LEGISLATIVE COUNCIL

Tuesday 22 July 2008

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

WORKCOVER CORPORATION (GOVERNANCE REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

WORKERS REHABILITATION AND COMPENSATION (SCHEME REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ADELAIDE FESTIVAL CENTRE TRUST (FINANCIAL RESTRUCTURE) AMENDMENT BILL

His Excellency the Governor assented to the bill.

NATIONAL GAS (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

PAY-ROLL TAX (HARMONISATION PROJECT) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PREVENTION OF CRUELTY TO ANIMALS (ANIMAL WELFARE) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ROAD TRAFFIC (HEAVY VEHICLE DRIVER FATIGUE) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STAMP DUTIES (TRUSTS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT AND REPEAL (INSTITUTE OF MEDICAL AND VETERINARY SCIENCE) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

His Excellency the Governor assented to the bill.

SUPPLY BILL 2008

His Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (DOUBLE JEOPARDY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) AMENDMENT BILL

His Excellency the Governor assented to the bill.

TRAINING AND SKILLS DEVELOPMENT BILL

His Excellency the Governor assented to the bill.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:22): I move:

That standing orders be so far suspended as to enable the sitting of the council to be continued during the conference with the House of Assembly on the bill.

Motion carried.

ANSWERS TO QUESTIONS

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

MINISTERIAL STAFF

123 The Hon. R.I. LUCAS (4 May 2006).

1. Can the Minister for Transport advise the names of all officers working in the Minister's office as at 1 December 2006?

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

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

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

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

(b) Can the Minister detail any of the salaries paid by a department or agency rather than the minister's office budget?

6. Can the Minister detail any expenditure incurred since 2 December 2005 and up to 1 December 2006 on renovations to the minister's office and the purchase of any new items of furniture with a value greater than $500? (12 February)

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

1. Details of ministerial contract staff were printed in the *Government Gazette* on 5 July 2007.

Details of public servant staff located in the minister's office as at 1 December 2006 are as follows:

1. Position Title	3. Ministerial Contract/PSM Act	4. Salary & Other Benefits
Snr Ministerial Liaison Officer	PSM Act Contract	84,113
Snr Ministerial Liaison Officer	PSM Act Contract	84,113
Office Manager	PSM Act Contract	75,322
Ministerial Liaison Officer	PSM Act Contract	70,369
Personal Assistant to the Minister	PSM Act Contract	64,112
Ministerial Liaison Officer	PSM Act Contract	57,233
Ministerial Liaison Officer	PSM Act Contract	64,112
Parliamentary Liaison Officer	PSM Act Contract	53,690
Ministerial Assistant	PSM Act Contract	44,903
PA to Chief of Staff	PSM Act Contract	46,491
Correspondence Officer	PSM Act Contract	40,145
Correspondence Officer	PSM Act Contract	41,732
Administration Officer	PSM Act Contract	41,732
Correspondence Officer	PSM Act Contract	37,253
Receptionist	PSM Act Contract	38,557

2. Correspondence Clerk

3. See table above.

4. See table above.

5. (a) $1.524 million

(b) DTEI does not pay for the Minister's Office staff. However there are 9 DTEI staff that are located in the Minister's Offices that provide a liaison function between the Minister's Office and the various divisions of the department.

Division	FTE	$'000
Energy	1	82
Safety & Regulation	1.5	120
OCE	1.5	145
Transport Sys	2	174
Public Transport	1	83
Policy and Planning	1	98
OMPI	1	24
TOTAL	9	726

6. No expenditure has been incurred between 2 December 2005 and 1 December 2006 for the items in question.

PREACHING PERMITS

265 The Hon. D.G.E. HOOD (30 April 2008).

1. How many 'preaching permits' were issued by the Adelaide City Council in 2007?

2. (a) Were any permits refused; and

(b) If so, why?

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 State/Local Government Relations has provided the following information:

1. The Adelaide City Council advised that in 2007 they issued 12 preaching permits.

2. No permit applications were refused.

PAPERS

The following papers were laid on the table:

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

Regulations under the following Acts—
- Australian Energy Market Commission Establishment Act 2004—Grant Allocations
- Criminal Law Consolidation Act 1935—Medical Termination of Pregnancy
- Electoral Act 1985—Prescribed Authorities
- Emergency Services Funding Act 1998—Variation—Remissions—Land
- Harbors and Navigation Act 1993—Restrictions and General
- Motor Vehicles Act 1959—
  - Conditional Registration
  - Disqualification Fees
- Police Act 1998—Illness or Injury to Prisoners
- Public Corporations Act 1993—Fire Equipment Services South Australia—
  - Dissolution and Revocation
- Public Sector Management Act 1995—Exemptions
- Road Traffic Act 1961—
  - Road Rules—Ancillary and Miscellaneous—Emergency Workers
  - Miscellaneous—Declaration of Hospitals
- Southern State Superannuation Act 1994—
  - Incorporated Hospitals
  - Police Superannuation
  - Transition to Retirement
- Stamp Duties Act 1923—Recognised Financial Markets
- Superannuation Act 1988—Transition to Retirement
- Victims of Crime Act 2001—Imposition of Levy
- Workers Rehabilitation and Compensation Act 1986—
  - Claims and Registration—Variation
  - Scales of Charges—Medical Practitioners
  - Scales of Medical and Other Charges—Schedules
  - Variation—General

Rules under Acts—
- Road Traffic Act 1961—Rules—Vehicle Standards—Variation

Rules of Court—
Supreme Court—Supreme Court Act 2003 (South Australia)—Amendment No. 4
Appointments to Ministers' Personal Staff

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

Proposal to remove one significant tree at Parkside Primary School—Report
Regulations under the following Act—
Development Act 1993—
Heated Water Services
Open Space Contribution Scheme
Schedule 10
District Council of Mount Barker Significant Trees—Development Plan Amendment by the Council

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

Regulations under the following Acts—
Fisheries Management Act 2007—
Abalone Fisheries—Licences and Catch Quotas
Aquatic Reserves—New Regulations and Revocation
Fishing Activities
Lakes and Coorong Fishery—Pipi Quotas
Marine Scalefish Fisheries—Pipi Quotas
Miscellaneous Fishery—Aquatic Resources
Prawn Fisheries—Gulf St. Vincent
Rock Lobster—Northern Zone
Primary Industry Fund Schemes Act 1998—Rock Lobster Fishing Industry Fund
Primary Produce (Food Safety Schemes) Act 2004—
Codes
Food Standards
Seafood Fees
Senior Secondary Assessment Board of South Australia Act 1983—Variation

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

Local Government Grants Commission South Australia—Report, 2006-2007
Regulations under the following Acts—
Conveyancers Act 1994—Establishment and Determination
Environment Protection Act 1993—Environmental Authorisations
Health Care Act 2008—General
Land and Business (Sale and Conveyancing) Act 1994—Real Estate Industry Reform
Land Agents Act 1994—Real Estate Industry Reform
Liquor Licensing Act 1997—
Ceduna and Thevenard—Area 2
Dry Areas—Port Vincent
Natural Resources Management Act 12004—Baroota Prescribed Water Resources Area
South Australian Health Commission Act 1976—Recognised Hospital—Medicare Patient Fees
Waterworks Act 1932—Variation
Corporation By-Laws—
Mitcham—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 7—Waste Management
Playford—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land

No. 4—Dogs
No. 5—Cats
Walkerville—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
Murray-Darling Basin Agreement 1992—Schedule F: Cap on Diversions

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:27): I bring up the report on the committee on the South-East Natural Resources Management Board Levy Proposal 2008-09.

Report received.

The Hon. R.P. WORTLEY: I bring up the report of the committee on the Eyre Peninsula Natural Resources Management Board Levy Proposal 2008-09.

Report received.

The Hon. R.P. WORTLEY: I bring up the report of the committee on the South Australian Murray-Darling Basin Natural Resources Management Board Levy Proposal 2008-09.

Report received.

The Hon. R.P. WORTLEY: I bring up the report of the committee on the Northern and Yorke Natural Resources Management Board Levy Proposal 2008-09.

Report received.

The Hon. R.P. WORTLEY: I bring up the report of the committee on the Adelaide and Mount Lofty Ranges Natural Resources Management Board Levy Proposal 2008-09.

Report received.

STATE STRATEGIC PLAN

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:28): I table a copy of a ministerial statement relating to the State Strategic Plan audit of progress made earlier today in another place by my colleague the Premier.

WATER BILLING

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:28): I table a copy of a ministerial statement relating to water bills reimbursement made earlier today in another place by my colleague the Treasurer.

Members interjecting:

The Hon. P. HOLLOWAY: The former treasurer would know all about it because he actually did the same thing.

POLICE RESOURCES

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:29): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: I would like to place on record the landmark achieved by South Australia Police of recruiting more than 4,000 officers. As of 30 June 2008, there are 4,144 full-time equivalent officers in South Australia—443 more sworn officers than when the Rann government came into office in 2002. A further 158 cadets in training at the Fort Largs Academy will graduate by the end of this year.

As Minister for Police, I am honoured to be a member of a government that has delivered on a commitment to bolster police numbers to their highest level in the state's history. In the current budget, this government is again investing taxpayers' money to provide SAPOL with the resources that police officers need to stay on top of the criminal element in our society.

However, some people refuse to acknowledge the government's achievements. Some people want to pretend that these additional police are some sort of fiction, some sort of government spin, rather than real flesh and blood, but they are real, and you do not have to take my word for it.

I understand that the Commissioner of Police during yesterday's Budget and Finance Committee gave a comprehensive report on the issue of police numbers. The Commissioner also made the point that about 90 per cent of our officers are in operational roles. This is the highest percentage in the nation.

The opposition not only continues to quote 12-month-old figures, but what is more concerning is that members opposite continue to mislead the South Australian public. If they bothered to check with the Productivity Commission, they would find that the number of 127 non-operational staff is in addition to the 3,842 sworn operational officers quoted in that report. That brings the total number of police in South Australia in 30 June 2007—the figures that they want to quote, 12 months out of date—to 3,969 officers. This is in stark contrast to when this government came to office in 2002. Back then, SAPOL was demoralised and starved of resources; police numbers had been cut and police stations had been shuttered. This neglect was not without consequences.

On the Liberals' watch, not only were police resources gutted but crime in South Australia rose by a staggering 31 per cent. Police statistics show that, in 1994-95, 156,661 offences were reported, dramatically rising to 206,474 by 2001-02. Murder increased, serious assault went up, as did minor assault, and there were more criminal trespass offences. Theft of motor vehicles rose by an amazing 95.6 per cent. But now we have an opposition that is totally shameless in its criticism of this government's achievements. At every opportunity, members opposite rush to claim that there are not enough police officers on Adelaide streets. They were at it again this morning on ABC Radio—misleading, despite the record number of serving police in this state.

The Hon. J.S.L. Dawkins: Where are they?

The Hon. P. HOLLOWAY: Well, we know where they were when you were in office: they didn't exist, because you did not have them. The Liberal opposition simply has no credibility on law and order after cutting police numbers, shutting stations and driving up crime rates during its term of office. Yet, every time there is an incident of violent crime in South Australia, the opposition trots out in front of the microphone to claim that this latest incident is somehow due to a lack of police resources. This is a nonsense argument. Rushing to blame the police every time a crime is committed in the state makes about as much sense as blaming a shortage of doctors every time someone gets a cold.

It is high time that the opposition told the South Australian public exactly how many officers are to be recruited into the police force by the Liberals because, at the moment, we only have its very barren track record on which to judge it. That is why today I am challenging the opposition to nominate exactly how many police will be recruited each year if there were a future Liberal government. The reporters on talkback radio in this city do not seem interested in asking this important question, so I will ask it here in this place. Until the opposition is prepared to do that, its constant carping should be ignored as empty rhetoric in search of a cheap headline.

The opposition's criticism of policing in this state simply underlines the lack of confidence it has in the ability of police to do their job. I would like to remind the opposition that, under this government as per longstanding convention, day-to-day operational decisions are made by South Australian police free from political interference. Unlike the opposition, I have full confidence in the Commissioner of Police to get the job done and to allocate resources as he sees fit without having a minister barking orders from the back seat.

This government accepts that the role of Minister for Police is to provide the necessary legislative and resourcing tools our police officers need to get the job done. Yet, we seem to have an opposition that constantly knows better than the Commissioner for Police. We have an opposition that knows better than the experts when it comes to which firearms should be adopted as a standard issue by our police officers. We have an opposition that knows better than the experts who should be equipped with a taser and how and when they should be used. We have an

opposition which says there are not enough police patrols in the city but which, in the next breath, calls for more police to be transferred from the city to country postings.

We have an opposition spokesman who already sees himself as the state's top cop trying to tell police where resources are best directed to combat crime or claiming that, if they are not out on patrol, they are not doing their job. There are now more police on the beat, using more pro-active policing methods, with more administrative staff supporting them.

We should not forget that, at the last election, it was the Hon. Rob Lucas who pledged to cut 4,000 public sector workers. These cuts would have inevitably cut into the work of police, which means they would have spent less time fighting crime and more time in the office. I also heard the opposition leader, Mr Martin Hamilton-Smith, on FIVEaa radio the other day denigrating the work of South Australia Police. He said, 'They are just not getting the results.' This government does not consider a reduction in crime rates of more than 18 per cent since 2002-03 as not getting results. Our record in office includes falls in crime rates of 5.8 per cent in 2005-06; 6.6 per cent in 2004-05; 7.2 per cent in 2003-04; and 2.8 per cent in 2002-03.

When this opposition is not criticising the police about their priorities, it is dismissive of the police strategy to reduce the carnage on our roads as mere revenue raising. It is easy to jump on a populist bandwagon but, as a responsible government, we understand the necessary deterrent that traffic fines and speed cameras provide in the campaign to keep our roads safe. Rather than continuing to run down the good work of our police officers for petty political purposes, the Liberals should be thanking them for making South Australia a safer place to live in and a place where they are achieving results.

QUESTION TIME

POLICE RESOURCES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:39): I seek leave to make a brief explanation before asking the Minister for Police a question about (as luck would have it) police resources. In particular, to be more specific, about an incident that occurred on Tuesday 10 June 2008.

Leave granted.

The Hon. D.W. RIDGWAY: An article in *The Advertiser* states:

> Two school boys have made statements to police alleging they were assaulted by an off-duty officer they feared was trying to abduct one of them by dragging him into his car. The boys, aged 16 and 15, and a female friend, 14, told police they were walking home from a western suburbs high school about 3.40 pm on Tuesday when a car stopped and a man flashed a badge at them. They said the car stopped and the man, who was wearing football shorts, got out and asked for identification.
>
> When one of the boys offered his wallet...it was thrown to the ground. Police confirmed the man, who allegedly grabbed the boys' schoolbags, was an off-duty police officer. The mother of one of the boys said that 'at no time did he identify himself as a police officer, other than just the flash of what they thought was a badge when he pulled up'. One of the boys told *The Advertiser* he feared they were being robbed and pushed against the man to reach for his bag. 'I thought he was trying to steal our stuff after he threw the wallet on the ground...he put me in a headlock, then pushed me on the ground and stomped on my hand', the boy said. 'I was trying to push him off and my friend was trying to push him off...Then he said he'd take us to the police station and get us locked up. Then [he] just said, "F... it, I'll take you myself", and tried to drag me to his car.'
>
> A motorist parked in a van across the street yelled out when the officer dragged the boy towards the car, thinking he was witnessing an abduction. When the witness yelled, the boys say the man got back into his car and left. The witness came over and helped the bleeding teenager, as one of the group wrote down the car's registration.
>
> Forensic technicians were called to take photographs of the boy's injuries, which included cuts, a swollen hand and fingers, and a scalp injury from which hair was allegedly pulled out. A police spokeswoman said the officer believed the boys had been damaging a street sign and he had gone to the school to find out who they were and later found and stopped them in the street.

The article went on to state that police investigations were continuing and police were talking to the witness from the van.

In the past couple of weeks I have spoken to the mother of the boys and it is quite interesting to note that she was visited by a senior sergeant from the Henley Beach Police Station, who indicated to her that the internal investigations branch of SAPOL would be looking at this particular matter, given that the incident involved an off-duty police officer.

Some time later (a couple of days, I believe, or it may have even been a week) an officer from the Director of Public Prosecutions came and suggested that she would take a statement. When the mother asked, 'Well, what about the police and the internal investigations branch?' she was told that there were insufficient resources within the police force for that to take place and that it was now being handled by the DPP. However, the officer from the DPP said that they were lacking resources and that she was in the middle of handling a murder trial and did not know when she would be able to complete the investigation. My questions are:

1. Will the minister concede that the lack of police resources is now having an impact, not only on public safety but on other roles and functions of SAPOL and is contributing to a lack of public respect for SAPOL?

2. Has the minister received a report on this incident and, if so, will he release it to the public?

3. Is it normal practice for an officer of the DPP to take a statement and not provide a copy of that statement to the witnesses?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:43): I will refer to the Attorney-General the latter question relating to the Office of the Director of Public Prosecutions. But how typical it is of this opposition that whenever allegations are made it will always assume that the police are wrong. If by some misfortune a Liberal government had been elected, we could have a minister for police who does not trust the police force, who has no confidence and no faith in police but, not only that, who goes further and actively seeks to undermine the police of this state. That is a disgrace.

