in relation to certain building work or certain processes relating to an activity undertaken under an existing environmental authorisation.

7—Insertion of section 64E

This clause inserts new section 64E.

64E—Outline of Division

Proposed new section 64E gives an outline of Part 8 Division 2 as an aid to understanding the provisions making up the legislative scheme for the management of used beverage containers. The section is self explanatory and for the large part summarises the legislative scheme that has been in place for several years, however a significant change made by this Bill and reflected in the outline is that the operators of collection depots and persons carrying on business as super collectors will now need to be approved.

8—Amendment of section 65—Interpretation

This clause adds and amends definitions of terms to be used in Part 8 Division 2.

9—Amendment of section 66—Division not to apply to certain containers

This amendment, and the proposed new definitions of 'wine' and 'spiritous liquor' effected by clause 8, are proposed in order to simplify section 66.

10—Substitution of sections 68 and 69

This clause substitutes sections 68 and 69 and with clauses 68, 69, 69A, 69B, 69C and 69D.

68—Approval of classes of containers as category A or category B containers

This section recasts the former approval system for classes of containers as category A or category B containers. It is envisaged that persons seeking approval under this section will be manufacturers or distributors of beverage containers.

If an approval is granted, it must be granted subject to the conditions that—

- containers of that class bear an approved refund marking; and
- the approval holder have in place an effective and appropriate waste management arrangement (this term is defined in section 65); and
- if the approval relates to category B containers—the waste management arrangement require the approval holder to provide the super collector with a declaration of sale of approved containers after each sale.

This last condition is intended to allow super collectors to keep a track of sales of the approved containers under the waste management arrangement with the approval holder, in order to avoid interstate rorting that sees super collectors collecting apparently approved containers from interstate that have nothing to do with the approval holder and for which the super collector is not reimbursed.

Subclause (4) sets out some of the grounds on which the Authority may refuse an application for approval, namely—

- if the container material is unsuitable for recycling, reuse or other disposal considered appropriate by the Authority; or
- if the manner of application of the labelling or refund marking proposed for the containers is inappropriate for recycling, reuse or other disposal; or
- if there is no ongoing, effective and appropriate waste management arrangement in place in relation to the class of containers.

Further provisions in this section include standard natural justice provisions protecting a person should the Authority seek to refuse an application for approval, vary an approval or vary or revoke a condition or impose a further condition.

Subclause (9) requires a notice of approval under the section to specify the class of containers to which it relates by reference to the manufacturer or distributor and the product name, container contents when full, container capacity, container material or any other factor considered relevant by the Authority. This should address any doubt about the meaning of 'class of containers'.

69—Approval of collection depots and super collectors

Section 69 prohibits a person from operating a collection depot or carrying on a business as a super collector without the approval of the Authority. The Authority may, in determining beverage container approvals, consider factors including whether the applicant has in place suitable collection and recycling arrangements, and whether the parties to those arrangements have in place effective dispute resolution processes.

Further provisions in this section include standard natural justice provisions protecting a person should the Authority seek to refuse an application for approval, vary an approval or vary or revoke a condition or impose a further condition.

69A—Annual fees and returns for collection depots and super collectors

Section 69A sets out the requirements for lodgement of annual returns and payment of annual fees by holders of approvals to operate collection depots or to carry on business as super collectors.

69B—Sale and supply of beverages in containers

Under section 69B it will be unlawful—

for a retailer to sell a beverage in a container unless it is an approved category A or B container bearing the approved refund marking;

- for any person—
- to supply a beverage in a container to a retailer; or
- to sell a beverage in a container for consumption,

unless it is an approved category A or B container bearing the approved refund marking;

- for any person—
- to supply a beverage in a container bearing a refund marking to a distributor or retailer; or
- to sell a beverage for consumption in a container bearing a refund marking,

knowing that there is no waste management arrangement in place in relation to the container.

69C—Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction

Section 69C(1) makes it an offence for a person who presents for refund, containers that the person knows or has reason to believe were not purchased in this State or another State or Territory having in force a corresponding law.

Section 69C(2) enables persons to whom containers are presented for refund to request any person presenting such containers to complete a declaration stating that he or she has no reason to believe that the containers were not purchased in this State or another State or Territory having in force a corresponding law.

However, if 3,000 or more containers are presented for refund by the same person, the person to whom the containers are presented must request such a declaration.

Subsection (4) requires persons who have requested declarations to keep all such declarations for a period of 3 years and to have them readily available for inspection during that time by an authorised officer.

69D—Offence to contravene condition of beverage container approval

This section makes it an offence to contravene a condition of a beverage container approval (that is, any approval under Part 8 Division 2 of the Act).

11—Amendment of section 70—Retailers to pay refund amounts for empty category A containers

This clause amends section 70(1) by making a consequential drafting change to section 70(1)(a) and increasing the penalty and expiation fee for contravention of section 70(1).

Section 70(2) is expanded from its current form to enable a person to refuse to accept for refund, a container if—

- it is unclean; or
- the person reasonably believes the container was not purchased in this State or in a State or Territory having a corresponding law in force; or
- the person's request for a declaration under section 69C(2) or (3) has been refused.

12—Substitution of section 71

This clause deletes current section 71 and substitutes the following sections:

71—Collection depots to pay refund amounts for certain empty category B containers

This section expands the scope of current section 71 in a similar way as the amendments to section 70(2), albeit with application to operators of approved collection depots.

71A—Manner of payment of refund amounts

This new section requires persons to pay refund amounts, in the case of a reverse vending machine—in cash, by credit note redeemable for cash or in a manner prescribed by regulation, or, in any other case—in cash.

13—Amendment of section 72—Certain containers prohibited

This clause amends section 72 by increasing the maximum penalties for contravention of subsections (3) and (4).

14—Repeal of Part 8, Division 3

This clause repeals Division 3 of Part 8 of the principal Act (Division 3 deals with Ozone Protection and is now considered to be sufficiently covered by Commonwealth legislation).

15—Amendment of section 94—Registration of environment protection orders in relation to land

Section 94 of the principal Act already extends the power to register environment protection orders to administering agencies. This amendment requires an administering agency that has registered an environment protection order to notify owners and occupiers of the land of the registration and of their obligations under section 94(4).

16—Amendment of section 101—Registration of clean up orders or clean up authorisations in relation to land

This clause amends section 101 to include references to administering agencies. The amendment enables administering agencies to register clean up orders.

17—Amendment of section 102—Action on non compliance with clean up order

Section 102 is amended to include references to administering agencies. This amendment gives administering agencies the power to take action for non compliance with a clean up order.

18—Amendment of section 103—Recovery of costs and expenses

Section 103 is amended to include references to administering agencies and to make provision for the recovery of costs and expenses by administering agencies in respect of registration or cancellation of registration of a clean up order or authorisation.

