LEGISLATIVE COUNCIL

Tuesday 23 September 2008

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

PAPERS

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Disciplinary Appeals Tribunal—Report, 2007-2008
Super SA Triple S Insurance Review—Report, November 2007
Regulations under the following Acts—
Harbors and Navigation Act 1993—Radio Beacons
Motor Vehicles Act 1959—Offences
Road Traffic Act 1961—
Approved Road Transport Compliance Schemes
Driving Hours—Revocation
Heavy Vehicle Driver Fatigue
Miscellaneous—Expiation Fees
Miscellaneous—Offences
Rules of Court—
District Court—District Court Act 1991—Civil—Amendment No. 4

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

Reports—
City of Onkaparinga—Local Heritage (Onkaparinga) Development Plan Amendment Report by the Council
Port Pirie Regional Council—Ranges Zone Development Plan Amendment Report by the Council

By the Minister for Gambling (Hon. C. Zollo)—

Regulation under the following Act—
Lottery and Gaming Act 1936—Participation Lotteries

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Corporation By-Laws—
Mitcham—No. 5—Dogs
Tea Tree Gully—No. 4—Dogs
Regulations under the following Acts—
Prevention of Cruelty to Animals Act 1985—General
SACE Board of South Australia Act 1983—General

By the Minister for Consumer Affairs (Hon. G.E. Gago)—

Regulation under the following Act—
Liquor Licensing Act 1997—Dry Areas—Golden Grove

MURRAY RIVER

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:21): I table a copy of a ministerial statement relating to assistance for Riverland irrigators made in another place by the Premier.

STATE GOVERNMENT INVESTMENTS

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:21): I table a copy of a ministerial statement relating to government investments and sharemarket volatility made in another place by the Treasurer.

COPPER COAST DISTRICT COUNCIL

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:21): I seek leave to make a ministerial statement about the Copper Coast council.

Leave granted.

The Hon. G.E. GAGO: There has been considerable media attention in recent months about various issues concerning the Copper Coast council, and I wish to put on the record action that has been taken by me, my office and by officers with the Office of State/Local Government Relations, on my behalf, since concerns about council processes and the integrity of its decision-making were drawn to my attention.

As members would be aware, the Copper Coast council area is currently undergoing considerable development and growth in population; in fact, I understand that projections of a 40 per cent increase in population over the next 10 years has been predicted. It is evident that some community members are concerned about various developments under way or under consideration, and they feel that they have not been adequately consulted or listened to by their council.

As Minister for State/Local Government Relations, I receive numerous complaints about decisions made by councils and councils' decision-making processes. These complaints obviously vary in nature and in the seriousness of the complaint. I assure members that all complaints received by my office are given appropriate consideration and are assessed objectively and on their merit by officers within the Office of State/Local Government Relations who, in turn, provide advice and recommendations to me. To date the office has looked into several issues related to the Copper Coast council that have been the subject of complaints. Where appropriate information has been obtained from the council itself and Crown Law advice sought where necessary. From the information gathered to date it is evident that, while the council has generally made decisions that are within its remit to make, it has been lacking in the way it has kept the community informed and engaged in its activities and decisions.

Recently on my direction officers of the Office of State/Local Government Relations met with the Mayor and the Chief Executive of the Copper Coast council to gather information and discuss a range of concerns that had been drawn to my attention, either directly or through the media. An outcome of the meeting is that the Mayor and Chief Executive agreed to my request to have an independent legal due diligence and government audit undertaken to ensure that the council's decision-making processes are robust and compliant with the Local Government Act and other relevant legislation and to assure the community that this is the case.

The Office of State/Local Government Relations will be informed of the outcome of this audit and any resultant training, actions, process or changes required as a consequence, and obviously will monitor their implementation. I have also written to the Chief Executive, offering to assist the council to deliver an intensive community consultation and engagement workshop for its elected members and senior managers.

Whilst there are specific issues that my officers are still in the process of examining—and I await their advice on these matters—I assure the chamber that I have asked the council to ensure that their overall operations are appropriate, and that is why I have asked the Office of State/Local Government Relations to work with the council, so that I and the council's ratepayers can be assured that the council acts properly in carrying out its responsibilities. I will continue to look into complaints put to me to ensure that the council is acting appropriately.

DEPUTY CLERK

The PRESIDENT (14:27): I have pleasure in advising that Chris Schwarz has been appointed to the position of Deputy Clerk and Usher of the Black Rod for the Legislative Council, and I am sure that all members will join me in congratulating Chris.

SELECT COMMITTEE ON SA WATER

The Hon. M. PARNELL (14:28): I move:

That standing orders be so far suspended as to enable me to move for the substitution by motion of a member on the Select Committee on SA Water.

Motion carried.

The Hon. M. PARNELL: I move:

That the Hon. J.A. Darley be substituted in place of the Hon. N. Xenophon, resigned, on the select committee.

Motion carried.

QUESTION TIME

GAWLER EAST DEVELOPMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about third party access to sewers in the recently announced Gawler East development.

Leave granted.

The Hon. D.W. RIDGWAY: As members will recall (those who were there), in late 2006 I introduced three bills in relation to water. One in particular was to allow third party access to sewers. The Hon. Mr Finnigan was the spokesman on behalf of the government on that day. He indicated in his contribution that the government was not prepared to support the bill that would allow third party access to the sewers as part of an approach, as the opposition saw at the time, to help relieve the tremendous stress on our water resources. In closing his contribution on that issue he said:

Finally, as part of its 2006 election proposals, the government committed to amending SA Water's legislation to ensure that it implements environmentally friendly water initiatives and policies and to modernising the Waterworks Act 1932 and the Sewerage Act 1929 to ensure that they support 21st century ideals with regard to water conservation and recycling.

Recently, the minister has made a number of announcements in relation to the area known as Gawler East, or Concordia, and, in particular, a new development that has been proposed for that area. I have been advised that the developer has access to the sewers in that area for water recycling. My questions to the minister are:

1. Given that the government has not amended the Waterworks Act and the Sewerage Act and has failed to support the opposition bill to allow third party access, albeit with regulation, why has the government allowed third party access to the sewer in this particular case?

2. When will we see the amendments to the Waterworks Act and the Sewerage Act?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:31): At present, the changes to the act are obviously the responsibility of my colleague the Minister for Water Security, and I will pass on to her that part of the question.

In relation to third party access, my understanding is that the issue has always been a matter of developing a code before one does that. There are obviously some limits on the amount of water one can mine from sewage, otherwise it becomes so bulky that you will have problems of movement of that sewage. So there has to be some limit to how much one can take out.

In relation to Gawler East, I am not sure what the particular situation is but, wherever possible, it is obviously a good thing. There are a number of places where treated effluent is used, and has been for many years. For example, treated water from the Bolivar treatment works is used extensively throughout the Virginia region for market gardens. Also, treated effluent from the Aldinga treatment plant is used. In relation to new developments, of course, it is a matter of what arrangements are made with SA Water, or whatever agencies are responsible for the sewerage. I do not think the government has ever had any objection in principle to the use of it: rather, one needs very carefully controlled conditions under which that should happen so that it does not affect the handling of the sewage itself.

But they are matters that are more for my colleague the Minister for Water Security, so I will pass the question on to her because, obviously, she is in a much better position than I am to know the technical limitations in relation to the use of sewage; also, she is in a better position to respond in relation to any legislative reforms.

CHELTENHAM PARK

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Cheltenham development.

Leave granted.

The Hon. J.M.A. LENSINK: My office has been inundated by some of the local residents who have concerns about the Cheltenham redevelopment, in particular, the reduction in the amount of available open space and space for wetlands. My questions to the minister are:

1. Can he advise the exact amount of funding that has been set aside in lieu of the decrease in open space?

2. Is the Land Management Corporation in possession of these funds?

3. Will these funds in their entirety be dedicated towards stormwater harvesting? If so, does this include the Torrens Road project?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:34): I think it is well known that the government required, as part of the Cheltenham redevelopment, that at least 35 per cent of that site would be made available for open space. We put a proposition to the Charles Sturt council, which had been actively lobbying in relation to this matter, that, if it matched the $5 million that the government offered in addition to the 35 per cent, that amount would purchase an additional 5 per cent.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, we have done our bit. We said we would put up the $5 million and if the Charles Sturt council matched it we could have 40 per cent.

An honourable member interjecting:

The Hon. P. HOLLOWAY: And, of course, what happened was the Charles Sturt council said afterwards that maybe they would not do that. In spite of all the squeals we had down there, they did not deliver. But, notwithstanding that, we said that we would not only honour our agreement to ensure that 35 per cent of that site was set aside but, in addition, we would set aside $5 million. That money has not been specifically allocated yet because, of course, there still has not been a sale of the site. As far as I am aware, there have been undertakings given for the sale of that site. It is often forgotten in this debate that it was the SAJC that decided to sell this particular site. It was its decision, not the government's decision. That body controls racing.

The Hon. D.W. Ridgway: Always blaming somebody else!

The Hon. P. HOLLOWAY: I am not blaming somebody else. In fact, the former shadow racing minister (Hon. Angus Redford) actively promoted the sale. Perhaps the Hon. Terry Stephens, the shadow spokesman, would agree that it is probably in the best interests of racing that the activities are consolidated on one site so that the capital that is available is not spread over such a large area. That was the position advocated by the then opposition. Its position was not to require 35 per cent or put in the $5 million, but this government has done that.

There has been agreement to sell the land, but I am not sure whether that has yet been consummated. However, at some stage in the future, $5 million will be provided from the Planning and Development Fund for the purpose of open space, and that sum of money will be available for a combination of wetland and land purchase for the 35 per cent that will be set aside.

Incidentally, a number of people who live in the Cheltenham area have been talking about the need for wetlands there. When the development plan amendment was processed, the LMC requested the best advice available from international consultants, and their advice was that approximately six hectares should be sufficient to treat the water from the 420 hectare catchment, which is basically Torrens Road. There will be more than enough available from the 35 per cent of land (which I think amounts to about 17 hectares) to treat the water.

It is my understanding that the transaction has not yet been finalised but, before it is, a proclamation over that land has to be removed. That action will not be taken until all the details have been finalised to my satisfaction in relation to the agreement between the SAJC, Charles Sturt council and the developers, although not so much in relation to the SAJC, as it will have sold

the land, but between Charles Sturt council and the developers. I will need to be satisfied before that is lifted, at which stage the government will provide the money it has promised to enable those developments to take place.

SEXUAL BEHAVIOUR CLINIC

The Hon. S.G. WADE (14:39): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Sexual Behaviour Clinic.

Leave granted.

The Hon. S.G. WADE: On 11 September 2008, the minister confirmed the government's backflip of its rejection of the Mullighan inquiry recommendation to expand the Sexual Behaviour Clinic programs. The opposition is concerned about suggestions from within the corrections sector that the expanded program will be funded by a reduction in sexual offender behaviour programs in the community. My questions are:

1. Where is the money for the present program coming from?

2. Will the minister assure the council that the expanded program is fully funded from new money and that no other programs of the department are being wound back to fund the enhanced program?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:40): I have answered this question on a number of occasions but, clearly, the honourable member either cannot read the budget papers or is not actually interested.

This line of questioning arose from the recommendations in the Mullighan review. We were very open and upfront and said that we would not be putting new money into the expansion of that particular program and that we were not in a position to do so. However, it does have a recurrent budget of $1.5 million.

We were the first government in the state to introduce the program, and it was long overdue. The opposition did not go down that path, so clearly it did not care about rehabilitation in our prisons and did nothing in that area. The program has been running since 2005, so it is a bit rich for the opposition to suggest that we have done a backflip.

What the department has done, and what it does on a day-to-day basis, is be responsible for its own operations. So, in relation to the program at Mount Gambier prison, to which I assume the honourable member is referring, the department felt that it was more appropriate to actually run a core program at that prison than to transport those prisoners to Adelaide as it has done in the past. I can confirm that there has been no cutback. It is entirely up to the department as to where it runs its core and maintenance programs.

The Hon. S.G. Wade: So, they are cutting it into the community to fund the prison.

The Hon. CARMEL ZOLLO: They are not cutting it in the community. I do not dictate to the department where it runs its core or maintenance programs. The department will obviously look at the number of prisoners who are taking part and run its programs accordingly.

GEOTHERMAL ENERGY

The Hon. I.K. HUNTER (14:42): Will the Minister for Mineral Resources Development update the chamber on the level of investment in detecting and harnessing geothermal energy in our state?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:42): As all members would be aware, our state is a world leader for investment in hot rock geothermal energy projects. South Australia has attracted about 96 per cent of the investment in geothermal projects in Australia to date, and is forecast to sustain this lead with more than $700 million of the expected $1 billion to be invested in geothermal licence work programs in the term 2002-13.

As of today, more than 70 per cent of the 366 geothermal licence areas applied for in Australia are located in South Australia. In particular, I am delighted that Tata Power, TruEnergy and AGL have recently been added to the impressive list of companies investing in geothermal projects in South Australia.

Tata Power joins Origin and Sentient-SunPower as cornerstone investors in Geodynamics, underpinning the most advanced hot rock engineered geothermal system project in the world—the Habanero-Jolokia-Savina project in the Cooper Basin in the state's far north-east. Tata Power is one of the flagship companies of the Tata Group and is India's largest integrated private sector power utility, with an installed generation capacity of more than 2,300 megawatts and considerable plans for growth.

In July this year, the Premier and I were pleased to welcome Tata Power's Managing Director and CEO, Mr Prasad Menon, and his Tata Power executive colleagues, to South Australia, along with Geodynamics executives led by their Chairman, Mr Martin Albrecht, and Managing Director, Mr Gerry Grove White.

It is gratifying to know that Tata Power includes Geodynamics and its hot rock project in South Australia in its growth strategies. These plans for growth also include Geodynamics and Tata Power jointly leveraging knowledge gained in South Australia into their international projects. AGL is also a cornerstone investor in, and a joint-venture partner with, Torrens Energy to work towards deep drilling and proof-of-concept projects in South Australia. Likewise, it is tremendous news that TruEnergy has joined Beach Petroleum as partners in Petratherm's Paralana project in South Australia. Petratherm is also leveraging knowledge gained in South Australia into their international projects, in Spain and China in particular.

I would like to take this opportunity to congratulate Terry Kallis, Petratherm's Managing Director, and his team, for securing a Weatherford drilling rig to begin deep drilling and the proof-of-concept phase of Petratherm's heat exchange within insulator, or HEWI, hot rock project at Paralana early in 2009.

Once successful, the Petratherm-TruEnergy-Beach Petroleum joint venture is to supply power to Heathgate Resources' Beverley uranium mine in the second half of 2010. These are important milestones for Australia's geothermal sector. The financial strength and experience of well-established energy companies are now backing geothermal explorers in this state.

Now we have two companies in South Australia, Geodynamics Limited and Petratherm, to have taken the critical step of importing equipment essential to move on to the stage of deep drilling to prove geothermal energy can fuel electricity supplies in Australia.

I further understand that Panax Geothermal Ltd, also a South Australian geothermal licence holder, intends to use the Weatherford rig that has been brought into the country by Petratherm. The mobilisation of deep well drilling equipment to Australia's hot rock sites also bodes well for the efficient use of the federal government's laudable $50 million Geothermal Drilling Fund. Deep drilling is a key enabling step towards realising the vision of geothermal power adding significantly to Australia's supplies of safe and secure energy.

South Australia is richly endowed with hot rocks, and it is encouraging that well credentialed companies are investing to tap the enormous potential to generate base load power using the renewable and emission-free geothermal energy on offer in this state. Australia's geothermal energy sector has matured and now has both a peak industry representative organisation—Australian Geothermal Energy Association (AGEA)—and a whole of sector alliance, including industry, relevant government agencies and research organisations from across Australia working together as the Australian Geothermal Energy Group.

I would like to compliment PIRSA's Petroleum and Geothermal Group for its stewardship of the AGEG, its effective investment attraction and regulation of geothermal licence holders, and for its effective outreach to build credible awareness of Australia's geothermal sector amongst Australian and international investors.

I also acknowledge the bipartisan support provided by the Council of Australian Governments Roadmap for Geothermal Technologies and the federal government's Geothermal Industry Development Framework, instigated in March 2007. That framework is now in the last phase of public consultation and is due to be published in its final form in 2008. On the basis of this continuing growth in investment, I believe that Australia can become a world leader in hot rock geothermal energy development.

This government will continue to provide non-parochial leadership on the path to establishing geothermal energy reserves of national significance. It is fantastic for this state to be able to leverage its comparative advantage in the form of naturally occurring hot rock geothermal resources through a supportive, government designed investment framework. This supportive

framework provides pre-competitive data, effective marketing and attractive incentive programs, including tied grants for geothermal research and PACE co-funding of exploration projects. This government also welcomes the federal government's industry support through grants to geothermal energy projects.

WHYALLA CITY COUNCIL

The Hon. J.A. DARLEY (14:48): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the sale of land by Whyalla council.

Leave granted.

The Hon. J.A. DARLEY: I refer to an article in *The Independent Weekly* entitled 'Landing the big one at Whyalla', by Hendrik Gout. The article sets out the circumstances surrounding the sale of parcels of land owned by Whyalla council for well under their market value.

In 2005, negotiations were entered into between Whyalla council and a company called Crown Island Investments for the sale of a parcel of some 12 hectares of land by a process called 'expressions of interest'; that is, no option or tender process was undertaken. The parcel of land was sold for $850,000. Just six months later, a quarter of the allotted land—some 3.7 hectares—was sold to a buyer for $4.6 million. I have also been advised that the correctional building in Whyalla was sold for much less than it was worth and, it is alleged, without council approval.

Whyalla ratepayers are understandably bewildered and very concerned as to why their council would short-change them in selling public land. There are also allegations calling into question whether proper council procedures were followed in relation to the approval process for the sale, and that some members of the council stood to benefit due to their holding interests in companies which bought the land from the council. My questions are:

1. Is the minister aware of the concerns of Whyalla ratepayers regarding the transactions undertaken by the Whyalla council?

