LEGISLATIVE COUNCIL

Tuesday 12 May 2009

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

AUTHORISED BETTING OPERATIONS (TRADE PRACTICES EXEMPTION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that written answers to questions on notice 149 from the last session and questions on notice 152, 159 and 204 of this session be distributed and printed in *Hansard*.

The Hon. D.W. Ridgway: What about the other 796?

The PRESIDENT: I direct the Leader of the Opposition to come to order.

MINISTERIAL STAFF

149 The Hon. R.I. LUCAS (12 February 2008) (Second Session).

1. Can the Minister for State/Local Government Relations advise the names of all officers working in the Minister's office as at 1 December 2007?

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

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

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

5. (a) What was the total approved budget for the Minister's office in 6; and

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

6. Can the Minister detail any expenditure incurred since 2 December 2006 and up to 1 December 2007 on renovations to the Minister's office and the purchase of any new items of furniture with a value greater than $500?

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): The former Minister for State/Local Government Relations has advised:

Part 1, 3 & 4

Details of Ministerial Contract staff were printed in the Government Gazette in July 2008.

In addition:

Details of Public Servant staff located in the Minister's Office as at 1 December 2007:

1. Position Title	3. Ministerial Contract / PSM Act	4. Salary & Other Benefits
A/Policy Officer	PSM Act	$53,250.00 + $4,792.50 superannuation
A/Office Manager	PSM Act	$68,623.00 + $6,176.07 superannuation
A/PA Minister	PSM Act	$53,115.00 + $4,780.35 superannuation
A/PA Chief of Staff	PSM Act	$46,475.00 + $4,182.75 superannuation
Ministerial Assistant	PSM Act	$46,475.00 + $4,182.75 superannuation
A/Correspondence Officer	PSM Act	$41,550.00 + $3,739.50 superannuation
Correspondence Officer	PSM Act	$39,906.00 + $3,591.54 superannuation
Receptionist	PSM Act	$39,906.00 + $3,591.54 superannuation
Trainee Admin Officer	PSM Act	$24,361.84 + $2,192.57 superannuation

1. Position Title	3. Ministerial Contract / PSM Act	4. Salary & Other Benefits
A/Parliamentary Liaison Officer	PSM Act	$53,115.00 + $4,780.35 superannuation
Ministerial Liaison Officer (State/Local Government)	PSM Act	$68,623.00 + $6,176.07 superannuation
Ministerial Liaison Officer (Consumer Affairs)	PSM Act	$72,832.00 + $6,554.00 superannuation
Ministerial Liaison Officer (Status of Women & Volunteers)	PSM Act	$72,832.00 + $7,283.00 superannuation

Part 2

There were no vacant positions in the Minister's office as at 1 December 2007.

Part 5

(a) The total approved budget for the Minister's office in 2007/08 as per the 2007-08 Budget papers was $1,260,000.

(b) The salaries paid by the Department rather than from the Minister's Office budget were:

Position Title	Department/Agency	Salary
A/Parliamentary Liaison Officer	PIRSA	$53,115.00 + $4,780.35.00 (superannuation)
Ministerial Liaison Officer (State/Local Government)	PIRSA	$68,623.00 + $6,176.07.00 (superannuation)
Ministerial Liaison Officer (Consumer Affairs)	AGD	$72,832.00 + $6,554.00 (superannuation)
Ministerial Liaison Officer (Status of Women & Volunteers)	AGD	$72,832.00 + $7,283.00 (superannuation)
A/Correspondence Officer	DPC	$41,550.00 + $3,739.50 (superannuation)

Part 6

In the period 2 December 2006 and up to 1 December 2007 no expenditure was incurred on renovations to the Minister's office.

Expenditure related to two tables at a cost of $575.00 and $525.00 was incurred since 2 December 2006 and up to 1 December 2007.

WATER LICENCES

152 The Hon. J.M.A. LENSINK (24 September 2008). Will the Minister for the Environment and Conservation advise, for the years 2007, 2006, 2005 and 2004:

1. What was the total number of applications for the new water licences;
2. What was the total number of applications for water licence transfers; and
3. Of the above, how many were completed:
   (a) within 6 weeks;
   (b) within 3 months;
   (c) within 12 months;
   (a) within 2 years;
   (b) within 3 years; and
   (c) are not yet complete?

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): The Minister for Environment and Conservation has provided the following information:

Water Licensing transactions are managed in water years that run from 1 July to 30 June.

	2004-05	2005-06	2006-07	2007-08
new water licences	214	3292	308	509
water licence transfers	390	328	345	357

Of the 5,743 new water licence and water licence transfer applicants in the above years, 1,573 were completed within 6 weeks, 353 within 3 months, 326 within 12 months, 10 within 2 years and zero within 3 years.

At 12 November 2008, there were 3,481 not yet complete.

For new water licence applications that remain incomplete for some time, the greatest number is where the applications relate to a prescription process. That is, applicants are required to submit an application for a new water licence as an existing user at the beginning of the prescription process. However the licences are not issued until near the end of the prescription process when the relevant Water Allocation Plan has been adopted. Under these circumstances, the applicants are issued with an authorisation to take water. However, the applications have been registered and remain un-determined. 3,469 new water licences that are not yet complete relate to prescription processes.

SEAFORD RAIL SERVICE

159 The Hon. D.G.E. HOOD (24 September 2008). Can the Minister for Transport advise, in considering a resumption of passenger rail to Seaford, what cost savings are anticipated if the old Onkaparinga River bridge could be reused instead of building a new bridge over the river?

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): The Minister for Transport has advised that:

Previous studies on the costs and feasibility of three rail alignments from Noarlunga to Seaford concluded that the cost of an alignment that uses the old Willunga Corridor and the old Noarlunga Rail Bridge would be approximately 14 per cent more expensive than the more direct route over the Onkaparinga Valley.

The increased length of the rail track, increased earth works associated with a new alignment, plus the additional cost of strengthening the old Noarlunga Rail Bridge to bring it up to today's standards would be significantly more than the cost of building a new bridge on the proposed alignment across the Onkaparinga River.

MINISTERIAL TRAVEL

204 The Hon. R.I. LUCAS (18 February 2009). Can the Minister for Families and Communities state:

1. What was the total cost of any overseas trips undertaken by the Minister and staff since 2 December 2007 up to 1 December 2008?

2. What are the names of the officers who accompanied the Minister on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the Minister's office budget, or by the Minister's Department or agency?

5. (a) What cities and locations were visited on each trip; and

(b) What was the purpose of each visit?