19—Amendment of section 106—Appeals to Court

This clause amends section 106 by including a right of appeal—

- for an applicant for a beverage container against a decision by the Authority to refuse the application or to impose a condition of approval; and
- for the holder of a beverage container approval against a decision by the Authority varying the approval or varying or imposing a condition of the approval or revoking the approval.

20—Substitution of section 115

This clause deletes and substitutes section 115.

115—Delegations

Proposed section 115 expands the delegation power by enabling a power or function delegated by the Authority to be further delegated.

21—Amendment of section 118—Service

This consequential amendment broadens the scope of section 118 to cover service of notices under Part 8 Division 2.

22—Amendment of Schedule 1—Prescribed activities of environmental significance

This clause amends Schedule 1 of the Act to exempt from the requirement to have a licence under the Act the holder of an approval to operate a collection depot and the holder of an approval to carry on business as a super collector.

Schedule 1—Transitional provisions

1—Interpretation

This clause provides that the definition of principal Act, for Schedule 1 transitional provisions, is the Environment Protection Act 1993.

2—Classes of containers approved under repealed provisions

This clause continues approvals of category A and category B containers in force under the current system as approvals under the proposed system subject to the provisions of the Bill.

3—Refund markings approved under repealed provisions

This clause continues approvals of refund markings in force under the current system as approvals under the proposed system subject to the provisions of the Bill.

4—Continuation of collection depot approvals

This clause continues approvals of collection depots in force under the current system as approvals under the proposed system subject to the provisions of the Bill.

5—Super collectors

This clause entitles persons who were, immediately before the commencement of the provisions in this Bill, carrying on business as a super collector, on application and payment to the Authority of the prescribed fee, to the grant of approval under section 69 of the principal Act as amended by this Bill to carry on business as a super collector subject to conditions determined by the Authority.

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

FIREARMS (FIREARMS PROHIBITION ORDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April 2008. Page 2185.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:52): When I spoke to this bill yesterday afternoon I did not have the opportunity to put a number of questions on the record for the minister to respond to prior to the committee stage of the bill. They are questions from

stakeholders in the industry and the community who either use firearms for recreational purposes (sporting shooters) or hunting purposes, are traders and dealers in firearms, or are collectors of historical firearms. Before I put those questions on the record, I have a couple of points to conclude my remarks.

It is interesting that in the minister's second reading explanation he talks about there being a great deal of violent crime in South Australia involving illegitimate firearms owners or unregistered firearms, and that the firearms legislation of the past focussed or placed controls on legitimate firearms owners. He goes on to make a number of comments but, in particular, uses the examples of the Tonic nightclub shootings in 2007 and the Monash University shootings in 2002 as instances which may have been prevented through the use of firearms prohibition orders. In fact, SAPOL says this will give it the ability to ban someone from accessing a firearm and better equip SAPOL to combat firearms-related violence. SAPOL asserts that the introduction of firearms prohibition orders would move the focus from legitimate firearms owners to the behavioural risk created by any person having access to a firearm.

I think that goes to the nub of the concerns raised by stakeholders, in that they are concerned that the focus will be shifted certainly to legitimate firearms owners but, by shifting that focus and intention, it will inadvertently perhaps make their lives much more difficult and cumbersome, given that they are, by and large, law-abiding firearms owners.

The Hon. P. Holloway: It is the reverse.

The Hon. D.W. RIDGWAY: The minister's interjection is interesting, but I will raise a number of questions where I think there are certain aspects of the legislation that may make it a bit cumbersome for law-abiding firearms owners. I will reiterate some of the effects of a prohibition order.

A person will be subject to the following rules under a prohibition order. They cannot obtain a firearms licence or permit, and it will be suspended if they already have one. They cannot possess a firearm, part of a firearm or ammunition. They must not be present at a shooting club, range or any other place prescribed by regulation. They may not be a member of a shooting club—and, of course, SAPOL will have to provide a list of people under these prohibition orders for shooting clubs. I do not know quite how it will do that—whether it will be by mail, on the web, by carrier pigeon, or whatever—but somehow they have to make sure that this is updated, because I would be certain that the South Australian police have every intention, if this legislation is passed, of putting a number of people under prohibition orders, and I am sure that that figure will fluctuate.

Some people who will be subject to these orders may well be able to have them revoked, and others will come on because they fall into the category. One of the issues with respect to shooting clubs is how we will make sure that they are able to access that information. Where is the breach if someone is not able to access the internet or if they join a pistol club or a gun club the day after they are placed under a prohibition order and the web has not been updated or they have not been contacted? So, we are a little unsure as to how that will take place.

I will just mention the bodies concerned. I thank the people from the Adelaide Collectors Guild, the South Australian Field and Game Association, the Farmers Federation, the Antique and Historical Arms Association, the Combined Shooters and Firearms Council and the Firearms Traders Council. I probably will be a little repetitious now, because last night I did not have this group of questions with me; I was trying to rely on memory. I think it is easier if I run through them, so that they will be more concise for the minister's staff and for SAPOL to look at.

The Hon. P. Holloway: So, we can ignore what you said last night?

The Hon. D.W. RIDGWAY: No, not ignore what I said last night but, certainly, this will be more concise. The first question is raised on the definition of a fit and proper person. This section of the act remains very unclear. At present, the act defines that such things as mental and physical fitness, breaches of the Firearms Act and convicted violent offenders may be taken to be not fit and proper. However, subsection (11) does not limit the grounds on which this judgment may be made.

In this bill, the term 'convicted' in this context is to be changed to 'found guilty'. The concern here is that it is the role of the court to decide that an offence is trivial and, thus, not convict the person. Should this decision not remain with the court, in the sense that, if an offence is deemed as trivial, should the conviction add weight to the argument for a prohibition order?

I will give an example. A licensed firearm holder, who at any given time may have a year's supply of ammunition in their possession for their weekend gun club activities, may forget a round

that has been left in their pocket after a competition, or that it has rolled under their cupboard at home or fallen out of their pocket into their vehicle and is loose. This would technically be a breach of the act. So, what protection does this person have from such a minor transgression causing them to be the subject of a prohibition order, because they have been in breach of the act? The definition of 'fit and proper' has huge ramifications for the effects of the bill verses its intent.

The next topic is proceedings for offences. The Firearms Traders Council and the Antique and Historical Arms Association were concerned that there is already an issue for all stakeholders with the commencement of proceedings for offences. That could be aggravated by the bill. I will give an example. An actual case has been given by the Antique and Historical Arms Association.

A person was shooting in a club competition, injured his foot and attended hospital (in fact, I think he accidentally shot his foot). He was discharged six days later. Two days after that the police seized his firearms for a ballistics inspection, and 16 days later they seized the remainder of his firearms and suspended his licence. Some 130 days later, SAPOL had not commenced proceedings and the man lodged an appeal. The court heard and dismissed the man, ordered the return of the firearms and told the barrister that he ought to inform the registrar of the correct way to execute the Firearms Act.