2. Does the minister know whether or not the land sales referred to were authorised by the director of planning with the approval of the Whyalla council?

3. Was the process by which the land sale was approved by council adhered to and, if not, why not?

4. What steps have been taken to investigate the allegations made regarding the council's dealings, and will the minister undertake to urgently investigate these matters?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:50): I thank the honourable member for his most important questions. I am aware that there was an article in a newspaper recently which raised issues of concern around the sale of land by the Whyalla council to Crown Island Developers. I understand that the article alleges that the council did not follow proper process and sold the land for what was believed to be an inadequate sum of money. I am also aware that the Hon. John Darley and others have referred to this article and have asked that the allegations be investigated. I have also received correspondence from the Hon. John Darley in relation to this.

A person who is entitled to have their identity protected under the Whistleblowers Protection Act has made a statement to a government investigation officer within the Attorney-General's Department. The Anti-Corruption Branch has received a copy of the statement taken from the whistleblower in relation to this matter, and I am advised that it is currently undertaking a preliminary assessment of the information contained within the statement to determine whether an investigation is warranted. As this matter is currently being assessed by the Anti-Corruption Branch it would be most inappropriate for me to make any further public comment at this time.

LE CORNU SITE

The Hon. R.I. LUCAS (14:53): I seek leave to make a brief explanation before asking the Leader of the Government a question about the Le Cornu site.

Leave granted.

The Hon. R.I. LUCAS: For about 20 years the Labor Party and its various spokespersons (including shadow ministers, ministers, leaders and, in particular, candidates and members for the state seat of Adelaide) have opposed anything like a six-storey development on the Le Cornu site in North Adelaide. In particular, there are a number of statements from Premier Rann and the member for Adelaide Ms Jane Lomax-Smith (and others) expressing that point of view in a number of ways. I have also been advised that, approximately three years ago, the minister approved the City of Adelaide plan, which imposed a strict limit of three storeys on the Le Cornu site.

As we know, last week the minister and the government announced a significant change in policy for the site with the go-ahead for a significant six-storey development on the Le Cornu site. A number of constituents have approached me and asked questions as to the reasons for the government's change of policy of some 20 years in relation to this site. Some have noted that companies associated with the developers (the Makris companies) have donated some $261,000 over five years to the Australian Labor Party and, in particular, in the financial year 2005-06 (prior to the last state election) $180,000 was channelled into the Labor Party through four separate companies in the electoral disclosure returns.

My attention has also been drawn to comments from the Chief Executive of the Makris Group of Companies, Mr John Blunt, who was responding to a question from David Bevan about why the Makris Group chose to donate to Labor. Mr Blunt frankly replied:

> I mean, we have got business interests as well, so we want good governance. We want to see things happen in this state.

Matthew Abraham interjected and said, 'You want to be looked after, too.' Mr Blunt said:

> Yeah, we want to make our projects happen, that's for sure. But, you know, that's a part of the way the system—you know, politics works here.

I note: that is not a statement from me but from the Chief Executive of the Makris Group of Companies, who—

The Hon. B.V. Finnigan interjecting:

The Hon. R.I. LUCAS: Well, for as long as you would like to listen to it, the Hon. Mr Finnigan. My questions are:

1. Is it correct that, approximately three years ago, the minister approved the City of Adelaide plan, which imposed a strict three-storey limit on the Le Cornu site?

2. If the minister is claiming that this significant change of policy of some 20 years had nothing to do with the donations of $261,000 given to his party, can he explain to this chamber and to the public the reason he has made this significant change in government policy to now allow a six-storey development on the Le Cornu site?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:57): How pathetic that the ex-leader of the opposition should ask a question involving a quote which was made almost 12 months ago and which he quoted at that time; in fact, it might have been more than 12 months ago. I think it was in May last year that Mr Blunt made those comments and—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, I don't know; you would have to ask Mr Blunt what he meant by it. What I can say is that the government has approved the development on the Le Cornu site. The original approach from the Makris Group was for a building of some nine storeys. The government said that that would be too large for the site, notwithstanding the fact that we have just had the redevelopment of the former Hotel Adelaide, which I think is nine storeys, and there is also the Brougham Place development around the corner, which is about the same—

The Hon. B.V. Finnigan interjecting:

The Hon. P. HOLLOWAY: Well, that's the Brougham Place one, which is about the same size. The fact is, as the planning review has recently shown, the city has two options to cope with the future population growth we face: we either sprawl outwards or we increase urban density, which means that we go higher, or we build on urban development. They are the options, or some combination of each of them. The planning review has set aspirational targets into it. If we are to move away from our reliance on urban sprawl, we have to have more intense development, and that is exactly what this development does.

I do note that, in recent days, the Liberal Party has apparently supported this development, which I would hope it would do after 20 years of inactivity on this site. The Le Cornu site has become a symbol of inactivity. So, to get that development going, this government supported a major development proposal to examine, with the most rigorous form of assessment under the Development Act, that site.

It has been quite erroneously reported in the media that major development status is in some way fast tracking the process. It took something like 15 months to go through a very rigorous development assessment. As a result of that assessment, a number of changes have been made to the proposal, including additional car parking and extra screening, and a number of reserve matters are subject to approval, which will require greater energy efficiency of the building. Also, there are, of course, requirements in relation to operating hours for the restaurants and so on located in the building. Also, the function centre has been removed from the plan. All of that came about as a result of the approaches the government had received from members of the public during this very rigorous assessment process. I make no apology for approving this project.

Of course, the real reason the Hon. Rob Lucas has been so outspoken on this matter is that he wants to get back at his principal enemy, Mr Martin Hamilton-Smith, the Leader of the Opposition. He wants to damage his chances by slamming all the developers in Adelaide, and that is his motive for doing this, and everyone knows it. We all know what motivates Rob Lucas. Why would you stay in this parliament when, after 26 years, you have been demoted to the back bench? He wants vengeance.

That is what this is all about. He has his mates in the media, Greg Kelton and Michael Owen, to peddle his line. That is what this is all about, and everyone in Adelaide knows it. We have seen an example of it here. That is what we have. He can go and do what he likes, but at the end of the day it is the people of Adelaide who will decide whether they want to vote for a government that gets things done after 20 years of inactivity, or they can vote for members opposite, who dwell in the past. It will be their choice in March 2010.

LE CORNU SITE

The Hon. R.I. LUCAS (15:02): By way of supplementary question, will the minister advise the chamber as to whether or not three years ago he approved a three-storey limit by his approval of the City of Adelaide plan on this particular site?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:02): The City of Adelaide plan was put forward by the City of Adelaide. Those heights are a guide. I suggest the Hon. Rob Lucas goes away and learns a little about planning law. Every day in Adelaide buildings are approved by the council and by the development assessment panels that will have heights in excess of the planning area. That is the way planning laws work, and I suggest he goes away and learns something about it.

LE CORNU SITE

The Hon. M. PARNELL (15:03): By way of supplementary question, having approved a six-storey development is it the minister's intention now to introduce a ministerial development plan amendment to raise the general height levels in that part of North Adelaide from three storeys to six storeys?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:03): No, it is not, but we need to see through the whole of Adelaide a general raising of height. If we are to achieve the planning review's goals of its aspirational target of 70 per cent of new development coming from infill, brown fill high-rise development, as opposed to green fill development—and I hope members of the Greens accept that we need to move away from urban sprawl—we will have to have higher developments, but they need to be put in the right location.

The Hon. R.I. Lucas: No-one is listening.

The Hon. P. HOLLOWAY: I have been asked a question and I will answer it. Members opposite do not want to hear it—they never do. How else could you be in this place for 26 years and be sitting on the back bench? To achieve the density that we require, the best way of doing that is to have that more intensive development with transit oriented developments along major corridors. That is the way to achieve the population targets this government has set. The population will grow. We will need several hundred thousand more houses within the state, and to

accommodate them we will need to put them in that extra density in more suitable locations. Generally they will be along corridors. This government has a cohesive policy. The rabble opposite do not, as they are knockers and whingers.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Why have members opposite come out and said that they support the Le Cornu development? What dishonest frauds they are! If the Hon. Rob Lucas believes it, why does he not get out and campaign? If he wants to get back at his leader in another place, why does he not say that if the Liberals were in government we would not have allowed this development to go ahead? They will not say that. They are far too dishonest for that. This government is quite happy to stand by the decision and to be judged on it.

WIRE ROPE SAFETY BARRIERS

The Hon. B.V. FINNIGAN (15:05): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about centre line wire rope safety barriers.

Leave granted.

The Hon. B.V. FINNIGAN: Will the Minister for Road Safety advise how thousands of motorists will benefit from a new wire rope safety fence being installed along the centre of a busy section of Port Wakefield Road, which carries more than 6,500 vehicles every day?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:06): Road safety has always been a high priority for this government. In 2007, the Department for Transport, Energy and Infrastructure commenced a project to investigate the possibility of installing centre line wire rope safety barriers in South Australia. This innovative safety treatment is being used extensively overseas and in other states in Australia, and there is clear evidence of a dramatic reduction in severe crashes.

Port Wakefield Road south of the Port Wakefield township will be the first section of road where centre line wire rope barriers will be installed. Construction began this week and is expected to be completed by December this year. The selected section of road carries more than 6,500 vehicles a day. There is one lane in each direction, separated by a double barrier line. I am advised that crashes and near-misses can be caused, of course, by vehicles crossing the centre line into oncoming traffic. The objective of this initiative is to prevent fatalities and serious injuries as a result of head-on crashes and off-road crashes caused by vehicles that run off the road then over-correct and cross the centre line.

The centre line wire rope barrier will be installed in two sections. The first section will start before the end of the dual carriageway and continue for about one kilometre. It will include a protected right turn slot for property access. The second section will continue after the protected right turn for about 700 metres. Other improvements will include a more defined edge for the road, new line markings, signage, road surface improvements and shoulder sealing.

These $2 million improvements are jointly funded by the state and commonwealth governments and the Motor Accident Commission (MAC). This is the first time in South Australia that a wire rope safety fence has been constructed along the median to prevent vehicles crossing into oncoming traffic. The state government and MAC will compare and monitor the effectiveness of the median wire rope barrier for the next two years and promote increased use of the safety measure if it proves to be cost-effective and successful in reducing crashes.

The 1.7 kilometre section of Port Wakefield Road was recommended for the trial following crash analysis conducted by the Centre for Automotive Safety Research. Construction work will occur daily between 7am and 4pm and, while every effort will be made to reduce any disruption to motorists, speed restrictions will be in place. I urge all motorists to use extra care along Port Wakefield Road during the construction period.

WIRE ROPE SAFETY BARRIERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:09): Sir, I have a supplementary question. Was the Motorcycle Riders Association of South Australia consulted before this decision was made?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs)

(15:09): I am aware that some motorcyclist groups have raised concerns about the effect of wire rope safety barriers on riders. As I said, these concerns are well-known to DTEI (Department for Transport, Energy and Infrastructure) and road authorities interstate and overseas. However, I am advised that, in 2003, an Austroads report entitled 'In-depth investigation of run-off-road motorcycle crashes' noted that no evidence had yet been found to indicate that wire rope safety barriers present a greater or lesser risk when struck by a rider compared to other commonly used barrier types, such as rigid concrete or wire beam barriers. It is generally accepted that all types of barrier systems pose some form of risk, even when the primary objective of the barrier system is to protect road users from unforgiving roadside hazards.

I am also advised that another study, comprising representatives from the Australian Transport and Safety Bureau, the Australian and the New South Wales motorcycle councils, the Motorcycle Riders Association and the Vice President of the Ulysses Club, accepted that having wire rope safety barriers in many cases is better for the riders than having no barriers at all. So, clearly, this is something of which the department and those involved in road safety are aware. However, as I have just pointed out, this is obviously an acceptable risk, if one wants to call it that. We are using them because our advice is that it is the safest option for us to do so.

WIRE ROPE SAFETY BARRIERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:11): I have a supplementary question. What is the difference in cost, say, per kilometre, between the wire rope barriers and the conventional solid barriers?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:11): I do not have that information with me but, as I have just pointed out, I do not believe this is a matter of cost; this is a matter of extensive research, not just here in South Australia but interstate and overseas also.

WIRE ROPE SAFETY BARRIERS

The Hon. J.S.L. DAWKINS (15:11): I have a supplementary question, Mr President. Will the minister provide information as to the comparison between the cost of the wire barriers, to which she has referred, as against the audio tactile markings on centre lanes?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:12): As I said, it was not about that but, nonetheless, I am happy to go back to the department and seek that information for the honourable member.

COPPER HILLS STATION

The Hon. R.L. BROKENSHIRE (15:12): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about Copper Hills in the state's north west.

Leave granted.

The Hon. R.L. BROKENSHIRE: Presently, indigenous residents of the state's north west who are imprisoned for even minor criminal offences are, at best, sent to Port Augusta or otherwise into correctional facilities in the metropolitan area or other rural areas. A great number of these individuals have had little exposure to mainstream culture, and even Port Augusta is located at least 800 kilometres from their homelands. Port Augusta prison is known to have a significant indigenous population, having a capacity of 299 high, medium and low security prisoners. There were 226 prisoners in custody at 30 June 2006 and we have, since then, seen a steep rise to 288 in June 2007.

Documents that I have obtained by a freedom of information request reveal that the department was investigating acquiring the leasehold of a property known as Copper Hills prior to the 2002 state election. My understanding—as the minister when that feasibility study was under way—was that the department was interested in establishing a correctional facility on property immediately outside the APY Lands, property that would be acquired by the state government. At that time, the FOI records show that the department made several visits to Copper Hills preparing to establish this facility, which would be developed for low-key prisoners based on the existing buildings and facilities.

By letter dated 9 May (that is, after the election), the director of community corrections wrote to Elders (the real estate agents) declining interest in Copper Hills, stating that 'after careful consideration of the department's requirements and priorities' they were no longer interested. Therefore, my questions are:

1. Was the minister aware of, or has the minister been briefed on, the Copper Hills proposal?

2. How many indigenous and non-indigenous prisoners are imprisoned at Port Augusta now?

3. Given the importance of preventing Aborigines being sent to mainstream prison for relatively minor criminal offences in the Pitjantjatjara lands, will the minister agree to reconsider and investigate the feasibility of a correctional facility close to the lands similar to that proposal for Copper Hills back in 2002?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:15): If my memory serves me correctly, the honourable member has either written to me or perhaps there was an FOI request in relation to the Copper Hills Station. I can advise that the Department for Correctional Services does not have an interest in that station, nor has it ever owned property in that area. Clearly, it was an issue that the honourable member (who was then minister for correctional services) was investigating at the time, but it was not an option taken up by the Rann Labor government.

I have previously advised the chamber that the Department for Correctional Services completed a feasibility study, several years ago now, for low security correctional facilities to be based in the APY lands. When I became minister, I provided the APY lands executive with a copy of that study.

The then cabinet social development subcommittee agreed that an explorative business case could be undertaken. That business case was noted by cabinet, but it was referred at that time to the minister for Aboriginal affairs and reconciliation for consideration in the context of broader government initiatives on the APY lands.

Clearly, this government has an excellent record of important initiatives and improvements on the APY lands. The honourable member may not be aware that the government has elected to provide 12 beds for traditional Aboriginal men at Port Augusta, and I understand that these will come online before the end of this year. We believe that these beds will better enable authorities to remove prisoners on remand from the lands to Port Augusta. The department believes that this is the best way to handle those prisoners.

There was also some suggestion of air travel in relation to the removal of prisoners from the APY lands, and that is something about which the department will use its discretion and judge on a case-by-case basis.

DRUG USE MONITORING

The Hon. R.D. LAWSON (15:18): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about drug use monitoring.

Leave granted.

The Hon. R.D. LAWSON: I refer to the Drug Use Monitoring in Australia annual report, released by the federal Minister for Justice earlier this month. This report is one of a series published annually since 1999, and it is prepared by the Australian Institute of Criminology. It collects data from persons taken into custody in South Australia at the Adelaide and Elizabeth police stations and in similar stations in other states. The data includes urinanalysis from each person taken into custody, and that enables a drug analysis to be undertaken.

The latest report reveals that, across the whole of the country, 49 per cent of detainees tested positive to cannabis in 2007, with 55 per cent positive at Elizabeth, 52 per cent at Adelaide, 51 per cent at East Perth and down to 40 per cent in Footscray and Bankstown. The Australian Institute of Criminology concludes that since 2004 there has been a declining trend in cannabis use in the Adelaide site. However, on the subject of heroin, it concludes that, 'since 2005, while most sites have been experiencing a decline in the number of 1880s testing positive to heroin, the number is increasing in Adelaide and Brisbane'.

In relation to methylamphetamine, the institute concludes that the percentage of detainees testing positive to methylamphetamine varied between the sites, with 36 per cent of adult detainees at Elizabeth testing positive; 33 per cent in East Perth; 27 per cent in Adelaide; and in varying proportions down from that number to zero in Alice Springs.

In response to an earlier question I asked in 2005 about the release of a similar report at that time, the Attorney-General described the information in these reports as a 'rich information source' which was used in policing, crime prevention planning, policy development, research and health service delivery. He pointed to the fact that the Department of Justice publishes the South Australian Drug Use Monitoring Australia (DUMA) analysis quarterly. He stated:

> Reports can be downloaded from the Office of Crime Statistics and Research website. This information is available to, and used by, the public to inform activity targeting harmful drug use.

In fact, within a few weeks of that answer having been given, the Department of Justice ceased to publish that data. The latest report indicates that the South Australian Attorney-General's Department has refused to extend funding for the analysis at the Elizabeth site beyond the end of this year. My questions are:

1. What is the justification for the Attorney-General refusing to fund the continuation of this valuable data collection at Elizabeth in South Australia?

2. What information has been derived from this material which has been used in policing, crime prevention, planning, policy development, research and health service delivery, as previously advised by the Attorney?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:21): I will refer that question to the Attorney-General and bring back a reply.