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): The Minister for Families and Communities has provided the following information for the period 2 December 2007 and up to 1 December 2008:

1. Cost of Trip	2. Accompanying Officers	3. Private Leave Taken	4. Cost met by Minister's Office or Dept/Agency	5.(a) Cities & Locations Visited	5.(b) Purpose of Trip
$11,078.54	Mrs Victoria Pollifrone, Ministerial Advisor Ms Emma Cox, Media Advisor	Nil	Minister's Office Budget	Auckland	Ministerial Council on Consumer Affairs

PAPERS

The following papers were laid on the table:

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

Regulations under the following Acts—
- Aquaculture Act 2001—Fees—Oysters
- Emergency Management Act 2004—General
- Fair Work Act 1994—
  - General
  - Representation
- Mutual Recognition (South Australia) Act 1993—Temporary Exemptions.
- Primary Industry Funding Schemes Act 1998—
  - Cattle Industry Fund
  - Sheep Industry Fund
- Trans-Tasman Mutual Recognition (South Australia) Act 1999—Temporary Exemptions

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

- District Council Franklin Harbour—Franklin Harbour (DC) Development Plan—General and Coastal—Development Plan Amendment Report
- Regulations under the following Act—
  - Development Act 1993—Mawson Lakes

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

- Department of Further Education, Employment, Science and Technology—Report 2008
- Regulations under the following Acts—
  - Motor Vehicles Act 1959—Number Plate Exceptions
  - Prohibition of Human Cloning for Reproduction Act 2003—Reproduction
  - Public and Environmental Health Act 1987—Notifiable Diseases
  - Road Traffic Act 1961—Photographic Detection Devices
- Corporation By-laws—Holdfast Bay—
  - No. 50—Cats
- District Council By-laws—Wudinna—
  - No. 2—Moveable Signs

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

Regulations under the following Acts—
- Land and Business (Sale and Conveyancing) Act 1994—Sale of Land
- Liquor Licensing Act 1997—Dry Areas—Long Term—Wattle Park

DEFENCE WHITE PAPER

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:20): I table a copy of a ministerial statement relating to the Defence White Paper offering jobs growth for the future, made earlier today in another place by my colleague the Premier.

QUESTION TIME

PLANNING SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about resourcing of Planning SA.

Leave granted.

The Hon. D.W. RIDGWAY: As the minister would be aware, the LGA recently held its annual general meeting. That gave me the opportunity to speak with a number of local government stakeholders right across South Australia, and I noted that there seems to be increasing frustration within local government in terms of development plan amendments processed through Planning SA—in particular, the Better Development Plan process. In one case a council was promised that theirs would be ready two months (I think) prior to the LGA AGM, but I have since been advised that it will not be ready now until at least August.

That seems strange in these unprecedented economic times, given the willingness of governments of all persuasions to stimulate the economy and local communities all over South Australia battling to stay ahead of the economic gloom, as well as the fact that we have 17,000 more public servants today than we had when this government was elected. Can the minister explain why these delays are growing in both length and frequency?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:23): That question makes a number of assumptions—including the assumption that DPAs have been growing in both length and frequency—but the honourable member does not produce any evidence, other than an anecdotal story of an unnamed council in relation to one project.

The Hon. D.W. Ridgway: Go out and talk to them yourself.

The Hon. P. HOLLOWAY: I talk to them all the time. There are lots of reasons for development plans taking longer than expected, and a lot of them are outside the control of the Department of Planning and Local Government. In fact, in many cases councils themselves submit development plans that are not up to scratch, and they have to be referred back—

An honourable member: So it's the councils' fault.

The Hon. P. HOLLOWAY: In many cases it may well be; there are all sorts of reasons. The honourable member is suggesting that a government should just approve a development plan amendment without ensuring that it is consistent with the state planning strategy, and so on; but that would be a silly thing to do.

Since this government has been in office, and certainly in the time that I have been the minister, we have made great efforts to ensure that the handling time for development plan amendments has been minimised. Against that, of course, we are also going through a very large number of very important development plan amendments to try to facilitate the growth of this state, as well as the changes that we have made to the residential development code to try to speed up the planning system by taking out of the system the need for planning approval for straightforward, uncomplicated and uncontroversial developments—a very important step.

Of course, in the past few years we have introduced independent development assessment panels, and the whole purpose of that reform, along with the Residential Code, was to try to make councils concentrate more on the more complicated planning decisions. That is the whole purpose of those reforms, and I believe that is working, and it is one of the reasons why councils are now putting more effort into their development plans: because they realise that is the area where councils should have their input.

So, the system is working. The point is that the planning reforms of this government are working and councils are now able to deal much more swiftly with straightforward applications and focus their energies on getting their development plans right, which is what the government has been asking them to do for some years. That is happening and, as I said, I do not accept the premise or the assumption contained within the honourable member's questions. In fact, we have been making great strides towards improving the speediness of planning approvals within the state.

INSURANCE AGGREGATORS

The Hon. J.M.A. LENSINK (14:27): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about insurance aggregators.

Leave granted.

The Hon. J.M.A. LENSINK: There are a number of insurance aggregators available to prepare quotes for annual policies, with one well-known one being iSelect for health insurance and another being RateCity, which I understand is operated by ninemsn and Cannex.

We have had some complaints to our office, and we did our own testing very recently by creating a couple of hypothetical customers. One was a 65 year old female living at Glenunga seeking comprehensive insurance for a 2007 Holden wagon. RateCity priced SGIC at $569.29 per annum. However, when clicking through to the SGIC site, the quote came in at $347.84, which is $221.45, or nearly 40 per cent, less.

Another quote was sought for a 25 year old male at Newton. RateCity priced a quote from Budget Direct at $509.03, whereas the direct quote from Budget Direct came in at $700, which is $191, or nearly 40 per cent, more. I am advised that the methodology used by aggregators to create their pricing is through a once per month survey using a fairly small sample size. My question to the minister is: has the office of consumer affairs issued any notifications to consumers in relation to the inaccuracy of these websites and, if not, why not?

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) (14:29): I thank the honourable member for her important question. To the best of my knowledge, I am not aware that I have received any complaints in my office about these matters. Officers may have dealt with them and may have been dealing with the agency directly. That could have happened but, to the best of my knowledge, I am not aware of any complaints recently.

I am happy to look at the information that the honourable member has presented here today and have that investigated. The honourable member knows that our agency and officers are very responsive and responsible and, if she or any of her constituents have any concerns, all they need do is contact our office and we always respond in a very timely and responsible way. She has chosen not to do that today so I am not aware of the particular examples that she has given. As I said, I am happy to take that on notice, have it investigated and bring back a response.

LOCAL GOVERNMENT ENFORCEMENT POWERS

The Hon. S.G. WADE (14:30): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about local government enforcement powers.

Leave granted.

The Hon. S.G. WADE: Under the Public and Environmental Health (General) Regulations 2006 the owner of premises must take reasonable steps to ensure that refuse on premises that is capable of causing an unsanitary condition is disposed of as often as may be appropriate in view of the nature of the refuse but, in any event, at least once a week. The Comrie Report of 2007 commissioned by Zero Waste in relation to a proposed food waste trial stated:

> Legislative provisions which have been interpreted to effectively require councils to collect residual waste weekly would need to be modified to enable fortnightly collections.

The regulations have not been modified since that report. Under the government's food waste trial a number of councils have withdrawn weekly refuse collection, putting residents at risk of being in breach of the Public and Environmental Health Regulations. The councils themselves may be liable to be in breach of sections 6, 15 and 16 of the Public and Environmental Health Act for causing such breaches.