I have heard of many other instances where the matters were dragged out without a formal hearing. The Firearms Traders Council tells me of three examples where police have seized firearms, taken licences, and taken 12 months to decide which charges to lay. In the same three cases the actions of the police have been found to be wrong.

There is a genuine consensus amongst stakeholders, to be proved not true, that some police officers are, arguably, still administering the act incorrectly. These people's livelihoods are at stake and months of inability to continue their sport or business is in the hands of the police. The Firearms Traders Council has argued that, if a matter is going to affect the livelihood of a person, the police should bring the charges against them within a short period of time, say, two months.

There should be less potential for the police to use this device to put dealers out of business if they are law-abiding citizens. All stakeholders feel a general climate of intimidation from the firearms branch. They attribute this to the fact that most officers have a limited, in their belief, understanding of the act. The bill will effectively increase the offences one can commit and, in turn, increase the potential for law-abiding firearms users and dealers to be unfairly treated. The examples I have given substantiate the general climate of distrust amongst stakeholders about this bill and gives concern that the effect of the bill will be very divided.

Regarding the powers of the registrar—I touched on this last night or yesterday afternoon—the Combined Shooters, the Firearms Council, and, in fact, all stakeholders raised some concerns. There are substantiated concerns from stakeholders and all legitimate and sensible firearms owners.

The Firearms Consultative Committee will no longer have to concur with the registrar on his or her decisions. The argument is: why should the function of the committee be abolished? That is the question I ask the minister. Why can it not continue to assent to the registrar's decisions as well as provide advice on firearms issues? There will no longer be any checks and balances. It is certainly of concern to many when parts of the act will be so subjective and ultimately left to the interpretation of just one person. Such a consolidation of powers does create quite significant potential for corruption.

The appeals process is an issue that was raised by the Firearms Traders Council. There is already concern about the change of the appeals process which currently allows someone to appeal the decisions made by the police through a review, without having to go through an expensive court process. I note that, if a person is aggrieved by a decision made by the registrar, they will need to apply to the registrar to refer that decision to the Firearms Review Committee. What argument is there to have the registrar approve this referral when it is his or her own initial decision that is being questioned? I would particularly like the minister to answer that question. The bill will afford the registrar the power to issue an order and reject any application to have this review. There will be no avenue for review outside the court which discounts the registrar.

Finally, I was asked by the Farmers Federation: if a person exhausts this internal review process and the court process, will they be prevented from making another review application or court appeal if their circumstances change considerably? This could be somebody who was living with somebody who was subject to a firearms prohibition order and they might be divorced or separated or moved interstate. I guess moving interstate would not apply because we are talking about South Australian law. Perhaps they moved to another town and are living with somebody

else and their circumstances have changed. If they have already exhausted every avenue initially, over what sort of time frame can they come back and resubmit an appeal?

Again, last night I raised some concerns with the interim orders. The Combined Shooters and Firearms Council, the Antique and Historical Arms Association, the Firearms Traders Council and the Farmers Federation raised these concerns. I would like some clarification about how these would operate. I raised an example yesterday of a couple of young people out spotlighting, being smart-alecks and perhaps being stopped by a local police officer, giving him some cheek and then him issuing an interim firearms prohibition order. Are they able to return to their parent's home, or the husband or wife's home, where there might be firearms stored?

I also have other concerns about interim orders. I note that an officer who proposes to issue such an order may be required to detain somebody for up to two hours whilst seeking the advice of a senior officer. I did raise that matter last night. We can understand the intent of that when it comes to the people the firearms prohibition orders are targeted at. However, inadvertently, we may find that there are people who are trapped by it.

This advice is necessary in such a situation. However, I am concerned that in certain situations legitimate firearms may be caught up with officers who make hasty decisions, and thus the people concerned suffer considerable inconvenience, only to be relieved of the order once they have sought a senior officer's advice.

The Firearms Traders Council raised the point that police already have the power to act in an urgent life-threatening situation; in a non-urgent one, a warrant can be sought. Can the minister clarify why this is not a sufficient process and what is the necessity for interim orders?

Last night, I also raised the issue of people under the age of 18 not subject to the provisions of a prohibition order living in a house with someone who is subject to such an order. I will not repeat my remarks, but I would like an answer and some clarity on why young people have been excluded, given the potential for people in their mid-teens to act as storage agents, if you like, for those who are subject to a firearms prohibition order.

Last night, I touched on the issue of the manufacture of firearms, but I will cover it again. An offence is created for the manufacture of firearms, and this change in the act would capture firearms modifications, which certainly poses a problem. Many competitive shooters and hunters are required to modify their firearms on a regular basis. In fact, I was told that at some shoots scopes and sights may be modified quite often according to the wind conditions.

The requirement in the bill will have them report any modification to the firearms branch, and this will create an administrative nightmare. If a shooter modifies his gun a number of times in a day, will they be required to notify the firearms branch during their competitive shoot or hunting expedition? Is it just at the end of the shoot or will they be required to return the gun to its original condition? Will they be allowed to modify it for competition, as the competition and weather conditions change, and are they then allowed to take it home and store it in its original condition? We would like some clarity on this issue.

There is an amendment the minister might consider relating to a modification that does not affect the class of firearm. There is a whole range of different classes of firearm based on the calibre and the type of projectile. These modifications generally do not change a firearm from one class to another as they are within an existing class. Will the minister consider and give some advice on whether that is a sensible way to do it—that it cannot be modified from one class to another but it can be left within the class?

As to permanent modification, the opposition understands that, if you cut off the end of a barrel of a gun, that is a relatively permanent modification, as you cannot easily weld it back on at the end of a day's competition or after some event in which you have used it. So, it may well be for temporary modifications within a class to allow competition shooters to go about their sporting activity.

As to the acquisition of a firearm, yesterday I used the example of a person who owns a farmhouse and rents it to somebody. It is the opposition's understanding that, if someone comes into the farmhouse with a gun, because the landlord owns the property it will be deemed to be their gun and they will have acquired it. You could have a landlord who is subject to a firearms prohibition order and a tenant who is not and who comes in with a gun and stores it on the premises. The landlord is then in breach of the act because he or she is subject to a firearms prohibition order.

It is also the opposition's understanding that, if somebody who is a registered licence gun owner (and this is not part of the bill, but I would like the minister's advice and comment) wants to buy a new gun, currently there is a 28-day cooling-off period or time delay from when they would like to buy the gun to when they can be issued with a licence and register that firearm.

If they are an existing firearm owner, a law-abiding firearm user, and they want to buy a particular new gun for competition or hunting, why would they have to wait 28 days? It is something that has been in the act for some time, and it just seems a little strange. Certainly, one can understand that for somebody who is buying a firearm for the first time there is the need for police checks and a whole range of genuine, sensible reasons why you might want to wait the 28 days, but for an existing firearm owner it does seem a little strange.