SECOND-HAND CAR DEALERS

The Hon. J.M. GAZZOLA (15:22): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about second-hand car dealers.

Leave granted.

The Hon. J.M. GAZZOLA: People buying second-hand cars are often concerned about the way the car is represented by the dealership. I understand that second-hand car dealers are subject to very tight laws about how cars should be advertised and represented; however, there is still consumer concern. My question to the minister is: what is the government doing to protect people buying second-hand cars?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:23): Today, I would like to advise the chamber of a matter involving a second-hand car dealer illegally tampering with odometers. In the Magistrates Court today, Mr Benjamin Buttigieg was convicted and sentenced for offences involving the winding back of odometers on second-hand cars.

I am advised that, in May 2007, Mr Buttigieg came into possession of a Holden Jackaroo that had an odometer reading of approximately 347,217 kilometres. Mr Buttigieg purchased this vehicle for $3,750. The same vehicle was later offered for sale with an odometer reading of 168,000 kilometres, and was subsequently sold for $8,990. So, clearly, Mr Buttigieg has made quite a profit on the car.

In July 2005, Mr Buttigieg acquired a Holden Berlinar with an odometer reading of 243,847 kilometres and subsequently sold the vehicle with an odometer reading of 55,000-odd kilometres. Today, this dealer was fined $12,000 and ordered to pay $7,570 in associated court costs and levies. This man also faces the prospect of losing his dealership licence.

The decision handed down by the court today is a warning to all second-hand car dealers that dishonesty in the industry will not be tolerated and, if they continue to flout the law, or attempt to flout the law, they will be prosecuted and face the prospect of losing their licence. Those fines are quite severe.

The purchase of a car is often one of the most important and expensive decisions in a person's life, and people have a right to know that their choice of car will be safe and roadworthy. The practice of tampering with odometers can mislead consumers about the roadworthiness of a

second-hand vehicle. We know that the distance that a car is shown to have travelled on an odometer affects the roadworthiness of the vehicle. We are concerned that consumers can be lulled into a false sense of safety when they are sold these cars dishonestly.

I understand that this dodgy dealer originally came to the attention of the Office of Consumer and Business Affairs through a tip-off from the public. When an audit was conducted by the office at Mr Buttigieg's premises, another vehicle was detected displaying fewer kilometres than it really had.

A further two vehicles that had been subjected to odometer interference were discovered as a result of complaints made by the public. The office then commenced proceedings against the dealer, leading to his prosecution today and the fines that he now has to pay. The Commissioner for Consumer Affairs will now also pursue disciplinary action in the courts against the man's secondhand dealers' licence. As I said, not only is tampering with an odometer dishonest but it can also affect the safety of road users, and it can obviously inflate the cost of a vehicle in a most dishonest and inappropriate way.

TRAINS, SECURITY

The Hon. A. BRESSINGTON (15:27): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question about train security.

Leave granted.

The Hon. A. BRESSINGTON: It has been brought to my attention by several concerned constituents from the northern suburbs that security guards have not been present on trains travelling at night. It was their understanding, as it was mine, that after 7pm a security guard and a TransAdelaide operative would always be present to intervene if any antisocial or violent behaviour occurred. This belief was founded on signage that was previously present on trains stating that security guards and TransAdelaide operatives would be present.

These constituents have independently stated that they have recently caught trains after 7pm when there has been no security guard present. Also, at least four of them stated that they have had reason to feel at risk while travelling on the train. Clearly, the general public catches trains with the security and surety of knowing that after 7pm there will be a security guard present. My questions to the minister are:

1. Am I correct in my belief that it is TransAdelaide policy to ensure that there will always be a security guard present after 7pm? If not, when was this policy changed?

2. Has there been a reduction in the number of security guards employed and available after 7pm?

3. If there has been no change in TransAdelaide policy, why have the signs stating that security guards would be present after 7pm been removed?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:28): I thank the honourable member for her important questions. I will refer those questions to the Minister for Transport in another place and bring back a response.

SMALL BUSINESS OFFICE

The Hon. J.S.L. DAWKINS (15:29): I seek leave to make a brief explanation before asking the Minister for Small Business a question about the Office of Small Business.

Leave granted.

The Hon. J.S.L. DAWKINS: During the estimates process for regional development in July it was confirmed that the Director of the Office for Regional Affairs is also filling the role of Director of the Office of Small Business. The estimates committee also learned that the director was not receiving any additional remuneration despite working in both positions. My questions are:

1. Will the minister indicate whether the dual role is a permanent appointment or only on a temporary basis?

2. Given that the two portfolios are no longer the responsibility of one minister, as they were in July, is it reasonable that the director remains responsible for both offices?

3. If so, has the salary level of the position been reviewed?

4. Will the minister indicate whether the government has any plans to amalgamate the two offices into one unit?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:30): I thank the honourable member for his questions. As he indicated, the Director of the Office of Regional Affairs has also been acting as the head of the Office of Small Business. That arrangement was put in place prior to my becoming the Minister for Small Business.

Certainly, at the time, that was a permanent arrangement but, obviously, the future arrangements (given that there now are two separate ministers for the one unit) are something that I will be considering and also discussing with my colleague the Minister for Regional Development and the new head of the department. Mr Brian Cunningham has now been made the Chief Executive Officer of the Department of Trade and Economic Development. I will be having a look at those arrangements to see whether that should remain into the future.

There certainly are some similarities between the regional development boards and the BECs in the city area. There are some similarities but, of course, there are also some differences. Before any final decision is made (even though the decision was final when I became the minister) I will be having a look at it. It is certainly something that has crossed my mind, as to whether that is the best arrangement heading forward and I will be—

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

The Hon. P. HOLLOWAY: That is what I am saying. There are two divisions. The Small Business Unit still remains separate from the Regional Development Unit. I will be examining the case for and against it to see whether there should be any change. However, for now, the arrangement is that the Regional Director, Mr Tyler, will remain as the director of the two divisions.

ANSWERS TO QUESTIONS

PUBLIC SECTOR REFORM

In reply to the **Hon. R.I. LUCAS** (29 April 2008).

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

1. The Premier has been advised of the following information:

There have been many recent changes put in place to improve efficiencies within the South Australian public service, a number of these as a result of the work of the Government Reform Commission.

During its 18 month term, the GRC, under the leadership of Wayne Goss, undertook to identify wide ranging public sector reforms that would have an immediate and lasting impact. The GRC certainly delivered on this and we now have the Public Sector Performance Commission to continue this work.

One of the GRC's tasks was to identify opportunities to improve the way government operates, to look at the obstacles that slow down government processes. One of their initiatives to address this was the establishment of the Project Coordination Board. This board, chaired by Jim Hallion, chief executive of the Department of Transport, Energy and Infrastructure, now works to streamline implementation of major projects and infrastructure developments by shifting barriers and unblocking deadlocks.

Efficiency improvements are also being made through the government's shared services reform. Shared Services SA has been working to standardise business processes and systems across the public service, and enable agencies to increase their focus on their core business and service delivery priorities.

2. The Treasurer has provided the following information:

The actual number of FTEs in the general government sector at 30 June 2007 was 74,779.

The 1,571 FTEs in the member's question relates to shared services and other savings measures announced in the 2006-07 budget. This does not include the growth in FTE's resulting from budget initiatives in that or subsequent budgets.

The FTE cap at 30 June 2008 is 77,041, that includes the impact of the budget and savings initiatives.

The Department of Treasury and Finance continues to monitor FTE numbers against the FTE cap.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 11 September 2008. Page 67.)

The Hon. T.J. STEPHENS (15:32): I support the motion to adopt the Address in Reply and join honourable members in thanking His Excellency the Governor for opening this third session of the 51st parliament. We, on this side, are supportive of the Governor's work and know that he is doing an excellent job. Again, I would like to congratulate the Governor and Mrs Scarce on the fine work they do.

As my colleague the Hon. Caroline Schaefer pointed out in her contribution, we all expected far more from this government on this occasion but, again, it failed to deliver. The Rann government's legislative program for the next session is a major disappointment. It is underwhelming. We have had the usual rhetoric about climate change and the plight of the River Murray but there has been very little of substance. There was no mention of how this government will tackle the challenges we face as a result of the national economic slowdown. This was truly a legislative program from a government that is tired, stale and lacks vision.

Government members opposite are trying to talk up the government's achievements in their contributions in reply to the Governor's speech but it is almost like they are apologising for the lack of action. The Hon. Russell Wortley puffed out his chest and made ridiculous comments like, 'You've turned your back on your rural electorates.' This comes from a government that has neglected regional South Australia over the past six and a half years. We need only reflect on the response to the proposed country health cuts to see that country people are fed up with how they have been treated by Premier Rann and his government. Ask country people, who rely on the River Murray for their livelihoods, what they think of this government. I say to the Hon. Russell Wortley: it is your government which has turned its back on regional South Australia, and the majority of country people cannot wait to throw you out.

I will leave it to my other colleagues to give their response to the overall legislative program because, as shadow spokesman for sport, I wish to reflect on what the next 18 months holds for the sport portfolio in this state and, in particular, grassroots sport. It is clear that there is very little to be excited about. There will be millions of dollars for AAMI Stadium, a big screen at Hindmarsh Stadium—and that about does it. In the State's Strategic Plan, target T2.3 is 'to exceed the Australian average for participation in sport and physical activity by 2014'. In my view, the target is a credible one and at this stage, as the government has not put an actual figure on how much it wants in relation to exceeding the Australian national average, I am hopeful that we can get there.

For the record, the latest statistics report that the current national average for participation in physical activity three times a week or more for people aged 15 years and over is 42.8 per cent. South Australia has the lowest rate at 38.6 per cent. The Strategic Plan progress report for July 2008 details that progress is steady. The report maintains that the target is still achievable and, as spokesperson for sport, I sincerely hope it is achieved. Research on participation levels was conducted by the Standing Committee on Recreation and Sport Research Group, which collaborates with state and territory recreation and sport agencies and the Australian Bureau of Statistics.

I am confident that the committee is undertaking the necessary research and that we can use these statistics to help grow participation in South Australia. However, the opposition's main issue is that we are hearing from Sport SA and other stakeholders that there is a facilities crisis in South Australia, especially at the grassroots level. One can rightly ask: how can we grow participation when facilities are either out of date or just not available? In my role, I speak regularly to people involved in sport, and their concerns are growing.

Tonight, I will attend the Sport SA annual general meeting and, I am sure, so will the Minister for Recreation, Sport and Racing, and I have no doubt that we will both get more feedback on facilities from sporting representatives from throughout South Australia. If we are to encourage more people to participate in sport, the issue of sporting facilities must be addressed. The

government's response thus far has been to state that it has just committed $100 million to AAMI Stadium. The Rann government is missing the point. Jan Sutherland of Sport SA says:

> The government talks about people being active and is quite happy to take the financial benefits from sporting events but it is not prepared to spend any money on facilities. The government is spending $100 million on upgrading AAMI Stadium but that is an upgrade for spectators. We need money spent on facilities for participation in sport.

Ms Sutherland is speaking on behalf of all of Sport SA members, for example, hockey, athletics and swimming—sporting bodies that are crying out for new and improved facilities at the grassroots level and, indeed, at the elite level.

As I have outlined in the past, the Santos Stadium running track is not up to scratch. Mystery still surrounds the building of the new state aquatic centre at Marion, and hockey needs improved facilities. I recently attended the Football Federation of South Australia's annual dinner, and many people came up to me to talk about the crisis they have with the lack of a soccer pitch—and this is in a sport that is growing bigger by the day. Also, our baseball facilities are another example of below par facilities.

Sadly, this government has given very little indication of what it will do to address what is a very serous issue for sport in South Australia. Our facilities are just not up to scratch, and we are falling behind the other states. The opposition has called for an audit of our sporting facilities, a call that has been backed by Sport SA and also the media. The editorial in *The Advertiser* of Saturday 6 September states:

> The state's sporting facilities—from Adelaide Oval through Hindmarsh Stadium to The Pines hockey complex and the velodrome at Gepps Cross—need a complete stocktake. We need to re-evaluate their ability to match the future sporting needs of our younger generation and assess their present suitability for patrons. There are many questions to be answered about our sports facilities. Are we getting the proper value for money from them?
>
> Talk of a Commonwealth Games bid has, quite rightly, renewed debate about the standard of our sporting arenas and just how much they need to be improved, or, in some cases, replaced. A major study of these facilities is not only warranted, it is almost essential. A public audit of the facilities is in the public interest and the dollars spent on such an investigation would be money well spent.
>
> A major audit and long-term plan for Adelaide's sports facilities should not be dismissed by Labor merely because some aspects have been promoted by the Opposition. Sports infrastructure is a matter of intense public interest on many fronts. On the financial front, it attracts significant amounts of public funding. On a wider level, the standards of Adelaide's sports arenas is of great interest to fans from around the state who regularly attend matches.
>
> South Australia has had great success over the years as a sporting state. Now it is time Adelaide's sports facilities were appropriate for the nation's fifth-largest city.

I say to the Rann government: listen to the media, listen to sport and listen to the opposition. We are in the midst of a sports facilities crisis; it is time to act. With those comments, I conclude my contribution. I look forward to continuing to work with all honourable members in the current session.

The Hon. J.A. DARLEY (15:40): I thank His Excellency for his speech, delivered on behalf of the government, and congratulate him on his appointment as Governor of South Australia. It is comforting to hear that the government is committed to prudent financial management and retention of the state's AAA rating, but the government needs to accept the detrimental effect that its revenue-raising activities are having on the community, including pensioners, self-funded retirees, young families, low income households and small business. Increases in taxes such as 37.5 per cent in land tax, 16 per cent in sewerage rates, 16 per cent for the emergency services levy and up to 307 per cent in the natural resource management levy, along with other state charges, are a heavy burden on the community already struggling with high interest rates, transport and food costs.

It is encouraging to see that the government intends to foster economic growth, prosperity and opportunity for South Australia. However, many companies will not agree with the government when it says that this state is the most competitive place to do business in Australia and New Zealand. If the government believes this, it should ensure that its departments are working towards overcoming barriers to support this statement by reviewing restrictive bureaucratic processes.

Everyone would agree that water security is one of the biggest challenges facing South Australia. I applaud the decision to build a desalination plant at Port Stanvac and that this facility will be completed a year earlier than originally planned.

The issue of stormwater capture and aquifer recharge is currently the topic of discussion and, whilst I understand that this is a local government responsibility, the government should take a leadership role in informing the community about issues concerning stormwater management and reuse. The Natural Resource Management Board should play a more pro-active role in stormwater capture and aquifer recharge, rather than fiddling around with superficial issues that appear to be aimed at spending natural resource management levies on administration rather than achieving worthwhile and measurable results that provide a benefit to the state.

At last the government intends to introduce legislation to refer its constitutional responsibility for water management in the River Murray to the commonwealth, but I wonder why it has taken it so long and what pressure will be put on the 'coalition of the willing', particularly the eastern states, including Victoria, to do likewise. The fact that investigations are continuing as to the potential to double the capacity of reservoirs in the Mount Lofty Ranges is commendable, but I highlight that land was purchased in the early 1960s for a proposed Clarendon reservoir and nothing materialised. No funding appears to have been provided in the budget for this initiative, and the question therefore needs to be asked as to whether the proposal is genuine.

In terms of energy, the government mentioned exploration and development of energy projects such as those of Geodynamics, Petratherm and Torrens Energy. It is essential that companies like these are encouraged to promote these type of projects. The initiative to ban single-use lightweight plastic shopping bags from May 2009 has my support, albeit reluctantly, but I note that since the bill was introduced a trial is being undertaken by a supermarket chain in the use of biodegradable cornstarch bags, and I understand the cost of these will not be passed on to the consumer. This should be encouraged.

The health initiatives of the government include the new Marjorie Jackson-Nelson hospital, and redevelopment at Flinders Medical Centre, Queen Elizabeth Hospital, Women's and Children's Hospital, Noarlunga Hospital and Lyell McEwen Hospital. Redevelopments for Whyalla, Berri and Ceduna and proposed new GP Plus Centres for Elizabeth and Marion are commendable; however, their final completion appears a long way off. The health department's community and staff consultation processes fall a long way short of what would be accepted as satisfactory, and the government needs to address these issues if successful implementation of these projects is to be achieved.

The government mentioned the 25-year rolling supply of broadacre land to meet the industrial, commercial and residential needs of a growing population, and this measure is to be commended. However, more needs to be done to assist in providing affordable housing for young families, and the charter of the Land Management Corporation needs to be reviewed in order to provide affordable residential allotments in new subdivisions.

At last we appear to be seeing the start of a strategic transport plan for South Australia, and the government should at least be complimented on this. A lot more needs to be done in terms of consultation and communication of these plans to the community so there is a better understanding of the comprehensive nature of the plan and so it is not seen as just a group of projects cobbled together at the last minute to demonstrate that something is being done. The government's treatment of dispossessed owners whose properties lie in the path of the major transport routes which are required for transport corridor purposes needs to be urgently addressed.

I congratulate the government on its initiative to overhaul the state's planning laws. This will have the effect of providing the potential for a diversified range of housing, not only for young families but also for elderly citizens wanting to downsize in familiar surroundings, with all their existing support mechanisms. The faster approval process for new houses and additions is long overdue, as is the exemption from planning approval for minor developments, and this should result in a reduction in development costs.

The current WorkCover system in South Australia leaves a lot to be desired and, as I indicated during the WorkCover debate, I doubt whether we will see any real improvement until such time as there is recognition and acceptance that a genuine attempt to change the culture of the WorkCover Corporation and the various key players in the WorkCover system is undertaken.

There has been a suggestion that the government will introduce the public sector bill, and that is long overdue. I hope that the archaic administrative arrangements for the appointment of parliamentary staff will also be considered, along with the public sector initiatives.