However, under section 12A of the Public and Environmental Health Act, councils themselves are responsible for enforcing the act and the regulations in their area. Councils face the prospect of enforcing the law against themselves. Will the minister review the Local Government Act to ensure that enforcement of state laws which may raise issues implicating local government are investigated and enforced at arm's length of local government?

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) (14:32): I thank the honourable member for his question. Obviously, as Minister for State/Local Government Relations my key concern is to ensure that councils consult adequately with their communities should they choose to change the way that rubbish is collected. I certainly do not interfere at the operational level of councils; that is not my responsibility. My concern is that councils work within appropriate legislation and that they educate their communities on their individual responsibilities: for example, what materials can be recycled and what to place in which bin, etc., to improve the sorting of rubbish which improves the efficiency of recycling considerably.

As far as the waste trials go, as a former minister for the environment, I am always supportive of initiatives that improve environmental outcomes, particularly recycling. We know that recycling not only saves important natural resources but also helps reduce our carbon footprint. I remind honourable members that I am not responsible for waste issues. I am happy to pass on the questions relating to health and the various sections of the act that the honourable member mentioned, which I believe are the responsibility of the Hon. John Hill (Minister for Health) and other matters around the waste trials. The lead agency there is Zero Waste and the lead minister is Jay Weatherill. I am happy to pass those matters on to the appropriate ministers and bring back a response.

MURRAY RIVER, LOWER LAKES

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:34): I table a ministerial statement made today by the Minister for Water Security on the Finniss River and Currency Creek.

QUESTION TIME

PORT PIRIE, FUTURE DEVELOPMENT

The Hon. CARMEL ZOLLO (14:34): My question to the Minister for Urban Development and Planning is: will he please provide details on any action taken to assist the future development of Port Pirie?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:35): I thank the honourable member for her important question. The cities of the Upper Spencer Gulf—Port Augusta, Port Pirie and Whyalla—are poised for growth. All are ideally located and offer high-quality infrastructure as well as coastal living close to the scenic Flinders Ranges.

To assist in the future development of these major regional centres, the state government has begun developing a number of structure plans. As the first stage of a process of community consultation, I today released for public consultation the Draft Port Pirie Structure Plan. Port Pirie is a very important regional centre in the Mid-North of this state. Members opposite might recall that it is at the heart of the electorate of Frome.

The draft structure plan presents a vision for the future physical growth and development of Port Pirie by broadly identifying where future housing population and commercial and industrial growth are best located and not located across the city and the surrounding district. As part of a two-month consultation period, I invite Port Pirie residents to have a say about the future development of their city.

This draft structure plan does not attempt to forecast either the future population or the anticipated growth rate for Port Pirie. What it does do is provide a robust framework that can accommodate a range of future population growth scenarios, including high growth. It then seeks to identify suitable locations to provide for substantial population growth should it be required. This is particularly important because of the projected growth in the Far North in mining, tourism and supporting industries.

The structure plan gives priority to making the best use of Port Pirie's assets, protecting them from encroachment by incompatible development and the clustering of new activities at major hubs. The design builds on the original Port Pirie township, where the foreshore and town centre provided separation between the industrial and residential areas while also providing for an active waterfront. The logical extension of residential areas is to the south, away from industrial areas.

The connection of the city to the waterfront will be strengthened through an extension of the original town centre to a new commercial hub in the heart of the city.

The structure plan also seeks to ensure that a supply of well located market-ready and affordable industrial, commercial and residential land is available when needed, providing Port Pirie with a competitive advantage as an investment destination. The draft plan also recognises and supports the aims and objectives of the Tenby10 strategy aimed at reducing lead levels in children aged under five years in the Port Pirie area.

The draft also identifies the role and function of different parts of the city and tackles issues such as the interface between industry, residential areas and valuable environmental assets. The draft structure plan is the result of a ground up collaborative process led by the Department of Planning and Local Government with the Port Pirie Regional Council. The Southern Regional Flinders Development Board and various state government agencies were also involved in the development of the plan.

The draft Port Pirie Structure Plan contains 11 key directions under the following headings: climate change and sustainability, facilitating economic and employment growth, and housing and residential land supply. Strategies for achieving each of the directions are detailed in the plan. The draft plan also contains a map depicting the broad vision for the growth and development of Port Pirie.

Once finalised, the Port Pirie Structure Plan will form an official part of the state government's land planning strategy for South Australia. This gives the document statutory effect and will provide formal direction to the council and the private sector. In particular, it will guide the updating of the development plan for Port Pirie, which details the zoning and other land use policies and is used to assess the appropriateness of development applications.

The development plan and proposed amendments to the development plan must be consistent with the planning strategy. The draft structure plan has been released for two months of public comment, ending on Friday 10 July. A copy of the document as well as a community information brochure can be downloaded from the Department of Planning and Local Government website at www.planning.sa.gov.au/go/portpiriestructureplan. Hard copies are also available from the Port Pirie Regional Council and the Southern Regional Flinders Development Board.

Open house information drop-in sessions will be held during the consultation period on Thursday 11 June 2009 in the functions area, Port Pirie Regional Council Chambers, 115 Ellen Street, Port Pirie, between 10am and 12 noon and between 3pm and 5pm.

The draft for Port Pirie is one of a series of such structure plans being developed for South Australia's major regional cities. A plan for Mount Gambier has already been adopted. The Port Augusta structure plan has recently finished the community consultation process, and a draft for Whyalla is also being finalised.

I urge the people of Port Pirie and the surrounding district to track down a copy of the draft structure plan and make sure their views are aired through a submission. Often, the planning process can be improved through suggestions from members of the public, and I encourage anyone who has an opinion about the structure plan to lodge a submission and attend a town hall meeting.

UPPER SPENCER GULF DESALINATION PLANT

The Hon. M. PARNELL (14:40): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the desalination plant proposed for the Upper Spencer Gulf.

Leave granted.

The Hon. M. PARNELL: Throughout the recently released environmental impact statement for the Olympic Dam expansion, frequent references are made to the state government's partnership in the BHP Billiton desalination plant proposed for Point Lowly. For example, in the EIS document under the heading 'Consequences of not proceeding with the plant', one of the benefits that could be said to have been forgone would be:

- the potential to supply water to the Upper Spencer Gulf and Eyre Peninsula areas from the Point Lowly desalination plant (with the South Australian government's participation) thereby reducing the region's current reliance on the River Murray by up to 30 GL per annum...

Elsewhere, the EIS states:

- a 280 megalitre per day...desalination plant at Point Lowly and water supply pipeline to Olympic Dam, comprising 200 ML/d for Olympic Dam and 80 ML/d for the South Australian government to replace River Murray water pumped to the Eyre Peninsula.