There are accusations being made, they are subject to investigation and that is why I will not comment on them. I think it is a very sad state of affairs when the opposition in this state will always side against the police of this state.

POLICE RESOURCES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:44): At what point in the question did I allege that SAPOL were at fault?

The PRESIDENT: Order! That is not a supplementary question. If the honourable member was not happy with what the minister said in his answer, he should have risen on a point of order. It is not a supplementary question.

The Hon. D.W. Ridgway: So, Mr President, I rise on a point of order.

The PRESIDENT: It is too late now—he has sat down.

ADELAIDE CITY COUNCIL

The Hon. R.I. LUCAS (14:45): I seek leave to make a brief explanation prior to asking the Leader of the Government a question about development in the Adelaide City Council area.

Leave granted.

The Hon. R.I. LUCAS: There has been some controversy in recent days about the government's decision in relation to what is known as the Tower 8 development in the Adelaide CBD. On 12 July this year the Minister for Urban Development and Planning issued a public statement, as follows:

> Minister Holloway today described as intolerable the Adelaide City Council's rejection of the Aspen Group's proposed office tower in Franklin Street. Mr Holloway says he is urgently formulating a response to take to cabinet next week to ensure that the development assessment process in the Adelaide CBD is no longer blatantly politicised. The position adopted by the Adelaide City Council's Development Assessment Panel flies in the face of the planning reforms initiated by this government, Mr Holloway says.

His statement went on, but for the purpose of my question I do not need to read it all. Three days later, on 15 July, the Adelaide *Advertiser* carried a story headed 'Adelaide City Council stripped of planning powers for big developments', which stated:

> The Adelaide City Council has been stripped of planning powers for projects costing more than $10 million, unlocking an expected surge of city development.

Further on in the story it states, `Planning minister Paul Holloway announced the state review two days later'—this is tracing the history of it—'but Mr Conlon said the council's decision had not

influenced yesterday's announcement'. That seems to be in conflict with the statement made by the minister three days before. It continues:

> This proposal has been around for a long time, although you have to think about what has happened in recent times, Mr Conlon said.

Members will be aware that over the past two years I have asked a series of questions of the minister in relation to planning and development issues and there has been some significant controversy about the role of two friends of the minister, Mr Nick Bolkus and Mr John Quirke, in terms of lobbying both this minister and the Rann government and other ministers on planning and development issues.

The Hon. R.P. Wortley: Using parliamentary privilege to sleaze and cast innuendo.

The Hon. R.I. LUCAS: I am not sure whether the Hon. Mr Wortley wants to outline the sleaze and innuendo at some stage: I will be happy to respond. I certainly reject any imputation against my good reputation in any way. I reject that completely. However, I will not be diverted. Given the controversy of these issues, some commentators have mentioned to me the importance of the minister and the Rann government being more transparent about the activities of lobbyists such as Mr Bolkus and Mr Quirke and of political donations to the minister's own party.

I note that the Australian Electoral Commission returns show that Babcock and Brown are listed as donors to the Australian Labor Party, with donations of some $24,400 in recent years to the Australian Labor Party. I also note that a director of the Aspen Group, Mr McCann, is listed as the head of property funds, mergers and acquisitions at Babcock and Brown. My questions are as follows:

1. Has the minister or any of his ministerial officers had any discussions with Mr Bolkus or Mr Quirke about the Tower 8 development or the government's decision to take certain planning powers away from the Adelaide City Council?

2. Has the Aspen Group, or any related company, any director of Aspen, or any company associated with a director of Aspen, made a donation to the Labor Party in the past two years? If so, what is the name of that company and how much has that particular company donated to the Australian Labor Party?

I ask this question in the full knowledge that Australian Electoral Commission returns, of course, only require donations to be listed above a certain level and donations below that level are not required to be listed by the Australian Labor Party.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:51): In relation to that question, I have no idea whether Aspen has made a donation to the ALP because, as the planning minister, I go to a great deal of trouble to ensure that I do not have any knowledge of these matters. That is why I am not a member of the state executive of the Labor Party, or any other forum in which that might be revealed. Who donates to the ALP is a matter, first, for the Labor Party, and it is all disclosed. We do have public disclosure in this state.

In relation to the first question about whether John Quirke or Nick Bolkus have lobbied me in relation to the Tower 8 proposal, the answer is: no.

ADELAIDE CITY COUNCIL

The Hon. R.I. LUCAS (14:51): I have a supplementary question, Mr President, arising out of the minister's answer.

Members interjecting:

The PRESIDENT: Order! Question time is being wasted by people continually making comments that are out of order.

The Hon. R.I. LUCAS: Is the minister deliberately not answering the first part of the question, that is, was he lobbied at all in relation to the decision to take away powers from the Adelaide City Council in relation to certain planning and development decisions?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:52): No, I have not been lobbied. Certainly, in my discussions over the past six months, a number of people around town have expressed concern about what has happened in relation to the Adelaide City Council. It is for

that reason, I assume, that the Liberal Party has a policy to take development powers from the city council. I assume it has heard exactly the same concerns that I have.

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has a supplementary question.

ADELAIDE CITY COUNCIL

The Hon. R.I. LUCAS (14:52): I have a supplementary question arising out of the answer. Is the minister confirming that he has had discussions with Mr Bolkus or Mr Quirke about the issue of removing powers from the Adelaide City Council in relation to CBD developments?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:53): I have already indicated that I have not had any discussions with Nick Bolkus or John Quirke either in relation to the Tower 8 development or development powers in relation to the city council. No, they have not lobbied me in relation to those matters.

ADELAIDE CITY COUNCIL

The Hon. SANDRA KANCK (14:53): I have a supplementary question arising from the first answer given by the minister. Have any donations been made to the ALP entity SA Progressive Business?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:53): I have no idea. As I said, if people give donations it is a matter, first, for the Labor Party. But, if they are given to entities such as that, my understanding is they have to be disclosed to the Electoral Commission. I am aware that a federal Liberal government, of course, changed the laws two or three years ago.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, they used to be under the previous government.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The Hon. Rob Lucas knows more than I do because, of course, he was a member of a Liberal government which, when it was in power, deliberately watered down regulations. What was it? The Greenfields Foundation or something? I know the Liberal Party has invented a number of measures to avoid the disclosure of donations when it was in government—it pioneered that—but, if the honourable member wants to ask those things, he needs to take them up with the Electoral Commission. Any decision that I make in relation to any planning matter is based on its merits.

ADELAIDE CITY COUNCIL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:54): I have a supplementary question arising out of the answer regarding donations in relation to developments. Has the minister, or any of the minister's colleagues, had representations from anyone—

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Chuck him out, will you, before I go and do it? Has the minister, or any of his colleagues, at fundraising luncheons in relation to SA Progressive Business met with anybody from a company by the name of TrustPower?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:55): I do not recall having had a meeting with anybody from that company. However, there may be other entities. I recognise individuals by their names, and I cannot keep records of everybody and every company they represent. I go to dinners and am introduced to dozens of people every week. The member asked me whether I have met with Mr X and Mr Y from a particular company on some given occasion. I meet with so many people during the course of my ministerial business—as I should. However, I am not aware of that particular company. As I said, I tend to remember people by their name and not their company name.

ADELAIDE CITY COUNCIL

The Hon. R.I. LUCAS (14:56): As a supplementary question arising from the answer, prior to attending these fundraising lunches with senior executives from business interests, does the minister's staff provide him with a breakdown of the names of the individuals he is dining with and the companies they represent?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:56): Of course, if I go to any dinners I meet with hundreds of people, and I would go to least half a dozen dinners and be introduced to all sorts of people regularly every week. In relation to the Tower 8 development, I have had very few meetings. In fact, in relation to that particular development, I do not know whether or not the company that was just mentioned has some connection with this project.

The original project in relation to the development of the precinct around the General Post Office, and the whole of that area that is to be redeveloped, was originally being handled through the Office of Infrastructure. It is an extremely significant development for this state because it is most unusual to have an entire city block of that size, from King William Street to Waymouth Street and from Bentham Street to Franklin Street, redeveloped. That is why the government has concerns about not so much that it was rejected but more about the manner in which it was done, which I believe was intolerable, as my press release stated, for the future of this city.

We have a situation where you can have a minority of members present, and only one of the four independent members present on the panel, and a project is rejected and not even deferred for further discussion. I believe that that is an intolerable position because it sends a message—the wrong sort of message—about the future of this city, and that is why I make no apology at all for taking the action I did, and I would do so again, regardless of whom I meet and who goes to fundraisers. As I said, I do not recall having had meetings with the principals of this company for a number of years.

Members interjecting:

The PRESIDENT: Order!

CARAVAN, TOURIST AND RESIDENTIAL PARKS

The Hon. R.P. WORTLEY (14:59): Is the Minister for Urban Development and Planning aware of the difficulties for developing effective planning policies posed by the lack of specific zoning for caravan parks? What is the minister doing to provide greater certainty to caravan park operators and their tenants?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:59): Let me declare that I have met with a couple of caravan park owners and their tenants in the course of this decision. The honourable member is correct in that caravan, tourist and residential parks present a challenge for planning policy. Until recently, there was no specific zoning requirement for caravan and tourist parks, despite their proliferation throughout metropolitan Adelaide and near country areas.

There are 47 different types of zoning that apply to caravan park sites across South Australia. It was this uncertainty that prompted the government last December to adopt an interim measure. Most caravan park sites in Adelaide and near-country areas have now been rezoned to one of two specific-purpose caravan park zonings: a caravan and tourist park zone which is for caravan parks entirely or predominantly used by tourists for short-term stays with only a minority (if any) of the park dedicated to long-term accommodation; and a residential park zone for caravan parks primarily used to meet the demands of long-term residents and a minority of tourists.

These two new zones ensure that caravan parks are specifically designated and protected from redevelopment outside their current use unless rezoning is sought and gained. As this interim measure expires in December this year, I have decided to appoint a working group to advise me on the best course of action for a more permanent solution to the issue of caravan park zoning. The working group consists of members from relevant government agencies associated with the caravan, tourist and residential parks industry.

The group will ensure that any update of this government's development rules for caravan, tourist and residential parks takes into consideration housing affordability and consumer protection. It will also provide advice on the criteria for establishing the economic viability of caravan, tourist

and residential parks, identify areas for future park sites and recommend an appropriate process for rezoning existing sites.

The members of the working group are: Ms Jennifer Spiteri, operations manager of the Tenancies Branch of the Office of Consumer and Business Affairs; Mr John Hanlon, executive director of the Office for State/Local Government Relations; Mr David Lake, policy manager for the South Australian Tourism Commission; Anni Telford, senior project officer of the Office for Homelessness and High Needs Housing; Mr Richard Davis, president of SA Parks; Mr Martin Banham, vice president of SA Parks; and Mr George Vanco from my office.

In the next six months, the working group will consult with the public and stakeholders about any long-term changes to development plans required under South Australia's planning and development laws. This government's objective is to provide greater certainty, simplicity and consistency to the land zoning for caravan parks in Adelaide and near-country areas. By replacing the array of different zoning, the Rann Labor government aims to provide certainty to caravan park users, residents and neighbours about the future use of caravan park sites.

Let me stress that the two new types of zoning created by this interim measure have not changed the ownership of land or land tenure of any existing caravan park site. Of the 44 caravan parks operating in metropolitan Adelaide and nearby country areas, 31 have been zoned as caravan and tourist parks and 11 have been zoned as residential parks. Two have had their zone split between two categories.

The interim zoning policies have been inserted into the development plans of the 17 local councils affected by this holding measure so as to guide their development of proposed caravan parks. The policies ensure that any new parks are located to provide appropriate access to public services and facilities as well as a safe environment. I hope that local government, caravan park operators and other affected members of the South Australian community will cooperate fully with the working group to ensure the best outcome for all stakeholders.

CARAVAN, TOURIST AND RESIDENTIAL PARKS

The Hon. M. PARNELL (15:03): As a supplementary question, what process should caravan park proprietors go through if they want to seek exemption from these new zoning requirements prior to the finalisation of the DPA in December?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:03): As I indicated, the new development plan has been brought in on temporary control. It expires in December. There is, of course, a statutory process under the Development Act in relation to any interim planning control, but the establishment of this committee really is to provide some greater input into that statutory process, because some of the information that we will need in assessing the future of caravan parks is perhaps to determine what an optimum size for them is, for example.

There are some very small caravan parks that may not be viable in the long term. That is why we would like to work with the industry to get that particular input. In relation to the residential parks, we have some parks in the suburbs of the city where I understand up to 700 people permanently reside, so they are very significant contributors to the housing stock, particularly with the issues we have in relation to housing at the moment.

The owners of some of those parks have told me that it is very difficult to get zoning for new parks, and I think we need to look at that aspect to see whether some changes to policy are necessary to ensure that we have specific space for residential parks. They are the areas that go beyond the specific development plan process. Certainly, we need to go through the 12 months and, in specific answer to the honourable member's question, any people affected by this decision will need to go through the usual development plan process of responding. But, in relation to some of these broader policy questions, obviously people can contact this committee through Planning SA so that, as well as consideration being given to the specific development plan, we can also look at the broader context in which caravan parks operate.

DRUG POLICY

The Hon. D.G.E. HOOD (15:06): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse questions about the drug control strategy.

Leave granted.

The Hon. D.G.E. HOOD: Iceland has recently reported some tremendous results in reducing its illicit drug use amongst teenagers. Indeed, the newly released figures indicate that they have seen cannabis use in 15 to 16 year olds reduce from some 17 per cent in 1989 to 9 per cent in 2006 and, further, in the same age group, amphetamine use has reduced from 7 per cent in 1998 to just 4 per cent in 2006.

In applying some elements of the tough Swedish model to illicit drug use, Iceland now supports a zero tolerance model. They have adopted a vision of a drug-free society with annual surveys to locate and deal with problem locations, targeting specific youths at risk and groups that envelop those youths, and developing teaching and parental support programs across their society. My questions are:

1. How do our teenage drug use figures compare to those of Iceland?

2. Given that recent figures suggest that teenage cannabis and amphetamine use is at similar levels in South Australia to that of Iceland when they commenced this approach, why shouldn't we adopt the same approach here in South Australia?

3. Why hasn't South Australia seen the same reduction in drug use amongst our teenagers as Iceland has in recent years, and what can be learnt from the approach that Iceland has taken in order to match their outstanding success?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:08): Obviously, I do not have any information, and I am not sure that my colleague would necessarily have detailed information on exactly what has happened in Iceland. I will refer that question to her and make sure that we get a response.

I can say that we have a Ministerial Council on Drug Strategy in this country of which not only is the Minister for Mental Health and Substance Abuse a member but also of which I am as Minister for Police. At a meeting we had in relation to alcohol last week the comment was made that Australia is fairly unique. In this country we have close cooperation between police and health officials—probably much closer than in most countries of the world. I think that is a positive point from which we can start: that we do have close cooperation between the policing arm and the health sector. That is an advantage from which we start. We have a national strategy on drug abuse, as well as in relation to alcohol abuse, but for the further detail I will refer that to my colleague and bring back a response.

PUBLIC ADVOCATE

The Hon. R.D. LAWSON (15:09): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, questions about the Public Advocate.

Leave granted.

The Hon. R.D. LAWSON: The Public Advocate is a position established under the Guardianship and Administration Act of this state, and the Public Advocate performs very valuable public functions. Until February of this year the position had been held by Mr John Harley with great energy and distinction over a period of some nine years.

On 18 July this year the Attorney-General announced the appointment of Dr John Brayley as Public Advocate for the next five years. Dr Brayley is described as a senior lecturer in psychiatry at Flinders University, a consultant for health services in South Australia, formerly the director of mental health in South Australia's Department of Health, the chief adviser in psychiatry to the mental health minister and an adviser to the Social Inclusion Board. My questions to the minister are:

1. Was the position of Public Advocate advertised and, if so, when and in what publications?

2. How many persons applied for the position?

3. What was the process of selection?

4. What is the value of Dr Brayley's salary package?

5. What was the value of the salary package which Mr Harley enjoyed during his final year?

6. Is Dr Brayley's appointment a full-time or a part-time appointment?

7. Will he continue as a lecturer in psychiatry at Flinders University and as an adviser to the Social Inclusion Board?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:11): By reading out that CV, the Hon. Robert Lawson has indicated just how well qualified for this position Dr Brayley is. In relation to those details, I will refer that to the Attorney-General and bring back a reply.

LEVEL CROSSINGS

The Hon. B.V. FINNIGAN (15:11): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about safety at level crossings in South Australia.

Leave granted.

The Hon. B.V. FINNIGAN: I understand that this week is National Rail Safety Awareness Week. South Australia Police are being particularly vigilant across the state, paying attention to motorists and pedestrians and making sure that they understand their safety obligations at level crossings.