I now move to the proposed mental health campus at Glenside. This project got off to a bad start, mainly due to the type of consultation process that was used in selling the proposal to the

public. It is encouraging to see that at last the community is starting to accept the benefits of the redevelopment. I hope that the new mental health facility at Glenside and services in other parts of the metropolitan area and the state will ensure that patients are properly cared for and given the appropriate ongoing support they need. The centralisation of drug and alcohol abuse services to the campus will require close monitoring to ensure that appropriate security arrangements are in place, to avoid any adverse interference with adjoining communities.

The intended plan for acceleration of mineral exploration in South Australia is to be commended, as this will eventually lead to wealth creation in the state. However, additional infrastructure projects will be required to service these Outback developments.

I note that the government intends to introduce new victims of crime legislation. It is a pity that, when this legislation was before parliament earlier this year, it could not have been receptive to amendments agreed to by this council that really did extend the rights of victims. The government has again mentioned its six new super schools initiative, the implementation of recommendations from the Mullighan inquiry, the 10 new trade schools for the future and others, and I look forward to progress in these areas and other new initiatives and proposals as we move towards 2010. I support the motion for the adoption of the Address in Reply.

The Hon. S.G. WADE (15:48): I rise today to support the motion for the adoption of the Address in Reply. In doing so, I thank the Governor for his service and work on behalf of the people of South Australia and his time and effort to open this session of the 51st parliament. I also take the opportunity to publicly acknowledge the work of the Lieutenant-Governor, particularly at this time, when he is the patron of the OzAsia Festival. Both of those gentlemen are already making a significant impact in our state in their service to the Crown and the people of South Australia, and they are both role models for the fact that South Australia is a state of opportunity.

At the 2006 election, the Premier campaigned on the slogan 'Rann Delivers Results'. The reality is that Premier Rann has delivered disappointment. The Governor's speech embodies that. There was a hope that, perhaps, after six long years, the Governor's speech would contain some new initiatives. However, they were singularly lacking. With respect to water, the speech merely reiterated the government's plans for a desalination plant, and there was no mention of the Upper Spencer Gulf plant, which now appears to be on the scrapheap.

There was nothing in the speech to address the growing challenges to our economy in the context of the national economic slowdown. The urgency of such leadership was demonstrated by the recent stresses in the world financial markets. There was nothing of substance in the speech that advances our commitment to alternative technologies.

If South Australians were looking for vision, economic stability or an investment in technology, Premier Rann and his government have yet again delivered disappointment. The Rann government has done nothing in seven budget years, and it will go to the next election having completed two terms and delivered nothing of substance.

Premier Rann has become something of a Labor dinosaur. He became the leader of the South Australian Labor Party in 1993 (15 years ago), which now makes him the longest serving state Labor leader by more than a decade. The second longest serving state Labor leader, I understand, is in only their second year of service.

Likewise, the Premier had an opportunity recently to refresh his government by refreshing his cabinet. He blinked. There were no additions and no removals. The five most senior cabinet ministers remained in their post, unchanged. So, how did the Premier propose to refresh his government? He purged the bureaucracy. Some of the most senior bureaucrats within the South Australian Public Service were removed within weeks of the abortive attempt to reshuffle the cabinet.

Premier Rann is increasingly out of touch with community concerns, and increasingly shown to be without new ideas. The Liberal opposition has had to step up to the plate and provide leadership to the South Australian community in the absence of leadership from the government on issues such as desalination, the sports stadium, stormwater harvesting, ICAC and planning reform. These are all areas where the Liberal opposition has needed to provide leadership in the absence of government leadership. A clear pattern has developed. The Liberal opposition puts forward an innovative idea and the Labor government rejects (and even lampoons) the Liberal idea. The community embraces the Liberal idea, and Labor plays catch-up and tries to rebadge the idea as its own.

Clearly, the arrogance of the Rann Labor government has been evident right through this term. On the eve of the last election—in November, I seem to recall—the Premier announced that he was going to move to abolish this chamber. Yet, in spite of a very low vote for his party in the Legislative Council, the day after that election the Premier reiterated his intention. What arrogance! So, faced with a public which is not willing to go along with his constitutional vandalism, the Premier is setting about trying to dumb down the Legislative Council. It is a clear strategy of this government to try to reduce the relevance of this council.

It was noticeable recently that there were a number of senior portfolios removed from the Legislative Council, in particular, the sacking of minister Holloway as the police minister. We also see the white-anting of this chamber by the government in the way that it is handling question time. Government ministers seem to go out of their way to avoid answering a question or, when they get a question from a government member, take the opportunity to read a media release verbatim.

The government is also attempting to undermine the role of this council in terms of its legislative review function. We saw that in its mismanagement of bills such as the serious and organised crime bill, the WorkCover bill and, more recently, in its arrogant response to the victims bill brought forward by the Hon. Mr Darley. I would certainly hope that the notice that Mr Darley gave today of a new bill will give the council an opportunity to provide real leadership on victims' rights rather than having to contend with the petulance of this government.

Further, the government is undermining the work of this council in terms of its work on committees. I am concerned that there seems to be a growing lack of cooperation from government members on committees, and I would make it clear that the opposition will be holding the government accountable. Once this council has made a decision to form a committee and appoint members, it is incumbent on all members to make themselves available and cooperate in the professional dispatch of the responsibilities given to the committee by this council.

As for the Liberal Party, we take this chamber very seriously. We have always believed in bicameralism. We will do what we can to ensure that this council continues to evolve and be a very relevant contributor to the life of the state of South Australia.

I will now address some remarks to some issues for which I have spokesperson responsibility within the opposition. I take the opportunity to commend the broad community effort which has led to the current progress on some key indicators in road safety. Road safety is a whole community effort, and the community is showing its commitment. More recently, we have had some bad weeks. We should not panic. We should redouble our resolve and do everything each of us can to reduce the risk on the roads.

However, we should not be overly focused on this week, last week, or even this year. What we should be committed to is long-term progress over decades. Since the 1970s the South Australian community has shown demonstrable progress in reducing the road toll. The South Australian Road Safety Strategy, which the government has released, highlights the range of factors which will contribute to a long-term sustainable reduction in the road toll. Interestingly, it suggests that 22 per cent of those measures relate to driver behaviour, 30 per cent relate to vehicle improvements and 48 per cent relate to improved road conditions.

So, in the context of the government's own data, it is concerning that it persists in allowing the road maintenance backlog to remain unaddressed. The RAA estimates that the current backlog is $200 million, compared with the government's $27 million contribution to road surfacing and rehabilitation. We believe that it is important for the government to do what it can in a broad-based strategy to reduce the risks on our roads. Progress on the road toll without significant investment in roads is very unlikely.

I turn now to the area of emergency services. I was disappointed that the speech prepared by the government for the Governor made no reference to the Fire and Emergency Services Act. On 8 May 2008, the then minister (Hon. Carmel Zollo) made a ministerial statement on the report of the review of the Fire and Emergency Services Act. She indicated:

> …the legislative changes arising from this review, and those that flow from the Bushfire Management Review and the Wangary inquest about bushfire mitigation and prevention, will be brought before the parliament in a timely manner.

However, in the Governor's speech, which outlined the legislative program of the government for this session, which takes us up to the 2010 election, there was no mention of that legislation. The opposition calls on the government to consult and bring the bill before the parliament at the earliest opportunity.

In particular, we have concerns that the government will not take the opportunity to give the South Australian Fire and Emergency Services Commission an appropriate role. The government states that it is committed to a three services approach, but so much of what it is doing seems to be moving towards integration. There is concern in the sector that SAFECOM is unduly controlling emergency services and intervening in their operation. For example, there was the recent case of the Port Lincoln Fire Station.

The member for Flinders—an excellent member of the House of Assembly—raised her concerns about the Port Lincoln Fire Station, and I understand that she did so most recently in a submission to the Public Works Committee on 31 July. She highlighted the concerns of the Port Lincoln city council in relation to the land which was proposed to be used for the SES and CFS facility and which would reduce the capacity for new tennis courts and not allow for associated facilities. In particular, in relation to emergency services outcomes, the honourable member said:

> While the location of the proposed combined facility is considered roughly 'central' within the town, this creates problems in emergency situations and will not necessarily be 'central' when the road is cut and relocated further around to enable the marina to expand. CFS and SES volunteers will have to pass at least one school, possibly two, cross a railway or pass over a bridge to even get to this location at Kirton Point. Once assembled, they will then have to go to the emergency which, if it isn't close by, will mean having to traverse the same set of hurdles in reverse to leave the area. The potential difficulties and delays that will be encountered if an emergency occurs around 8:30am or 3:30pm on a school day as children, parents and buses are leaving the school, kindergartens or child care centre could be crucial.
>
> The freight railway line and Stevenson Street, the major road to the wharf precinct, dissect Kirton Point from the rest of the city. Stevenson Street passes between the school and kindergarten and the proposed emergency services site. This route is used by the fishing industry to access the wharf from factories on Proper Bay. The area is also extensively used by various fishing industries to and from the Marina.

She continued:

> The site where the proposed emergency services centre is to be located is on the major route for the swelling number of families living in the marina area—all accessing the city precinct and using the facilities.

In conclusion, the honourable member stated:

> I live in Port Lincoln and I know many of the dedicated members involved with the emergency services, particularly volunteers in SES and CFS. These volunteers, who live and work in this community, know what they want. However, they are being dictated to by their metropolitan bureaucratic hierarchy.
>
> It makes no sense to local people to have communication towers on an ongoing 'costly' rented site well away from the operational and training centres with no room for future expansion. I urge the committee to take these concerns into consideration before approving the Port Lincoln fire station.

The concerns that the honourable member highlighted also relate to the fact that the CFS and the SES are responsible for servicing the area to the west and north of Port Lincoln, beyond the built-up area. So, to have the facility on the eastern side of the built-up area means that the CFS and the SES will need to travel further to get to the facility and to the site where they need to respond.

The concerns that SAFECOM has been driving this project, rather than the services themselves, was highlighted by the fact that it was the Commissioner for Fire and Emergencies—the head of SAFECOM—who came out and pre-empted the Public Works Committee by saying that the project would be going ahead.

As an observer, my impression is that this drive for a combined MFS-SES-CFS facility has not been initiated by the services themselves; it has been initiated by SAFECOM. The opposition expresses its severe concern that, if the bureaucracy is interfering with the operational decisions, we would want the chief officers of the MFS, CFS and SES to be able to decide what is in the best interests of their sector and to deliver the outcomes that they need to deliver to their service areas without bureaucratic interference.

To be frank, I have concerns about the title itself. To call the Commissioner for Fire and Emergencies a bureaucrat suggests an operational role which is not an appropriate role for the head of SAFECOM. Most recently, we have also seen the despicable act of the leaking of a performance review in an attempt to damage the chief officer of the CFS. We believe that that was either a bit of petty jealousy being displayed between Labor ministers or a power grab, a political move, by SAFECOM. We indicate that we note the widespread sector support for Euan Ferguson, and we are much more inclined to take the word of CFS volunteers than the word of any Labor minister.

I also express my concerns about the bureaucracy of SAFECOM. After all, SAFECOM increased its budget by 30 per cent since 2005-06 and it has increased its staff in the past financial year by 18 per cent. In contrast, the SES has managed only a 4 per cent increase in its budget. We have seen in a number of appointments to advisory boards, and so forth, that there is a clear shift—a moving away—from volunteers towards professionals and from operational staff towards bureaucratic sources of advice. The South Australian community wants its emergency services to be professional and supported. It does not want them to be bullied by bureaucrats. The Liberal opposition will be doing all it can to make sure that the CFS, MFS and SES remain controlled by their chief officers, not by the bureaucracy.

I would also like to take the opportunity to highlight my concerns about the constant statements made by the government as an indication that the CFS and SES, in particular, are its services and that it owns them. I am not going to get into a debate about whether the ESL is a tax or a property charge, and whether governments can take the credit for the expenditure that they achieve by the taxes and property charges being collected. I think that in this context one does not even need to get into that debate. However, one needs to remember that the SES and CFS are basically volunteer services. In this context, I was interested to read a statement by the South-East CFS Acting Regional Commander, Dean Ludwig, in the *Border Watch* of 15 August 2008. He said:

> The government supplies the CFS with equipment, the station and training, but the reality is, it is the community that provides the fire service.

I think it is a very wise statement. After all, a fire service is not the equipment, it is not the station, and it is not the training; a fire service is fundamentally the firefighters. In that context, I think it is important for this council to affirm that the CFS and the SES volunteers own the CFS and the SES more than the government.

In that context, it made me think about the contribution that CFS volunteers make to the wealth of our state. It is interesting that the MFS 2006-07 budget totalled $90.8 million. Of that, $71.5 million was allocated to salaries; that is about 79 per cent of the MFS budget committed to salaries. In contrast, the CFS, being a volunteer service, of course had a much lower proportion of its budget committed to salaries—about 16 per cent, that being $8.5 million in a total budget of $54.9 million.

If the MFS and the CFS had a similar ratio of operational costs to staff costs, the CFS salaries budget would be $171 million. So, on the basis of trying to value the contribution of CFS volunteers, it could be as high as $171 million. Another way might be to look at the operational hours reported in the CFS annual reports, and so forth, and value them at SA average weekly earnings. My understanding is that the latest figures show that CFS volunteers provided 172,770 operational hours and 207,500 'other' hours, which I understand would include training and the like. If you devalue that at South Australian average weekly earnings, you are talking about a contribution of $41.1 million. I am sure that the Hon. Carmel Zollo would agree with me that the South Australian community is indeed indebted to the volunteers in both the CFS—

The Hon. Carmel Zollo: Have I ever suggested otherwise?

The Hon. S.G. WADE: And she has never suggested otherwise. Clearly, in spite of the rhetoric, Mr Ludwig is right: the community provides the fire service.

Moving to correctional services, this is probably an area where the honourable minister and I will beg to differ, having had a brief moment of consonance. In relation to prison overcrowding, the opposition is vigorously opposed to the Rann government's 'rack, pack and stack' approach. On its own budget figures, it is clear that it is not able to properly manage the prison system. In spite of years of developing its legislative program or criminal law regime, the government has not been able to properly forecast and manage prison population services and responsibilities such as work, education and rehabilitation, which are declining.

Since 2005-06, the proportion of prisoners with work is down almost 20 per cent. If the government wants to have lazy prisoners, who are idle and perhaps more and more likely to be frustrated, that is the minister's call. Only 43 per cent of education programs were completed, and rehabilitation deliverables are either stable or falling, while the prison population is increasing rapidly at 24 per cent in the past financial year.

ROGS shows that the percentage of prisoners employed in fee-for-service industries has fallen by 12.6 per cent in the past five years, leaving South Australian prison employment rates below the national average.

The Hon. Carmel Zollo interjecting:

The Hon. S.G. WADE: The minister might be tempted to be disorderly and suggest that that is why we are building a prison. All I would say to the minister is that she has been in government for six years. Why would the government not plan the prison, get the prison on track and open these facilities ahead of the prisoners turning up? If the government is really suggesting that, when it passed these laws in the first years of its government, it did not envisage that anyone would be imprisoned because of them, why did it bother putting them in in the first place? The incompetence of the government in its management of the prison system is appalling.

Perhaps the most stunning achievement of this minister in recent times is that in the past month she has managed to have the annual average escape rate in two weeks.

Clearly, the government cannot manage security, it cannot manage accommodation, it has the most over-crowded prisons in Australia and it has also managed to have the highest remand rate of any state in Australia. It is interesting that the government continues to pirouette like a ballet dancer in relation to the sex offenders program. In June we had the minister rejecting Commissioner Mullighan's recommendation for an expansion of the sexual offenders program. They have been shamed into action by the opposition, members of the community and the media. The government demonstrated that it is out of touch and has reacted to that by expanding the program.

What we are now beginning to learn over time is that it has not actually expanded the program by an investment of new money: all it has done is shifted resources around. What the minister is not willing to tell us is where they have come from. There are concerns in the sector that the resources have come from other programs, in particular, community programs. We will be very keen to follow that up to make sure that that has not happened.

I do not propose to dwell on disability services this afternoon because I will be taking the opportunity of a notice of motion in private members' time to address some of our concerns in that regard. In conclusion, I will reiterate my thanks to the Governor for his speech and for his service to the state. I express my disappointment that this government has not been able to refresh itself, in which case it should pass the baton to a team that is better able to govern this state. The Liberal opposition is doing everything it can to develop a regime for government which will win the confidence of the South Australian community, and I commend the motion to the council.

The Hon. M. PARNELL (16:13): In supporting the adoption of the Address in Reply, I want to focus today on water, and in particular water security, for Adelaide. In his speech, the Governor referred to a number of initiatives and, in particular, the 50 gigalitres desalination plant that is proposed for Port Stanvac and also the doubling of capacity of reservoirs in the Mount Lofty Ranges.

When they were first announced, the big ticket items were estimated to cost respectively $1.4 billion for the desalination plant and $1 billion for the Mount Bold reservoir expansion. Those estimates, as I understand it, are going up all the time, so we are now looking at probably more than $2.5 billion of investment, perhaps up to $3 billion. It would seem to me, when we are expending such large amounts of money (and, as the Governor said in his speech, the largest infrastructure investment in the state's history), that a great deal of analysis and research would have been done to determine whether we were spending this money in the most efficient way possible.

However, it is a surprise to me—and it would be a surprise to most South Australians—to realise that that analysis has not been done. The government has not gone through the different options for water security and comprehensively evaluated them against social, economic and environmental criteria. So, in that vacuum, I privately commissioned a study and asked consultants to do the task that the government should have done. I asked consultants to go through all the different options for water security—be it demand management, desalination, wastewater reuse, aquifer use, expansion of reservoirs or reliance on the River Murray. I asked the consultants to rank them according to criteria based on economic, social and environmental factors.

I was very pleased, a couple of weeks ago, to publicly release the Report on Sustainable Water Options for Adelaide undertaken by Sustainable Focus and Richard Clark and Associates. The report did get some very favourable attention in the community when it was released. I thought I would outline some of the thinking behind the report because I think it highlights the government's lack of attention to detail when it comes to providing genuine and sustainable water security.