In the past, the Premier and other members of the government have spoken about the government's financial commitment to the project. For example, to quote the press release of 19 February 2007:

> Premier Mike Rann today welcomed a firm commitment from federal Labor leader, Kevin Rudd, to a $160 million contribution to the proposed desalination plant in the Upper Spencer Gulf, should Labor win this year's federal election.

In the same release, the Premier said:

> The state government has already committed a share of $160 million to the proposed plant and an equal commitment from the federal government means we can supply 22 gigalitres of freshwater—or one-third of the plant's capacity—to the people of that region.

The Premier and other members of the government have frequently justified the controversial location for the desalination plant at Point Lowly on the basis that water would be supplied to the Upper Spencer Gulf towns, including Whyalla, and also that there would be a positive environmental benefit through water no longer being extracted from the struggling River Murray, as Upper Spencer Gulf towns are primarily supplied from the river via the Morgan to Whyalla pipeline. Yet, in the wake of the Roxby EIS release, the government has sent very mixed messages about its commitment to the Upper Spencer Gulf desalination plant.

For example, on 4 May, the Treasurer—responding to questions from Matthew Abraham—was invited to recommit the government to its previous commitments. Matthew Abraham said that he thought that the government wanted to be absolutely locked in and that, if you have a desalination plant, it must do that—it must supply capacity for the Upper Spencer Gulf and Eyre Peninsula. Matthew Abraham asked the question:

> ...has that also become just part of the mix now, something you're prepared to let go?

The Treasurer's response was:

> Well it is part of the mix. I've made statements previously that because we have now committed to and construction has begun on a desalination plant for Adelaide, the need to relieve pressure from the Murray has now been addressed through the desalination plant in Adelaide...

He continued:

> ...so therefore the need to build another desalination plant as it relates to the Upper Spencer Gulf may not be necessary because we are looking at other options about smaller micro desal for various parts of the peninsula.

It is clear that other stakeholders, such as the Whyalla Mayor, Jim Pollock, believes that the BHP Billiton-owned desalination plant is now not intended to supply drinking water to the Upper Spencer Gulf. I think it is clear that the community is confused about the state government's previously rock-solid commitment to this plant. My questions to the minister are:

1. Will the state government accept any water from BHP Billiton's proposed desalination plant for Upper Spencer Gulf towns, as it is clear that BHP Billiton thinks that this is still the case?

2. Will the state government stand by its previous statement that it will help fund the desalination plant up to $160 million?

3. If the state government does back out, as the Treasurer suggests, will the federal government also withdraw its matching funding?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:45): The honourable member has quoted the Treasurer. I can only reiterate the point that the Treasurer has made, that is, that things have changed since the original proposal for the EIS was put forward in 2007. Clearly, BHP Billiton has proceeded with the original proposal. It was always envisaged that it would operate a desalination plant to supply water for Olympic Dam but that there would be the capacity, if it was deemed appropriate, to add onto that particular desalination plant a state government component to supply the region.

The honourable member has correctly quoted the Treasurer, because my understanding since that time is that the government has committed to a desalination plant at Port Stanvac. That is now underway and the government has sought commonwealth support in relation to expanding that plant. Of course, regardless of the level of output by the Port Stanvac desalination plant, clearly it will take significant pressure off the River Murray, because the consumption of Adelaide is, of course, vastly greater than the consumption of Eyre Peninsula, notwithstanding the fact that there are significant water issues on Eyre Peninsula.

One of the factors that has changed in relation to the government position, as I understand it, is that BHP is proposing not to desalinate to potable standard to send the water to Olympic Dam. My understanding is that it will be desalinated to a lower level of quality, because most of the water that will be consumed at the plant does not have to be of potable quality. Of course, it has a secondary plant that desalinates water for distribution within Roxby Downs. This water is currently sourced from the GAB, which has a lower level of salinity than sea water but is not potable when it is drawn from the basin.

So BHP, as I understand it, will have the option of using a lower level of desalinated water, and I would have thought that the honourable member would appreciate that that is a good thing, because it obviously means that, if you are desalinating to a higher level of salinity because you can tolerate that, less brine will go back into the environment.

The Hon. G.E. Gago: And less energy requirements, as well.

The Hon. P. HOLLOWAY: And less energy requirements. So, I think that is a positive step. If the state were to tack onto that plant, it would not involve just an expansion of the plant; it would have to have additional means of desalination of not just the volume but also in terms of the level of treatment.

I think the Treasurer has indicated, as has the Minister for Water Security on other occasions, that the government is now looking for the option (as the Treasurer mentioned) of smaller desalination plants, where required, in that region. The main benefit to the river through taking the load off will be through the desalination plant here in Adelaide, for which the government is seeking federal funding. I guess we will know this evening when the budget is delivered whether or not that part of it is successful.

POLICE RECRUITMENT

The Hon. R.D. LAWSON (14:48): I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question on the subject of police recruiting.

Leave granted.

The Hon. R.D. LAWSON: Readers of *The Police Journal* will know that it publishes the resignation letters of officers, and they will also know that resignation letters of officers recruited in the United Kingdom are all too common in those columns and quite graphic. The commissioner recently told a parliamentary committee that the attrition rate for UK recruits is 20 per cent, which is more than twice the rate for local recruits. Three recurring themes appear in the published resignation letters of UK recruits. First, most say they are resigning from SAPOL to go interstate or to the Australian Federal Police; secondly, most say they have enjoyed general life in South Australia; and, thirdly, many complain that their prior police experience was not recognised in South Australia. For example, I quote one letter as follows:

> As a migrating UK officer I am disappointed that the skills and experience I gained in the UK were never utilised or even asked for.

Another officer writes:

> The only disappointing factor for me is that SAPOL, being such a modern and progressive organisation, has not, after three years of recruiting from the UK, put in place a policy on the touchy subject of recognition of prior learning. If TAFE can recognise it in respect to professionally-related exams, why can't SAPOL? Many experienced officers who have previously worked within specialist areas in the UK have been recruited and left for this reason alone.

My questions to the minister are:

1. What has been the total costs spent by South Australia Police on its UK-recruiting drive, and how many officers have been recruited?

2. Does the minister agree with SAPOL's current policy in relation to the use of prior police experience?

3. Given the cost of overseas recruitment, will the government require SAPOL to disclose to potential recruits SAPOL's policy in relation to its use of their experience?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:51): In relation to the latter question, as a former minister for police, what I can say is that certainly that was made clear, perhaps not in the first round of recruitment but in all subsequent recruiting exercises in the United Kingdom. The situation in relation to the recognition of experience was made clear. Now, that is a difficult issue. Again, I know from my experience when I was the minister for police that that issue did come up regularly. Of course, different levels of training are required.

I believe that the training the South Australian police are given is as good as anywhere else in the world. I think that the level of our police is particularly high. It would be fair to say that generally it would be a higher level of qualification than would be required of most other police forces; so, it is probably not surprising that there should be some disappointment. The only other thing I would add from my experience is that, in relation to bringing police out here (apart from having someone go over to the UK to conduct interviews), most of the cost of getting to this country was borne by the officers themselves.