Last year, 81 near misses on metropolitan rail lines were reported. With this in mind, I ask the Minister for Road Safety to advise what more the government is doing to attempt to reduce the incidence of near misses resulting either from deliberate acts of risk-taking or from momentary inattention.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:12): I am not quite sure whether the Hon. Robert Lawson thinks the fact that the police would be doing their job is a matter for comment. The Rann government is committed to making significant safety improvements at the state's rail level crossings, with $24 million allocated since 2003 through the Level Crossing Program. As part of the program, the state government has surveyed 1,140 level crossings using the Australian Level Crossing Assessment Model (ALCAM), which addresses traffic queuing at metropolitan crossings, site distance deficiencies, short stacking of heavy vehicles, and installed flashing lights at high-risk rural crossings used by heavy vehicles.

This week, the state government is introducing further measures specifically aimed at improving safety for pedestrians at level crossings. South Australia has become the first state in Australia to introduce a warning system that alerts pedestrians to more than one train passing through a level crossing. We know that a high proportion of deaths at pedestrian rail crossings are related to the approach of a second or third train. These illuminated signs read 'Caution more than one train' and an audible alarm alerts pedestrians when multiple trains are approaching. Put simply, the signs have the potential to save lives.

The system is being installed as part of a $9 million TransAdelaide program that also includes the installation of pedestrian-automated gates at 17 sites across the metropolitan rail network. Despite not having a pedestrian fatality involving a second train since May 2005, I think we would all agree that there is no room for complacency. The first 'More than one train' warning sign is now operational at Emerson station on the Noarlunga line. This calendar year, the signals will be installed at Raglan Avenue on the Noarlunga line and at Kilkenny on the Outer Harbor line.

The signs will also be installed at two more locations on the Noarlunga line; five more on the Outer Harbor line; two on the Belair line; three on the Gawler line; and two on the Glenelg tramline at Goodwood Road, Goodwood, and Morphett Road, Glengowrie. The entire system is expected to be in place by the middle of next year.

I would like to remind all road users that, of course, road safety is everybody's responsibility and we must always be alert. Playing with trains is akin to playing with fire. To drive the point home, the award winning television campaign 'Don't play with trains' will be aired this week.

LEVEL CROSSINGS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:14): I have a supplementary question in relation to level crossings. Will the minister indicate what level of budget expenditure is allocated in the upgrade for electrification of rail for grade separation in the metropolitan area of

Adelaide in relation to the government's—as the minister and Premier have often described it—bold and far-reaching initiative of electrification of rail? What money has been provided for grade separation in that whole package? Don't frown, because it is the biggest safety key to getting people to stop at level crossings.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:15): Are you talking about the automated gates?

The Hon. D.W. RIDGWAY: No, grade separation.

The Hon. CARMEL ZOLLO: I do not have the answer to the question that the honourable member has asked in relation to what amount of funding has been provided, so I will undertake to bring back a response for the honourable member.

LEVEL CROSSINGS

The Hon. J.S.L. DAWKINS (15:16): I have a supplementary question arising from the minister's answer. Will the minister give the details of the three locations she mentioned on the Gawler line?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:16): The three locations on the Gawler line are Clark Road, Evanston Gardens; Hawker Street, Bowden; and Torrens Road, Ovingham.

WEST BEACH TRUST

The Hon. J.A. DARLEY (15:17): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning questions in relation to the West Beach Trust.

Leave granted.

The Hon. J.A. DARLEY: I am advised that the West Beach Trust has been embroiled in a longstanding legal dispute with one of its tenants who occupies the Adelaide Shores function centre. This dispute arose some years ago over a lease. My questions to the minister are:

1. How much has been spent on legal fees so far?

2. What legal costs are likely to be incurred over the next 12 months?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:17): It is true that the West Beach Trust has been embroiled in a long-running dispute that goes back to I think 2000, or before, but certainly to the original contract. This matter is before the court so there is a limited amount that I can say. As I understand it there was no contract originally signed, so it is an implied contract, and I believe that is part of the case. Beyond that, I cannot say much more but it certainly pre-dates not only my time as a minister but I think the time of this government.

A significant amount has been spent on it. A number of efforts have been made to try to mediate this particular dispute. I will find out what information I can. In relation to the dispute itself, I am obviously restricted in what I can say because it is before the courts.

STATE EMERGENCY SERVICE

The Hon. S.G. WADE (15:19): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the State Emergency Service.

Leave granted.

The Hon. S.G. WADE: Budget allocations to the State Emergency Service have been basically static over the past four financial years, which means that the service has been the subject of real funding cuts. For example, the 2008-09 financial year net cost for services of $10.9 million is 4 per cent lower than the $11.4 million allocation in 2005-06, four financial years ago.

Over the same period the government's spending on SAFECOM has increased by 30 per cent to $14.3 million. The cut to the SES has been deeper when the SES's activities are taken into account. The budget papers indicate that the workload of the SES, as expressed by total operational hours of incidents, has more than doubled over the past three years. This year SES volunteers are expected to donate 150,000 operational hours.

The State Emergency Service Volunteers Association continues to express its concerns and is holding discussions with the SES about the 2008-09 budget.

In the recent July edition of the SES *Frontline* magazine, the executive officer of the association was quoted as saying:

> Funding for SES appears to be static, yet demands continue to increase. South Australia has not had an event such as the Newcastle disaster for government to recognise the cost implications caused by flood and storm damage. Funding in South Australia needs to increase urgently.

My questions for the minister are:

1. Does the government consider that climate change is impacting on the demand for services of the State Emergency Service?

2. Why is the government cutting funds to the SES in real terms, in light of the increased risk and increased activity?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:20): I thank the honourable member for his question. First, I would place on the record, as I am sure everybody in the chamber would agree, that the SES does a marvellous job for us and the community of South Australia. Indeed, we certainly could not achieve what we want to achieve with our state emergency services without the assistance of the SES and, in particular, the wonderful 1,800 SES volunteers.

The state government has not cut the budget of the SES. In the 2008-09 budget, it is almost $12.2 million, with a capital program of $2.84 million. From year to year the capital program will, of course, vary. The SES capital budget in 2007-08 totalled $3.1 million. So, as I said, from year to year that capital budget will vary. In 2007-08, it included building works, appliance and vessel replacement, and we saw such amounts of money as $2.25 million for the construction and refurbishment of buildings.

We know that in the past financial year we had eight units that were completed and handed over to the SES. In this financial year we will see three very important capital works taking place: Mount Gambier, Tea Tree Gully and Port Lincoln (Port Lincoln with a value of over $1 million). So, the variation that we often see in the budget will depend on what capital works are happening in that particular year.

The SES, like the CFS prior to the emergency services levy, of course, came from a very low base, out of consolidated revenue. At the moment the amounts of money that we do spend on the CFS, the SES and the MFS is about half-half: half coming out of the emergency services levy and the other half coming out of consolidated revenue from the government.

I point out that, of course, we were coming from a low base before the emergency services levy. As time goes on we will see more and more units being built and completed, and we will see more and more appliances. The SES has over 230 vehicles, including specialist communication vehicles and vessels. We have a replacement policy in relation to vehicles and we have a new buildings program.

I think it would be totally dishonest for the honourable member to say that we do not care about our SES, because at no other time in the history of this state have our emergency services been so well resourced and equipped. I do appreciate, of course, that as time goes on, and at different times, depending on the weather conditions, its workload will increase, and clearly that is something that we will take into account for any future budget.

GOVERNMENT GEOLOGY ANNIVERSARY

The Hon. I.K. HUNTER (15:24): My question is addressed to the Minister for Mineral Resources Development. Will he provide this chamber with details of the recent celebrations to mark the 125th anniversary of South Australian geology and the benefits of that science for this state?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:24): I thank the honourable member for his question. Last month I, along with the shadow minister, was honoured to attend a dinner to mark 125 years of South Australian government geology. South Australia does have a long mining history, dating back to the early days of federation, and much of that history is tied to the work of the South Australian Geological Survey.

We lay claim to being the first colony in Australia where mining was considered a crucial activity and we can boast many firsts as a state, some of which include: the first metal mine in Australia; the first company mining town—Burra; the first to drill for oil at Salt Creek on the Coorong (and there is a replica drill there to commemorate that fact for anyone who drives past Salt Creek); the first reported discovery of uranium 100 years ago; the first gold mine at Montacute; and the first official government geological report and book to be published in Australia. These successes were the catalyst that saw mining become the driving force behind South Australia's growing economy, prompting the government of the time to take an active role in furthering this expansion.

Of all the initiatives taken by the South Australian government since this time, the appointment of Henry Yorke Lyell Brown as government geologist in October 1882 was probably the most significant because within 12 months Brown had established the South Australian geological survey and produced the first geological map of South Australia. During the next 10 years the role of the survey was further refined to account for the changing circumstances of the state, but the principal role was—and remarkably remains the same today—stimulating and developing the mining industry with the view of securing benefits for the entire state.

The start of the 20th century saw the geological survey and the Department of Mines officially combined to further stimulate private exploration expenditure. Economic recession and depression saw the committee looking to mining activities as a saviour. In 1914, Premier Archibald Peake recalled:

> It is a matter of history that in bad times mining has come to the rescue of South Australia.

During this period the link between mining and manufacturing was expanded, and that led to the rising importance of Port Pirie, through its direct link to the Broken Hill mines, and Whyalla through the iron ore mines of the Middleback Ranges, as well as the establishment of a blast furnace and shipbuilding industry.

After World War I, Coober Pedy opal made an impact on world markets, and oil and gas exploration was ramping up across the state, with Robe 1 drilled in the Otway Basin. The first structural map of South Australia was also produced around this time. Following World War II, the greater diversity and specialisation of the mineral and energy sectors, new technologies and methodologies and increasing demands on services provided the opportunity to expand the geological survey.

A general upswing of the industry in the 1960s saw discoveries of copper, lead, zinc, uranium, oil, gas, coal, lime sand and other industrial and precious minerals eventuate as exploration activity increased. The search for oil and gas rapidly gained momentum in the Cooper Basin, with the discovery in 1963 of gas in Gidgealpa 2, leading to the construction of the Moomba to Adelaide pipeline and the sale of gas to Adelaide in 1970. Throughout the 1970s, oil was discovered in each of the Cooper, Eromanga and Officer Basins, with the first commercial export of crude oil and condensate from Stony Point, which is now Port Bonython, in 1983. The sustained efforts of many geologists within the department and industry continue to uncover new deposits of coal and uranium, including the Olympic Dam copper/uranium/gold/silver find on Roxby Downs Station in 1975.

Continued mineral exploration is crucial to the further development of the state's mineral resources. Throughout its existence the underlying ethos of the geological survey has been the belief that the principal role of government was to promote the mineral resources for the personal wealth of capital investors and for the benefit of the public at large, and this ethos remains unchanged today. The work of the geological survey has ensured the best repository of geological knowledge about South Australia remains open and freely available to both the industry and the general public. The geological survey serves as a fine example of how the government and industry can work together to promote prosperity through environmentally sustainable mineral and petroleum exploration within this state.

This 125th anniversary of South Australian geological surveys is very important for this state, and it is very fitting that this year we should be having such great success in relation to increased exploration within South Australia.

BUCKLAND PARK

The Hon. M. PARNELL (15:30): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the proposed Buckland Park housing development.

Leave granted.

The Hon. M. PARNELL: Last week the minister agreed to revise the major development declaration for the Buckland Park project following a request from the developer, Walker Corporation. Changes included a near doubling of the size of the project from 8,000 to 15,000 people on a 1,300-hectare site. Despite the description that this will create a 'country township', the proposal is surprising in its lack of major employment opportunities for residents or transport infrastructure. When the project was first proposed, company spokesman John Gerovasilis made it abundantly clear why the project was going ahead. He said:

> The timing is right for this project because of the huge demand for residential living. We expect this township will provide homes to accommodate soldiers from the expanded army battalion at Edinburgh and those commuting further north and to the Barossa.

So, instead of being a country township, this proposal is, in fact, an old-style commuter suburb, with residents heavily reliant on private cars to travel to neighbouring regions for essential facilities and employment. With the price of petrol continuing to rise, this has major social implications for a development that will be required to set aside a percentage of houses for affordable housing. Last month, the government announced major planning reforms. In the press release accompanying the announcement, Treasurer Foley said:

> The reforms will allow South Australia to better meet the challenges of climate change, improve management of the state's water resources, and help make the most of the Rann Labor government's $2 billion investment in public transport announced in last week's budget.

The Treasurer went on to say:

> The planning reforms will encourage transit-oriented developments, or TODS, higher density and well-designed neighbourhoods to be located along Adelaide's enhanced train, tram and bus corridors.

He also said:

> An expanded planning and development steering committee will continue to provide independent advice on the implementation of these important reforms.

My questions to the minister are:

1. Has the planning and development steering committee discussed the Buckland Park project in any of its meetings?

2. If it has done so, has it made any recommendations about public transport infrastructure for the development?

3. In the wake of planning reforms announced in June, will the government commit to providing fixed-line transport to the Buckland Park housing project (which is a development significantly larger than the rapidly-growing regional centres such as Mount Barker)?

4. In the absence of new fixed-line public transport being installed before the housing is constructed, does the Buckland Park proposal make a mockery of the so-called focus on transit-oriented development?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:32): In relation to the last question, as I indicated when I announced the results of the planning review and the government's response to that when we last sat, the government has a target of 70 per cent of new housing and dwellings (quite an ambitious target and certainly a higher percentage than achieved by Melbourne) coming by way of infill, high rise or brownfield development, with the remaining 30 per cent coming from greenfield development.

Buckland Park is obviously a greenfield development. The indications are (and I mentioned this several weeks ago when we talked about the planning review) that the population target, if anything, will be achieved much quicker than the government's Strategic Plan target of 2 million people by 2050. If current trends continue, we may well achieve that much more quickly, 15 years or more before 2050. However, if we do, that will need a significant amount of investment.

Ideally, the government would like to see the housing densities increase along our major transport corridors—and that makes sense in terms of using the transport infrastructure that we have—but there will still be some room for greenfield development. After all, people should have some choice. Governments can do so much and we can encourage people to live in high density development but, ultimately, the type of housing people have will always be a choice for individuals.

In relation to Buckland Park, I should point out that that still has to go through an environmental impact statement process. It was made clear at the time this proposal was originally put up that there are issues in relation to flooding. However, as I understand it, the government had some initial early information that, with the construction of the new flood control dam on the North Para River, that may not present such a problem for this development. Clearly, it was one of the big issues that this development, or the environmental impact statement in relation to this development, needed to clear before it could get the go-ahead.

Assuming that that situation can be overcome, and if that is the case, Buckland Park has a significant advantage in that it is closer to the centre of Adelaide than a number of other developments (for example, those at Aldinga and so on) that are much further from the city than Buckland Park. It is one of the closest greenfield sites available.

The Hon. D.W. Ridgway: But no infrastructure.

The Hon. P. HOLLOWAY: That is why it is being considered as a major development—because obviously any development there will create a whole village. It is important to point out that most of the jobs that are likely to be created in Adelaide will increasingly be in the northern suburbs, and we already have the new defence battalion locating there.

If one looks at the availability of industrial land, most of it is likely to be in the northern suburbs; in fact, Buckland Park is likely to be much closer to where many of the jobs will come in the future than some of the other greenfield developments being proposed. This proposal must obviously meet the test that has been put there, through its environmental impact statement, and a number of issues will need to be addressed before it can proceed. Given the totality of government policies on the planning review, I certainly believe that Buckland Park fits within that.

In relation to transport, it has an advantage: it is not far away from the current standard gauge line that goes to Virginia. Obviously, if there is a significant development in that area, it opens up some potential in the future, and it is relatively close to an existing transport corridor. Before that can be considered, clearly, the number of other issues that are being addressed in the EIS would have to be dealt with first before one would move on to those other considerations.

POLICE, WHYALLA

The Hon. T.J. STEPHENS (15:38): I seek leave to make a brief explanation before asking the Minister for Police a question about Whyalla police.

Leave granted.

The Hon. T.J. STEPHENS: On Friday 11 July, at around 4am (when most of us are tucked up in our beds), two of Whyalla's police officers were rammed in their patrol car on the Port Lincoln Highway. The police vehicle was boxed in by two stolen four-wheel drives and rammed repeatedly. This would have been a terrifying experience for these officers, and today I publicly honour their service to Whyalla and South Australia.

Chief Inspector Alby Quinn praised both officers for acting professionally during this ordeal and has publicly criticised the actions of the offenders—and rightly so. During an emotionally charged press conference, Chief Inspector Quinn did not mince his words when describing the behaviour of the offenders. Considering these two officers are lucky to be alive today, Chief Inspector Quinn, although not adhering to political correctness, should be applauded for his stand and not vilified.

It has been reported to me that Chief Inspector Quinn is under investigation for his comments. My question is: is it true that Chief Inspector Quinn is under investigation; if so, will the minister speak to the Commissioner and ensure that Chief Inspector Quinn is commended for his support of his officers, rather than chastised?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:39): I would have hoped that the honourable member would seek a bit more information before raising allegations of this nature. I am aware of the events in relation to the ramming of police officers, and I can certainly say that, as Minister for Police, I totally abhor the behaviour of those responsible.