I asked the consultants to look at some sustainability criteria. They looked at all of the different possibilities for providing water security. They looked first of all at all of the different possibilities for providing security. First, they looked at the reliability of services; in other words, how reliable was each particular source of water.

Next, I asked them to look at affordability, that is, affordability in terms of infrastructure and ongoing costs. I asked them to look at how quickly different water security options could be brought onstream, because we do need action fast. I asked them to look at the impacts on human health because not all water sources are currently fit for human use and need treatment. I got them to look at whether a particular source of water would have an additional benefit of protecting us from flood damage. We looked at upstream and in-stream environmental impacts (such as the impact on biodiversity) and also we looked at downstream environmental impacts (such as the impact on a marine environment from the discharge of waste or polluted waters). Lastly, I asked them to look at the greenhouse implications of each form of water security.

When it came to weighting each of those criteria, I asked them to put triple weighting on the economic criteria. The Greens are always looking for sound economic policies, and we wanted to make sure that affordability was given a suitable ranking. That exercise showed that the options the government is embracing as the solution to Adelaide's water security problems turned out to be the lowest ranking, while desalination was towards the bottom of the list and expansion of the reservoirs in the Mount Lofty Ranges was right at the bottom of the list.

One of the things that struck me in this report was that there were two features of metropolitan Adelaide that should inform our water security choices, but they have been largely ignored by the government. It was a surprise to me (and I am grateful to the consultants for pointing it out) to learn that two unique factors set Adelaide aside from other cities. The first is the risk we have in respect of flooding. Most people would recognise that Adelaide has lower rainfall than many other capital cities, and people would also be aware that, with climate change, there is a prediction for an overall decrease in rainfall. However, what people often do not realise is that the particular topography of Adelaide, the nature of our soils, and the way in which we have developed the metropolitan area on the Adelaide Plains puts us at very serious risk of flooding. For example, if Adelaide were to experience a rainstorm event of the proportion that occurred in February 1925, where 125 millimetres of rain (5 inches in the old speak) fell over North Adelaide in just three hours, it would cause horrendous flooding right throughout the metropolitan area.

So, that is the first factor we have to take into account. The lesson that comes from that is that any measure we can introduce that helps us to gain water security for Adelaide and, at the same time, deals with this risk of flooding is a win-win situation, and I will come back to the water security measures that do address both flooding and water supply needs.

The second factor that most people ignore is that Adelaide is built over a very extensive system of aquifers. Whilst the total extent of these aquifers is not known, what is generally accepted by hydrologists is that the capacity of these aquifers to store water is estimated to be tens of times greater—or even hundreds of times greater—than the capacity we have to store water in the reservoirs in the Mount Lofty Ranges. If you put those two things together (that is, we are a city at risk of flooding and we have these massive networks of underground water reservoirs that we could be using), the solution is literally under our feet.

It is probably of no surprise to members that, when the consultants did the ranking (and we asked them also to determine how much water we could get from each of these water solutions), one of those that came out on top was stormwater harvesting. The consultants concluded that it offered a cost-effective water supply option; and it provided very significant downstream benefits in that it kept that polluted stormwater out of the marine environment, where it kills the sea grasses and mobilises sand. One of the impacts of that is that we had to spend $2 million or more a year moving sand up and down the beach because we have so interfered with the natural systems.

The consultants estimate that we could provide 60 gigalitres of water to Adelaide each year with effective stormwater harvesting of the same type that is currently undertaken in Salisbury council, where they capture the stormwater, treat it in wetlands, pump it into underground storages and then draw it out later on for use. So, we could have 60 gigalitres, which is more than the desal plant is proposed to deliver, and it will be cheaper—cheaper per litre, cheaper upfront capital cost and cheaper running costs—yet the government seems oblivious to using stormwater. The Treasurer will make some glib comment, such as 'We looked at it, and it doesn't stack up.' Well, I would like to see the government report that states that spending $1.4 billion (or maybe it is now $1.5 billion) on a desalination plant that will provide less water than effective stormwater

harvesting, and I would like to know whether it has been through this rigorous process the government pretends it has.

On top of the list, of course, is something we always ignore when we look at supply site options, and that is looking at the demand side (that is, demand management). It is the most cost-effective way of stretching the water resources we already have. As I have said, towards the bottom of the list is desalination and expanding the capacity of Mount Bold. The Mount Bold proposal has been condemned by every conservation group in this state. It will be a disaster for the ecology of the Mount Lofty Ranges.

Desalination has a lot of support and is superficially attractive. It is a way of providing water that is independent of rainfall, but people forget that there is already sufficient rain falling on Adelaide which, if we were to capture it effectively, could meet all our needs. If we were to capture it before it becomes stormwater and reuse it when it goes through the waste stream, we would have more than enough water not only for our existing population but also for the growing population.

Another feature people often forget when it comes to water security is that some sources of water increase as population and the urban area expands: that is, wastewater and stormwater. The more our city grows the more we have hard surfaces such as roofs and roads, the more stormwater runoff we get and the more capacity we have to collect it. The larger the population the more wastewater we produce and the greater the capacity to recover and collect that water.

The Greens' position is not to be anti-desalination. We do not say it is a technology sent from the devil: it is an incredibly useful and valuable technology in appropriate locations and circumstances. There are few other options for remote communities over on the Nullarbor Plain, but is it a first resort option for Adelaide's water security? No, it is not: it should be a last resort option. The Greens' support for a desalination plant for Adelaide is premised on a number of factors that would need to be met for us to support it. First, there should be no negative environmental impacts. We know the brine discharge is likely to settle on the sea floor in a low energy gulf environment where it will damage marine organisms and, unless the government can guarantee no adverse environmental impacts, the prospect of a desalination plant in Gulf St Vincent is unacceptable.

The second factor that would need to be met before the Greens would support it is that we would have to power any desalination plant from 100 per cent new renewable energy. A few statements have been made recently that suggest that the government is thinking more about energy for desalination, but we still have no assurance that it will be 100 per cent new renewable energy. Another requirement for Greens' support is that the plant would need to be 100 per cent government owned and controlled, because the last thing we want is a white elephant desalination plant from which we are contracted to buy water, whether we need it or not, whether we are in a dry or wet year, and where we can be held to ransom by a corporation's profit motive rather than the desire of the community for genuine water security and water on our terms.

None of these things are stacking up at the moment, which is why we are not supporting the desalination plant at Port Stanvac until those conditions are met. There is a range of other actions that come out of the consultant's report which the government would do well to listen to, and certainly the Greens have paid attention to it and we will over the next session of parliament introduce measures that give effect to some of these solutions. For example, if we are to properly use the stormwater resource available to us we will have to make sure that greenfields developers set aside sufficient land to enable us to properly capture and treat that water.

Presently under the Development Act all that we require is that they provide open space, largely for parks; and, if it is a commercial development, maybe car-parking spaces are required of them, but we do not have anything in our development system that guarantees that sufficient land will be set aside by developers for water management. The great tragedy is that where sufficient land already exists, such as Cheltenham racecourse, the government misses the opportunity completely to take full advantage of that land. The areas the Greens say we should be focusing on are not just Cheltenham: the airport provides huge potential. At Oaklands Park the Marion council is keen to get stormwater management and recovery happening there. Mitchell Park and Camden Park are other locations.

We also need in relation to demand management to make sure that it is not just managing the demand of domestic consumers through water restrictions in the garden: also we need to ensure that we look at big business and its water use, and the Greens say that the government

should be introducing mandatory demand management schemes for commercial and industrial users. It would be another good start to dispense with the property-based charges in water and sewerage and move to a charging system based on the water people actually use.

If we look at how other jurisdictions have managed the demand for water, we see that in South-East Queensland they could get use of water down to as low as 120 or 130 litres of mains water per person per day. In South Australia we could get down to 140 litres. You would need to average it over a year, with less water in winter and more water in summer. There is great merit in allowing people the right to choose how to use their water and, if people want to use less water inside and more water outside growing their vegetables, we should not hamper their desire through crude water restrictions that do not give people any choice.

One of the surprises in this report for me was that domestic rainwater tanks, whilst rating higher than desalination plants and expanding Mount Bold reservoir, did not rank as highly as neighbourhood-wide or community schemes for capturing and reusing stormwater. The main reason is that economically it is very expensive up-front to put in rainwater tanks, yet they are still an important part of the solution, particularly mandated in new dwellings and plumbed into the house, because the capacity of a particular rainwater tank can be used many times over as the water is continually used in the house.

Rainwater tanks also have great educational value. People become more aware of where water comes from: it comes from the sky. If you have a rainwater tank, you know when it has been raining: your tank is full or it is empty. So, I think that there is still room for rainwater tanks in the solution. In fact, in the consultants' preferred mix of sustainable water options for Adelaide, they believe that we could get up to six gigalitres from domestic rainwater tanks. It is not as much as broad scale stormwater harvesting, where we believe we could get up to 60 gigalitres, but six gigalitres is a substantial amount of water.

The other point that I think needs to be made is that, if we are talking about water security, we need to look at sources that are secure. The River Murray is probably the least secure water option that we have available to us—not only in relation to its quantity, which we know is in serious trouble, but also its quality. Members will recall that probably five years ago there were predictions that the salinity of the River Murray would increase to a level where the water would be unfit for human consumption by, I think, the year 2050. That date has certainly been brought forward a great deal in recent times. So, we need to wean ourselves off the River Murray.

I do not subscribe to the view that Adelaide's reliance on the River Murray is what keeps the issue on the national agenda. I think that we can show people in upstream states that we are interested in preserving our unique ecology in the Lower Lakes and the Coorong, and that South Australia's push for sustainable water management in the Murray is not just about Adelaide's water supply and our metropolitan gardens. So, we can wean ourselves off the River Murray. The consultants have shown that, even with zero take from the River Murray, we can provide to metropolitan Adelaide more water than we currently use by going to these more sustainable options: demand management, stormwater harvesting and wastewater reuse.

I know that wastewater reuse is one of those difficult issues, and people are concerned about the 'yuk' factor. However well the water might be treated and however pure it might be in microbiological terms, people are still uncomfortable about drinking it. However, most of the uses of water in the metropolitan area are not for drinking, and we can use reclaimed wastewater for those other uses, whether it is parks and gardens, flushing toilets or other non-potable uses.

I think the government has missed the boat in relation to water security. I think the desire for silver bullets, big-ticket items and ribbon-cutting opportunities for the Premier have got in the way of a more sensible analysis of the whole range of options that are available to us. The take-home message from the report that the Greens commissioned is that we can be water secure. We do not have to have a desalination plant, we do not have to rely on the River Murray and we do not need to double the size of Mount Bold, and we will have more than enough water for all our uses. I support the adoption of the Address in Reply.

The Hon. J.S.L. DAWKINS (16:35): I rise to support the adoption of the Address in Reply. In doing so, I indicate my sincere gratitude for the manner in which the Governor delivered the opening speech on behalf of the government. I think that, since Rear Admiral Scarce has been appointed, he has filled the position in a very distinguished manner, and I am sure that everyone here would agree with that. I have appreciated the way in which the Governor has been supported

by his wife, of course, and also the new Lieutenant-Governor, Mr Hieu Van Le, who has performed his duties in a very distinguished manner.

I wish to take the opportunity to make a few comments in relation to some of the matters raised in the Governor's speech. Certainly, I note the comments that the Governor made about the River Murray and the southern Murray-Darling Basin. Of course, those issues have been high in the minds of South Australians for a very long time. Unfortunately, the impact of the situation with respect to that system has become worse, and I think we all understand that.

During my speech in the Address in Reply in May last year, I made some significant comments in relation to my concerns about the very dry conditions that have affected the Murray-Darling Basin over a number of years. The fact that we have failed to have significant run-off throughout that basin area for a very long time has had an immense impact on all the communities that rely on the rivers in that basin.

In particular, I think it is worth noting in the Governor's speech that he made a comment on behalf of the government about the fact that this current state government had first raised concerns about the River Murray and the southern Murray-Darling Basin in 2002. It may be appropriate to say that that was the first opportunity that the current government had to do so, but can I say that it was the former premier (Hon. John Olsen) who must be given credit for raising the issues of the River Murray with the eastern states, particularly in Melbourne and Sydney, to a high level much earlier than that. I think there is some general recognition of that across the political divide, and I think that ought to be put on the record.

In relation to the current situation with the River Murray and the Murray-Darling as a whole, I am particularly concerned about the impact on all the people who rely on the river in South Australia. Of course, we have heard a lot about the situation with the Lower Lakes and all the communities below Lock 1, and I have raised in this chamber previously the access limitations for residents of that area below Lock 1 as a result of the failure of the government to spend the relatively small amount of money to ensure that the ferries in that area can carry heavier transport vehicles.

I am concerned particularly about the people who rely on the river for their income in the Riverland of South Australia. Riverland producers and the community have always been resilient and positive. However, I have not seen the region under such stress throughout my life, and I have had a lifelong association with the Riverland. I cannot recall any other period when there has been such a widespread impact on horticulture and associated industries. This is highlighted by the large scale loss of permanent plantings. South Australia cannot afford to lose the permanent plantings along the river and the economic activity that they drive. A fresh COAG agreement, in my view, must be signed, in which all states must refer their constitutional powers to the commonwealth and a truly independent Murray-Darling Basin authority established to manage the river in the best interests of the nation.

In his speech on behalf of the government the Governor also referred to work modernising and upgrading South Australia's health infrastructure, and that made me think of some of the things that have been raised with me in recent times in country areas about health facilities. There has been a lot of controversy, as we know, about the government's country health plan, which I think was very poorly consulted on and not well thought through at all. One of the things that has become apparent is that, whether the health plan is amended or whatever processes come through for the health of country citizens of this state, the reality as we see it now is that, in many instances when people need more than basic elementary treatment, they are forced to go out of their country areas and head for Adelaide.

Last week I visited the Yorketown Hospital and spoke to a number of citizens of Southern Yorke Peninsula about their concerns that when people need more than the treatments available in that hospital on the bottom of Yorke Peninsula they are supposed to go to Wallaroo. Wallaroo is a fine facility, but many people, if they are directed from Yorketown to go to Wallaroo, instead of that, will just head around the top of the gulf towards the metropolis, and the first hospital they come to is the Lyell McEwin Hospital. Many of us in this chamber realise that in recent times the government has curtailed some of the activities at the Modbury Hospital, meaning that many people from the north-eastern suburbs are converging on the Lyell McEwin Hospital. You also have people from Yorke Peninsula and the Mid North coming to the Lyell McEwin Hospital. They cannot all fit there, and I think that is a problem that the government needs to address.

In his speech the Governor also made some reference to the government's $130 million redevelopment of the Glenside campus, and I want to briefly comment on that. You, Mr Acting President, and other members of this chamber, join me on the select committee that is looking at that redevelopment, and tomorrow I will move that the council notes the interim report that has been tabled in this place on behalf of that select committee. I will not delay the chamber now but, basically, the interim report calls on the government to establish a mental health research and training institute as part of its redevelopment plans for the Glenside Hospital site. The motion to bring down an interim report was moved by the Hon. Sandra Kanck and agreed to by the committee after it received evidence from Professor Robert Goldney, head of psychiatry at the University of Adelaide, and from the Royal Australian and New Zealand College of Psychiatrists, which both stressed the need for a local centre of excellence in the field of mental health. As I said, I will elaborate more on that tomorrow in the motion to note the report. However, it is important that that goes on the record in this Address in Reply debate.

In his speech, the Governor talked about transport issues, such as the electrification of the northern and southern rail lines and the fact that 20 extra buses per year will be brought into service over the next four years. He then referred to the 10-year transport program that will deliver new electric trains, converted and refurbished diesel to electric trains, new hybrid trams/trains, additional light rail vehicles and a new ticketing system.

I think we all know in this place that none of those programs will be rolled out in the near future, and certainly the electrification of the Gawler line (which I use regularly) will be significantly delayed. I think this is an appropriate time for me to relay the sincere views of a constituent of mine who is a regular user of the train line from Gawler to Adelaide and who is concerned that these programs that have been flagged are so far into the future that they just do not come anywhere near touching the issues that everyday commuters face on the public transport system in the city.

I will read some excerpts from a couple of emails sent to me by a constituent who lives in a small Lower North community and who obviously regularly catches the train from Adelaide to Gawler Central. On 8 September, he wrote:

I read the article in the *Bunyip* last week about your train trip to Gawler and back with Duncan McFetridge. I think you have done very well to be only 4 minutes late on one leg of the journey!!

As you are aware from our previous discussions and trips we have shared into Adelaide on the Gawler line, the punctuality of the Gawler line service can get a lot worse than 4 minutes overdue since the new time table was introduced on 27/4/08. In fact, my most recent two journeys this morning (8/9/08) and Friday night (05/09/08) illustrate the point.

- Friday evening, waited on the far end of platform 7 in Adelaide for the 5.07pm express to Gawler Central. At 5.05pm, an announcement was made that the train would be on the far end of platform 8. This of course means walking the full length of platform 7 and most of the length of platform 8 to be in the correct location. After a couple of minutes the express train pulls in and we board the train. It was about 5.10pm by this time. We look over to platform 7 to see in dismay the 5.10pm Gawler train pull out. This train is not express. Then, less than two minutes later, our train pulls out and subsequently has to crawl all the way to Gawler behind the 5.10pm train. When our train pulled into Gawler Station, the driver announced that the train was terminating and we had to get off and wait for the next express train. This arrived about 3 minutes later and eventually I arrived at Gawler Central 19 minutes after the scheduled arrival of 5.55pm. It was very poor scheduling and use of initiative to let the 5.10pm train leave before the 5.07pm train when both were sitting on the platform ready to go.
- This morning caught the 7.45am express train at Gawler Central. The train left on time, but on the initial part of the journey was moving very slowly due to a more frequently stopping train in front of it. By the time we got to Mawson Lakes the train was overcrowded and 6 minutes late. Things got worse from there pulling into Adelaide station 13 minutes late at 7.46, after sitting in the Adelaide rail yard for it least 6 minutes.