Finally—and I did raise this last night but I will repeat it—there is the issue of clarification of the power of the registrar to require a medical examination or reports in determining if a person is fit and proper. New clause 6B provides that an examination or report may involve a medically invasive procedure, and we would like some clarification from the minister, if he could, to identify clearly the circumstances of when such a procedure would occur. That has caused some angst with some of the stakeholders as to exactly what a medically invasive procedure is. As I explained yesterday, it could well be just a blood test, and I think that is quite reasonable, but could we have some clarification on those points?

With those final questions I do want to thank the stakeholders who have come and spoken to the opposition about their concerns. I also thank SAPOL for its briefing, it has been quite extensive. I thank it for its assistance, and we support the second reading of the bill.

The Hon. D.G.E. HOOD (21:11): I rise to indicate that we have a number of questions, as does the Hon. Mr Ridgeway, with respect to this bill. In fact, the Hon. Mr Ridgeway pre-empted a lot of what I am about to say. We have similar questions and concerns that we would like to have addressed by the minister in the summing-up stage, but I will proceed with some of the specifics.

The bill introduces firearms prohibition orders into South Australia, giving police the power to ban certain persons, and their associates, from possessing or accessing firearms. Family First will wholly support any efforts made to combat outlaw bikie club-related crime, but legislation must be written in such a way that legitimate users of firearms (such as sporting shooters and farmers) are not unfairly treated.

Unfortunately, this bill makes several sweeping generalisations in its changes to current law, with legitimate users of firearms lumped in with those who use firearms for criminal purposes. That should not be the case, and for that reason there are aspects which Family First, at this stage, will oppose in the committee stage unless amendments are presented to alter the bill as it stands.

The plain fact is that outlaw bikie gangs operate (as the term suggests) outside of the law, and the firearms that they possess are often illegal firearms. Further regulation on the activity of owning a firearm will therefore disproportionately impact the law-abiding members of the community who operate within the law. The problem is that, if the law is introduced to regulate the use of firearms, the only people who will obey that law are people who are law-abiding citizens. Ironically, they are not those to whom such laws are directed.

Recent Australian Institute of Criminology data, in a report entitled 'Firearms Theft in Australia 2005-06', notes that 198 guns were stolen in South Australia in the 12 months to June 2006: approximately 100 rifles, about 65 shot guns and 15 hand guns. Police recovered only 3 per cent of those weapons. These weapons cannot be regulated. These are the weapons that are winding up in the hands of outlaw bikie gangs and other criminal elements. They are not ending up in the hands of sporting shooters, legitimate farmers or others who have legitimate reasons to hold a firearm.

If we examine the New South Wales situation, they made a very heavy-handed response to the 1984 Bandidos clash with the Comancheros, the so-called Milperra bikie massacre, which of course was a tragic and horrendous event occurring on the outskirts of Sydney. The clash at the Viking Tavern in Milperra is said by some to have started the recent history of bikie violence in Australia.

This first clash occurred at a swap meet at the British Motorcycle Club, which was also attended by members of the public. One of the groups was ambushed, with their leaders targeted. A rifle, a shot gun and a semi-automatic rifle were used in the skirmish, along with knives, bats, chains, machetes and other weapons.

Sadly, seven people were killed and 15 were hospitalised, including many innocent members of the public. Most tragically, an innocent 15 year old girl was caught in the crossfire. As a consequence, the Labor government of the day outlawed completely the possession of certain firearms. Subsequently, the New South Wales Labor Party suffered its worst electoral loss in 50 years. When its leader, Barrie Unsworth, resigned, he said:

> I must accept the major proportion of the blame for the defeat, particularly in terms of my decision on the gun issue.

Certainly, in Barry Unsworth's view, it was a significant reason for his government's demise.

The Hon. I.K. Hunter interjecting:

The Hon. D.G.E. HOOD: Possibly. The incoming premier, Nick Greiner, revoked the ban. He noted that the ban 'was clearly unenforceable and made criminals of decent law-abiding citizens'. That sort of explains some of our concerns with this bill.

Indeed, I wonder whether this bill will do exactly the same thing. I wonder whether bikie groups will continue to operate outside of the law and these laws will impact only those honest and decent members of the community who try their best to comply with the increasing number of rules and regulations that continually seem to impact on their law-abiding practices.

Since Milperra, we have had the McDonald's and Hoddle Street massacres in 1987. The same year saw the Queen Street shootings on 20 August, with Hungerford a week later. The year 1991 saw the Strathfield Plaza shootings, and we had the 1994 Nuriootpa siege and the Dublana Primary School massacre in March 1996. On 28 April 1996, tragically, 35 people were killed and 25 people were injured in the horrific Port Arthur incident. (As an aside, I was actually at that site the day after that incident and witnessed the scene very shortly after the incident happened, and I can assure members that it was horrific.)

Since then we have had the Victor Chang shooting in 1991, the tragic Columbine massacre in 1999, the Monash shootings in 2002, as well as bikie shootings on the Gold Coast, Football Park, Wright Street and recently the Tonic Nightclub. That has been capped off in very recent times by the Virginia Tech massacre, the worst in US history, with 30 dead.

The point I am making here is that, if my information is correct (and I believe it is correct), the only one of those Australian incidents that involved a registered gun owner and gun club member was Huan Ziang, who was responsible for the Monash shootings—and, by the way, he also had mental illness problems. I note that the current bill will allow medical and mental health checks on gun owners about whom police have concerns. That is completely appropriate and a measure that Family First would definitely support.

The point I am making here is that all of those tragic events I have just listed were initiated and perpetrated by people acting outside of the law. By and large (and when I say 'by and large' I mean almost completely) those operating within the law are not responsible for such events.

The main cause of bikie violence is drugs and the underworld system that revolves around their sale. South Australia still has lax drug laws, despite the laws which were passed today and which we commend. I again refer the chamber's attention to the low penalties imposed for the cultivation of cannabis in this state. It is no wonder that South Australia has been named by some as the cannabis capital of Australia. Our penalties are completely out of step with those imposed interstate in this regard. It is no wonder that bikie groups continue to cultivate cannabis in South Australia, knowing that in many cases, if caught they will only receive a maximum fine of $500 if they claim personal use which, of course, many of them do.

Any efforts to combat bikie-related crime, such as this bill, must focus on drug penalties and their activities. I quote from a press release in the name of the Premier dated 12 March 2006, shortly before the last election. It states:

> If re-elected, Labor will also:
>
> - create a specific offence of cultivating cannabis hydroponically;
> - make the possession of firearms in conjunction with drug offences an aggravating feature of the drug offence, attracting higher penalties.
>
> 'I'm fed up with the mass production of high-strength cannabis that damages too many South Australian lives,' says Premier Rann. 'Drug use is central to crime, and it needs to be nipped in the bud, literally.'

I prepared this speech just this morning, and yesterday I was going to raise this matter as a negative. The proposed legislation announced by the Attorney-General today will go part way to

meeting those election commitments, and I congratulate the government on that announcement and assure it of Family First's support subject to the details of the legislation once we see it.