I trust the police will swiftly bring them to justice; then, perhaps, a little less trust, but I would like to think that our courts might then deal with them appropriately to provide a suitable penalty in relation to that. As to any investigation concerning officers' comments, I will have to take that question on notice because I am not aware of any information about that.

ANSWERS TO QUESTIONS

DESALINATION PLANTS

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (6 May 2008).

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

The scope and estimated cost of the new bulk commodities export harbour at Port Bonython will be determined by the private sector as part of the Expression of Interest (EOI) and subsequent bidding process.

All of South Australia's commercial harbours are run by the private sector and are operated on commercial principles.

The Environmental Impact Statement will be prepared by the successful bidder as part of the development approval for the project.

Sufficient land has been secured and is available at Port Bonython to accommodate the foreshadowed desalination plant, an export harbour and other proposed industrial developments.

KUDLA-GAWLER URBAN BOUNDARY

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (24 April 2007).

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

LMC owns 214 hectares of land which is currently outside the urban boundary which is zoned rural. This land is currently held by LMC and used in accordance with current government policy.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. M. PARNELL** (20 November 2007).

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

There is nothing further to add to the information that has already been provided to the member. However, for the record, I provide that information. Funds SA works with the world's best investment managers and professional advisers to develop and implement investment strategies designed to maximise the likelihood of achieving the objective set down in the *Superannuation Funds Management Corporation of South Australia Act 1995.*

Funds SA does not ask its appointed investment managers to screen out companies from the investment universe purely on the grounds of predetermined environmental, social, and governance factors. Rather, managers are required to follow thorough and well developed investment processes that aim to identify companies that will generate the best financial performance resulting in the best investment returns for members of the State Government's superannuation schemes. In evaluating investment opportunities, managers will consider the many risks inherent in each investment. This may include environmental, social, and governance factors, where relevant.

Accordingly, there is no plan at this stage to add to the investment options currently available to members of the government's superannuation schemes.

REPLIES TO QUESTIONS

In reply to the **Hon. R.I. LUCAS** (6 May 2008).

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

I have been advised of the following:

Response provided by the Hon. P. Holloway MLC on 13 September 2005.

Response provided by the Hon. P. Holloway MLC on 20 June 2007.

POLICE TATTOO

In reply to the **Hon. R.D. LAWSON** (30 April 2008).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): On 30th April 2008 you asked a question without notice concerning the payment of taxpayers money to Mr Todd McKenney for appearing at the Commonwealth Bank Police Tattoo.

Mr McKenney was paid a performance fee commensurate with industry standards. His fees were paid from ticket sales and sponsorship revenue. No SAPOL funding was used and therefore no actual taxpayers money was used.

BUILDING ENERGY EFFICIENCY STANDARDS

In reply to the **Hon. SANDRA KANCK** (27 February 2008).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): The energy efficiency requirements for Mawson Lakes were developed well before mandatory provisions were implemented for houses. As such the early Mawson Lakes requirements were below the current mandatory requirement for a 5 star level. Homes now being built at Mawson Lakes must meet the 5 star level.

The star rating system for houses does not allow points to be gained by virtue of being close to public transport; it is based entirely on the energy required to heat and cool a house for comfortable conditions. Also, the mandatory requirements for commercial buildings do not use a star rating system but are based on the calculated energy load of the building.

The trade-off for being close to public transport is a feature of some voluntary star rating systems for commercial buildings that have a broader sustainability focus and are in no way a shortcoming of the current mandatory requirements for energy efficiency.

There are a number of star rating systems being used in the market place for various purposes in the sustainability, energy and water conservation areas and the example of the trade-off for being close to public transport illustrates how easy it is to confuse the purpose of any given star rating.

Planning SA maintains a register of people who are qualified to act as independent technical experts for house energy ratings. At present there are 42 people on that register.

It is understood that many designers and council staff have undertaken training in the use of the energy rating programs but it is not possible to provide numbers.

While some building and development companies may have in-house expertise in the use of energy rating programs, they are not able to sign off on their own buildings. They can use the in-house expertise to develop a design that will attain the required rating but confirmation and certification of the rating must be done by an independent assessor. The independence requirements on people who certify star ratings are very clear and all of the people on the Planning SA register are required to sign a Code of Practice that commits them to those requirements.

Applicants also have the choice of not getting a star rating for their home but of complying with prescriptive requirements for insulation, orientation, shading, glazing and natural ventilation that will provide a level of energy efficiency equivalent to a 5 star rating.

In his media release of 9 October 2008, Mr Owens focused his attention not on the energy efficiency of homes at Mawson Lakes, but on the performance of these buildings on very hot summer days. One of the side effects of the energy efficiency provisions is that a building will perform well for most of the year and provide substantial energy savings but on the hottest summer days there is still a tendency for people to switch on air conditioners and this can lead to high energy demands on those days. Fortunately, the air conditioning load will not be as great as for a house constructed before the current 5 star provisions were introduced but it is the sharp increase in demand that creates a problem for the electricity infrastructure. The government is investigating ways to mitigate this effect. In addition ETSA Utilities has been allocated up to $20 million dollars, by the Essential Services Commission of South Australia, to pilot measures over 2005-2010 to reduce the peak demand on its electrical network.

Under the current mandatory star rating system a maximum of 10 stars is possible at which level a house will not require any energy for heating or cooling. To attain that level requires a substantial change to the way in which the industry builds houses and in people's expectations about house design. On the 1 May 2006 the government increased the mandatory minimum level for housing from 4 to 5 stars and as the market adjusts it will become more cost effective to increase the mandatory minimum yet further. To assist in this, the Land Management Corporation's project at Lochiel Park is requiring a 7.5 star rating for new houses and the experience gained from this commercial project will help establish the case for further increases to the mandatory requirements.

DRUG CONVICTIONS

In reply to the **Hon. D.G.E. HOOD** (25 September 2007).

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

On 25 September, 2007, the Hon. D.G.E. Hood MLC asked two questions of the Minister for Police on behalf of the Attorney-General, arising from the case of Mr Hue Van Le who had been sentenced the week before for the offence of possessing heroin for sale.

The honourable member's first question, 'When will South Australian judges stop handing out pathetic sentences to convicted, hard-core, repeat-offending drug dealers and actually put them in gaol where they belong?' is plainly rhetorical and does not seek an answer from any minister. It is an expression of the member's own personal opinion and nothing more.

As for the honourable member's second question 'If South Australian judges are too soft or incompetent to put convicted drug dealers in gaol, when will the government intervene with legislation that will force them to do so?', the government has no plans to amend the Criminal Law (Sentencing) Act 1988 to impose a mandatory sentence that would see all drug dealers gaoled regardless of the circumstances of the crime.

The Criminal Law (Sentencing) Act 1988 appropriately gives sentencing courts discretion to take account of the circumstances of the particular case. In the case of Mr Hue, His Honour in sentencing took into account the defendant's history as a refugee, his schizophrenia, his addiction to heroin and attempts to overcome that addiction, as well as the small quantity of heroin involved, that is, less than one-tenth of one gram. His Honour noted that the defendant had initially spent 15 days in custody and since then had been on bail for almost two years, during which time he had complied with bail conditions, including reporting weekly to police.

His Honour said:

> The offence to which you have pleaded guilty is a serious one. However, your offending is at the very lowest end of the scale. The offence occurred, as I have said, at a time when you were addicted to heroin. Two of the packages of heroin contained only traces of powder. The total weight of the material found in the eight balloons was less than 1 gram. Of that only .06 of a gram was heroin. The drug had been cut to the extent where it was very low grade. The extent to which the drug has been cut is often an indicator of the level of commerciality in which a person charged with this offence is engaged. I accept the submission put on your behalf that this was at the very lowest end of the offending of this nature.
>
> Nevertheless the offence is one which calls for a sentence of imprisonment. The effect of drugs in the community is well known and there is a need for general deterrence to seek to prevent commercial dealing in drugs.

His Honour sentenced the defendant to 12 months' imprisonment. The sentence was suspended upon the defendant's entering into a good-behaviour bond for two years, the conditions of which included that the defendant not use illicit drugs, be supervised by a community corrections officer and comply with directions as to treatment, counselling and urinalysis to detect drugs.

There will always be sentences that strike some members as too lenient or too harsh. I do not believe, however, that the case to which the honourable member has referred discloses any fault in our sentencing legislation.

COMPUTER SYSTEMS

In reply to the **Hon. J.A. DARLEY** (8 April 2008).

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

Development of an integrated justice system known as the Justice Information System commenced in the late 1980s using software supplied by Computer Associates, obtained from an American company known as Integrated Database Management Systems (IDMS). The system is considered to be a legacy system, however, the IDMS technology is regularly upgraded and enhanced by Computer Associates.

Currently there are no plans to replace the software. The cost to replace the software has not yet been quantified and it is difficult to estimate a cost for replacement as a like-for-like comparison is no longer relevant given the development in technology options.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (20 November 2007).

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

1. An independent audit review conducted in October 2007 with respect to progress on the implementation of the initial recommendations identified that only two issues remained outstanding and these were implemented by the end of December 2007.

The initial delay in full implementation was due to the complex nature of calculating royalties in a processing plant environment where there was a large volume of raw product of various composition, and the need to apportion specific plant operating costs to the products that flow from the plant and are subject to royalty calculations.

The complexities involved require both engineering and accounting expertise, from both Santos as the operator of the South Australian Cooper Basin Joint Venture, and PIRSA, to determine the best way to identify and account for the variable costs and the apportionment of fixed costs across various petroleum products that are subject to royalties.

2. Significant procedures have been implemented that gives assurance that correct royalty has been paid to the State.

Such procedures include:

- Implementing a Revenue Review and Audit Committee in PIRSA to continuously monitor effectiveness of royalty accounting and audit practices and to oversee progress to address any Auditor-General Audit findings.
- Implementation of a Joint PIRSA/Santos Project Team to address the accuracies within reporting methodology and royalty payments made to the State by Santos.
- Dedicated resource overseeing all Royalty Returns and Payments to the State. Dedicated resource to perform site audits to confirm Royalty Returns are being
- Accurately processed in accordance with the *Petroleum Act 2000.*
- Provision of independent audit verification of royalty paid.

I have been advised by PIRSA that with procedures currently in place to monitor and verify royalty paid, that there is minimal risk that any petroleum royalties paid by producers is not correctly calculated.

APPROPRIATION BILL

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

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:41): I move:

That this bill be now read a second time.

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

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2008. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

Clause 3: Interpretation

This clause provides relevant definitions.

Clause 4: Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

Clause 5: Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

Clause 6: Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

Clause 7: Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

Clause 8: Overdraft limit

This sets a limit of $50 million on the amount which the government may borrow by way of overdraft.

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

CORRECTIONAL SERVICES (APPLICATION OF TRUTH IN SENTENCING) AMENDMENT BILL

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

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:42): I move:

That this bill be now read a second time.

On 19 November 1991, Shane Andrews was convicted of the murder of Mr Brian Lyden. Andrews was found by a jury to have shot Mr Lyden, who had formed a relationship with Andrews' estranged wife, with a rifle outside the Aberfoyle Park Primary School. Cox J sentenced Andrews to life imprisonment with a non-parole period of 23 years. When the Statutes Amendment (Truth in Sentencing) Act 1994 was proclaimed, that non-parole period was recalculated in accordance with the act to 14 years, 11 months and 20 days.

On 13 February 2006, that non-parole period expired. Andrews has applied for parole three times and has been refused each time. Andrews has taken legal action against the state of South Australia. He argues that he is entitled to parole under the act as it stood at the time at which he was sentenced.

When Andrews was first sentenced in 1991, the Correctional Services Act 1982 provided for automatic release on parole at the expiry of a prisoner's non-parole period. The Parole Board had a discretion to impose conditions on release and, for prisoners serving a life sentence, was required to make a recommendation to the Governor about how long the parole period should extend for (a period between three and 10 years). Assuming that the conditions of parole were agreed by the prisoner, neither the Parole Board nor the Governor had a discretion to refuse release on parole.

This regime occasioned controversy. In the early 1990s, there was a concerted effort to amend the law to provide for truth in sentencing across Australia. In 1994, as part of the truth in sentencing reforms, the Correctional Services Act was amended by the Statutes Amendment (Truth in Sentencing) Act 1994. One major change brought in by that amending act was abolition of automatic parole for sentences above five years. So, at the expiry of a non-parole period, a prisoner became entitled to apply to the Parole Board for release. In the case of prisoners serving life sentences, the board could only recommend release to the Governor.

Andrews has sued the state of South Australia. He argues that section 16 of the Acts Interpretation Act 1915, which effectively enacts the common law presumption against

retrospective operation, applies to the truth in sentencing act so that, in accordance with the law as it stood in 1991, the Parole Board now has no discretionary power to refuse his release. Section 16(1)(d) of the Acts Interpretation Act provides:

> unless the contrary intention appears,...[an] amendment...does not affect any...penalty...or punishment...imposed, prior to the...amendment.

The Andrews case was heard by the Full Court of the Supreme Court (Duggan, Anderson and David JJ) on 15 July 2008. The decision has been reserved.

In relation to the law, in 1991 section 66(1) of the Correctional Services Act 1982 said that the Parole Board was obliged to order the release of any prisoner whose non-parole period had expired before 30 days had elapsed after that expiry so long as the prisoner had agreed to the conditions (if any) proposed to him or her for parole. Any detention after that 30 day period was unlawful and could base an action for false imprisonment.

On 1 August 1994, the Statutes Amendment (Truth in Sentencing) Act 1994 came into force. It amended the Correctional Services Act 1982. Section 11 of the amending act repealed sections 66 and 67 of the act and replaced them with new sections. The effect of the amendments was that the system of automatic parole was left for sentences of less than five years, calculated according to the amending act, but that for prisoners serving life sentences or any other sentence of more than five years that expectation was abolished. The act now provided (by section 67(5)) that a prisoner serving a sentence of life imprisonment would apply for parole not more than six months before the non-parole period expired (if there were one), that the board had a discretion whether to recommend parole and, if it did recommend parole for a lifer, release was subject to the overriding discretion of the Governor.

The central purpose of the amending act was to abolish the system of automatic remissions. So that individual prisoners already in prison were not harmed, the act had a transitional provision as follows:

> A sentence of imprisonment...imposed before the commencement of this act and a non-parole period imposed before the commencement of this act are, on the commencement of this act, reduced by the number of days of remission credited to the prisoner [section 20A].

This provision made it clear that parliament intended that, but for the reduction of non-parole periods by remission credits, prisoners seeking parole after the commencement of the amendments were to be dealt with in accordance with the new scheme provided for by the act. Indeed, as already noted, Mr Andrews' non-parole period was recalculated and reduced in accordance with the act that he now claims did not apply to him.

The intentions of the government and the parliament are equally apparent from *Hansard*. The second reading explanation of minister Matthews said:

> All prisoners will no longer be automatically released by the Parole Board at the end of their non-parole periods...Prisoners serving a sentence of 5 years or more will have to apply to the Parole Board for release at the expiration of their non-parole period. And the government believes that it would be undesirable for there to be two groups of prisoners, pre-amendment prisoners who continue to be eligible for remissions and post-amendment prisoners not being eligible for remissions...The retention of the two systems would be particularly confusing if a prisoner was serving a sentence under both the old system and the new system...A dual system would have to be maintained until the prisoner with the longest remaining non-parole period is discharged on parole.

The question of the rights of pre-amendment prisoners was examined by Lander J in Summers v Frances Nelson QC and others (23 December 1994). Summers made the same argument that Andrews is now making. It was rejected. One of the most telling reasons was that, at the time the amending act was passed, the prisoner had accrued no right to release at all—merely an expectation that there would be a right once the non-parole period had expired (which it had not). That decision was not appealed and nor has it been challenged before now. The government has relied in good faith on that decision ever since.

In relation to policy, the government is of the opinion that Andrews' argument is wrong in law, wrong in policy and wrong as a matter of principle. Substantial reasons for that position are set out above. This bill is not an admission that the government's legal position is wrong or even weak: the current assessment is that the government's legal position is strong. The bill is being introduced as insurance in case the worst happens.

Furthermore, the government is in a strong moral position. It has relied in good faith upon a decision of the Supreme Court that has gone unchallenged for 14 years. It is entitled to do so. The consequences of losing the argument will be dramatic. There are currently 20 prisoners who were

sentenced before 1994 whose non-parole periods have expired. If Andrews' argument is correct, these prisoners would also be entitled to automatic release. Given that all these prisoners are serving sentences of at least 14 years, their crimes are very serious. In addition, these prisoners, and many others who were not granted immediate parole after the commencement of the amending act in 1994, may be entitled to compensation for unlawful imprisonment.

Further consideration is being given to a rough quantum of potential change. On a very preliminary basis, it appears that this may run into many millions of dollars. These consequences are not tolerable for the public or for the government. It should be noted that, if Andrews gets his judgment before the bill comes into operation, that judgment will stand, but the effect of the bill is to forestall any pending judgment order.