So on my last 2 journeys I have had trains that were 19 and 13 minutes late respectively. This is not the exception, but the norm and Pat Conlon needs to understand this. When people complain about late trains, they are not complaining about a one off mishap—it's every journey.

My constituent continued later in his email:

I have been catching the Gawler train since 1985 and never has the service been so bad. I am just wondering what minister Conlon would say if he went to the front of Parliament House on North Terrace to get in his ministerial limousine and it wasn't there and he had to wait 15 minutes for it to turn up. It would only happen once, I am sure. It is a case of different standards of taxpayer funded transport for different people.

That is where the first email concludes. I will continue with my constituent's email of 12 September, as follows:

Just as a follow-up to my previous emails and telephone conversations with you regarding the Gawler line train services, I would like to share with you the experiences of my last 2 journeys home of an evening and also to outline a number of other issues relating to train services not associated with running to the timetables.

Firstly, Wednesday evening (10/9/08) I caught the 5.22pm express service to Gawler Central. It arrived at Gawler station on time. Yet when we reached Gawler Central station we were 8 minutes late—arriving 6.16pm. This means that it had taken us 12 minutes to travel 2 stations instead of the allocated 4 minutes. We were waiting for the previous express train to clear from the single line to Gawler Central—a common problem in the new timetable.

I interpose to say that I think that is a moot point. When these timetables were devised and introduced back in April, not enough consideration was given to the fact that, when trains are running a bit behind time, there is a multiplier effect from Gawler Central because of the fact that it is only a single line from Gawler station. The email continues:

Secondly, Thursday evening (11/9/2008) I caught the 5.07 express train to Gawler Central. We arrived at Gawler Central at 6pm, five minutes late, or so I thought. However, when I got home and studied the timetable, I realised that there is an error in the times for the 5.07 train. It states that it arrives at Gawler Central at 5.55pm, it should be 5.53pm. If you look at the three evening express services they leave 15 minutes apart from Adelaide and are 15 minutes apart at all stations until they reach Gawler Oval. Then for some reason, the 5.07 takes four minutes to go from Gawler to Gawler Oval, whereas every other train in the whole Gawler timetable only takes two minutes! The implications of this are that they have cribbed two minutes, so arriving at 6pm appears to be within the allowed lateness of six minutes, but in fact if the timetable was printed correctly, we were in fact seven minutes late, which is deemed a late train!!! So I wonder if the lateness stats for this service have been based on the arrival time of 5.55pm or 5.53pm?? Has this error been noted by TransAdelaide? The timetables have not been reprinted since 27/4/08.

Having thought about my daily train experiences, there are a number of other issues and thoughts that I would like to talk about and pass on to you;

- Since the locking of inter-carriage doors last year, the PSA and security staff do not move from carriage to carriage during a journey unless they are directed to do a ticket check. My impression is that this has led to a decrease in security on trains as passengers are locked in carriages with no means to get assistance from staff—who generally stay in the back carriage. If you need help you have to wait to the next station and jump out and go back to the last carriage...if the train doesn't take off first!!
- I think because of the first point, there has been a large increase in antisocial behaviour on the Gawler line. People know that the staff stay in one carriage and don't generally change during the journey, so they simply get on a carriage where the staff are not. So the types of behaviour that are regularly seen are:
  - Excessive swearing—you don't need to watch Gordon Ramsay to catch the 'F' word.
  - Kids riding their bikes down the aisle of the train in peak hour
  - People getting on at the more northern stations with slabs of beer and six packs of mixers and then proceed to open and drink them. They are generally already inebriated and end up spilling at least one bottle or can on the floor, which everyone then has to walk through or move their bags because of liquid running all over the floor
  - General fare evasion because they know the staff can't get them. They only validate their ticket if they see the staff coming to the carriage;
- General safety and security on trains. On Friday evening of 27/06/2008 as the train was travelling between the Salisbury station and Nurlutta station at slow speed, a rock was thrown at the middle carriage, shattering the window. I was sitting next to the said window with my head very close to the window, the window shattered, the inside layer of the glass delaminated and I was covered with a very fine white glassy powder. As it was a 2000 series carriage, it only has a single sheet of glass, unlike the double sheets in the 3000 series. Someone must have notified the staff as they came into the carriage from the rear carriage at the next station, examined the damage—declared it to be unsafe and asked me and another gentleman to move to another seat. Interesting that on Monday morning we had the exact same train at Gawler Central with the same damaged window unrepaired. Trains being pelted by rocks is a regular occurrence each week on the Gawler line. This incident was too close for comfort.

I interpose again to say that, when I travelled on the train to Adelaide on Sunday afternoon, there was an enormous noise. I am sure that it was a large rock that was thrown at the train as it travelled between, I think, Munno Para and Smithfield. I will continue with my constituents email:

Graffiti. This is an increasing problem over the past couple of years. There's hardly a surface or fence along the whole line that is not covered with it. Some years ago there was a team of painters that continually went up and down the line painting over it in a short period of time as a deterrent. Now it just seems to build up and up and periodically some sections are cleared off. The area around Mawson Lakes and Dry Creek is disgraceful. I find it a very depressing start to the morning to see all the new vandalisation of property from the night before—let alone what impression it gives to visitors. Mawson Lakes station is a particular point. It seemed to be kept pristine for the first 12-18 months of its life as a showpiece, but now I can see the build up of graffiti here and there at the station and surrounds and it's not being cleaned off any longer. A new fence just before the station on the western side was completely covered in graffiti within a couple of days of it being erected.

I move a bit further down in my constituent's email where he talks more about the graffiti problem. He states:

It reflects what pride we take in our environs—the state of the Gawler train line definitely says something about how the state government feels about the northern suburbs!

- As a side issue, on Monday morning of this week on the journey in, I was watching two boys about eight or nine standing in the vestibule area near the doors excitedly looking out the windows from side and pointing. At first I couldn't work out what was so interesting, then I realised they were admiring the graffiti either side of the track on fences etc.—basically idolising it and those who produced it. Then the penny dropped—this is how the vicious cycle continues on—it won't be long and these two boys will be out there graffitiing objects because it is seen as a way to be 'cool'. This well illustrates the point that graffiti should be removed immediately to avoid attracting more and to stop impressionable people like these young boys seeing it and starting in the first place.
- Lack of ticket validating devices on the old 2000 series trains. Since the start of the new timetable the 2000 series carriages have been allocated to the Gawler Central express services. These generally only have one ticket validator per door entry. This is normally not a problem. But, for example, the 5.07pm service relies on another service arriving on time in Adelaide station to then become the 5.07 service. This never occurs in a timely fashion. So by the time it arrives at Adelaide station there is a full complement of 5.07 passengers waiting for it. When the doors open, the arriving passengers disembark, then the departing passengers try to get on. The result can only be described as a scrum. Because of the lack of seating everyone tries to get on as quickly as possible, they have to go to the validator machine which is in the wrong direction to the main part of the train (it's in the short end section), then once validating, have to fight against all the other boarding passengers that are trying to validate, to get back to the main part of the carriage. This creates a deadlock in the train vestibule and it takes many minutes for passengers to get on—making the train even later! From an ergonomics point of view there needs to be two validators or single validator carriages not be used on potential late running in and out services.

I put my constituent's comments on the record because I think he has covered a range of issues that I have seen myself on a variety of different train services on that line. He is probably different to me in that I expect he catches the trains in a much more regular pattern in the morning and afternoon than I do. But, certainly, most of the instances he has referred to in his emails are familiar to me.

There is no doubt in my mind that the government needs to have another look at the timetables that were brought in earlier this year. I think that TransAdelaide and the government sincerely hoped that these new timetables would fix the problem of trains running late and the vast overcrowding in many carriages. Unfortunately, I think it has had an opposite effect, and both areas and other areas of security and concern have become worse since 27 April. I implore the government to have a look at that issue. I understand that there are similar issues in many other parts of Adelaide with buses and trains where the new timetables have not worked in the way that it was hoped. I think they should make major changes to those timetables.

The last area that I wish to speak to in relation to the speech delivered by the Governor on behalf of the government deals with references he made to the northern suburbs, particularly the establishment of a ministry for the northern suburbs. I congratulate the Governor on his involvement in the northern suburbs since his appointment. He was at the Playford Pathways launch, the conference and the subsequent ball earlier this year. He is very proud of the fact that he came from the Elizabeth area, and he is very keen to do all that he can to encourage many young people in that area to achieve great things.

I was also pleased to see His Excellency take a strong role in the Northern Community Summit, which was held early last month on 1 August (I think) at which many people from the northern suburbs came together to discuss the way in which that whole area can be advanced. I was pleased to attend the summit for the entire day. As is the case with a lot of those events, some people attending were concerned that it would be just a talkfest, and I confess that I may have gone there with that thought. However, I commend the people with whom I dealt on the day for the sincerity that they put into the summit. I think there was a general view that those who were there wanted to see some action.

I was initially concerned that a fair bit of emphasis would be placed on the community group, Northern Futures, to put into action a lot of the initiatives put forward by the summit. One of the people involved that day told me that they were on Northern Futures as a volunteer, as were most of the other people, and that they were all busy people who really did not have time to action these suggestions.

I note the fact that the government announced just prior to that summit the appointment of the Minister for the Northern Suburbs. He also announced on that day that a government office called Northern Connections will be opened to represent the Minister for the Northern Suburbs, and that will be, I understand, in the Elizabeth City Centre.

A number of us will remember the situation in earlier days when we had a Minister for the Southern Suburbs but no Office for the South, and we had an Office for the North, but no minister. That always seemed a bit weird to me. However, we had an Office for the North which was situated in Edinburgh Parks but was seen to be not very accessible to many of the people in that region. That office has been closed for some time. I do sincerely hope that the Office for the Northern Suburbs (or Northern Connections, as I think it is going to be called) will work with the community in that area to advance the area and to assist in making sure that the wide-ranging initiatives suggested at the summit are put into action.

I commend the University of South Australia, which convened the summit, for putting out a report which I received in the past few days. I think it has done very well to put that report out as quickly as it has. However, here again, it is a number of pieces of paper and I think the people of that region are very keen to see something other than a document that might gather dust, which we have all seen in relation to many other issues over the years.

It is relevant that I talk about the northern suburbs because, for some time, I have been a member of the Playford Partnership Elected Members group. I commend the City of Playford for ensuring that there are members of both major political parties in that group. I have enjoyed the work there. One of the things we have really encouraged in recent times is to make sure that all the individuals and all the non-government organisations and government agencies are working towards the same causes and the advancement of people in the northern suburbs—that they actually do not work in silos and that they know who else exists in the area, and we try to avoid any overlapping of effort—and overall impact, I suppose. As a member of that group, I have been keen to make sure that that happens and I will continue to encourage that action.

I have a little bit of added weight in doing that because the leader, Mr Martin Hamilton-Smith, has today asked me to take on the role of parliamentary secretary to him for the northern suburbs. I am very pleased to do that, and I look forward to providing an alternative voice for the northern suburbs. As I said, I enjoyed contributing to the recent Northern Community Summit and have a long-standing commitment to the northern part of Adelaide. I was pleased that the Rann government created this ministry. Unfortunately, it seemed to follow the remarks of Jimmy Barnes in the *Sunday Mail,* and some of the other negative articles that followed his comments about the area in which he grew up.

The northern suburbs are renowned for the high level of volunteer commitment from an array of community and sporting organisations. It is an area that is also well served by a variety of non-government organisations and agencies which are devoted to the advancement of the area, particularly in relation to employment and education issues. In my new role I look forward to building my existing networks, creating new ones and working with the local community to ensure that the northern suburbs receive the strong advocacy they deserve.

I thank the council for the opportunity to make some remarks in reply to the speech delivered in opening the third session of the 51st parliament of the state. Again, I thank the Governor for the role that he plays in the democracy that serves this state so well. In conclusion, I must say that one of the great features of that democracy that serves this state so well is that it is a bicameral one—and long may that remain.

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

CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:16): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill aims to encourage food businesses, as well as private individuals, to donate safe surplus food to charity. Everyone knows that, every day, food businesses throw away quantities of good food that they have been

unable to sell. Although we cannot be certain, the Government thinks that an important factor in causing businesses to dispose of food rather than donate it is the fear of legal liability, should a consumer suffer ill-effects.

The Government would like to remove that disincentive, in the hope of encouraging businesses to choose to donate safe, surplus food to the many charities ready to distribute it to those in need. A similar initiative in Victoria has substantially increased food donations, through the organisation One Umbrella. New South Wales has also now provided food-donor protection.

Accordingly, this Bill proposes to give legal protection to food donors rather like the legal protection we already give to good Samaritans. Our law already says that a good Samaritan who comes to the aid of another in an emergency is not legally liable for any harm, as long as the good Samaritan was acting in good faith and without recklessness. In the same way, this Bill would protect a food donor from liability, as long as, at the time the food was donated, the donor neither knew the food to be unsafe nor was reckless about this.

Fears have naturally been expressed about the risk of dumping unsafe food on charities as a cheap, risk-free alternative to other disposal. The Bill guards against that risk, in that if the person knew the food was unsafe, or was reckless about its safety, legal liability remains. There is therefore a basic obligation on the donor not to donate food that the donor knows or should know is unsafe. The Bill is not a licence to take risks with other people's health.

The Government has consulted the charitable sector through the peak body, SACOSS, which now supports the Bill. The Government has agreed to keep the new law under review in light of any evidence that SACOSS or others may gather about the effects of the Bill. Accordingly, the Bill includes a clause providing for a review after two years. We have also promised that food-safety information will be made available to charitable distributors of food so that they can adequately protect the recipients.

I wish to thank the Law Society for its enthusiastic support of this measure. I acknowledge, in particular, the work of the Society's New Lawyers Committee, which was instrumental in formulating this proposal and in securing the support of SACOSS. I also acknowledge the support of Restaurant and Catering S.A., which indicates that it expects the Bill substantially to increase donations by the restaurant and catering industry.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Civil Liability Act 1936*

4—Insertion of Part 9 Division 11A

This clause inserts a new Division as follows:

Division 11A—Food donors and distributors

74A—Food donors and distributors

This new section protects a food donor or distributor from civil liability for loss of life or personal injury arising from consumption of food donated or distributed, except if the donor or distributor knew or was recklessly indifferent to the fact that when the food left his or her possession or control it was unsafe within the meaning of the *Food Act 2001*.

A food donor or distributor is one who, acting without expectation of payment or other consideration and for a charitable or benevolent purpose, donates or distributes food with the intention that the consumer of the food would not have to pay for the food.

The provision requires the Minister to report to Parliament on the operation of the provision over its first 2 years.

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

STATUTES AMENDMENT AND REPEAL (TAXATION ADMINISTRATION) BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:17): I move:

That this bill be now read a second time.

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

Leave granted.

The *Statutes Amendment and Repeal (Taxation Administration) Bill 2008* makes amendments to a number of Acts which are consistent with the Government's target of a reduction of at least 25 per cent in red tape for business by mid-2008.

The Bill amends the *Stamp Duties Act 1923*, the *Payroll Tax Act 1971* and the *Land Tax Act 1936* to remove all redundant provisions.

The majority of the redundant provisions are being removed from the Stamp Duties Act, particularly in relation to provisions dealing with listed marketable securities. The changes will make the Act easier to read and reduce taxpayer confusion.

The Bill also amends the *Taxation Administration Act 1996* ('the TAA') to include provisions that provide an administrative framework to allow tax investigations to be conducted by taxation officers beyond State and Territory borders.

The streamlined and modernised reciprocal power provisions in the TAA will replace the provisions currently contained in the *Taxation (Reciprocal Powers) Act 1989* (the 'TRPA') and hence allow for its repeal.

The amendments will improve administrative efficiency for both industry and RevenueSA.

South Australia and Victoria are the only jurisdictions that retain independent reciprocal taxation powers legislation. Consolidating the provisions of the TRPA into the TAA is therefore consistent with the arrangements in place in other jurisdictions and will reduce the number of statutes with which practitioners are required to comply.

The benefits of the consolidation of investigatory powers in the TAA include greater inter-jurisdictional consistency, modernisation of the language and structure of the provisions, and have provided the opportunity to review and update statutory requirements.

Whilst the TAA is being opened up for amendment the Government has also taken the opportunity to amend an obsolete provision in the TAA that relates to how the market rate of interest is set in the Act.

The market rate of interest set by the TAA is currently linked to the rate applicable under section 214(8) of the *Income Tax Assessment Act 1936* of the Commonwealth, but the Commonwealth ceased publication of a market rate of interest under that section in 1999.

It has therefore been necessary for the market rate to be specified each financial year by the Treasurer in the Gazette which is administratively inefficient.

It is therefore proposed that the market rate of interest will now be legislatively tied to the average rate of the 90-day Bank Accepted Bill Rate prescribed by the Reserve Bank of Australia for the month of May preceding each financial year.

The Treasurer will still have the power to specify a different rate of interest by publishing it in the Gazette. The proposed change will provide an efficiency benefit for Government and certainty for taxpayers.

The Bill also amends the *Emergency Services Funding Act 1998* (the 'ESL Act') to align the administrative processes under the ESL Act with those contained in the TAA.

The ESL Act provides for the collection of funds for the provision of emergency services in South Australia.

RevenueSA is responsible for the collection of the fixed property component of the ESL Act with TransportSA the levy collector for the mobile property component. The changes in the Bill relate only to the fixed property component of the levy.

The administrative provisions of the ESL Act are deficient in comparison to the administrative provisions contained in the TAA which is used by RevenueSA to administer the other laws for which it is responsible. This has resulted in administrative inconsistencies between ESL administration and the remaining taxation legislation administered by RevenueSA.

Due to the lack of rigorous administrative provisions in the ESL Act, many issues have had to be dealt with by administrative practice, which although workable, is not the optimum approach as it does not provide certainty and transparency for levy payers.