I believe that strong drug laws such as the ones announced today will be most effective in attacking the income source of bikie groups. They will hurt these outlaws much more than the laws before us today, which most significantly impact sporting shooters, farmers and other people who have a legitimate need to use firearms.

The aim of this legislation before us today—and I thank Chief Inspector Les Buckley for his briefing and his assurances—is to, first, focus on the person's behaviour as opposed to the firearm; secondly, focus on criminals or people who are of risk to the community versus legitimate firearm owners; and, finally, to institute preventative and disruption powers.

I have little doubt about the chief inspector's capabilities and his assurances that he does not intend to target legitimate gun owners. In fact, I found him to be a very useful contact, and certainly a very competent individual. However, the government's difficulty is that legitimate owners are not convinced about the merits of this bill. Indeed, the Combined Shooters and Firearms Council complained that they were to be consulted on the proposed amendments but that the true consultation never took place, in their words. That is indeed quite concerning as this is a body that promotes shooting sports, collecting and responsible firearms use, and represents the interests of member firearm clubs and associations throughout South Australia. I have met representatives from the group and, in a recent letter from them, they note:

> SAPOL have previously and continuously stated that they will not target lawful firearms owners but are after the bikies and the criminal element. Such assurances have proven worthless. SAPOL have not honoured their verbal undertakings. Firearms owners generally have no confidence or faith in the SAPOL firearms branch assurances.

This is a very concerning statement indeed. They have a number of legitimate concerns which are shared by Family First, and some of their concerns are similar to those outlined by the Hon. Mr Ridgway.

The first concern is that the registrar is given too much power. A great deal of power rests with one individual with respect to the fact that he or she—currently it is a he—can make the ultimate decision as to who is a fit and proper person. Secondly, the definition of 'fit and proper', based on a person's reputation, is too broad and subjective. Again, as I mentioned, it comes down to the registrar's interpretation of that matter. Thirdly, rewriting the law to target those who may have been found guilty without conviction for a very minor offence is unfair.

I think the point raised by the shooting lobby group to Family First is very valid; that is, previous to this bill, it has been the case that, whilst people have been found guilty of very minor offences, no conviction has been recorded. This bill will change that and make it that a conviction will automatically be recorded. Fourthly, the review committee, as the consultative committee, loses far too much power to the registrar—again, going back to the first point I made: the registrar becomes very important, and it is quite subjective. Finally, there are also concerns regarding the review of cancellation of licences and time required for the commencement of proceedings.

In my discussions with Rob Lowe, I understand that several of their previous concerns regarding the manufacturing of firearms have now been addressed. Industry representatives have been concerned that people who legitimately modify a firearm—again, as mentioned by the Hon. Mr Ridgway—may be caught by that provision. In particular, firearms used for competition and field use are regularly rebuilt by their owners to give better performance. I understand that the rewritten section 27(3) satisfies many of those concerns. As the Hon. Mr Ridgway mentioned, sights sometimes need to be adjusted because of the wind and what not. So, those sorts of minor modifications surely should not suggest a breach of the legislation. Again, as the Hon. Mr Ridgway said—which is the example I was going to use as well—when somebody saws off a shot gun, that is a major modification which cannot easily be reversed, and that is something that I think the legislation should legitimately address.

Last year, I wrote to the Minister for Police regarding a number of concerns that Family First had with this measure, and I thank the minister for addressing some of those concerns in the final version of this bill. However, Family First still has a number of concerns, there are the concerns that have been raised by the combined shooters, and we will certainly raise those matters during the committee stage.

The Hon. R.P. WORTLEY (21:25): I rise on this occasion to speak to the Firearms (Firearms Prohibition Orders) Amendment Bill. A brief outline of the bill's context may be of value to members in this chamber.

Since coming to office this government has mounted a strategic program of law reform intended to refocus the justice system on community protection of the rights of victims—and that program is succeeding. South Australia Police statistics for 2006 and 2007 show that the state's crime rate has decreased by 18.2 per cent since 2002-03. This represents a stark contrast to the record number of offences against the person and property recorded in 2001 and 2002 when our predecessors were in office. We inherited a situation where home invasions were regular occurrences, where the elderly were too frightened to walk the streets, and where criminals around the country saw South Australia as a soft touch.

As my colleague the Minister for Police noted when the latest statistics were released, the combination of a record number of SAPOL officers on the ground and the government's tough-on-crime laws are strengthening the hands of police in their pursuit of offenders—and the results are clear and encouraging. The increase in reportage of crimes against the person is likely to continue as a consequence of the new, more rigorous legislation in the areas of sexual assault and drugs, but the government does not intend to relax its vigilance.

The bill before us today represents yet another component in a comprehensive suite of specific responses to the issue of crimes against the person. It will provide police with more, and more direct, compliance and crime-fighting powers. All those present are aware of the Tonic nightclub shooting incident in June 2007, and the government responded quickly to that event, pledging new laws to combat firearms-related crime. These proposals embody that pledge. They target criminal elements—including motorcycle gangs and their associates—who turn to violence to progress their illegal activities.

I will not go into too much detail on the nature of these activities, because we are all aware of the predominant activities of drug manufacture, importation and distribution. Hand-in-hand with these, amongst other crimes, go murder, serious assault, intimidation of witnesses, public disorder offences, money laundering, and the organised theft and/or rebirthing of motor vehicles and motorcycles. Of course, firearms offences figure significantly in many of these matters.

This bill aims to realign the attention of state authorities from the regulation of legitimate firearms owners towards those criminal elements who use firearms in the commission of their crimes. To achieve this, police powers to ban access to, or possession of, firearms by persons with a known propensity for violence—or their associates—will be strengthened.

Let me be more specific: the amendments before us introduce two levels of firearm prohibition orders. The first, the interim firearms prohibition order, can be issued by any police officer with a supervisor's authorisation. Such orders allow immediate response from police, which will prevent a suspect gaining access to a firearm. The second level of firearms prohibition order is issued by the Registrar of Firearms. This order carries a full range of police powers, including stopping and searching any person subject to an order, any vehicle, vessel or aircraft in their charge, and any place of residence occupied by that person.

Firearms prohibition orders can also be applied to persons with no history of violence or other serious crime. As an adjunct to these provisions, a reporting obligation applies where a person has been identified by a medical practitioner or other prescribed person as being at risk to themselves or others. A similar reporting obligation will exist where a person is suffering from a wound inflicted by a firearm.

The bill goes further, providing for a number of offences with regard to firearm prohibition orders. It also broadens a number of definitions within the act—for example, that of 'possession of a firearm'—and creates certain aggravated offences under the Firearms Act. In addition, it will tighten controls on the manufacture and sale of firearms.