The bill will also prevent any further applications or claims when it comes into operation. The bill will come into force upon assent. I commend the bill to the council and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it. I urge all members today to debate this bill because, clearly, it is a very important piece of legislation.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

3—Insertion of Schedule 1

This clause inserts new Schedule 1.

Schedule 1—Application of Truth in Sentencing Act amendments

Clause 1 sets out definitions for the purposes of the measure.

Clause 2(1) provides that the amendments to the *Correctional Services Act 1982* provided for by the *Statutes Amendment (Truth in Sentencing) Act 1994* apply, and have always applied, in respect of all prisoners serving sentences of imprisonment immediately before the commencement of those amendments regardless of when the prisoners were sentenced.

Clause 2(2) provides that it follows that anything done or omitted to have been done in relation to such prisoners before the commencement of this clause on the basis referred to in subclause (1) has been, and has always been, validly done or omitted to have been done.

Clause 2(3) provides that this clause affects rights and liabilities arising between parties to proceedings initiated before the commencement of this clause to the extent to which those rights and liabilities arise from, or are affected by, an act or omission referred to in subclause (2); but does not affect any such rights or liabilities arising between parties to proceedings heard and finally determined before the commencement of this clause.

Clause 2(4) provides that nothing in this clause affects the operation of a subsequent amending Act which will have effect according to its terms.

Debate adjourned on motion of Hon. S.G. Wade.

CONTROLLED SUBSTANCES (DRUG DETECTION POWERS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

In committee.

The Hon. J.M. GAZZOLA: Mr Acting Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

Clauses 1 to 7 passed.

Clause 8.

The Hon. P. HOLLOWAY: I move:

Page 5, line 2 [clause 8(1), inserted definition of approved refund marking]—

Delete 'approved by the Authority' and substitute:

specified by the Authority as a condition of an approval

Perhaps I could speak to all of the amendments at one time. The government proposes some further in-house amendments to the Environment Protection (Miscellaneous) Amendment Bill 2008, which are simply drafting improvements. Under the current act a refund marking is subject to approval by the authority. Under the miscellaneous amendment bill a refund marking is approved as a condition of an approval of a class of containers as category A or B.

This may cause a problem because an approved refund marking, as a condition of an approval of a class of containers, may be varied or revoked. That is under proposed section 68(6). However, it is not possible to include any transitional provisions in such a variation. This ability has been lost in the translation of the container deposit scheme to the miscellaneous amendment bill. This has become apparent only now and, as such, the following amendments are proposed: amendments 1, 3, 5, 6, 7 and 12 are proposed in order to emphasise the status of an approved refund marking as a condition of an approval of a class of containers.

After examination of approvals or refund markings in past *Gazette* notices, it has been decided that refund marking should be specified by the authority as a condition of approval of a class of containers rather than approved as a condition of approval. The amendments have been drafted on that assumption. The refund marking, although still called an approved refund marking, will now be specified by the authority as a condition of an approval of a class of containers as category A or category B containers.

The amendments also put beyond doubt the ability to include, when varying or revoking such a condition, transitional provisions which will be able to be broader than under the current act and also for the provisions of the notice to have effect from the date of publication of the variation or revocation for a future date. I will discuss those amendments as we get to them, but those are essentially my comments in relation to amendments 1, 3, 5, 6, 7 and 12.

The Hon. J.M.A. LENSINK: Could the minister be more specific in relation to his reference to transitional arrangements? Can he indicate whether the transition will take place on a single day or whether there will be a period of, say, months in which it takes place.

The Hon. P. HOLLOWAY: My advice is that it is a single day.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 5, after line 28—After subclause (1) insert:

(1a) Section 65, definition of refund marking—delete the definition.

Amendment 2 removes the definition of 'refund marking'. It is a drafting improvement. The definition of 'refund marking' was retained from the current section 65 but is superfluous. The definition of 'approved refund marking' is sufficient.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10.

The Hon. P. HOLLOWAY: I move:

Page 7, line 4 [clause 10, inserted section 68(3)(a)(i)]—

Delete 'approved' and substitute: specified.

Amendment No. 3 is consequential upon amendment No. 1.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 7, line 41 [clause 10, inserted section 68(7)]—

Delete 'in respect of a class of containers'.

Amendment No. 4 is also a drafting improvement. Again, the words were retained from section 69 but are unnecessary.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 8—

Line 8 [clause 10, inserted section 68(9)]—Delete 'of approval'.

Line 9 [clause 10, inserted section 68(9)(a)]—After 'must' insert: ,in the case of a notice of approval,

These amendments are both consequential upon amendment No. 1.

Amendments carried.

The Hon. P. HOLLOWAY: I move:

Page 8, lines 21 and 22 [clause 10, inserted section 68(9)(b)]—

Delete 'in respect of which an approval under this section applies, whether the containers' and substitute: that.

This amendment is consequential upon amendment No. 1.

Amendment carried.

The Hon. J.M.A. LENSINK: I indicate that I will not be moving my amendment, but I would place on the record some concerns of the recycling industry, and the reasons for seeking to have the amendments drafted by parliamentary counsel were contained in my second reading contribution. All members would have received a letter from Mr Edward Nixon of Statewide Recycling, who has had significant concerns about cash flows in relation to this. A number of people are concerned that the government—regardless of whether this legislation, which is more of a facilitation to free up the system rather than addressing the issue of the 5¢ to 10¢ increase per se, is passed—is determined to proceed with the date of 1 September. Their wish is that the bill be passed, and I have spoken to my counterpart in the House of Assembly, Steven Griffiths, who handles environmental bills on behalf of the Liberal Party, so we can facilitate the bill's passage through both houses to allow it to be put in place in time.

I have some questions in relation to this whole issue and ask the minister to comment on the statement that the EPA negotiated an 18 month lead-in time for manufacturers to change to a 10¢ refund marking. Will the minister advise whether that is the case, and what are the practical implications of that lead-in time?

The Hon. P. HOLLOWAY: My advice is that originally a lead-in time was considered, but following further consideration of this matter it was decided that a straight change over system on the one day would be much less expensive for industry because, if you had a phase-in period, you would have to double handle those with the 5¢ deposit and those with the 10¢ deposit, but if the changeover was on the one day it was decided that it would be less expensive for industry than a phased in arrangement where you would have to have double handling. That came about as a result of significant consultation with industry.

The Hon. J.M.A. LENSINK: Will the minister advise what measures are being undertaken prior to that single date to prevent anybody along that chain from hoarding containers for the express purpose of doubling their value on the implementation date?

The Hon. P. HOLLOWAY: My advice is that at a local level it is considered that the question of people hoarding 5¢ containers would be a relatively minor problem. However, at an interstate level, where there is the potential for that, my advice is that the bill specifically addresses that question with significant penalties involved for anyone who should seek to exploit the changeover from 5¢ to 10¢ deposits.

The Hon. J.M.A. LENSINK: Do I understand from the minister's answer that there are no specific additional measures prior to 1 September that the government is undertaking? The way I see it, the changeover date is a problem at the moment; and I am sure that as the date draws nearer it will continue to be a problem. It is not so much households as those who are able to collect large amounts. We are in a phase where it would be advantageous for anyone seeking to rort the system to be hoarding right now. So, my concern is: are any additional measures being undertaken to deal with that problem?

The Hon. P. HOLLOWAY: My advice is that, if this bill passes reasonably quickly (and we appreciate the support of the opposition in enabling that to happen), the government believes the measures contained in the bill should be effective in terms of preventing that sort of potential abuse

of the system, particularly in relation to the interstate measures. Were the bill not to pass, the EPA would have to fall back on some short-term measures—such as, for example, giving the handlers the capacity to reject containers that they reasonably suspected of being hoarded. But those short-term measures would be necessary, on my advice, only if the bill were not passed.

The Hon. J.M.A. LENSINK: My next question is: what is the status of the proposed regulations?

The Hon. P. HOLLOWAY: My advice is that there is a cabinet submission ready to go, as soon as the bill is passed, in relation to the regulations. In other words, they are ready to go. Obviously, if the bill did not pass and some interim powers were needed, that would have to be done fairly quickly. I understand the drafting instructions are fully prepared so, presumably, it would not take long to do the drafting once the cabinet submission was approved.

Clause as amended passed.

Clause 11.

The Hon. P. HOLLOWAY: I move:

Page 12, line 10 [clause 11(1)]—After 'marking' insert:

, or a former approved refund marking,

I will speak to both amendments 8 and 9, which make clear that containers bearing the refund marking, or a former approved refund marking, that is, showing 5¢ in the case of category B containers, would all have to be accepted. It would be up to the authority to vary approvals or conditions of approvals in order to stop manufacturers, distributors or retailers using certain refund markings at the particular time. Sooner or later, the containers bearing obsolete refund marking would disappear from the wider stream.

Amendment carried.

The Hon. J.M.A. LENSINK: I will not be proceeding with any of my amendments.

Clause as amended passed.

Clause 12.

The Hon. P. HOLLOWAY: I move:

Page 12, line 32—After 'marking' insert:

, or a former approved refund marking.

As I indicated earlier, both amendments Nos 8 and 9 in my name relate to containers bearing the refund marking or a former approved refund marking showing 5¢ in the case of category B containers. It will have to be accepted and up to the authority to vary approvals or conditions of approvals in order to stop manufacturers, distributors and retailers using certain refund markings at a particular time.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 13, line 10—Delete 'a corresponding jurisdiction' and substitute:

in a jurisdiction in which a corresponding law is in force.

This amendment makes a minor drafting correction. The words in proposed section 71(2)(c), 'a corresponding jurisdiction', should read 'in a jurisdiction in which a corresponding law is in force'. The amendment will make the wording consistent with that in proposed section 70(2)(b).

Amendment carried; clause as amended passed.

Clauses 13 to 21 passed.

Clause 22.

The Hon. P. HOLLOWAY: I move:

Page 17—After line 13, after subclause(2) insert:

(3) Schedule 1, Part A, clause 3(3)(h)—After 'bearing' insert

an approved

This amendment is consequential upon amendment No. 2.

Amendment carried; clause passed.

Schedule.

The Hon. P. HOLLOWAY: I move:

Page 17, line 32—Delete 'an approval of the refund marking' and substitute:

if it were a marking specified by the Authority as a condition of approval.

This amendment is consequential on amendment No. 1.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:18): I move:

That this bill be now read a third time.

In moving the third reading, I thank the council for its assistance in the passage of the bill.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (CONTROLLED DRUGS, PRECURSORS AND CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 July 2008. Page 3507.)

The Hon. M. PARNELL (16:19): The Greens will not be supporting this bill because we believe that it is simplistic and ill-considered. We acknowledge that it is one of a very long series of 'tough on drugs' bills that we have seen in this place. One of the saddest things about this debate and bills of this kind is that they seek to pigeonhole or compartmentalise people into two simple categories: you are either for it or against it. It is a bit like laws we have debated on terrorism: you are tough or you are weak, and there is no middle ground.

The danger is that this type of debate isolates people who hold the sensible middle ground and, in relation to drugs policy, that includes all our medical authorities and all our social welfare groups. People might think that it is an inevitable part of politics for people to seek to wedge their opponents. However, the problem of taking such an approach in relation to bills such as this is that the stakes are too high: people's lives are at stake, families are affected and huge amounts of taxpayers' dollars are at stake.

For a long period of time, in the face of overwhelming concern about blood-borne viruses (in particular, HIV and AIDS), there was a strong consensus from Labor and Liberal governments across the country in favour of a balanced harm minimisation approach to drug policy. This approach recognised the importance of abstinence and encouraging people not to use drugs, but it also recognised the reality that it was important to educate the considerable number of people who did use drugs about ways of keeping themselves safe.

At the heart of this approach was a recognition that a health rather than a solely law and order focus delivered better social outcomes for society. If we are to learn anything from history, it is that an approach that focuses too much on law and order is doomed to failure. Despite all the ratcheting up of the quite ridiculously named War on Drugs, a very large and profitable black market always keeps one step ahead of law enforcement.

The analogy is that the market in drugs is a bit like a semi-inflated balloon: as soon as one part of the black market is squeezed, another part bulges out with a new, more potent or potentially risky drug or another more successful drug dealer.

To think that we can squeeze and squeeze this balloon until the balloon itself bursts (unless we invest so much of society's precious resources on covering every single part of the balloon) does not make economic or social sense, and it leads to poorer health outcomes overall for those who are caught up in the grip of addiction.

My saying this does not mean that I am anti-abstinence. I believe there is a place for sensible harm reduction practice through community-based organisations alongside well-funded treatment programs, including the programs that practise abstinence such as the program that the Hon. Ann Bressington headed up before entering parliament. There is a proper role for organisations like that.

I believe that these different types of programs can coexist, and my evidence for that is that they did coexist to a large extent under both Labor and Liberal governments in this state and interstate in the past. In relation to this bill, I agree with the comments of the Hon. Sandra Kanck in relation to two particular areas of concern: the reversal of the onus of proof and the treatment of all drugs as being the same.

The approach that I prefer to take in dealing with issues such as this is to apply a three-step analysis such as the one that was recommended by Dr Alex Wodak when he came here to Parliament House two years ago and spoke to members. This approach involves posing three questions: first, what is the evidence that the program works; second, what is the evidence that the program is safe; and, third, is it the most effective way to spend precious resources or are there other more effective ways to arrive at the same or better outcomes?

In relation to the first question about whether the program works, we are all familiar with frequent headlines of police seizures of drugs and arrests, but the underlying percentages of Australians using one or other type of drugs continues to stay about the same or grow despite ever-increasing taxpayer dollars being thrown at it. The strong anecdotal evidence that has emerged since the constriction of the heroin supply in Australia suggests that drug use does not disappear: it merely shifts to an alternative product.

In relation to the second question concerning evidence that the program is safe, the main harm, it seems to me, caused by this bill is that it will increase the number of people caught up in the criminal justice system. The Hon. Sandra Kanck, in her contribution, mentioned that, if you provide the same penalties for the use of all types of drugs, a young person may well think, 'I might as well go all out.' Another way of putting it is, as my parents put to me many times, 'You may as well be hung for a sheep as for a lamb.'

If we are serious about addressing drug use in the younger demographic, we need to get inside their heads and to understand why and how they use drugs. Clearly, the 'Just say no' approach only works for a small proportion of drug users, and it is not an approach that will have success if used universally and if we rely on that approach solely.

In terms of the efficacy of the programs, when we ask ourselves that question, the United Kingdom model that was referred to earlier in the debate which breaks drugs down into three classes—A, B and C—depending on their level of risk and harm does make sense. It recognises that not all drugs are the same and that we, as a society, should have the sophistication to be able to deal with them differently. In effect, we already take that approach in relation to the most harmful drugs in society, in particular, tobacco and alcohol, and we treat them differently to other less dangerous drugs such as caffeine.

The Greens' position on drugs is very clear. We do not support the legalisation of currently illegal drugs. Instead, we believe that a harm minimisation approach is the best way to reduce the negative effects of drug use and drug regulation. Harm minimisation policies and programs are those directed towards reducing the adverse health, social and economic consequences of drug use both to the individual user and to the community.

The Greens believe that the use of illegal and legal drugs, especially alcohol and tobacco, as well as some of the regulatory approaches taken (such as some of the measures taken in this bill) can have a wide variety of adverse health, social and economic effects. Ultimately, we believe that the regulation of the personal use of currently illegal drugs is best addressed primarily within a health and social framework but with legal support. Therefore, imprisonment for personal use of illicit drugs when not associated with other crimes is not an appropriate solution to drug dependence. For these reasons, the Greens believe that this bill contains a number of significant flaws and that it is not worthy of support.

In closing, however, I would like to put a couple of questions on the record that I would invite the minister to answer before or during the committee stage. First, I would like to know how members of the public will find out about the increased penalties, for example, for growing hydroponic cannabis and, in particular, the significant shift in policy that this legislation represents

in relation to a person who might be growing one plant for personal use. I would like to know how this information will be provided, in what forms and over what time frame.

Secondly, I would like the minister to answer questions in relation to precursor chemicals, in particular: which ones will be listed under regulations; when those lists will be made available; what measures can be put in place to ensure that chemicals that can be widely and perhaps innocently used will be dealt with; and how the public will be notified so that we ensure that law-abiding citizens are not inadvertently caught up in this legislation.

The Hon. A. BRESSINGTON (16:30): I rise to indicate that I will be supporting this legislation, and that will come as no surprise to anybody here. However, I am a little disappointed that the legislation will be difficult for police to enforce or to get a great deal of benefit in reducing cannabis from this legislation. The reason I say that is that there is an attempt to monitor the sale of certain pieces of equipment that do have a legitimate use, and this will make it very difficult for the police to determine whether or not this equipment has been bought for legitimate sales or for illicit sales.

I remind members of this council that I introduced a hydroponics bill attached to the original drug use and paraphernalia bill, and that was about two years ago, where I made the recommendation in that legislation that a licensing system should be established so that the police had, if you like, a narrowing down of places that they could do random inspections on to make sure that this equipment was being used in an appropriate manner and for what the licence indicated the equipment was being purchased for. I still stand by the thought that this would be useful to the police.