It is inevitable that, as with locally recruited police, some will go on to other occupations once they are here; and in many cases it is to the benefit of the state. I am aware of a number of police officers, both from the UK and elsewhere, who have secured jobs in key operations here; and I guess that is inevitable. I think that we can at least be pleased that we are getting a very good level of immigrant to this country. Of course, if 20 per cent are going, 80 per cent remain—

The Hon. R.D. Lawson: They're going to Queensland!

The Hon. P. HOLLOWAY: Well, they may well do because Queensland, perhaps, has discovered that it can recruit them. It is also true that there are police officers from the UK who have moved here. Certainly, I know that this state has recruited police officers from other states, including Queensland. So, there is some mobility amongst police officers. It is inevitable that some officers who have the opportunity to come here may well take up opportunities elsewhere. I noticed the other day that the Commissioner indicated difficulties in the United Kingdom at the moment in terms of selling housing, which will have an impact on that recruiting. In relation to the specific questions, I will refer those to the Minister for Police.

I reiterate that, from my time as minister for police, we have been very well served by police officers. Even if they are here for only a few years, they have contributed significantly to policing in this state. For those who remain in Australia and South Australia, as many do, even if not in the police, they also make a significant contribution to our community.

ANDAMOOKA

The Hon. I.K. HUNTER (14:55): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Andamooka community.

Leave granted.

The Hon. I.K. HUNTER: The Andamooka community is assisted largely by volunteers and is finding itself under increasing pressure from the region's unprecedented expansion associated with the growth of the Olympic Dam mine and the opportunities and challenges that presents. Planning needs and additional resources are in high demand, and I am interested to know what assistance the government might be providing to this community. Will the minister inform the council what is being done to assist the Andamooka community with local management?

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) (14:56): I thank the honourable member for his question. I am pleased to report back on my recent visit to the area during the government's community cabinet meeting at Roxby and Whyalla last week, when I was able to tour the Andamooka area, along with representatives from the Office of State/Local Government Relations, and see for myself the expansion underway there. I also met with representatives of the Outback Areas Community Development Trust and the Andamooka Progress and Opal Miners Association (APOMA), which has since announced a renewed partnership that they say is based on a shared vision for Andamooka to become a leading example of good governance in outback South Australian towns.

The groups are to be commended on their united approach, and the goals they are setting for the Andamooka community. Prior to my visit, the Office of State/Local Government Relations spent time with these groups to discuss region needs, and it has become apparent that a community manager based in Andamooka could play an important part in contributing to APOMA's local direction and advice, aiding in the good governance of the region. I have listened to the needs of the community and also recognise the potential the right appointment can offer by way of secure long-term sustainability for Andamooka.

I understand the great pressures being imposed by the region's rapid expansion and the need for enhanced town planning and the provision of infrastructure and services. It is important to say that the community also recognises the importance of the great opportunities that this expansion presents. For this reason I urged the trust to make the important resource of community manager available within the Andamooka community. Having seen fit to do so, I commend the Outback Areas Community Development Trust for this initiative that plants a seed for this renewed partnership that it is fostering with APOMA.

I am advised that the community manager position should be filled around mid year, utilising state and commonwealth funds. The new community manager will be responsible for working closely with APOMA and other interest groups and individuals, including local volunteers, to develop strategies that best ensure the proper management of local issues. This includes identifying key municipal issues and developing local strategies to ensure good management, infrastructure and services.

I am encouraged that this appointment will prove extremely beneficial for Andamooka as it is experiencing unprecedented growth in what is already the biggest community in the trust area. I was also pleased to visit a number of other regional councils following my visit to Andamooka, Roxby Downs and Whyalla and was delighted to meet with a number of mayors, chief executives and elected members from a variety of councils along the east coast of Eyre Peninsula, including Whyalla, Franklin Harbor, Cleve, Tumby Bay, Lower Eyre Peninsula and Port Lincoln.

A number of topics were discussed with these councils including the government's significant reform agenda for local government. These councils are doing some quite remarkable and wonderful work to assist in the development of the Eyre Peninsula region. It was an absolute pleasure to visit this lovely part of our state and meet such wonderful people and such remarkable, resilient communities with real community commitment.

ANDAMOOKA

The Hon. J.M.A. LENSINK (15:00): As a supplementary question, did the matter of the Andamooka dump being such a disgrace come up at all, and was there any resolution to that issue?

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) (15:00): A wide range of issues came up including that of waste management. These issues are very challenging, but I was very pleased to have the opportunity to listen firsthand to local community members' concern and explore with them ways that we might resolve these most important issues.

WATER ALLOCATIONS

The Hon. R.L. BROKENSHIRE (15:01): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about foreign ownership of Australian water.

Leave granted.

The Hon. R.L. BROKENSHIRE: In the past month, there have been media reports concerning two issues relating to irrigation on the Murray-Darling Basin that are fast becoming interconnected. First, a foreign company is buying up permanent water allocations along the Murray-Darling Basin, 10 gigalitres so far. It is said to be equipped with a $500 million war chest for purchasing water allocations around the world. This company has apparently identified Australia as one primary target of its water purchasing.

Secondly, Timbercorp, a company which was supported by the unconscionable managed investment schemes that drove a lot of family farmers to ruin (a scheme that I have never supported), is now in administration and one of its most valuable assets to sell will be its water

allocations. *The Australian* reported recently in its business section that Timbercorp administrators, KordaMentha, have received an offer from an unnamed group of overseas institutions proposing a $200 million-plus bid for Timbercorp's 120 gigalitre annual water entitlement.

I heard with interest the leader's answer to a question that I asked during a debate on the irrigation bill about water speculators. I infer from what the leader said that the government was happy to let the laws of the free market apply to a vital resource such as water. Perhaps, in his answer, the leader could clarify that, but it seems to be backing up what minister Wong recently wrote to me in response to a question similar to this. My questions are:

1. Has the Premier urged minister Wong to outbid the foreign speculators for Timbercorp's water for irrigation and environmental flow for South Australia?

2. What representation has the Premier made to his federal colleagues about the threat to South Australian water security if we have foreign ownership of water in the Murray-Darling Basin?

3. Given his previous statement to the council favouring a free market, is the Leader of the Government as unconcerned about foreign ownership as he is about free market principles applying to water ownership in Australia?

4. Is it possible that foreign investors are targeting Australia for investment in river water because of a lack of regulation of foreign ownership and market dominance?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:04): There are some very detailed and complicated issues mixed up in all that. In relation to what the Premier has done, I will obviously refer those questions to him. The honourable member also asked for my views on foreign investment in water.

As we know, within this country, foreign investment is an issue for the federal government. The Foreign Investment Review Board looks at such issues as takeovers, and we have seen that in relation to OZ Minerals. There is now the issue of Chinalco's investment within Rio. Those issues are addressed at the federal level, because clearly that is the level of government that constitutionally has the responsibility. We might all have a view in relation to a particular investment in the water industry.