The addition of robust administrative provisions into the ESL Act modelled on those in the TAA will also provide consistency for taxpayers in the administration and collection of land tax and emergency services levy which are both calculated based on the value and use of land.

The Bill therefore amends the ESL Act to include comprehensive administrative provisions, similar to the equivalent provisions contained in the TAA.

I will summarise some of the main changes contained in the Bill in this area.

The responsibility for the administration of the ESL Act is now placed with the Commissioner instead of the Minister which will allow the Act to be administered in a more efficient manner. By way of example, this will remove the need for the Treasurer to formally delegate powers and functions directly to staff rather than the more efficient approach of the Commissioner having this responsibility.

General refund provisions have been added to the Act which will give a legislative basis to existing administrative practice in this area and allow for equitable and consistent treatment of levy payers.

The addition of secrecy provisions will provide protection of confidential information relating to levy payers and will provide further consistency with the management of information obtained in the administration of legislation for which the Commissioner is responsible.

The amendments will also align the method for setting the rate of interest under the ESL Act to the method that will apply under the TAA. The interest rate set under the ESL Act relates to both interest imposed on unpaid levies and interest paid in cases where a levy payer is entitled to a refund of levy after a successful objection or appeal.

The ESL Act does not provide for the charging of a penalty in relation to unpaid levy and does not have provisions that allow for the investigation of unpaid levies. The addition of these provisions will allow consistency with the administration of land tax and will provide a more equitable system in respect of persons who pay the levy when it falls due and those that do not.

The Bill makes changes which will have a significant impact on the red tape faced by business and taxpayers when dealing with RevenueSA and the legislation it administers. The amendments streamline administrative provisions in a number of areas and in relation to the ESL Act, provide consistency, transparency and a legislative backing to current administrative procedures.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure is to commence on a day to be fixed by proclamation. Section 7(5) of the *Acts Interpretation Act 1915* will not apply to the amending Act (in case it is necessary to delay the commencement of certain amendments beyond the second anniversary of assent).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Emergency Services Funding Act 1998*

4—Amendment of section 3—Interpretation

This clause inserts three new definitions into the *Emergency Services Funding Act 1998*. An *authorised officer* is a person who is an authorised officer for the purposes of the taxation laws under the *Taxation Administration Act 1996*. This definition is required for the purposes of new investigation provisions to be inserted by clause 19.

A definition of *Commissioner* is inserted because the Commissioner of State Taxation is to be given a number of functions in relation to the administration of Part 3 Division 1 of the Act, which relates to the levy in respect of land.

Non-reviewable decision is defined by reference to new section 4, inserted by clause 5.

5—Insertion of section 4

This clause inserts a new section. Proposed section 4 explains the meaning of the term 'non-reviewable'. A number of new provisions to be inserted into the *Emergency Services Funding Act 1998* as part of this measure will include a statement that a decision under the provision is a non-reviewable decision. This means that no court or administrative review body has the jurisdiction or power to entertain any question as to the validity or correctness of the decision.

6—Insertion of heading to Part 3 Division 1 Subdivision 1

This amendment is to be made because it is proposed to divide Division 1 of Part 3 of the *Emergency Services Funding Act 1998*, which relates to the levy in respect of land, into five Subdivisions. Provisions in the first Subdivision will deal with the imposition of the levy.

7—Amendment of section 5—Land that is subject to levy

Section 5(1) states that an emergency services levy may be assessed by the Minister against all land in South Australia in respect of each financial year. As a consequence of the amendment made by this clause, responsibility for assessing the levy will be vested in the Commissioner for State Taxation instead of the Minister.

A reference to the *Local Government Act 1934* is updated so that the section refers instead to the *Local Government Act 1999*.

8—Amendment of section 5A—Application for aggregation of non contiguous land

The amendments made by this clause to section 5A are consequential on the Commissioner becoming responsible for assessment of the levy in respect of land.

9—Amendment of section 8—Land uses

This clause updates a definition of *Local Government Regulations*.

10—Amendment of section 12—Commissioner to keep assessment book

11—Amendment of section 13—Alterations to assessment book

12—Amendment of section 15—Liability for levy

The amendments made by clauses 10 to 12 are consequential on the Commissioner becoming responsible for assessment of the levy in respect of land.

13—Amendment of section 16—Notice of levy

Section 16 currently requires the Minister to serve a notice of the amount of the levy payable in respect of land for a financial year on the owner of the land. The section as amended will require the Commissioner to perform this function.

Section 16(2) lists matters that must be dealt with in the notice. Because provisions relating to interest and payment of a penalty levy are to be inserted into the Act, this clause amends subsection (2) by making it a requirement that the notice state the amount of any interest or penalty levy payable by the person.

14—Substitution of section 17

This clause deletes section 17 and substitutes a number of new clauses.

17—Refund resulting from assessment

Under this proposed section, the Commissioner is required to refund the amount of any overpayment that is revealed by an assessment of a person's liability to pay a levy or other amount under Division 1.

17A—Cancellation of assessment

This section authorises the Commissioner to cancel an assessment that has been made in error.

17B—Payment of levy into Fund

Section 17B is the same as current section 22, which is repealed by clause 19. The section has been moved so that it appears in new Subdivision 1 of Part 3 Division 1. The section as recast refers to interest and the penalty levy as well as the levy. The new section also provides for payment of any refund payable under the Division from money received in payment of the levy, a penalty levy or interest.

Subdivision 2—Refunds

17C—Right to apply for refund

Under this new section, a person may apply for a refund of an amount overpaid by the person. An application cannot be made more than five years after the person made the payment to the Commissioner.

If the result of determination of an application is that there has been an overpayment, the Commissioner must refund the amount of the overpayment.

17D—Form of application for refund

This section provides that an application for a refund must be made to the Commissioner in a form approved by the Commissioner.

17E—Commissioner may refuse to determine application until information etc provided

If a requirement has been made of an applicant for a refund under new Subdivision 5, which includes provisions relating to investigation, the Commissioner may refuse to determine the application until the applicant complies with the requirement. Such a refusal is a non-reviewable decision.

17F—Offset of refund against other liability

The whole or a part of an amount required to be refunded may be applied to meet an amount payable by the applicant or credited (with the applicant's consent) towards his or her future liability.

A decision under section 17F is non-reviewable.

17G—Windfalls—refusal of refund

Under this section, the Commissioner may refuse to make a refund if the amount of the levy, penalty levy or interest to be refunded has been passed on to some other person and the applicant has not reimbursed the other person for the amount passed on. A decision under the section is non-reviewable.

Subdivision 3—Interest and penalty levy

17H—Definition for Subdivision

This section provides a definition of *deliberate default*, a term used in new sections 17K and 17L. A deliberate default is a default to which Subdivision 3 applies (see below) that wholly or partly consists of or results from a deliberate act or omission by the person liable to pay the levy or a person acting on his or her behalf. The term includes a default to which the Subdivision applies where the person liable to pay the

levy, or a person acting on his or her behalf, deliberately failed to provide information to the Commissioner, or deliberately misinformed or misled the Commissioner, in relation to the person's liability to pay the levy.

17I—Defaults to which Subdivision applies

Subdivision 3 applies to a default consisting of a failure by a person to pay the whole or part of a levy that the person is liable to pay under Part 3 Division 1.

17J—Interest

Section 17J provides for the payment of interest where a default to which the Subdivision applies occurs or a person fails to pay a penalty levy.

If the amount of interest payable for the time being would be less than $20, no interest is payable. The section authorises the Commissioner to remit interest payable by any amount. A decision of the Commissioner to remit an amount of interest is non-reviewable.

The applicable interest rate is the sum of the market rate and 8 per cent per annum. The market rate is defined in section 26 of the *Taxation Administration Act 1996*.

17K—Penalty levy

Under this section, a penalty levy is payable when a default to which Subdivision 3 applies occurs. The penalty levy is payable by the person in default in addition to the amount of the unpaid levy.

If the Commissioner is satisfied that the default was not a deliberate default and did not result, wholly or partly, from a failure by the person, or a person acting on his or her behalf, to take reasonable care to comply with the requirements of the Act, a penalty levy is not payable.

If the amount of a penalty levy payable would be less than $20, no penalty levy is payable. The Commissioner may remit a penalty levy otherwise payable by any amount. A decision to remit a penalty levy is non-reviewable.

17L—Amount of penalty levy

The amount of a penalty levy payable in respect of a deliberate default is 75 per cent of the amount of the levy unpaid. The amount of a penalty levy in any other case is 25 per cent of the amount of the levy unpaid.

17M—Notification of penalty levy and interest and time for payment

Section 17M requires the Commissioner to serve notice of any interest accrued and any penalty levy payable on the person liable to pay the interest or levy. A penalty levy is to be paid by the person within a time specified in the notice. If the person fails to pay the whole or a part of a penalty levy within the specified period, the Commissioner may then serve on the person notice of interest accrued in respect of the failure.

Subdivision 4—Collection of levy

17N—Definition for Subdivision

In Subdivision 4, *levy* includes a penalty levy and interest.

17O—Recovery of levy as debt

Under section 17O, the Commissioner may recover the amount of an unpaid levy as a debt from the person liable to pay the amount.

17P—Joint and several liability

If two or more persons are jointly or severally liable to pay a levy, the Commissioner may recover the whole of the levy from them, or any of them, or any one of them.

17Q—Collection of levy from third parties

This section authorises the Commissioner to require the following third parties to pay an unpaid levy:

- a person from whom money is due or accruing or may become due to the person in default;
- a person who holds or may subsequently hold money for or on account of the person in default;
- a person who holds or may subsequently hold money on account of some other person for payment to the person in default;
- a person having authority from some other person to pay money to the person in default.

The section sets out requirements in relation to the written notice to be served on a third party required by the Commissioner to make a payment under the section.

17R—Duties of agents, trustees etc

Section 17R sets out a number of provisions that apply in relation to a person who has possession, control or management of a business or property of another person as an agent or trustee (or

in any other capacity) if obligations under Division 1 remain undischarged by the other person or will arise in relation to the business or property. The provisions that apply are as follows:

- the person must, as soon as and so far as is practicable, ensure that the obligations of the other person that remain undischarged are discharged;
- the person must, as soon as and so far as is practicable, ensure that all further obligations that arise under Division 1 in relation to the business or property are discharged while the person continues to have possession, control or management of the business or property;
- for those purposes the person must set aside (and, so far as necessary, liquidate) assets of the other person (or the other person's estate) to the value of any levy that has become or becomes payable and employ those assets in payment of the levy;
- if the person fails, without the Commissioner's written permission, to set aside, liquidate and employ sufficient assets for that purpose, the Commissioner may recover from the person as a debt the whole or a part of an amount that is assessed as being payable under this Division in relation to the business or property and remains unpaid, but the person will not otherwise be personally liable for the payment of the levy;
- the person is entitled to be indemnified by the other person (or out of the other person's estate) in respect of payments made or action taken under section 17R;
- nothing prevents the making of a payment to the person out of the assets, in priority to a levy, of any reasonable remuneration, charges and expenses to which the person would, apart from section 17R, be entitled in respect of the performance of the person's functions.

15—Amendment of section 18—Levy first charge on land

This amendment is consequential on the insertion of section 17N, which includes a definition that applies for the purposes of Subdivision 4.

16—Repeal of section 19

Section 19, which authorises the Minister to require a lessee or licensee of land to pay rent or other consideration to the Minister in satisfaction a liability for the levy in respect of the land, is redundant because of the insertion of section 17Q and is therefore to be repealed.

17—Amendment of section 20—Sale of land for non-payment of levy

The amendments made by this clause are consequential.

18—Amendment of section 21—Recovery of levy not affected by objection, review or appeal

Section 21 provides that the right to recover a levy is not suspended by an objection, review or appeal in respect of a valuation or the attribution of a particular land use to land.

The section currently provides that interest accrues on an amount to be refunded, and on an unpaid amount, in accordance with the regulations. The section as amended will set out the manner in which interest accrues and the interest rates applicable in respect of refunds and amounts payable.

19—Substitution of section 22

This clause repeals section 22, which is recast and inserted into Subdivision 1 as section 17B, and substitutes a number of new provisions. The clause adds two new Subdivisions to Division 1. The first relates to investigations while the second includes secrecy provisions.

22—Arrangements for payment of levy

Under new section 22, the Commissioner may extend the time for payment of a levy and may accept the payment of a levy by instalments. A decision of the Commissioner under the section may be subject to conditions.

22A—Decisions non-reviewable

This section provides that a decision under Subdivision 4 is non-reviewable.

22B—No statute of limitation to apply

This section provides that actions and remedies for recovery by the Commissioner of amounts assessed as being payable under Division 1 are not barred or affected by any statute of limitations.

Subdivision 5—Investigation

22C—Power to require information, instruments or records or attendance for examination

Under this new section, the Commissioner may, for a purpose related to the administration or enforcement of Division 1, require a person to provide information, attend and give evidence or produce an instrument or record. The Commissioner's request must be made by written notice.

A person who, without reasonable excuse, refuses or fails to comply the requirements of a notice, or to comply with any other requirement of the Commissioner as to the giving of evidence, is guilty of an offence. The maximum penalty is $10 000.

A requirement under the section is a non-reviewable decision.

22D—Powers of entry and inspection

This section sets out a number of powers that may be exercised by authorised officers for purposes related to the enforcement of Division 1. An authorised officer may—

- enter and remain on premises; and
- require a person on the premises to answer questions or otherwise furnish information; and
- require a person on the premises to produce any instrument or record in the person's custody or control (including a written record that reproduces in an understandable form information stored by computer, microfilm or other means or process); and
- require the owner or occupier of the premises to provide the authorised officer with such assistance and facilities as is or are reasonably necessary to enable the authorised officer to exercise powers under the Subdivision; and
- seize and remove any instrument or record on behalf of the Commissioner.

22E—Use and inspection of instruments or records produced or seized

An instrument or record produced to the Commissioner or seized and removed by an authorised officer may be retained for the purpose of enabling the instrument or record to be inspected and enabling copies of, or extracts or notes from, the instrument or record to be made or taken by or on behalf of the Commissioner.

An instrument or record required as evidence may be retained until relevant proceedings are finally determined.

22F—Self-incrimination

Section 22F provides that a person is not excused from answering a question, providing information or producing an instrument or record, when required to do so under Subdivision 5, on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

However, the section also provides that if the person objects to answering the question, providing the information or producing the instrument or record on that ground, the answer, information, instrument or record is not admissible against the person in criminal proceedings. The exceptions to this rule are proceedings for an offence with respect to false or misleading statements, information or records and proceedings for an offence in the nature of perjury.

22G—Hindering or obstructing authorised officers etc

Section 22G makes it an offence for a person to hinder or obstruct an authorised officer in the exercise of a power under Subdivision 5. It is also an offence for a person to, without reasonable excuse, refuse or fail to comply with a requirement of an authorised officer under the Subdivision. The maximum penalty is a fine of $10,000.

However, for a person to be guilty of an offence arising from the entry of an authorised officer onto premises, it must be established that the officer identified himself or herself as an authorised officer and warned the person that a refusal or failure to comply with the requirement constituted an offence.

Subdivision 6—Secrecy

22H—Relevant persons

Section 22H provides a definition of *relevant person* that applies for the purposes of Subdivision 6. A relevant person is a person who is or has been engaged in the administration or enforcement of Division 1.

22I—Prohibition of certain disclosures by relevant persons

This section prohibits a relevant person from disclosing information obtained under or in relation to the administration or enforcement of Division 1 except as permitted by Subdivision 6. The maximum penalty for a breach of the section is a fine of $10 000.

22J—Permitted disclosure in particular circumstances or to particular persons

Section 22J provides that a relevant person may disclose information obtained under or in relation to the administration of Division 1 in the following circumstances:

- with the consent of the person to whom the information relates or at the request of a person acting on behalf of the person to whom the information relates;
- in connection with the administration or enforcement of Division 1, a taxation law (within the meaning of the *Taxation Administration Act 1996*), the *Petroleum Products Regulation Act 1995*,

the *First Home Owner Grant Act 2000* or a law of another Australian jurisdiction relating to taxation; or

- for the purposes of legal proceedings under a law referred to above or reports of such proceedings; or
- to the holder of an office or a body prescribed for the purposes of section 78(d) of the *Taxation Administration Act 1996*.

22K—Permitted disclosures of general nature

This section authorises the Commissioner to disclose information obtained under or in relation to the administration or enforcement of Division 1 that does not directly or indirectly identify a particular person.

22L—Prohibition of disclosures by other persons

This section prohibits the disclosure of information by a person other than a relevant person. The person cannot disclose information obtained from a relevant person that the relevant person obtained under or in relation to Division 1 unless—

- the disclosure is of a kind that a person engaged (whether as an officer or employee or otherwise) in the administration or enforcement of this Act would be permitted to make under Subdivision 6; or
- if the person is the holder of an office or a body prescribed for the purposes of section 78(d) of the *Taxation Administration Act 1996*—the disclosure is made in connection with the performance of functions conferred or imposed on the person under a law of this jurisdiction or another Australian jurisdiction (including for the purposes of legal proceedings connected with the performance of such functions); or
- the disclosure is made with the consent of the Commissioner.

22M—Restriction on power of courts to require disclosure

This section provides that a court does not have power to require a disclosure of information contrary to Subdivision 6.

20—Amendment of section 27—Payment of levy into Fund

Section 27 provides that money received in payment of the levy in respect of vehicles and vessels must be paid into the Fund. The section as amended will add an exception so that money received in payment of the levy can be applied towards payment of any refund required to be paid under Division 2 instead of being paid into the Fund.

21—Substitution of section 31

This clause deletes the existing delegation provision and substitutes a new section that refers to the Commissioner as well as the Minister. The new section also authorises the subdelegation of a delegated power, function or duty.

This clause also inserts a new evidentiary provision. Section 31A applies section 115 of the *Taxation Administration Act 1996* for the purposes of the *Emergency Services Funding Act 1998*.