I should add that responsible, law-abiding citizens will not be affected by these laws. They will not be prevented from gaining firearms licences and owning registered firearms where legitimate purposes exist. However, it must be made abundantly clear that the government is determined to deal with those who demonstrate, through their own actions, that they would willingly use firearms in pursuing criminal enterprises.

The government considers that these amendments are proportionate to the response required in the present situation. I support the bill and commend its provisions to honourable members.

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

CONTROLLED SUBSTANCES (DRUG DETECTION POWERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April 2008. Page 2182.)

The Hon. R.I. LUCAS (21:31): I rise to support the second reading. My colleague the Hon. Mr Ridgeway has spoken already outlining the Liberal Party's position on the legislation, and I support his comments. It probably does not surprise you, Mr President, or indeed the minister, that I would rise to speak on this particular issue, because the interests of Molly, Jay and Hooch, the three dogs trained two dog years ago and 14 human years ago to do this job have been close to my heart since 2006, and whilst there is a touch of humour in the perils of Molly, Jay and Hooch—

The Hon. D.G.E. Hood: Two human years and 14 dog years.

The Hon. R.I. LUCAS: Two human years and 14 dog years—is that right? I had it the wrong way around. I am indebted to my dog adviser, the Hon. Mr Hood. This legislation is sadly the perfect indication of what is wrong with this government and with this minister in relation to important legislative reforms. The potted history of this issue is that back in about May/June 2006, almost two years ago, this minister was advised that whilst these dogs were being trained—and I will go into the detail of that in a tick—or about to be trained (I think they were trained throughout the period of June and July 2006) for them to operate there needed to be important legislative change.

Having spoken to a number of concerned police officers in the period of September/October 2006 (I think) when there was no sign of any action from the minister or the government on this issue, I raised the matter for the first time in the parliament and said, 'There's almost half a million dollars worth of trained drug-detecting machines sitting out there not being able to do what they were trained to do.'

We are not just talking about three trained labradors; of course, there are three individual handlers who had to be trained as well. There is a 10-week program involved. Handlers came across from New South Wales, that state already having passive alert detection dogs in operation, and trained not just these three dogs, which at that stage where young and looking forward to the task ahead, but also the three officers in relation to the important work that they were about to do.

In and around that time the government, as is its wont, was very anxious to be out there spinning this particular story to the best of their ability, and just one of the stories in July of that year (2006)—the period when they were going through their training—there was a lovely story in *The Advertiser* of 19 July. An article by Sam Riches, headed 'Drug sniffer dogs on patrol in city', states:

> Morning commuters at the Adelaide Railway Station were yesterday greeted by new drug-sniffing dogs on a training run.'

Without reading all of it, I point out that it highlights that three labradors were being trained by New South Wales police instructors; that they work in a similar way to customs dogs at airports, sitting down when narcotics are detected; and that they were six weeks into a 10-week program. Let me quote the following:

> The dogs are doing extremely well and should start working by the end of August [2006]. Senior Sergeant Peter Cheeseman, officer in charge of the dog operations unit said, 'The animals had passed all tests. They are new and innovative for South Australia. Everything is in place to go. Now we just want to go out and find the drug dealers,' he said.

This is July 2006. They were raring to go. Whilst all that was going on; whilst all this wonderful publicity and spin doctoring was going on by the minister and the government in relation to this important drug detection project, the minister had had advice: 'Look, we're training these dogs, with three full-time officers and three dogs raring to go, but minister, you've actually got to do something. You've got to change the legislation. You've got to get off your backside—we know you enjoy your office—and you've got to change the legislation so that we can allow these dogs to do what we are training them to. Now, we are happy to do this 10 week course; we are happy to be raring to go, but all you have to do, minister, is change the legislation.'

That is not an unreasonable request, I would have thought. The taxpayers are spending almost $500,000 to train and pay for the dogs and the officers to look after them, and all those sorts of things, and they say, 'Well, look; just as a trade-off, minister—one little thing: can you just introduce the legislation and change it so that Molly, Jay and Hooch can get on with the job?' And,

as Senior Sergeant Peter Cheeseman said, 'We're going to go after them and get those drug dealers' as of August 2006.

Where are we, Mr President? We are now in April 2008—almost two years later, and this invigorated, innovative, active government minister has finally got around to introducing legislation into the parliament. So, maybe in another month the legislation, having gone through both houses—we will then have to wait for the minister to get it proclaimed—Molly, Jay and Hooch might actually be able to get on with the task for which they were being trained almost two years ago. That is assuming that they are still fit enough to be able to do the tasks for which they were trained almost two years ago.

As I said, I first raised this issue in October 2006. At that time the minister had a wonderful spin, as they all do when under pressure on these sorts of things. You do not actually answer the question that is put to you by the journalist or by the member of the opposition. I told the minister that you have $500,000 worth of dogs and officers not being able to do the job for which they are trained. They are not trained for the normal drug bust the current dog squad does: these are passive alert detention dogs. They are to be used in circumstances where the current dogs are not trained to go. They go down Rundle Street to the clubs and nightclubs where any of us who have any association with young people will know that the drug culture is rampant. Even some hotels—

An honourable member interjecting:

The Hon. R.I. LUCAS: Even some hotels. Well, Mr President, I think there are some ministers in your administration who have first-hand knowledge of some of the clubs and hotels of which I speak. I am not suggesting anything untoward in terms of their behaviour there, but they certainly have experience of those locations. They are to go to events such as the Big Day Out. Heaven forbid if they were let loose in WOMADelaide.

The Hon. T.J. Stephens interjecting:

The Hon. R.I. LUCAS: Wherever. I am looking forward to the passive alert detention dogs being let loose in WOMADelaide. I drive past it on Dequetteville Terrace. You do not have to go into WOMADelaide to know what is being inhaled both actively and passively. There is also the Big Day Out, sporting events and entertainment venues. I will ask a question about this. They refer to a lot of events that young people go to, but I will be interested to know whether, for example, it includes the State Theatre Company or the festival events that older South Australians go to.

Let us be honest about it, because it is not just young South Australians who are not following the law of the land in terms of participation in the drug culture of the state and the nation. It would be interesting to know whether the police and the minister intend to target not just the young people and their venues but also some of the venues of people of a slightly older age.

The Hon. Sandra Kanck: They won't send them into WOMADelaide.

The Hon. R.I. LUCAS: That would be interesting to know, but that is what they were trained to do. Of course, when this was first raised in October, the minister was saying, both in parliament and in the media, 'Look, the South Australian police are currently working on what they believe are the legislative requirements, and as soon as they complete those'—and remember that this was in October 2006—'and hand the submission in, that will be referred to the Attorney-General and the legislation will come through.'

The clear impression was, 'Hey, we are right on top of this. The police are working on it. Straight through to Attorney-General Atkinson and the legislation will come through in the very near future in terms of it being resolved.' That was in 2006. Of course, he was also saying at the time, 'Well, look, it is not true what the opposition is saying. Of course we are using these dogs'. He denied the accusation from the opposition.