My concern is speculative investment, rather than it being foreign. My experience down the years has been that foreign investment can be good or bad. It is not the fact that it is foreign, although in some instances that might be a factor, but in most cases I would have thought the key issue is whether investment helps the productive possibilities of this country or whether it is purely speculative.

We have a structure in this country to deal with these matters, and the appropriate jurisdiction is the commonwealth government. In relation to water, there is at least one thing: we know that water cannot be moved. It may be that water that is sold down a river, but the water remains within this country. Of course, the government has the capacity to regulate the conditions under which water is used. If the concern really is about unscrupulous speculation in relation to that, I suggest that is probably the level at which it is best addressed rather than the fact that it may or may not be foreign owned. In relation to the specifics of the question to the Premier, I will refer that to him.

WATER ALLOCATIONS

The Hon. DAVID WINDERLICH (15:06): The minister referred to water not being moved; that also describes the sale of residential real estate which is also subject to Foreign Investment Review Board approval. Has the South Australian government given any consideration to raising with the federal government the matter of requiring approval for significant sales of water by the Foreign Investment Review Board?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:06): That is essentially the question that the Hon. Robert Brokenshire asked—whether there had been any approach in relation to that. As I said, it is really a federal government matter as to what is referred to the Foreign Investment Review Board, so I will take that on notice.

ISOLATED STUDENTS FUNDING

The Hon. C.V. SCHAEFER (15:07): I seek leave to make a brief explanation before asking the minister representing the Minister for Education a question on funding for isolated students.

Leave granted.

The Hon. C.V. SCHAEFER: Recently, the ICPA's (Isolated Children's Parents' Association) annual conference was held in Woomera and was attended by my colleague the Hon. John Dawkins. At that conference a number of motions were passed, but three motions that related to the provision of broadband access to isolated students were passed unanimously. Essentially, they are covered in the following motion:

> ...the provision of Internet accounts for all Open Access College and Port Augusta School of the Air students studying via distance education be provided. The account is to be dedicated to educational purposes comparable to that which is provided to students studying in 'Face to Face' schools, and separate to existing business or personal accounts.

Part of the explanation that was provided stated:

> ...we believe our students should be able, as their right, to access school internet provided by DECS. In all other South Australian public schools, students receive free Internet access in their 'schoolroom', so why too is this not a right for our 'distance' students?
>
> The internet is becoming more and more an essential mode of learning for remote students with ever increasing usage as a communication tool for students through Voice Over Internet Protocol (VOIP); video conferencing and collaboration tools (discussion boards, Moodles, etc.), as well as research purposes.
>
> Families of distance education students are being unfairly penalised and/or limited in their capacity to keep up to speed with educational service provision.

Twelve months ago I spoke on this issue because I see it as a matter of community access. I also see this as a matter of social exclusion, and I asked whether Monsignor Cappo had been approached. I visited the School of the Air about 12 months ago in Port Augusta. They had indeed written to Monsignor Cappo as a matter of social inclusion. They had not had a reply. They have not had a reply from this government.

Many of them are paying in excess of $150 a month to get sufficient downloading and uploading facilities for their children to complete their lessons. As we all know, they have suffered extreme drought. There is no budgetary provision for these people, and it appears that, 12 months on, nothing has been done for them. My questions to the minister are:

1. When will these students be treated the same as students from normal schools?
2. Why are they being discriminated against because of geography alone?

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) (15:11): I thank the honourable member for her questions. I will refer them to the Minister for Education in another place and bring back a response.

OLYMPIC DAM

The Hon. B.V. FINNIGAN (15:11): I seek leave to make a brief explanation before asking the Leader of the Government, as Minister for Mineral Resources Development, a question about the proposed expansion of Olympic Dam.

Leave granted.

The Hon. B.V. FINNIGAN: On 1 May—May Day, as you would know Mr President: the feast of St Joseph the worker—BHP Billiton released its long awaited environmental impact statement for the expansion of Olympic Dam at Roxby Downs. It is a vast document that covers everything from the expansion of the mine itself to transport, energy and water issues created by what is expected to be the world's largest open cut mine.

Importantly for our state, the project will generate tens of thousands of jobs and massive income. The 4,000 page environmental impact statement is the result of five years' work by hundreds of people working at a cost to BHP Billiton of $25 million. I understand that the South Australian government has also been working on a companion document that is expected to have direct consequences for the residents of Roxby Downs and nearby Andamooka. My questions are:

1. Can the minister inform the council about the Roxby Downs Development Plan Amendment, which was also put out for public consultation on the same day as the EIS?

2. What can the people of Roxby Downs do to contribute to the rezoning process that will be required to prepare the township and the surrounding countryside for the massive expansion envisaged by BHP Billiton?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:13): I thank the honourable member for his very important questions. The long awaited environmental impact statement for the Olympic Dam expansion has been made available for public consultation for an extended 14 week period. I notice that the Greens have managed to respond within an hour. I know the that Hon. Mr Parnell was particularly keen that it be extended.

The Olympic Dam expansion EIS prepared by BHP Billiton describes the project and why it is needed as well as the potential environmental, social, cultural and economic issues that might arise during the project's construction, operation and eventual closure. Elements of the Olympic Dam expansion are subject to the legislation of three jurisdictions: South Australia, the Northern Territory and the commonwealth.

As the majority of operations associated with the Olympic Dam mine are located in South Australia, the Rann Labor government is coordinating the public submission process for all jurisdictions. Copies of the EIS can be viewed in South Australia at numerous locations, including the Department of Planning and Local Government, the State Library, the libraries of the three universities, local council offices in the relevant areas, and the Conservation Council of South Australia. Copies can also be found online at www.olympicdameis.sa.gov.au, while free stakeholder kits are available through the Department of Planning and Local Government and the Roxby Downs, Port Augusta and Whyalla councils.

Public and government agency submissions can be lodged with the Department of Planning and Local Government during the consultation period until a 5pm, 7 August 2009 deadline. These submissions will be made available to the South Australian, Northern Territory and federal governments and forwarded to BHP Billiton. They can then be incorporated by BHP Billiton in a response document or supplementary EIS, which is required as part of the major development assessment process.

The consultative process for the EIS is just one element of the public participation being undertaken by this government. As the honourable member pointed out in his question, the state government has also been working on a development plan amendment for Roxby Downs and nearby environs. The expansion of BHP Billiton's activities at Olympic Dam is expected to place increasing pressure on the Roxby Downs township and surrounding areas as the population surges from 4,500 to more than 10,000 residents.

The extensive DPA seeks to manage the growing demand for residential accommodation and associated facilities to support such a strong surge in population. Non-resident workers servicing the Olympic Dam mine will also require temporary accommodation for up to 10,000 people at a new mining settlement at Hiltaba, located 16 kilometres east of Roxby Downs. A new airport to replace the existing facility is also proposed as part of the mine expansion, and this project has been accommodated within the proposed rezoning across Andamooka Road from the Hiltaba township.

It is crucial to the future development of Roxby Downs and the proposed temporary settlement along Andamooka Road that the zoning and development policies provide appropriate guidance to developers and planners. The government is now seeking feedback from the public on this proposed rezoning.