22—Amendment of section 32—Service of notices

23—Amendment of section 33A—Recouping money lost on aggregation of non contiguous land

The amendments made by clauses 22 and 23 are consequential on the Commissioner being given administrative functions in relation to the levy on land.

Part 3—Amendment of *Land Tax Act 1936*

24—Amendment of section 11—Minimum tax

Section 11 of the *Land Tax Act 1936* currently provides that if the total amount of land tax payable by a taxpayer in respect of a year would, apart from the section, be less than $10, no land tax is payable. This clause amends section 11 by changing the relevant amount to $20.

Part 4—Amendment of *Pay-roll Tax Act 1971*

25—Amendment of section 9 —Imposition of pay-roll tax on taxable wages

This clause amends section 9 of the *Pay-roll Tax Act 1971* by removing references to rates of pay-roll tax that no longer apply.

26—Amendment of section 11A—Deduction from taxable wages

This clause amends section 11A of the *Pay-roll Tax Act 1971* by removing references to prescribed amounts in respect of taxable wages that no longer apply.

27—Amendment of section 12—Exemptions

Clause 27 amends outdated references and removes some obsolete provisions.

28—Amendment of section 13A—Meaning of prescribed amount

The definition of *financial year* in section 13A is replaced so as to remove redundant historical information. Other redundant provisions are also deleted by this clause.

29—Amendment of section 18K—Interpretation

This clause substitutes a new definition of *financial year* so as to remove redundant historical information. Other provisions that no longer have any application are also removed by this clause.

Part 5—Amendment of *Stamp Duties Act 1923*

30—Amendment of section 2—Interpretation

This clause deletes a number of redundant definitions and amends other definitions to remove redundant references. The definition of *adhesive stamp* is to be removed by this clause.

31—Amendment of section 6—Denotation of duty

This clause removes a provision that refers to the denotation of duty by an adhesive stamp and is therefore no longer required.

32—Amendment of section 11—Appropriate stamp to be used

This clause removes a provision that relates to the denotation of duty by an adhesive stamp and is therefore no longer required.

33—Repeal of section 12

Section 12 deals only with adhesive stamps and is therefore repealed by this section.

34—Amendment of section 20—Time for payment of duty and stamping

Section 20(5) of the *Stamp Duties Act 1923* is recast so as to remove a redundant paragraph.

35—Repeal of section 29

Section 29, which provides that duty on an agreement not under seal may be denoted by an adhesive stamp, is repealed by this clause.

36—Amendment of section 60B—Refund of duty where transaction is rescinded or annulled

This clause removes a redundant provision from section 60B of the *Stamp Duties Act 1923*.

37—Amendment of section 71—Instruments chargeable as conveyances

This clause removes a reference in section 71 to section 90D because that section is to be repealed by clause 39.

38—Repeal of section 81A

Section 81A is another section that is relevant solely in relation to adhesive stamps and is therefore repealed by this clause.

39—Substitution of Part 3A

This clause repeals Part 3A, which consists of special provisions relating to financial products, and substitutes a new Part that retains only those sections of the existing Part that continue to be relevant.

Part 3A—Special provisions relating to financial products

83—Interpretation

New section 83 is based on current section 90A, with all redundant definitions having been removed.

84—Share buy-back

New section 84 is in the same terms as current section 90AB.

85—Exempt transactions

Section 85 provides that no duty is payable under the Act in relation to an exempt transaction. *Exempt transaction* is defined in section 83 to mean a conveyance (including a sale or purchase) of a quoted financial product made after 30 June 2001.

86—Financial products liable to duty

This section is in the same terms as current sections 90T and 90U.

Section 86 applies to a conveyance or conveyance on sale of a financial product only where—

the financial product is—

- a financial product of a company that, under the *Corporations Act 2001* of the Commonwealth, is taken to be registered in South Australia; or

- a financial product of a foreign company; or
- a unit of a unit trust scheme; and
- the conveyance is not an exempt transaction.

Section 86 provides that a conveyance or conveyance on sale of a financial product to which the section applies is only liable to duty if the financial product is—

- a financial product of a relevant company; or
- a unit of a unit trust scheme the principal register of which is situated in South Australia; or
- a unit of a unit trust scheme in relation to which no register exists in Australia and—
- having as the manager of the scheme a relevant company or a natural person principally resident in South Australia; or
- not having a manager but with a trustee that is a relevant company or a natural person principally resident in South Australia.

87—Proclaimed countries

Section 86 operates subject to this section. Under section 87, no duty is payable in respect of a conveyance or conveyance on sale of a financial product that is registered on a register kept within a proclaimed country. The section further provides that the Governor may, by proclamation, declare any country to be a proclaimed country.

Section 87 does not operate to exempt a transaction from duty under Part 4 of the Act (Land Rich Entities).

88—Transfer of financial products not to be registered unless duly stamped

This section is in substantially the same terms as current section 106A (to be repealed by clause 41), though certain changes have been made to take into account amendments made as part of this measure.

The section provides that a transfer of a financial product to which section 86 applies must not be registered by the corporation, company or society by which the financial product was issued—

- unless a proper instrument of transfer has been delivered to the corporation, company or society in which, in the case of a transfer by way of sale, the consideration for the financial product is expressed in terms of money and the actual date of sale and the date or dates of execution by the transferor and transferee are set out; and
- unless the instrument is duly stamped under this Act or is taken to have been duly stamped.

If financial products are transferred pursuant to a takeover scheme, the Commissioner may, on payment of the duty payable in respect of the instruments of transfer, denote payment of the duty on a statement in the approved form. If payment of duty is denoted on a statement, each instrument of transfer to which the statement relates will be taken to have been duly stamped.

After a transfer of a financial product has been registered by the corporation, company or society in this State, the instrument of transfer must be retained in this State by the corporation, company or society for a period of not less than five years.

If a corporation, company or society contravenes or fails to comply with a provision of the section, the corporation, company or society is guilty of an offence and liable to a maximum penalty of $10,000.

40—Amendment of section 106—Spoiled or unused stamps

This clause amends section 106 by inserting definitions of *stamp* and *stamped*. These definitions are necessary to make it clear that those terms when used in section 106 refer to unused adhesive stamps issued before the commencement of this measure.

41—Repeal of section 106A

Section 106A is repealed. New section 88, to be included in Part 3A (inserted by clause 39), is in substantially the same terms as section 106A.

42—Repeal of section 109

Section 109 prescribes a penalty for offences relating to misuse of adhesive stamps. The section also imposes a penalty in respect of fraudulent acts committed with the intention of evading duty payable under the Act.

The section is redundant because the offences relating to adhesive stamps are no longer required and it is an offence under section 59 of the *Taxation Administration Act 1996* for a person to evade or attempt to evade tax by a deliberate act or omission.

43—Amendment of section 112—Regulations

This clause revises and updates the regulation making power of the Act. Subsection (3), which requires regulations under the Act to be laid before Parliament immediately or within 30 sitting days, is removed so that

section 10 of the *Subordinate Legislation Act 1978* applies. That section requires that regulations be laid before each House of Parliament within six sitting days.

44—Amendment of Schedule 2—Stamp duties and exemptions

Schedule 2 of the *Stamp Duties Act 1923* sets out rates of duty and lists some exemptions from specific types of duty. This clause amends Schedule 2 by removing exemptions that are no longer required and updating obsolete references.

Part 6—Amendment of *Taxation Administration Act 1996*

45—Amendment of section 3—Interpretation

This clause inserts a number of new definitions into the interpretation provision of the *Taxation Administration Act 1996*.

Recognised jurisdiction means the Commonwealth, another State or a Territory. *Corresponding Commissioner* is defined in relation to a recognised jurisdiction in which a corresponding law is in force and means the person responsible for administering the corresponding law or a person holding a position in the administration of that corresponding law which corresponds to the position of the Commissioner of State Taxation. A *corresponding law* is a law of a recognised jurisdiction that—

- corresponds to a taxation law; or
- is declared by the Governor to be a law corresponding to a taxation law.
- 46—Amendment of section 26—Interest rate

This clause amends the definition of *market rate* in section 26 of the Act. The definition currently refers to the rate applicable from time to time under section 214A(8) of the *Income Tax Assessment Act 1936*. As amended, the definition will refer, in relation to interest accruing at any time during a particular financial year, to the average rate of the daily 90-day Bank Accepted Bill Rate prescribed by the Reserve Bank of Australia for the month of May preceding the financial year (rounding up 0.005 to 2 decimal places).

47—Amendment of section 63—Commissioner may perform functions under laws of other jurisdictions

Section 63 as amended by this clause will authorise the Commissioner to perform functions on behalf of a corresponding Commissioner.

48—Amendment of section 66—Delegation by Commissioner

This clause amends section 66 to authorise the Commissioner to delegate any of his or her powers or functions under the *Taxation Administration Act 1996* to a corresponding Commissioner for the purposes of a corresponding law. The section as amended also provides that a corresponding Commissioner may make a further delegation if the instrument of delegation so provides.

49—Repeal of section 69

Section 69 of the *Taxation Administration Act 1996*, which deals with the personal liability of taxation officers, is no longer required and is therefore repealed by this clause. The section is not required because section 74 of the *Public Sector Management Act 1995* provides an immunity from civil liability for public sector employees.

50—Insertion of Part 9 Division 2A

This clause inserts a new Division dealing with investigations under corresponding laws.

Division 2A—Investigations under other laws

76A—Investigations for the purposes of corresponding laws

Section 76A authorised the Commissioner, by agreement with a corresponding Commissioner of a recognised jurisdiction, to—

- authorise the corresponding Commissioner to perform or exercise a function or power under the Division of the Act relating to investigation (Part 9 Division 2) for the purposes of a corresponding law in force in the other jurisdiction; or
- perform or exercise a function or power under that Division on behalf of a corresponding Commissioner for the purposes of a corresponding law in force in the other jurisdiction.

The new section also includes necessary interpretation provisions.

76B—Investigations in other jurisdictions for the purposes of taxation laws

Under new section 76B, the Commissioner may enter into an agreement or arrangement with a corresponding Commissioner to enable the performance or exercise, by or on behalf of the Commissioner, of investigative functions and powers conferred under a corresponding law for the purposes of a taxation law. The Commissioner may also authorise a person who is authorised to perform or exercise a function or power under Part 9 Division 2 to perform or exercise investigative functions or powers conferred on the person by a corresponding law for the purposes of a taxation law.

76C—Instrument of delegation to be produced

This section imposes a requirement on a person exercising a power under the Division under delegation to produce a copy of the instrument of delegation if requested to do so.

51—Insertion of section 76D

This clause amends Part 9 Division 3 of the *Taxation Administration Act 1996* by the insertion of a new interpretation provision. The new section provides that a reference in Division 3 to a *taxation law* will be taken to include a reference to a *corresponding law*. The purpose of the amendment is to ensure that the secrecy provisions apply in relation to corresponding laws in addition to taxation laws.

52—Amendment of section 78—Permitted disclosure in particular circumstances or to particular persons

This clause makes a some consequential amendments to section 78. The clause also updates an incorrect reference.

53—Amendment of section 80—Prohibition of disclosure by other person

The purpose of this amendment is to make it clear that section 80(d) refers to offices or bodies prescribed for the purposes of section 78(d).

Part 7—Repeal of *Taxation (Reciprocal Powers) Act 1989*

54—Repeal of Act

This clause repeals the *Taxation (Reciprocal Powers) Act 1989*.

The Hon. R.I. LUCAS (17:17): I rise on behalf of Liberal members to support the second reading of this bill. This bill has carried over from the last parliamentary session, and it is obviously in the same terms as it was when it was introduced in the last parliamentary session, when it was introduced into the Legislative Council on 23 July. It is essentially a bill of a technical nature. I have two or three questions in relation to a couple of areas. I do not expect the minister to have an answer at this stage, but I would hope that we could have an answer in relation to a couple tomorrow or Thursday, before the passage of the legislation.

As the second reading explanation lays out, it is essentially a technical bill. It is amending the Stamp Duties Act, the Pay-roll Tax Act, and the Land Tax Act. As the second reading explanation outlines, it is basically removing redundant provisions, mainly from the Stamp Duties Act but also from those other pieces of legislation. According to the second reading explanation, it is intended to be easier to read and to reduce the taxpayer confusion.

The second reading explanation makes the claim at the outset that this bill makes amendments to a number of acts which are consistent with the government's targeted reduction of at least 25 per cent in red tape for business by mid-2008. I seek from the Leader of the Government some detail of exactly how the government intends to measure its reduction of 25 per cent in red tape. I know that a recent study has been conducted and that the results of that have been published, and I ask whether the actual report is available as well. I think that puts a monetary value on how many tens of millions of dollars the government believes have been saved by the reduction in red tape for business.

Of course, that does not mirror the goal of reducing 25 per cent of red tape, because the dollar value may or may not equate to 25 per cent in red tape reduction. I guess the simple question is exactly how this 25 per cent red tape reduction will be measured by government and how we as a parliament will be able to monitor success or not in terms of meeting the target of 25 per cent. As I have said, laudable though it might be to say that we have saved so many tens of millions of dollars at the moment, that is not the same measure as was originally announced in relation to a 25 per cent reduction in red tape.

Certainly, as a member of parliament, I have always wondered how governments (it is not just this government; other governments have done it as well) would measure a 25 per cent reduction in red tape. When one thinks it through logically, it is hard to envisage what sort of measure could be used to remove or be seen to remove 25 per cent of red tape for business. Does it mean 25 per cent of all acts? Are all acts therefore equivalent and equal? Of course, that is not the case. Are all acts red tape? All those questions can be raised. I am not going to waste the chamber's time this evening. I am sure the government has wrestled with this, and I guess all the parliament should be told is how we are going to measure it and how we should monitor the government's attempts to meet that target.

The second reading explanation goes on to talk about the benefits of consolidation of investigatory powers in the Taxation Administration Act 1996 (because the bill also amends that act), including greater inter-jurisdictional consistency, modernisation of the language, and structure of the provisions, and to provide the opportunity to review and update statutory requirements. I ask

the government whether it can outline whether or not, by consolidating and updating in this way, there has been any increase in the powers of investigation that South Australian officers will have as a result of this proposed change. Clearly, officers currently have certain investigatory powers. I am seeking a simple answer to whether or not those powers have been increased in any way and, if so, in what areas, as a result of what is called greater inter-jurisdictional consistency or the updating of statutory requirements.

There are some changes to the market rate of interest, which are set out in the Taxation Administration Act. I cannot see it myself, but I ask the question: will this in any way see any increased revenue to the government as a result of the proposed changes? As I have said, on the surface of it I cannot see that there would be, but I seek a formal response from the government in relation to that.

The second reading explanation actually notes that the market rate of interest outlined in the TAA sets out a rate applicable under section 214(8) of the Income Tax Assessment Act 1936 of the commonwealth but that the commonwealth had ceased publication of that market rate of interest in 1999. So it does beg the question as to what has been going on for the past nine years. Will the government please respond, given that the commonwealth ceased publication of that market rate of interest, as to what governments have been doing since 1999 in relation to this provision?

The last area the second reading refers to is in relation to changes to the emergency services legislation. The second reading notes that the ESL Act does not provide for the charging of a penalty in relation to unpaid levies and does not have provisions that allow for the investigation of unpaid levies. If that is the case, what measures does the government have at the moment for each of the past three years of the level of unpaid levies under the emergency services legislation? If the government indicates that there is no provision for the charging of penalties, I assume that there may well have been the incentive for some taxpayers not to pay their emergency services levy because there would be no penalty charged as there would be normally if you do not pay your land tax or most other state and federal taxes. What has been the level of unpaid levies and how has the Commissioner for Taxation approached that issue if there was no specific power within the current legislation to pursue those issues?

Will the minister also indicate what advice he has received, given that we will now be charging penalties on unpaid emergency services levies, based on the level of unpaid levies in the past three years, in respect of how much additional revenue from penalties the government will now collect from this new imposition of penalty charges on emergency service levies that have been unpaid? I indicate that the opposition supports the legislation and we await the response to those questions with interest.

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

SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:25): 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.

Concern has arisen about whether the present law is adequate to deal with misconduct made possible by recent advances in technology. We now have mobile telephones that incorporate cameras. We have email, by which the resulting pictures can be circulated quickly to others, and the internet, where they can be displayed for all to see. It is easy to use devices covertly to film people in private situations. Members will recall the discovery a few years ago that a camera had been installed in the women's shower block at Lincoln College. A more recent example was the reported use of mobile telephones at a tennis match in Melbourne to take pictures under the clothing of some women spectators attending the event. Everyone agrees that this sort of conduct is unacceptable and the criminal law must be able to deal with it.

This Bill therefore creates new offences of indecent filming and distributing the resulting pictures. Indecent filming occurs when a person takes moving or still pictures, by any means, of a person who is undressed or engaging in a private act or takes pictures under a person's outer clothing of the person's genital region (sometimes called upskirting). The offence only occurs if the film was taken in circumstances where a reasonable person would expect privacy or, in the case of upskirting, would not expect such pictures to be taken.

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

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

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

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

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

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

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation be proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Summary Offences Act 1953

4—Insertion of section 23AA

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

(a) another person in a state of undress in circumstances in which a reasonable person would expect to be afforded privacy; or

(b) another person engaged in a private act in circumstances in which a reasonable person would expect to be afforded privacy; or

(c) another person's private region in circumstances in which a reasonable person would not expect that the person's private region might be filmed.

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

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

(a) that the person filmed consented to the distribution of the moving or still picture; or

(b) that the defendant did not know, and could not reasonably be expected to have known, that the indecent filming was without the person's consent; or

(c) that the indecent filming was undertaken by a licensed investigation agent within the meaning of the Security and Investigation Agents Act 1995 and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other

benefit and the distribution of the moving or still picture was for a purpose connected with that claim.

Debate adjourned on motion of Hon. R.D. Lawson.

At 17:26 the council adjourned until Wednesday 24 September 2008 at 14:15.