Apparently, and sadly, the Attorney-General indicated that he thought that that would be an expensive process and too cumbersome to set up a register. But sometimes the initial cost is far outweighed by the long-term benefits of introducing such measures, and I am sure that the police would be receptive to any assistance they could get to reduce the number of places they would need to inspect where hydroponic equipment is in use and also to keep a tag on the sellers of hydroponic equipment. Let us face it, this bill focuses entirely on the buyers and very little on the sellers and, as far as I am concerned, it would require targeting from both ends—sales and purchases—to get this issue under some sort of control.

We have a huge cannabis culture in this state and it has been so for many years. As Mal Hyde said in a radio interview:

> Unfortunately, cannabis is readily available. It is one of our export industries. We do send a lot of it interstate and unfortunately some years ago in a United Nations report Adelaide was regarded as the cannabis capital of the world, so greater than Australia. It goes back many years to relaxation of the laws and that unfortunately bred a culture here that you could possess and grow cannabis. In fact, there was a survey a couple of years ago which indicated that over 50 per cent of the population believed that it was legal to possess and use cannabis here. Of course, now, once it is going it is hard to get out of.

That is from the Police Commissioner in an interview on Radio FIVEaa a few months ago, and I will clarify the date if anybody would like. He went on to say:

> It was certainly the case well before hydroponics developed that you would have syndicates—people growing up to their 10 plants which was the law at the time—so it wasn't true that organised crime was not part of that, and it is not just the detection rate that has forced it indoors with hydroponics. It is a better technique. They can grow three to four crops a year, much more productive crops as well, and once it has got into the community in this way it is very hard to get it out.

We have seen from the Police Commissioner himself that he has admitted that the relaxed laws have contributed to this problem and also that it is a huge task, now that this has taken hold, to eradicate the problem or to get on top of it. That is why I believe that this bill, although on the surface it looks good and it looks like an effort is being made, probably has not been practical enough to do the job that we would hope that it would achieve. It has long been a criticism of South Australian drug policy that a person can grow cannabis plants with no greater penalty than $500. There is no doubt that this is being abused by criminal elements, particularly when one could grow 10 plants as before and has contributed to South Australia earning the dubious reputation of being the cannabis capital of Australia.

I would like to make a few comments in response to the comments made by the Hon. Mark Parnell. I am as guilty as anybody else in this place of being of the mindset of either for it or against it when I first came in here. Obviously, we all believe in our own mind that we hold the middle ground on drug policy and it would depend greatly, I think, on the life experiences that we have had and also on our professional experience and on being in contact with people of the community,

namely parents, who have been adversely affected by their child's drug use to the point where families break down and young people either lose their mind or lose their life to these illicit drugs. So, it is a matter of perspective, and I respect that more now than when I first came in here.

When harm minimisation was adopted in this country, it should be very clear to all members that the actual workings of harm minimisation were not solidified and put into a proper policy paper until some 10 years after we had adopted the harm minimisation policy. So, governments had adopted harm minimisation without actually knowing the ins and outs of that policy and what it would mean. That is the government's fault for not being clear on the policies that it was adopting. It is no secret that over the years the harm minimisation approach has been hijacked and some people involved in the medical practices and the legal profession are also involved with groups overseas like NORML, which is a marijuana legalisation lobby group that has been going strong now for many years.

It is no secret that Dr Alex Wodak actually sat on the board of a group of people who worked for George Soros, who was one of the top drug-legalisation campaigners in the world. In fact, Mr Soros pours $140 million a year into the drug legalisation lobby. He is also behind the medical marijuana bills moved in California, and he was involved in the writing of that particular proposal which saw people very confused about what they were voting for.

I do not believe that there is a pure agenda behind the hierarchy of the drug legalisation movement. I believe they see an opportunity, for whatever reason, for social control and also for huge amounts of money to be made. George Soros has made it very clear in a number of these statements that, if drugs were to be legalised around the world, he would be the one who would take responsibility for growing opium poppies as well as marijuana crops for medical marijuana.

This man is a brilliant money-maker. He is the only man who has managed to make a profit from the subprime situation in America. Amongst all the other stock-market investors—and whoever else—who have suffered great losses because of subprime, George Soros has managed to make a $4.5 billion profit. He is a clever man. He also heads up an institute called the Open Society Foundation. This is available to everybody on the internet for research. The Open Society Foundation is about breaking down our traditional social structures.

I think we should be very much aware that the argument between abstinence and harm minimisation has been polarised, but it has not been done by the abstinence side. People who have practised abstinence and delivered abstinence-based programs are so anti-harm minimisation as it is now because it is not the policy that people believed it was when it was introduced in 1984.

We also had a situation in South Australia not so long ago where a senior police officer who was resigning from the position—and I cannot quite remember what his position was in the police force—stated on radio that harm minimisation in Australia has been a social experiment that has gone drastically wrong. We cannot hear this from our law enforcement officials. We cannot hear it from other places, such as medical research, scientific research or the National Institute on Drug Abuse, which is known and recognised in the United States as 'the' organisation that puts out top grade evidence and research on substance abuse and drugs.

How can we sit here and say that all of the information is not being taken into consideration when we do not want lax drug laws in this state or in this country. It is not a matter of whether you are for or against harm minimisation. I will remind members in this place that the three prongs of harm minimisation are: to reduce supply (which means only a law enforcement component), to reduce demand (which is a treatment component) and also to reduce the harm. So, if you take those three prongs of the harm-minimisation approach literally, it would be a good policy and it would be a workable one for states and territories in this country. But, as I said, it has been hijacked by the legalisation movement, the medical marijuana movement and by the particular lobby designed specifically to put a friendly face to marijuana. I will not get into this debate now, because I know the honourable member is introducing that bill soon.

These are the sorts of things that have corrupted this policy. These are the sorts of things that are enraging ordinary members of the community of this state and of this country: that we have a drug policy that should work far better. Dr David Caldicott says that these types of decisions should not be left up to the parliament. They are medical decisions. Yet, he is more than willing to involve himself in political debates on law enforcement. He is a medical professional. Let him stick to the medicine and the science. The reason he does not do that is that there is a very narrow strip

of research and evidence available that supports his arguments and the arguments of Dr Alex Wodak.

I do not know whether any members attended the Drug Free Australia conference held last year, but a completely independent overseas researcher actually contacted me at my office here and asked whether she could give a presentation at the conference about the way Dr Wodak construes research and then put out papers. He has earned himself a very dubious reputation overseas for that presentation. I am not talking about just friends of people from Drug Free Australia; I am talking about people from the Netherlands and people from those European countries who once used to support the research data put out by Dr Wodak and who have now been made aware of the serious flaws in the way he analyses and puts out information from research that is done. It is selective research and selective evidence—take a bit of the information that you want and forget about the rest. That is not true representation of good policy in this country.

The Hon. Sandra Kanck: It's peer review.

The Hon. A. BRESSINGTON: Well, it is peer review by his group of peers. The Hon. Sandra Kanck says that it is peer review. There are a number of professionals who are not in the circle of the harm-minimisation legalisation lobby and who disagree vehemently with his research. So there is peer review from a very select group of people. It is no secret that this debate has been polarised and has been split in two, with both sides seeing the other as extremists. However, that does not necessarily have to be the case. The Hon. Mark Parnell said that abstinence-based programs and a harm minimisation policy should be able to work in tandem—and I agree fully. At Drug Beat we do respect the three prongs of harm minimisation, we do enforce and apply it as it was originally meant to be applied. We do not go out on the street and drag people in with a hooked stick to get them into treatment. The Hon. Sandra Kanck has misrepresented me in respect of this on radio many times by saying that I do not know the difference between abuse and use. I do know the difference; I wonder whether she does.

When a person becomes a problematic drug user, we do them absolutely no favours at all by continuing to prolong their misery. Many problematic drug users will tell you that there are worse things than dying. Many drug users have said to me that there are worse things than dying. The worst thing that you could ever sentence a drug user to is to live a life of addiction. That does not mean that they were tossed out on the street and deserted by their families. It means that they have lost absolute control of their lives, they have no skills, and no way of getting any level of normality back. The way back is a very long, arduous and painful process for them.

It is a question of knowing the difference between use and abuse and to not knowing or to think that I do not know the difference between when someone is a problematic drug user and needs serious help and when someone is able to use drugs and function reasonably okay in their life. I am not interested in people who can use drugs and not be a negative impact on the rest of the community; they are not my concern because they are not causing anyone else any harm. My argument this whole time has been that cannabis is one of the most harmful drugs. We cannot state, based on the research, that it is a benign drug, that it is less harmful than the other drugs. Research shows that cannabis stays in your system for up to 42 days after one joint. How can that be?

The Hon. Mark Parnell talked about a reasonable approach to more harmful drugs such as nicotine and alcohol. Nicotine is a very harmful drug. It stays in your system for 24 hours. How can we then reconcile that we want to take a leaner approach to cannabis when it has been shown that cannabis is 10 times more carcinogenic than tobacco? The argument often put is that no-one has ever died from cannabis. Do we then say that no-one has ever died directly from cigarettes because they have never overdosed on nicotine? That is a really irrelevant and stupid argument because many people have died as an effect of cannabis use whereby they have lost their mind and they have committed suicide. This has been shown time and again in documentaries on television. We have tried to get people to understand the harm that these drugs do and make them understand that if they make the choice to use them they have to be prepared to accept that these consequences may well befall them.

The Hon. Mark Parnell also made the comment that, in all of this time of police seizures, we have not seen a reduction in its use. That is because people honestly believe (as Mal Hyde said) that they can own, possess, grow and use cannabis, and it is legal. We have a very confusing policy in this country: it is harm minimisation and it does send out mixed messages. When the Hon. Mark Parnell says that the Just Say No campaign does not work, I agree; it does not work.

Teenagers require far more information in order to say no than just being told to say no, because that becomes a moralistic way of telling kids what their choices are.

I have spoken in schools about drug education for many years and I can tell you that year 11 and year 12 students, when they hear the information on the damage done to the central nervous system, which is all scientific and medical-based information—about the disruption of the production of endorphins and hormones, the potential for mental illness to occur because they used drugs at a young age, and the brain damage—and when they see the slide show of the permanent damage done to the brain through using drugs such as MDMA and others, they know then why they are saying no. I have received many hundreds of letters from youths thanking me for the information I have given because they had never before been told about the harm that these drugs can do.

Balanced education means giving kids a cost-benefit analysis, not just taking them into a room and teaching them how to identify drugs and then telling them that, if they are going to use, use safely. That is not balanced; that is not giving our kids enough information to make an informed choice. If we are talking about the freedom to choose then, for God's sake, make sure that our kids are armed with the information to allow them to make that choice.

Although I am disappointed in this particular bill, I am going to support it. However, I do believe it is lacking. I will wait 12 months and, if it is not everything that it should be, I will move amendments to try to improve, if you like, its function. However, we are starting to send a very clear message, and the Attorney-General should be congratulated for this. He is now starting to send a clear message, through the legislation that is being developed by this government, that drug use is not acceptable and that we need to look at it differently now.

I remember when I first came here and the Attorney-General said, 'You are lucky; you have come in on a wave of change.' I said, 'I was actually responsible for creating that wave of change in South Australia and I am proud of it. By the end of my eight years it will not be a wave; it will be a bloody tsunami.' I intend to make sure that that happens.

I am glad to see that the Labor government is prepared to cooperate and have some common sense in some areas. They still have a way to go, but there is a start to changing the messages that have been sent out there from many years ago. As I said, Commissioner Mal Hyde has stated it himself: this is a mistake that we made. We have other senior officers who are now saying that harm minimisation is a social experiment that has gone very wrong. So, we are getting legitimate feedback from people at the front line.

If we do not allow our police to do their job and stop the production, manufacture and distribution of these drugs, how in God's name are we ever going to be able to fund enough treatment centres to deal with that fact? It will cost far more money in the long run, because at the end of the day harm minimisation is not a treatment program. Harm minimisation offers no treatment: it offers maintenance.

Drug users do come to the conclusion, in a very short time, that they want to stop. Harm minimisation does not offer them the tools to do that. The only ones who do not come to that conclusion are the ones whose lives have not become problematic and, as I said, I am not interested in them. I am not interested in making their lives unmanageable through law enforcement.

What I am interested in is those scumbags who are out there growing crops of cannabis at a monumental rate, creating a cottage industry in this state that is reaping them millions of tax-free dollars a year and then distributing it to our young people. Why should we not be tough on them? Why should we have any concern that we are disrupting their lives? They are criminals. Drug use is illegal. The growing, manufacture and distribution of these drugs is against the law, and I am pleased to say that the Attorney-General is now starting to develop legislation that will reflect just that.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:55): I thank honourable members for their contributions on this important bill. The Hon. Mr Lawson asked a number of questions. First, he asked when the APMC resolved to request that the law be amended to strengthen the prohibitions on controlled precursors. The answer is that the original resolution was made in very general terms in October 2005, but it was in principle and generic in nature.

For example, it did not specify which chemicals or how the law might be framed; that required a great deal more work. It was not until December 2006 that the government was in a position to announce that it had adopted this measure as policy and detailed work was begun. It was not possible, nor sensible, to delay the Controlled Substances (Serious Drug Offences) Amendment Bill 2005 for this purpose. It may be recalled that that bill was introduced on 21 September 2005, a month before the general in-principle APMC resolution.

Secondly, the honourable member criticised the possession offences on the ground that, where the possession of something is deemed to be an offence, not only must there be the physical element of possessing the substance but there must also be proof of an intention that it be used for some illicit purpose. I am unaware of that principle.

It is a general rule that possession connotes knowledge of the existence and nature of the thing possessed. That follows the decision of the High Court in He Kaw Teh [1985] 157 CLR 523, but that case goes no further and I am unaware of any decision or principle that does. Indeed, the statute book contains many possession offences that contain no purposive fault element.

Thirdly, the honourable member asked when the Police Commissioner requested that the law be changed. The answer is that the formal request to the Attorney-General from the Minister for Police was dated 2 April 2007.

Fourthly, the honourable member asked what recent events were referred to in the second reading explanation. The most obvious is the passage of similar legislation in Victoria: Drugs, Poisons and Controlled Substances Precursor Chemicals Regulations 2007; and New South Wales: Criminal Legislation Amendment Act 2007. The honourable member asked what 'established practice' in this state referred to. The answer is the existing schemes of precursor regulation contained in the poisons general regulations.

Fifthly, the honourable member asked whether pill pressing machines are intended to be prescribed. The answer is that the question of what is, or is not, to be prescribed is currently before cabinet, but I can refer the honourable member to the second reading explanation of the Controlled Substances (Possession of Prescribed Equipment) Amendment Bill 2007, in which an indicative list was provided; that included a manual or mechanical tablet press, including a tablet press under repair, a modification of a tablet press and parts for a tablet press, and a manual or mechanical encapsulator, including an encapsulator under repair, a modification of an encapsulator and parts for an encapsulator.

Sixthly, the honourable member discussed at some length the question of the classification of amphetamine-type drugs. So too did the Hon. Sandra Kanck. The latest decisions on the question are more recent than 2005. In R v Ford [2008] SASC 46, the Court of Criminal appeal decided that methylamphetamine would still be regarded as a drug in the middle range of seriousness in the absence of evidence from any source to the contrary. The court discussed the issue at some length at paragraphs 32 to 41. It may be noted, as the court noted, that methylamphetamine is treated at the highest end of severity in Western Australia, Queensland, the United Kingdom, Canada and New Zealand.

More recently still, the High Court considered the issue in Adams v The Queen [2008] HCA 15. In that case the High Court treated with disbelief the argument that the offender should be sentenced on the basis that MDMA was less harmful than heroin. Chief Justice Gleeson and Justices Hayne, Crennan and Kiefel stated:

> The appellant's entire argument is based on the factual assertion that 'MDMA...is less harmful to users and to society than heroin.' The quantities in contemplation for the purposes of that comparison are unspecified. How much MDMA is being compared with how much heroin? Other aspects of the meaning of the proposition are equally unclear. Harm to users and society is a protean concept. Counsel had understandable difficulty explaining exactly what the proposition means, let alone demonstrating, by evidence available to the sentencing judge or matters of which a court could take judicial notice, that it was true.
>
> What kinds of user and what kinds of harm to society are under consideration? The social evils of training in illicit drugs extend far beyond the physical consequences to individual consumers. As the Victorian Court of Appeal pointed out in R v Pidoto and O'Dea, questions arise as to whether the perniciousness of a substance is to be assessed by reference to the potential consequences of its ingestion for the user or its effect upon the user's behaviour and social interactions or the overall social and economic costs to the community.
>
> Furthermore, in relation to some of these matters, scientific knowledge changes and opinions differ over time. Generalisations which seek to differentiate between the evils of the illegal trade in heroin and MDMA are to be approached with caution and, in the present case, are not sustained by evidence or material of which judicial note can be taken.