Written submissions on the development plan amendment will be received until 5pm on Friday 7 August 2009, which is concurrent with submissions being sought on the environmental impact statement prepared by BHP Billiton. A public meeting allowing people to speak to their submissions is to be held in Roxby Downs on Tuesday 8 September, at a different time, I believe, to the public meeting on the EIS. Details of the time and venue will be advertised in local newspapers and on the Department of Planning and Local Government website.

Submissions from the public, local government, government agencies and community and industry groups are to be considered by the independent Development Policy Advisory Committee

(DPAC) that will advise the minister on the final form of the DPA. It is important that the DPA process is not overshadowed by the EIS.

I urge the people of Roxby Downs and the surrounding areas to track down a copy of the DPA document and make sure their views are aired through a submission. Often, the planning process can be improved through suggestions from members of the public, and I encourage anyone who has a view about the rezoning to lodge a submission and attend the town hall meeting in Roxby Downs. After all, it is the people of Roxby Downs and Andamooka who will need to live in that region and, obviously, it is important that they have a say on this development plan amendment on the future of their region.

FINKS MOTORCYCLE CLUB

The Hon. A. BRESSINGTON (15:17): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about the handling of police intelligence.

Leave granted.

The Hon. A. BRESSINGTON: As members are no doubt aware, the Attorney-General currently has before him an application by the Police Commissioner to declare the Finks Motorcycle Club a declared organisation in accordance with the Serious and Organised Crime (Control) Act 2008. As part of this process, the act requires the Police Commissioner to provide the Attorney-General with a detailed and thorough account of the criminal activity undertaken by members of the organisation, either individually or in concert.

As was explained during the many briefings provided to both myself and other members in this place, elements of this police brief may include criminal intelligence information sourced by the police that, if released publicly, may jeopardise criminal investigations, enable the discovery of a police informant or, more generally, endanger a person's life or physical safety.

Criminal intelligence, due to its inherent secrecy, especially being denied to defendants during judicial proceedings, has been one of the most controversial elements of the act; however, I rationalised this when debating the bill for the aforementioned reasons. It is for this reason that I was horrified to see Nigel Hunt boast in the *Sunday Mail* of 10 May that he had obtained a copy of a police brief. He proceeded to selectively quote and list some of the many offences attributed to the Finks Motorcycle Club. In an all-too-familiar scenario, it would seem that the media has again been leaked sensitive information relating to an ongoing police investigation.

My questions to the minister are: given that only the Attorney-General and the police commissioner are privy to this information, which one of them is more likely to have leaked this to the media? If it was not the Attorney-General, will he refer this to the Anti-Corruption Branch of South Australia Police for investigation and report the findings to this place? What time frame will be desirable for such an investigation to come to a conclusion? What security measures does the Attorney-General recommend to be implemented to overcome the public mockery now of the criminal intelligence provisions of this act? Given that section 13(2) of the Serious and Organised Crime (Control) Act may have been compromised, what guarantees can be given to witnesses in the future to ensure their safety?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:20): I thank the honourable member for her very important questions. I am sure that the government shares her concern in relation to what appears to have been a breach, and I will refer her questions to the Attorney and bring back a reply.

PUBLIC EMPLOYMENT COMMISSIONER

The Hon. R.I. LUCAS (15:20): My questions are directed to the minister representing the Premier, as follows:

1. Since the appointment of Mr Warren McCann as the Commissioner for Public Employment, has Mr McCann increased the staff in his office from the previous allocation of the previous commissioner plus two staff persons when the commissioner appeared before the Budget and Finance Committee in 2008 to a current staffing level of the new commissioner and 17 staff?

2. Did the new commissioner, Mr McCann, demand that he have two separate offices in his new abode: one being an open space office and the second an enclosed office?

3. As a result of this particular demand, were contractors brought in especially over the Christmas holiday period to demolish the existing offices and to create the new offices required by the new commissioner?

4. Did Mr McCann require the installation of a dishwasher and, if so, what was the cost of such installation?

5. What was the total cost of office renovations and any new equipment or technology required to be installed by the new commissioner?

6. What is now the total operating cost budget for the new commissioner's office, and what was the total operating cost budget for the previous commissioner when he had only two staff when he appeared before the Budget and Finance Committee in 2008?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:21): As Mr McCann has appeared before the Budget and Finance Committee, I am surprised that the Hon. Mr Lucas has not actually asked him himself. I thought that was what the committee was all about, and I am sure that the honourable member will have some opportunity to do so in the future. I will refer those questions to the appropriate minister.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 8 April 2009. Page 1943.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:22): I rise to support the Supply Bill 2009, as will many of my colleagues. As members know, this bill provides for the ongoing supply of funds for the Public Service and government operations during the period of the budget and the budget estimates until the budget is finally passed.

I will make some comments of a general nature and in the areas for which I have been a shadow minister, in particular police and police resources and the incentives paid to officers who police areas such as Roxby Downs, to which the minister just referred in response to a Dorothy Dix question.

It is interesting that we have a public sector reform bill before the parliament. This is an important piece of legislation and we look forward to debating it, hopefully, later in the week. The Hon. Rob Lucas and I asked a number of questions during our second reading contribution to the Public Sector Bill, and we believe that the government should at least pay us the courtesy of attempting to answer those questions before we proceed with the committee stage.

When minister Gago summed up the government's position she made no reference to the questions that the Hon. Rob Lucas and I asked. I think that is an indication of the level of arrogance of this government. When we ask questions during the second reading stage of a bill members opposite often joke that we have just had question time, not answer time. We often do not get the answers that we want to the questions that we have asked, but at least we expect the government to attempt to provide some answers. Given that we have some 17,000 more public servants working for the government since it came to office, one would think there would be people in the ministers' offices who would be able to provide those answers.

The Hon. P. Holloway: Which part of the Supply Bill don't you understand?

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Those initial comments certainly relate more to the Public Sector Reform Bill than the Supply Bill, but I thought that it was an appropriate time to put on the record that we do expect some response to those questions as we progress with the Public Sector Reform Bill later in the week. As members know, I have been the shadow minister for police for some considerable time. Certainly in recent times there has been a reshuffle in the opposition ranks and I have responsibility for some other areas. However, the police force in particular has the biggest component of the public sector, if you like, for which I am responsible.

In particular, I want to mention the recruitment program the government has undertaken, that is, the Recruit 400 initiative that was announced at the last election. The Premier announced that the intention was to recruit 400 extra police officers by 2010, and the language used has been interesting. Initially it was 'by 2010', then it was 'by March 2010' and then it was 'during 2010'. Now,

of course, the government admitted during the Budget and Finance Committee last week that it will not achieve the target of 400 extra police officers and having 4,400 police officers on the beat—

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: The Hon. Mr Wortley interjects that it is not the government's fault. Is he saying that it is the fault of the police? The Hon. Mr Wortley does not understand that it was an election commitment by the government to have 4,400 police officers on the beat by 2010. Then, as I said, the government let it slip to March 2010, then during 2010 and now it will not happen at all. It is one of those promises we often hear from the government. It shifts the promise and it shifts the deadline. One has only to look at the growth in exports in the Strategic Plan to see that it goes from $9 billion to $25 billion by 2013.