As I said, our accusation was quite specific. They were trained to do a specific task. They were not trained to do the same tasks as all the existing dogs are doing because we have dogs to do that sort of thing, but of course the minister would not answer that question. The other question the minister would not answer in November 2006, when I asked it for the second time, was: when was he or his office first advised that the legislation would need to be changed or amended?

He came back with a partial answer at one stage which said, 'Look, I've got no record of a police request prior to the Estimates Committee in 2006.' That, of course, was not the question that was asked. When was he or his office first advised that he had to change the legislation?

I invite the minister, whilst this is being debated and when he responds to the second reading, to put on the record when he was first advised in relation to that, because the information given to me by police was that he was advised in that period and no later than around May or June 2006—well before I first raised this issue in October 2006—that this was an important issue that needed to be resolved.

In November he was saying things like, 'I can find no record of the police up until the time of the estimates requesting that legislation be moved in relation to those dogs.' Again, as I said, he did not answer the question.

Then, in November, he said, 'As soon as we receive the submission, we will certainly give it rapid consideration.' I do not know the minister's definition of 'rapid', but from November 2006 through to April 2008 is not my definition of 'rapid consideration' by this minister and this government in terms of the legislation.

I raised the issue again on a number of occasions—including the Big Day Out in January 2007—highlighting the fact that the specially trained drug detection dogs were not able to do their job at the Big Day Out. I am sure everyone at the Big Day Out would have been delighted that the specially trained Molly, Jay and Hooch were licking their chops, or wagging their tails back in their kennel, not being able to do the job of chasing the drug criminals, as Senior Sergeant Cheesman was saying from August 2006.

I am sure that everyone at the Big Day Out was delighted that minister Holloway was still sitting on his backside in his ministerial office and had not even got around to introducing the legislation into parliament.

Again, in March 2007, we raised the issue with the minister and said, 'Look, you told us 'rapid consideration' in November. You said as soon as you get it, you will be getting it into parliament in November 2006. You were making those commitments. In March 2007 there was still nothing in relation to it.' So, what did the minister say in March 2007? The Minister said:

> I know that it is absolutely true. Allegations such as those made by the shadow minister for police that they have not been able to do their job are not true.

That is what the minister said. He said that allegations that the shadow minister had been making that they were not able to do their job were not true. What the minister said was not true. What the dogs were being asked to do was what all the other dogs—not the passive alert detection dogs—were doing, that is, the job for which they were trained, namely, this passive alert detection work in the sorts of venues and fora to which I have referred.

So, for the minister to say what he did in the chamber is, frankly, a clear case of misleading the council. However, I am a generous man—there were so many of them from this minister on this issue that I did not pursue the issue of misleading the council. His statement that 'they have not been able to do their job are not true' was an untrue statement and clearly demonstrable as an untrue statement. The minister went further, sadly for him, and said:

> No. As I said, they were purchased with the intention of deploying them in accordance with existing practices, and that is what they are doing.

That was untrue. The minister knew it was untrue. As I said, I believe that he was told back in May or June of 2006. He might be arguing that he did not know until June or July 2006; but, certainly by March 2007, for the minister to stand up in the chamber and say, 'They were purchased with the intention of deploying them in accordance with existing practices, and that is what they are doing', was clearly untrue, because he is now introducing legislation which is proof positive of what I was saying at the time and is now proof positive that he recognises the fact that they were not purchased and trained to work in accordance with existing practices.

As the police minister, the police told him, 'Hey, you have got to change the law. The existing legislation, which is the critical determinant of existing practices, does not allow us to do what we are trained to do.' That is what Molly, Jay and Hooch would have said to you, minister, if they could talk, or if you could understand them.

Certainly that is what the police were saying to the minister in relation to this issue, and he was saying in March 2007 that they were purchased with the intention of being deployed in accordance with the existing practices. What did the minister say in March 2007? Remember that it was going to be rapidly introduced in November 2006. In March 2007, the minister said:

> I would hope that we would introduce the legislation in the next session, which is not all that many weeks away.

This was March 2007 and he was going to introduce the legislation. There was another example in late 2007. Again, I will not go through all the details, but the minister's position continued to wobble down that path of promising that their legislation would be introduced as soon as possible and that he was working hard on the legislation.

As I said at the outset, this legislation, sadly, I think, is a pretty fair indication of the problems of this government, that is, it is lazy. It is either lazy, incompetent, negligent or all of the above in relation to important legislative reform. It is delighted at being able to get positive publicity, such as the article to which I referred back in July 2006, in the media in relation to being tough on drugs and being tough on chasing the drug criminals, and so on.

However, when it comes to doing the hard yards or the hard metres, doing the work and introducing the legislation into the parliament, this minister, sadly, and this government even more sadly, have been found wanting. The minister did raise some issues in his second reading explanation which I want to raise to see what his final response is. In one of the answers to questions he raised the issue about schools, and he said that he and the government were having to contemplate whether or not these dogs would be able to be used in schools.

I specifically asked the minister for the government's advice on this issue; that is, whether the legislation would be able to be used under certain circumstances in the school or educational environment. I do not just ask about schools, I ask about TAFE institutions and university campuses as well, because there might be a more productive use of the dogs in some of those institutions than perhaps in some schools. The minister in one of his answers also raised the issue and said:

> The point I would like to make is that, where these sniffer dogs can detect an odour, they cannot detect whether the drug is present at that time or was present in the past. They can detect that there is a smell, but it may be that a person does not have a drug on them but have had it in the past. That is another issue that needs to be clarified legally.

Will the minister confirm whether that is still his view in relation to the operation of the dogs and, if it is, what has been his and the government's resolution in relation to the issue that he says would need to be clarified legally before he could introduce legislation?

There are one other two other specific issues in relation to clauses that I will leave to the committee stage of the legislation. Suffice to say that, albeit far too late, as the Hon. Mr Ridgway has previously indicated, the Liberal Party is a strong supporter of the legislation. Certainly not just as a member of parliament but as a parent, with young people going through that stage of both schooling and educational institutions, and now clubs, nightclubs and entertainment venues where drugs are certainly a part of the culture, it seems to me to make absolute sense to have an initiative such as this where the passive alert drug detection dogs can be used; and that young people—and, as I said, older South Australians as well—in certain venues will know that, if they do have drugs on them—in their pockets, their handbags, purses or their man bags (whatever it is that they happen to be carrying at the time)—Molly, Jay or Hooch may sit down quietly next to them as they queue up outside HQ, the Vodka Bar, Escobar, or wherever else in the city—

The Hon. M. Parnell: The Adelaide Club.

The Hon. R.I. LUCAS: The Adelaide Club, as the Hon. Mr Parnell suggests—he might know something that I do not—the Labor caucus, as the President suggests, or wherever. In conclusion, I have to say that, when you are at an airport and the little beagles come sniffing around your luggage, even though you know absolutely that you do not participate in the drug culture, you always wonder and think, 'Gee, I hope that little Molly, Jay or Hooch equivalent does not sit down next to my suitcase or bag because they happen to smell food or whatever.'