This reflects the approach of the government. Protestations about the general harmfulness of a drug or type of drug to the user are quite beside the point. The Hon. Sandra Kanck can argue the science at length, but the argument is plainly irrelevant. The legislation does not classify controlled drugs in terms of comparative harmfulness in effect for the purpose of sentence. True it is that it treats cannabis and cannabis products differently, but that aside the harms associated with the illicit drug trade are entirely different. As the Model Criminal Code Officers Committee pointed out:

> The evils associated with illicit markets—intimidation, violence, corruption of law enforcement, corruption of legitimate business and corruption of financial systems—are no different, whether cannabis, heroin or amphetamines are the objects of illicit trade.

If the answer to that is that we could abolish these evils by legalising the drugs in question, the only logical response is that such a course is obviously possible, but no responsible government has contemplated doing it. This is not the place for the debate, for there is no reality to it here and now.

The Hon. Mark Parnell also asked two questions: first, about information that might be made available in relation to the impact of this bill. I am advised that significant regulations will need to be drafted to this bill, so it may be some time following its passage before they are finalised, so the government will need to complete that task before contemplating what information may need to be made available.

The honourable member also asked a question in relation to precursors. The answer is that the precursors that the government intends to be encapsulated by this bill are those listed in the Controlled Substances (Prohibited Substances) Variation Regulations 2007, Schedule 2—Controlled Precursors. If the honourable member wants a list of those, he can either look it up or, if he cannot find them, perhaps he can ask the minister for a copy. I conclude by thanking members for their contribution and commend the bill to the council.

The council divided on the second reading:

AYES (16)

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

NOES (2)

Kanck, S.M. (teller)	Parnell, M.

Majority of 14 for the ayes.

Second reading thus carried.

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. R.D. LAWSON: Can the minister advise the committee of the effect of the proposed amendment to section 33K(2)? That section currently provides that the maximum penalty for a person who cultivates not more than the prescribed number of cannabis plants is $500. As I understand it, the prescribed number is currently one cannabis plant and the penalty is $500, and that is now being increased to $1,000 or imprisonment for six months. Can the minister indicate why it is proposed to empower the courts to imprison a person for cultivating one cannabis plant and then insert a new section 33K(3) which says that a court sentencing a person for a simple cannabis offence may not impose a sentence of imprisonment? In what circumstances is it envisaged that a sentence of imprisonment can be imposed on a person who cultivates not more than the prescribed number of cannabis plants?

The Hon. P. HOLLOWAY: It is my advice that the one plant applies to non-hydroponic plants and, if someone cultivates one non-hydroponic plant, that is expiable. The prescribed number that the honourable member referred to really is five. So, if there is one non-hydroponic plant it will be an expiation notice; but, for two to five plants that are non-hydroponic, section 33K(2)

applies and there is an increased penalty under this section. That applies for from two to five non-hydroponic plants.

Clause passed.

Remaining clauses (12 to 20) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (CLASSIFICATION PROCESS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 July 2008. Page 2820.

The Hon. A. BRESSINGTON (17:15): I rise to indicate my support for the second reading of this bill, which proposes to consolidate the National Classification Scheme, an arrangement between the commonwealth, states and territories that was established in 1996. South Australia is generally in line with other states on where it wants the scheme to go. However, there is one significant exception: the Attorney-General's decision to retain the prohibition of computer games that do not meet the criteria of the MA15+ classification—in other words, it prevents an R18+ classification for computer games.

It is noteworthy that the Attorney-General's bill makes numerous amendments to the Classification Act, but he has very deliberately avoided section 15(3), which refers to the available classifications for computer games. Under the scheme, any change to the Classification Act requires unanimous agreement between all states and the commonwealth. All state Attorneys-General must therefore agree on an R18+ classification before the federal Attorney-General can act.

Representing South Australia, the Attorney-General has held out, and this has made him the target of criticism nationally. I note that parallels have been drawn by some in the media between this issue and the Rann government's steadfast refusal to join a national scheme to regulate the legal profession. South Australia has been referred to as a 'legal pariah' or an outcast. However, should we just blindly unify nationally? If the big kids say that it is a good idea to play with cars on Anzac Highway, do we blindly follow or do we question it for ourselves?

We should not feel pressured by the eastern states to do things a certain way. Censorship is always a controversial debate between libertarians and conservatives, and here we see it affecting the multimillion-dollar video game market. There has been strong lobbying from both sides, with plenty of commentary in the media and the community. A staffer at the Attorney-General's Department informed a member of my staff that they had received numerous phone calls and correspondence on this matter.

I make the point that, as a mother of five, it is very difficult for parents who work full-time, care for a family, and do all the things that families do, to keep track of the appropriateness of video games for children; even my 6½ year old has purchased video games in which, after we had viewed them, there was quite a deal of violence for a six year old. We had to make the decision not to allow him to play that game because of the level of violence—and this was for kids aged 6½.

All I can say to those people who are critical of the censorship issue is that they are probably not in a position of being responsible for young children and do not realise the serious psychological effects that could occur from our children being exposed to and desensitised by violence in our society through video games. I fully support the Attorney-General in this bill in which he appears to be supporting children, parents and families and making our job as parents just that little bit easier.

The Australian Families Association has been one of the more high-profile supporters of retaining the prohibition of games outside the MA15+ classification. I am also aware that the Attorney-General has come under significant pressure from the Chief Executive of the Interactive Entertainment Association of Australia, Mr Ron Curry.

At present, computer games are classified in the same way as films and books, but with one exception: an R18+ classification is not possible. If a computer game is classified as R18+, it is banned. At the Barossa conference for the state and federal attorneys-general in late March 2008,

high on the agenda was the reaching of an agreement on the new 18+ rationale on video games. South Australia successfully blocked it.

In his criticism of the Attorney-General for not reaching an agreement, an attorney from another state said, 'This is the electronic age. We don't do things with jungle drums any more.' No; we certainly do not. Technology is progressing at a mile a minute: things are flashier, quicker and sometimes cheaper and have much greater accessibility. However, despite all the benefits, many people have mixed feelings about modern technology. At the flick of a switch and the click of a mouse, young kids have access to, amongst other things, hardcore pornography, online gambling and computer games where they can brutally murder in cold blood remarkably realistic victims.

I am talking about games with names such as *Manhunt* and *Wolf Creek*, and I will go into further detail on these later. However I make the point now that central to my position on this matter is this: just because modern technology can produce games such as this, does it mean that we should accept them? For example, *Manhunt 2* is a controversial game that has been banned in several countries, including Australia, for being too violent.

In this game, players perform remarkably realistic executions, via the new technology of the Wii remote, which is basically a form of virtual reality. The game is highly immersive; for example, in order to stab someone in the game, the player must flick the Wii remote forward in much the same way as one would when actually stabbing with a knife. In its review, one magazine wrote:

> It is even more terrifying for seeming like the most real thing in a game this year.

In January this year, the game's manufacturer, Rockstar Games, announced that it would not be submitting it to the Office of Film and Literature Classification. Could it be that if we did have an R-rated-plus classification this violent, highly realistic game could have been made available for sale in South Australian stores? While we have been spared games such as this, what about the controversial games that currently are permitted in this country?

In April this year, and with much fanfare, *Grand Theft Auto IV*, the latest instalment of Rockstar Games' popular console games was officially released world wide on the Xbox 360 and Sony PlayStation 3. In Adelaide, and right across the world, games shops were packed with excited gamers, and many shops sold out within hours. In this game, players control the actions of Niko Bellic, a war veteran from Eastern Europe who comes to the US in search of the American dream.

However, Niko turns to crime to survive on the mean streets of Liberty City, a thinly-veiled copy of New York. They are able to make him steal vehicles, commit violent crimes and engage in high-speed chases with police, running over pedestrians and crashing into other vehicles in order to escape police. Despite condemnation from 'morals campaigners', *Grand Theft Auto IV* has been a major commercial success. It broke sales records by selling about 3.6 million units world wide on its first day of release and grossing more than $500 million worldwide in its first week. The game received overwhelmingly positive reviews, becoming the number one rated video game of all time on numerous websites shortly after it was released.

I would just like to make the point too that, based on years in drug rehab, we all know that methamphetamine users tweak, which means that they get caught in a particular cycle of action, and that tweak can last days. The feedback that I have received from drug users in rehab who play these games continuously for days and days is that they then become quite confused as to whether it really happened or whether it was a dream or whether they were actually playing a video game. They do express concerns that, over a period of time, they actually were quite tempted to act out what they were playing on these games.

Now, I know that maybe most average older teenage kids would be able to tell the difference, but we are talking about people who are already in an altered state anyway. If they are confessing that these games were so real to them and that they played them for days on end to the point where they could not tell the difference between reality and a video game, then that is anecdotal evidence that there is a serious problem that we need to consider.

We have seen, also, that viewing violence has become a voyeuristic pastime. We are seeing kids recording school fights on mobile phones and posting it on the internet. We are seeing street violence being recorded on mobile phones and posted on the internet, and these websites such as YouTube are accessed by hundreds of thousands of people who are almost obsessed with seeing people hurting themselves.

We have to ask where that has come from. I remember, earlier this week, that Leon Byner on FIVEaa said that in ancient Roman times it used to be a pastime to go to the Colosseum and see the Christians battle the lions and it was a great day out for everybody, and it was even better if they could see a Christian being mauled by the lions. What is the difference? Are we actually slipping backwards in time where we are now quite willing to observe real-life people being hurt and bashed, and not ring the police and not come to their assistance and not intervene in any way?

I believe that we are on a downward slide with this situation and that the Attorney-General has made a good call. He is holding out and, while it might not be getting him great kudos from other Attorneys-General, I am proud that he is actually taking the stand that he is.

The version of Grand Theft Auto IV that was released in Australia was slightly different to other versions as it was edited to remove content to allow the game to meet the requirements of the Australian classification system, which is stricter than in many other jurisdictions. The game had to be modified to meet Australia's classification standards because South Australia's Attorney-General thwarted attempts to create a national R-rating for video games.

The Australian Office of Film and Literature Classification gave *Grand Theft Auto IV* an MA 15+ rating. Despite the adjustments made (which many gamers attacked), *Grand Theft Auto IV* remains an extremely violent game, and I can actually back up that statement because my oldest son who is 28 now has a copy of this. I sat down and watched him play this game the first time that he put it on his Xbox about 18 months ago and I was absolutely horrified.

There are actually extra points for running over pedestrians, and the graphics on it are amazing. Although my son is older than 18, I took the liberty of taking the game and stepping on it because it was really quite disturbing to see that somebody could sit there and play this game for hours with the realistic graphics and the fact that purposely aiming for pedestrians and hitting them in a high-speed chase for more points was the aim of the game.

This includes hand-to-hand combat, the use of various weapons including knives, baseball bats, a night stick, pistols, machineguns, shotguns, rifles, grenades, and rocket launchers. Enthusiasts can buy cocaine, visit strip clubs, beat up prostitutes, shoot police, fire rocket launchers, create widespread carnage and set fire to enemies. The question is, then: how much more sex and gratuitous violence do these gamers need? I think that if this kind of game is classified as MA 15+, then our laws are certainly not too tight. On the contrary, one could say that they do not go far enough. We live in a dynamic society, critics say, and our laws should reflect changes in technology. If books, films, music and so on are classified under an 18+ classification, they say, why should video games be exempt? Because, as the act currently recognises, computer games are in a class of their own. They are not passive but are highly interactive. Indeed, this is the view taken by ministers responsible for classification 10 years ago, and it has increased dramatically in that time.

As I said earlier, gaming has progressed to the level of virtually stabbing someone via the technology of the Wii, and that interactivity is likely to exacerbate the impact of extreme violence, sexual aggression and cruelty on game players. Above all, the point is that technology is progressing at such a rate that, although at present you can still tell it is a game, what is to say that in 18 months it may look and seem totally realistic. Already games such as *Grand Theft Auto 4* are amazingly realistic, as I have said. What does the future hold? As these games become cheaper to produce and it is reasonably foreseeable that manufacturers will start to produce games for niche audiences rather than the broad market as it does at present, this could lead to games targeting those with particular sexual deviances or specific violent fantasies, for example.

Yes, most other countries with similar classification schemes have an adult rating for computer games and, yes, with South Australia holding out on the 18+ classification for electronic games, it is effectively banning them throughout the whole country. Should we be concerned that such games encourage antisocial, violent and illegal activities? There has been a long-running debate in the community about what impact these various computer games and other forms of media have on people's behaviour, and it is a real concern. Research has been undertaken to show the change in brain chemistry that occurs when people play these games for an extended period of time and how much of that change in brain chemistry remains permanent.

Research shows that playing extremely violent games changes people's attitudes and behaviours as well as displaying a link between such games and those convicted of violent and dangerous crimes. The most famous example is in the United States where Eric Harris and Dylan Klebold, the infamous boys who in 1999 shot dead 13 fellow students and wounded 21 at

Columbine High School before turning their guns on themselves, were found to be avid players of the infamous realistic first person shooting game called *Doom*—the initial 'mass murder simulator' that paved the way for even more gruesome and realistic follow-ups like *Manhunt*. While planning for the massacre, Harris allegedly said that the killing would be 'like f-ing *Doom*' and that his shotgun was 'straight out of' the game.

Of course, not every player of a game such as this is going to murder someone in real life, but research indicates at least that caution is warranted, with indications that playing changes violent game players' behaviours and attitudes. This all spells trouble to a troubled or angry young person. Furthermore, neurobiological research may indicate that such game-playing over the longer term may alter brain structure and lead to the establishment of maladaptive neural pathways and behaviour patterns.

Columbine was not an isolated incident. Critics point to numerous cases of such games. For example, in the UK in February 2004, 17 year old Warren Leblanc lured a 14 year old boy into a park and murdered him by stabbing him repeatedly with a knife and a claw hammer. The police investigation that followed revealed that Leblanc was reportedly obsessed with the original game *Manhunt*.

As stated, games with high levels of strategy, rendering, imagination and realism are all available under the current classification rules. If the R rating is introduced, the only thing that will change is that games such as *Manhunt 2*, which go past being extremely violent to just downright sick, will be added to the mix. Do we really want that? I, personally, do not think so.

A problem that has been raised is that, if someone wants a game and they cannot buy it, they will download it, thereby encouraging video game piracy. I note that, in September 2007, an uncensored version of *Manhunt 2* was leaked onto the internet by an employee of Sony who was later fired. Piracy is an issue that the music and movie industries in particular continue to find difficult to address. However, such acts, whilst difficult to prosecute, will remain criminal activity, with those found guilty facing the consequences.

I congratulate the Attorney-General for not bowing to the pressure of his interstate colleagues and amending section 15(3) of the act, therefore 'holding up another Australia-wide reform', as his critics have said. He has shown tremendous courage for willing to be out of step with his contemporaries, particularly when we have wall-to-wall Labor governments. I support the principle behind it and the entire contents of this bill. I note that this legislation was supported by the opposition in the other place and, with that in mind, I look forward to its swift passage.

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

CORRECTIONAL SERVICES (APPLICATION OF TRUTH IN SENTENCING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from page 3546.)

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (17:36): I move:

That the second reading of the bill be resumed.

The council divided on the motion:

AYES (9)

Bressington, A.	Darley, J.A.	Finnigan, B.V.
Gazzola, J.M.	Holloway, P.	Hood, D.G.E.
Hunter, I.K.	Wortley, R.P.	Zollo, C. (teller)

NOES (9)

Dawkins, J.S.L.	Kanck, S.M.	Lawson, R.D.
Lensink, J.M.A.	Lucas, R.I.	Parnell, M.
Ridgway, D.W. (teller)	Stephens, T.J.	Wade, S.G.

PAIRS (2)

Gago, G.E.	Schaefer, C.V.

The PRESIDENT: There being 9 ayes and 9 noes, I cast my vote with the ayes.

Motion thus carried.

The Hon. S.G. WADE (17:41): In addressing this bill, I want to highlight what the opposition sought to do with the previous motion. We have made it quite clear to the government all along that we are not opposing this bill but, as parliamentarians, we have responsibilities, and we thought that overnight consideration was appropriate. Nonetheless, the council has made its decision and the opposition is ready to address the bill.

The government has brought this bill before the parliament urgently. The key facts are as follows. On 19 November 1991, Shane Andrews was convicted of the murder of Mr Brian Lyden. Andrews was found by a jury to have shot Mr Lyden, who had formed a relationship with Andrews' estranged wife. He shot him with a rifle outside the Aberfoyle Park Primary School. Justice Cox sentenced Andrews to life imprisonment with a nonparole period of 23 years.

At the time of sentencing in 1991, the Correctional Services Act 1982 provided for automatic release on parole at the expiry of a prisoner's nonparole period. This regime was controversial. Three years after Mr Andrews was convicted, the Brown Liberal government implemented its election commitment to truth in sentencing by passing the Statutes Amendment (Truth in Sentencing) Act 1994. One major change brought in by that amending act was the abolition of automatic parole for sentences above five years. So, at the expiry of a nonparole period a prisoner became entitled to apply to the Parole Board for release.

Under the act, the sentences of offenders were recalculated. In Mr Andrews' case, his nonparole period was recalculated to 14 years, 11 months and 20 days. That nonparole period expired on 13 February 2006. Andrews has applied for parole three times and has been refused each time. Andrews has taken legal action against the state of South Australia because he argues that he is entitled to parole under the act as it stood at the date on which he was sentenced. The Andrews case was heard by the Full Court of the Supreme Court comprising Justices Duggan, Anderson and David on 15 July 2008. The decision has been reserved.

In her second reading explanation, the minister highlighted the government's reliance on the case of Summers v Frances Nelson QC and others, when the Supreme Court on 23 December 1994 rejected the same argument that is now being put by Mr Andrews. One of the reasons that was given at the time was that when the amending act was passed the prisoner had accrued no right to release at all, merely an expectation that there would be a right once the nonparole period had expired. The government asserts that it has relied in good faith on the decision of Justice Lander in that case ever since.

In the second reading explanation, the government states that the Andrews' assertion is wrong in law, wrong in policy and wrong as a matter of principle. The bill now brought before us is as a response to the possibility of an adverse ruling in the Andrews' case. The bill provides that the amendments to the Correctional Services Act provided for by the Statutes Amendment (Truth in Sentencing) Act 1994 apply, and have always applied, with respect to all prisoners serving sentences of imprisonment immediately before the commencement of those amendments, regardless of when the prisoners were sentenced.

This set of facts raises the issue of retrospectivity at common law under the Acts Interpretation Act and, indeed, in the practices of parliaments. The English legal tradition has a consistent presumption against retrospectivity, but the opposition's view is that this bill does not offend this principle, because it primarily seeks to reaffirm parliament's intention expressed some 14 years ago.

The parliament, in the 1994 bill, was expressing a clear intention to meet the community's expectations that, when a judge sentences someone to a term of imprisonment and sets a nonparole period, that person will, indeed, serve that nonparole period in prison.

The shadow attorney-general in another place highlighted that Mr Andrews' challenge to retrospectivity is not consistent. On the one hand he wants the benefit of the reduced remissions that the first part of the legislation provides so that his sentence goes from 23 years to 14 years, or thereabouts, but he does not want the retrospectivity in respect of the aspect where, as Mr Andrews says, 'Once I have reached the end of my nonparole period I now want to argue that I am entitled to automatic release subject to conditions that might be opposed.'

The shadow attorney-general noted comments by her predecessor in that post (the now Attorney-General) in relation to the debate on the 1994 bill. He was not entirely favourable towards

the Liberal bill. The shadow attorney-general in the other place highlighted that the Attorney, while supporting the legislation, implicitly criticised the government for putting more people in prison, especially in the context of the current Treasurer's comments in relation to 'racking, packing and stacking prisoners'.

It is interesting that here we have another case of a current Labor front bencher expressing concerns about Liberal imprisonment rates in the 1990s, when this government now has the dishonourable distinction of being the heaviest imprisoner of any jurisdiction in Australia. I am not sure at what part of the year the comments were made by the then shadow attorney-general, but let us say that probably the last complete year's data available at the time would have shown a utilisation rate of 96 per cent—that is 1993-94 data in terms of prison overcrowding. We are now up to 122.

If one believes that prison can do any good, one believes that the government should be keeping the supply of prison cells up with demand. This government has failed dismally in that regard. Here we are, six years into this government, and we are getting emergency packages to try to increase prisoner cell supply and we are still waiting for the government to deliver on significant expansion of prison cells which will occur at least three years away. With those brief remarks I reiterate that the opposition supports this bill, because it does no more than reaffirm the parliament's intention in 1994.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (17:47): I thank the honourable member for his contribution and those other members who have indicated to me that they will also support the bill. I will say in response to the honourable member who has just made his contribution that this government does not have emergency packages; it does have a strategy in place, though, to see that we have sufficient beds made available until the new prison complex comes online.

This bill is balanced and I think I explained adequately why it must proceed today. It is a crucial piece of legislation which puts beyond doubt the intention of parliament when it first passed the truth in sentencing laws. It is the intention of government that this bill before the chamber will take effect immediately after it is passed. Each day this chamber did not deal with this legislation the opposition would risk Andrews going free. I am advised that the judgment may be handed down at any time, even possibly tomorrow. Should there be a judgment in Andrews' favour it will more likely be swiftly followed by more than a dozen applications by prisoners in similar circumstances. By the end of the week, they could all be roaming our streets, I am advised.

For many of these men the Parole Board has decided, on more than one occasion, that they should not go free. We all know that convicted murderer Shane Andrews has claimed before the full bench of the Supreme Court that he has the right to automatic parole. Because he was sentenced before the truth in sentencing laws took effect in 1994, the court has reserved its decision. At that time, under the previous legislation under the Correctional Services Act 1982, Andrews and other prisoners were entitled to instant release upon the expiry of their nonparole period, which was further discounted through a remission system in gaol.

Now is an opportune time for us to clarify the law and remove any doubt about the intention of the parliament when it first passed truth in sentencing laws. Indeed, this bill does close a possible loophole left by a former Liberal government. What we are doing is cleaning up and, as I said, closing a loophole left by the previous government.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: I have a question arising out of the minister's comments at the conclusion of the second reading. The minister indicated that the government sees this bill as closing a loophole left by a previous Liberal government and cleaning up after a previous Liberal government. When did the government first become aware of this loophole?

The Hon. CARMEL ZOLLO: I advise the honourable member that I received instructions to prepare a cabinet submission on 9 or 10 July.

The Hon. S.G. WADE: To clarify that, I actually asked the question in relation to the government, not in relation to the minister. I presume the government was involved in the

preparation of the Andrews case, so I query whether the government was, in fact, aware of the loophole somewhat earlier.

The Hon. CARMEL ZOLLO: We are asserting that what we are doing now is the correct thing to do and, again, confirming the original intention of the parliament.

The Hon. S.G. WADE: The minister is clearly in the process of backpedalling. I think it would save us all time if she admitted that expressions like 'closing a loophole' and 'cleaning up a mess' are inappropriate. In the context of bipartisan support for this bill, when we said that we are simply affirming the 1994 legislation, and if we are doing any more than that—

The Hon. B.V. Finnigan interjecting:

The Hon. S.G. WADE: I do not know whether we want to go for a general discussion, but I would prefer to keep my comments through the chair. I would invite the minister to indicate that her references to 'closing a loophole' were quite inappropriate.

The Hon. CARMEL ZOLLO: My view is that the government is expressing the law as it now stands. I think that we should move on.

The Hon. S.G. WADE: Clearly, the minister is not big enough to withdraw, so I will move on, but the record will stand: the opposition asserts that it is merely affirming the law of 1994. The government has not shown in any way that it is doing anything more than that. The minister wants to throw in political barbs for the sake of it. I understand that the minister, in her second reading summation remarks, stated that the Supreme Court might possibly give its judgment tomorrow. I would ask: on what basis does the minister consider that it is possible that the Supreme Court will give its judgment tomorrow?

The Hon. CARMEL ZOLLO: I am advised that anything is possible and that indeed it could do it.

The Hon. S.G. WADE: Will the minister advise whether it is the practice of the Supreme Court to advise parties to proceedings the day before it intends to give judgment and, if so, whether the government, as a party to this proceeding, has been advised of such an intention?

The Hon. CARMEL ZOLLO: My advice is not yet, but the advisers here have not checked their emails for the past four or five hours, so I cannot definitively say one way or another.

The Hon. S.G. WADE: I would reflect to the committee that it is my interpretation that the minister did not have facts on which she could state that it was possibly tomorrow. On the best knowledge available to us, we have no notice of a hearing tomorrow. 'Possibly tomorrow' was merely speculative. The minister indicated in the second reading explanation (not in the summation) that the bill would take effect from royal asset. When is royal asset intended to be given to this bill?

The Hon. CARMEL ZOLLO: My advice is this Thursday at Executive Council.

The Hon. S.G. WADE: Considering this bill will not receive assent until Thursday morning, in the context of opposition assurances that this will be dealt with tomorrow, why did the government insist on the debate progressing? At least members could have had the chance to consider the bill further tomorrow. On the minister's answer to the previous question, there is no prospect of this legislation getting assented to tomorrow. The government's performance in this was petulant and extremely unparliamentary.

The Hon. CARMEL ZOLLO: As we all know, tomorrow is private members' day and, by agreement, we always do private members' business first. If this bill was left until later on in the afternoon I am advised that there would be insufficient time for parliamentary counsel to do the royal arms and prepare papers for Executive Council.

The Hon. S.G. WADE: The opposition does not accept that. Parliamentary counsel has the bill tonight. The bill that they will have tonight is the same bill that they would have had tomorrow night. There are no amendments foreshadowed in the lower house by the opposition, nor were any intended for this place. For the government to suggest that parliamentary counsel can manage to do it in half a day on a Wednesday night but cannot manage to do it in a day and a half on a Tuesday night, when they already have the opposition position in both houses today—clearly, we indicated by comments to the ministers that we had no proposed amendments—I think is a reflection on the professionalism of the Office of the Parliamentary Counsel and extremely unhelpful.

Here we have the minister blaming the previous Liberal government for putting in a loophole, which she backed away from, and now she wants to reflect on parliamentary counsel. This is an indictment on a government that does not even want to give parliament the mere basics of time to discharge its duties. We wanted overnight to consider this bill and the government denied us that opportunity. Clearly it will not gain anything by it; all it will gain is another display, and that is extremely unfortunate for this parliament.

The Hon. CARMEL ZOLLO: I remind the honourable member that this really is about risk management, and leaving it to the last possible moment is not good risk management.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL

Adjourned debate on second reading.

(Continued from 18 June 2008. Page 3398.)

The Hon. J.A. DARLEY (18:03): I rise to indicate my support for the second reading of this bill, but not without some reluctance. In considering my position I researched the response several countries around the world have adopted on environmental issues associated with the use of plastic bags. Many countries such as Rwanda, Eritrea, Tanzania, Bangladesh, Bhutan, India, Nepal and Taiwan have implemented complete bans on plastic bags, applicable to either the entire country or the more heavily populated cities in the country.

South Africa, Uganda, Kenya, China and Botswana have implemented bans similar to those proposed by the government, which sees the thinner flimsy plastic bags banned but still allows thicker bags to be used. I understand the theory behind this thinking is that people are less willing to throw away a thicker heavier bag than the thin plastic bags commonly used in supermarkets.

The other common option that has been adopted is imposing a tax or levy for the use of plastic bags. Germany, Hong Kong, Denmark, Finland, Italy, Ireland and Sweden have adopted this approach, with the Irish experience being the most widely publicised. Many members will be aware that Ireland implemented a 15¢ levy on all plastic bags in 2002. Ireland saw a dramatic 95 per cent reduction in the number of plastic bags being supplied to consumers, and recent studies have shown that the general population is now supportive of the change. One problem with introducing a charge, as the Irish experience has shown, is that people often fatigue of the charge, which actually resulted in an increase in the number of bags being used.

I applaud the government for taking the initiative of addressing the issue of plastic bags; however, I am somewhat puzzled as to the aim and timing of this ban. The bill states that the purpose is to restrict the supply of single use plastic shopping bags. In the minister's second reading of the bill she stated that the bill intended to reduce littering, prevent environmental harm and improve resource efficiency. However, I do not believe the government's proposal will go far enough to achieve any of these objectives, especially given that plastic shopping bags constitute only 2 per cent of the litter stream.

On the issue of reducing litter, there are items that are far more evident in the litter stream, such as cigarette butts and packaging from fast food outlets, and the government has made no further proposals to tackle either of these problems. The issue of litter relates to a wide assortment of items, not just plastic bags less than 30 microns in thickness. This is evidenced by the fact that the Marine and Conservation Society (UK) discovered, when examining the stomach contents of a turtle, a variety of plastic debris and not necessarily plastic bags under 30 microns in thickness.

Also, allowing an exemption for biodegradable bags does not address the issue of litter, as studies have shown that people are generally not as careful with the disposal of biodegradable bags, as they think the biodegradable bags will simply break down in the environment. Furthermore, biodegradable bags can take up to 20 years to break down if disposed of incorrectly. Indeed, when tackling the issue of litter, the Irish government decided, in 2002, to include a levy for all bags, including biodegradable bags. This was in recognition of the fact that biodegradable bags contributed to their litter problem.

The minister did not elaborate on what constitutes environmental harm, but she did mention that plastic bags cause a problem for our marine life and landfills. I previously briefly mentioned that other plastic debris is hazardous to marine life, but this is not only limited to products made out of plastic. Nylon ropes, fishing line, balloons and drift nets all pose a danger to marine wildlife, along with plastic six-pack rings and plastic strapping. If saving marine life is one of the focuses of this bill, these issues will need to be addressed.

Clearly, the purpose of restricting the use of single-use plastic shopping bags is not to address the issue of landfill, as banning single-use plastic shopping bags will only result in an increase in the sale of plastic bags and an additional cost to households. The general community commonly reuses these single-use plastic bags for bin liners, the disposal of nappies and for carrying wet items, in addition to many other purposes, and they have become a part of everyday life in many households. Should a ban be implemented immediately, I have no doubt that a comparably similar number of plastic bags will end up in landfill, the only difference being the cost imposed on working families and the types of bags that will be placed in landfill.

Allowing exemptions for bags over 30 microns in thickness poses other problems for landfill as well. Many of the thicker bags are the low density polyethylene variety that cannot be recycled. This not only contributes to the landfill problem, in that the thicker bags take longer to break down, but the low density polyethylene bags cause contamination to recycling programs, should they be disposed of incorrectly.

The alternative of the commonly dubbed 'green' bags is not without fault, either. Whilst an increase in the usage of reusable bags would see a significant decrease in plastic bags, it must be highlighted that the majority of reusable bags are made of polypropylene, a substance that takes just as long, if not longer, to break down as the high density polyethylene supermarket bags. Considering that the green bags are substantially thicker than the single-use bags, it stands to reason that they will take a significantly longer time to break down, if ever.

All high density polyethylene bags are able to be recycled, whether they are the single-use or multiple-use variety, but studies show that the current rate of recycling for the single-use plastic bags stands at a mere 17 per cent. There is no evidence that recycling rates for the green bags would be higher, especially without a community-based education program.

Parts of Europe have introduced a system whereby shoppers are able to exchange their old reusable bags for new ones at retail outlets, and the bags that are traded in are then recycled. This encourages the community to recycle, whilst eliminating the problem of having retail staff handling unhygienic bags.

The last aim mentioned by the minister in her second reading explanation was to improve resource efficiency. The suggestion of providing paper bags in place of plastic bags is one that has been made, but it is far from a comparable alternative. A paper bag is far more of a single-use item than plastic supermarket bags and they cannot carry wet items. Additionally, I am advised that the carbon footprint for using paper bags is far greater than that of plastic bags. Paper is up to six times thicker and heavier than plastic, which contributes to transportation, storage and handling costs. Having paper bags as alternatives to plastic bags is not more efficient and does not reduce the number of resources required for the same result.

A total ban at the outset seems inappropriate, as I believe an intensive education program is needed to advise people to adapt to using fewer plastic bags. Without this, the inconvenience caused to the public would see a great deal of frustration and anger directed towards retail staff. The government announced its intention to ban plastic supermarket bags on 17 April 2008, yet the attitude of South Australians has changed only marginally since that time. The number of South Australians who carry reusable bags with them is quite small, and it is a smaller number still who carry a reusable bag at all times. People who stop off at their local convenience store for half a dozen items will have no other choice but to purchase a green bag unless they are prepared to struggle with individual items.

Not only will an initial outright ban cause an inconvenience to shoppers but also the impact on small businesses in particular will be significant. Unlike the larger companies, which are more adequately equipped to incorporate the changes required for a ban, small and independently owned businesses will struggle to implement the changes, particularly in financial terms. We may see a case where large supermarket chains are able to give away a free green bag with every purchase over $30. However, smaller retailers will not have that luxury.

I understand there is currently a trial in 10 councils across South Australia that involves kitchen waste recycling on a fortnightly collection basis. Kitchen waste currently comprises an average of 41 per cent of waste bin content. The aim of the trial is to see a greater divergence of waste products from landfill by providing a means for householders to dispose of their kitchen waste via their green organic bin. Currently, most councils collect their green organic bins on a fortnightly or monthly basis. It concerns me that councils have not indicated an increase in these collections. Should the trial be successful, I understand this initiative will be introduced to all homes across the state in approximately two to three years.

I question why the government has chosen to implement a ban in May 2009 when a successful trial should reduce reliance upon plastic bags, albeit at a further substantial cost to households. Given that all the information and research into this pilot indicates that it will be a success, perhaps the bill ought to be implemented in a more timely manner. I have highlighted a number of issues with an immediate ban on plastic bags. However, I acknowledge that steps must be taken to reduce our reliance on them.

Finally, I reiterate my primary concern that banning plastic bags will do very little to address the problem of landfill, a problem that is of far more concern than the government has addressed. Landfill will continue to be a problem after this ban, especially given that there are plenty of alternatives which are not of the prescribed type or which are readily available for sale and which replace the plastic shopping bags. I hope this initiative is the first of many to combat environmental issues, and reluctantly support the bill.

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

CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL

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

At 18:15 the council adjourned until Wednesday 23 July 2008 at 14:15.