The Hon. G.E. Gago: Guilty.

The Hon. R.I. LUCAS: As I said, I have no guilty conscience at all, but I have seen enough movies about young people proclaiming that someone else put something into their suitcase, bag or luggage to know. There is no doubt that it will impact on behaviour if it is well publicised and if it becomes well known to young people that Molly, Jay, Hooch (if they are still alive), or their equivalents will be patrolling Hindley Street on a Friday and Saturday night, and if you are queuing up outside one of these nightclubs and Molly, Jay or Hooch sits down next to you, a police officer will say, 'I now have the authority to conduct a search on you for potential drugs.' That is an entirely positive message and one that we on this side of the chamber strongly support. We are disappointed that it has been two years since it was first undertaken.

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

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 1 April 2008. Page 2187.)

The Hon. M. PARNELL (21:55): I support the second reading of this bill—and my contribution will be very brief. My main reason for rising at this stage is to alert members to the fact that I have some amendments on file in relation to this bill. Those amendments relate to the ability of our hardworking police officers to choose an ethical superannuation investment when they make an election under the legislation. I spoke at some length this afternoon about my private member's bill dealing with exactly this topic, and I will not repeat what I said then. In fact, I removed from my private member's bill provisions relating to police superannuation so I could move them as amendments to this bill. With those few words I support the second reading.

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

STATUTE LAW REVISION BILL

Adjourned debate on second reading.

(Continued from 6 March 2008. Page 2140.)

The Hon. R.D. LAWSON (21:57): I indicate that Liberal members will be supporting the passage of this bill, which makes what are said to be minor technical amendments to a number of acts, most of which are consequential upon the passage of the Statutes Amendment (Domestic Partners) Act 2006. It amends some of those acts which still refer to spouse or de facto partner, where the appropriate terminology is now domestic partner. We certainly support the rectification of the terminology used in those acts. It is necessary from time to time to clean up the statute book by ensuring that references are current and in accordance with whatever developments might have occurred.

The bill was described in another place by my colleague the shadow attorney-general as a 'rats and mice bill'. I am not sure I would accept that denigration of those species. If by 'rats and mice' it means an inconsequential bill, not worthy of notice or beneath serious concern or consideration, I am not sure that is entirely the correct description. However, legislation of this kind is necessary but not significant in the wider scheme of things.

The only matter to which I would draw some attention is the fact that the first provisions of this act amend the Criminal Assets Confiscation Act to correct the references in the definitions of 'proceeds of crime' and the 'instruments of crime'. The correction effected in this act is merely to delete the reference to the De Facto Relationships Act 1996 because that act has been renamed the Domestic Partners Property Act 1996; and, of course, we have no difficulty with that.

But we ought place on the record that, when looking at the Criminal Assets Confiscation Act, wider consideration ought be given to the way in which that act is presently operating and, in particular, to the distinction that is drawn in respect of the proceeds of crime (and I do not think too many members of this council, if any, would complain at all about the proceeds of crime being subject to appropriate confiscation). However, the current definition of 'instruments of crime', which includes property perhaps not owned by the criminal and which renders subject to confiscation property which might not be regarded in any ordinary course of discourse as tainted, is a matter of some serious concern.

Under the Criminal Assets Confiscation Act the Crown can apply for a forfeiture order under section 47 of the act. Forfeiture is mandatory if the application relates to property which is the proceeds of crime. However, it is discretionary if the property is an instrument of the offending activity and the forfeiture may cause detriment or hardship. That is under section 57. So there is, in that particular process, an inbuilt protection.

This is a little technical, but I should mention that forfeiture orders under section 47 are different from forfeiture under a related section, section 64. Forfeiture under section 47 occurs as a result of a court order, but under section 74 forfeiture can occur without a court order. It is automatic upon conviction for a serious offence. So there are two roads to forfeiture—one which occurs automatically when a person is convicted of a serious offence and another as a result of a court having heard argument, having heard and assessed the evidence, deciding that forfeiture is appropriate.

It is widely understood amongst the legal fraternity which deals with matters of this kind that the DPP in this state is not applying for forfeiture orders under section 47 because such orders

are discretionary and judges will invariably exercise the discretion which they have to relieve innocent dependants from hardship. So what the Director of Public Prosecutions does is apply for a pecuniary penalty order under section 95 of the act and, from the point of view of the prosecution or someone seeking forfeiture, that is an attractive proposition because an order that is made under section 95 is not limited to proceeds of crime but can attach to an instrument of the offence which is owned by the offender. By this means the Director of Public Prosecutions is able to obtain orders against property which is not the proceeds of crime but was merely used in a crime and which may be partly owned by an innocent third party.

The Hon. Sandra Kanck: That is a fundraising effort.

The Hon. R.D. LAWSON: I would not say it is necessarily that. It is a case of the Director of Public Prosecutions using a statute which this parliament has passed in a manner which the office of the director clearly considers appropriate. There was a recent decision of Judge Tilmouth in the case of DPP v Condo (it was decided as recently as 13 March this year), in which an application by the DPP on this general topic was rejected, although I think it is appropriate that parliament awaits the decision of the Court of Criminal Appeal in the case of George v DPP, which I think was argued at the end of February this year, to see whether the effect of the legislation is as I have described.

If it is as I have described, it may be that amendments to this legislation will be necessary. My comments in this regard are, however, something of a byway because, as I said at the outset, what we are currently amending in the Criminal Assets Confiscation Act is merely an incorrect reference to a statute, namely, a reference to the De Facto Relationships Act, which has been renamed the Domestic Partners Property Act. With those brief comments, I indicate that the opposition will be supporting the passage of this bill.

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

GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF CONTROLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March 2008. Page 2033.)

The Hon. SANDRA KANCK (22:05): I move:

That order of the day private business No. 9 be discharged.

It is with a degree of pleasure that I have moved for this to be discharged. I introduced this bill two months ago to extend the genetically modified crops moratorium in South Australia. I introduced it in February, because I feared that the South Australian government was going to follow the path of Victoria and New South Wales and, once the current moratorium had expired in a few weeks, not renew the moratorium. That was the intent of my bill, and it would have extended the moratorium for another five years.

We now have an undertaking, and we have gone through a public process, in fact, conducted by the government. The undertaking is that there will be an indefinite moratorium on genetically modified crops in South Australia unless there are convincing arguments (and those arguments, as we know, have to only be about marketing advantage) to the contrary that would suggest to the government that it should lift the moratorium. Now that it has done this, this bill is no longer necessary and I am pleased, therefore, to be able to remove it from the *Notice Paper*.

Order of the day discharged.

Bill withdrawn.

At 22:09 the council adjourned until Thursday 3 April 2008 at 14:15.