We are only four years from 2013 and we are still at $9 billion—seven years of this government and it has not created one extra dollar of export income. Mind you, it has created 17,000 new positions in the public sector! When one looks at recruitment for the police force, one can see that it is a government that is all talk. At the end of the day, it did not actually resource the police force appropriately to achieve those targets. I have a couple of questions to which, if he is able, I would like the minister to provide some answers.

I would like to know the number of officers who have been recruited by South Australia Police during this period who are no longer in SAPOL—so, those who have been recruited as part of the Recruit 400 program but who have dropped out of it, and not as a result of retirement. Also, I would like to know the actual amount of money that has been spent on the program recruiting officers from the United Kingdom. Another question I would like to ask relates to the amount of money spent recruiting young South Australians and young Australians to our police force in comparison to the amount of money that has been spent to recruit overseas police officers.

I understand that often overseas police officers have special expertise and skills that help bolster our police force (and tonight we will see the federal Treasurer talk about an unemployment rate of 8½ per cent—potentially even higher), and this should be a great opportunity for us to recruit young South Australians into our public sector, especially where we have people in a police sense, because the government is still, I assume, progressing forward with its plan to have 4,400 sworn officers on the beat by 2010.

It is interesting to note that not only has the minister in this place today answered a Dorothy Dix question in relation to Roxby Downs but a little while ago when I was in my office getting some documents I heard on the speaker in my office the Premier answering a similar Dorothy Dix question. I think that presents an interesting case study, because it will be one of the communities in our state that is likely to grow over the next 20 years. We have just seen BHP's environmental impact statement tabled and presented to the public and the whole community is looking at it with some interest. Obviously a certain section of the community is opposed to it, but the vast majority of South Australians see the wonderful benefits of that expansion.

I have some notes that have been given to me. If we look at the increase in population in Roxby Downs, currently it is about 6,600 people and is likely to go to 19,000 people in 2014. Then we have, as the minister said a while ago, the Hiltaba construction camp halfway between Roxby Downs and Andamooka. In the 2013-14 time frame, the figures provided to the Minister for Police show that that camp is likely to house between 7,500 and 8,000 construction workers. So, we are looking at a population of some 25,000 to 27,000 people in that area. Currently there are only about 6,500, so we will see another 20,000 or more people.

I am discussing this because there is a concern within the ranks of a number of people within the police force, certainly those out on the ground in these remote communities, that the incentives are not there to attract them. In these regional communities we have an increasing workload and the Roxby Downs population is likely to be a lot of young people, in particular young men. Even though they are well paid, as the population increases we are likely to see an increase in policing requirements. There will always be property damage, vehicle crime, drugs, assaults and related behaviour, not necessarily associated with the employees of the mine but because you have a bigger community and a larger number of people living in and around that community.

I have raised in this place before the concern I have with Andamooka and the government support going into that community, especially by way of police, education and other authorities. The minister has imposed a development plan amendment, where the minimum allotment size is 1,200 square metres, so they cannot have urban infill or desert infill to stop the growth of the community. Clearly there will be significant growth in that community and we expect that, if it is

outside the control of BHP, there will be developments there and unsavoury social behaviour that will require extra police presence.

It is interesting to note in the information I received that this significant increase in the population will increase policing requirements. I raise this because of the difficulty in attracting police officers to these remote areas. In the 2006-07 financial year SAPOL had an establishment of seven sworn officers and one civilian customer service clerk in Roxby Downs. This was increased by three sworn officers in 2008-09 to include a detective position, and a second civilian service clerk. Funds have been approved to build a new police station at Roxby Downs and it is envisaged that it will be completed in 2010.

I have visited Roxby Downs on a number of occasions in the past seven years, particularly in the past two or three as the shadow minister for police, and not once has that police station been fully staffed; it has always been short staffed. Indeed, nearly every rural and regional police station in our state is undermanned. Recently I was in Ceduna, where they were eight officers short at that time. My notes go on to say that once the police station is completed a further 14 sworn positions will be attached to provide extended day/afternoon/early morning shifts, seven days a week, and a police response of 24 police and two civilian customer clerks. Depending on the expansion time frames of the mine, a further six police officers are to be considered from 2012-13, and potentially another five in 2013-14. This will be a very significant regional police station and presence. If the population grows according to the expansion outlined in the document provided to the minister, we would see this as being one of our biggest regional towns and police stations. However, as I said, these are rarely ever filled. My notes go on to say that at that time I was advised that there were nine sworn positions for full-time officers in uniformed staff in that station, yet there are two vacancies as we speak today. I know that this continues to be a problem.

If you look at the incentives provided to police officers to work in these outback areas, I think that is where we have a real problem. Rent for houses in Roxby Downs is 40 per cent above that for similar houses in Adelaide: three bedroom houses are between $450 and $500 a week, four bedroom houses are $480 to $550, and a three bedroom unit is over $400 a week. There is a view amongst some staff in the northern areas of our state that, with the expansion of Roxby Downs, SAPOL will never be able to fill those positions. In fact, some people in the police force suggest that the government should look at what happens in other states, which have a zero rent policy for mining communities and other hard to fill, remote areas.

Police officers do not go to these areas on a larger salary, and, as a result, the positions have been very hard to fill. We know, and the minister himself has made comment in this place, that it has been almost impossible to match the salaries paid by the mining companies, so we have to look at other ways of getting there the important people—whether they be police officers, teachers or other government employees—who make those communities work. We want the development and we want to see our state's economy grow, but the government (in partnership with the public sector and the Public Service) must be prepared to provide some incentives for people to go to those areas and take up the important roles that are needed to grow these regional communities.

Some wonderful developments may occur with hot rocks and geothermal energy resources in Outback South Australia, and in the long term it may well be better and cheaper to actually shift people to live in that part of the state rather than try to transmit the electricity. There would be huge transmission losses across the lines, and it may be a more efficient use of that resource to have people live in the Outback. Again, I believe the government has to play a much greater role in partnering with the public sector and the Public Service to have people working in those outback areas.

I would like to continue my comments on the police for a little longer. It is interesting to note that we have had the best of economic times, some of the best years that our nation has ever seen with the growth in our economy, yet we have a police force that (when you talk to police officers) always seems to be just a little under-resourced. I will use tasers as an example. My colleague the Hon. Terry Stephens, when he was assisting as parliamentary secretary for police, was passionate about progressing the issue of supplying our police force with tasers, but it was resisted.

When I became shadow minister it was resisted by the police, but it was something that the Hon. Terry Stephens was working towards along with my colleague the Hon. Rob Lucas. Late last year we released a policy (via press release and a story in the *Sunday Mail*) advising that, as an alternative government, we would provide funding for some 500 taser units for SAPOL. It was

interesting to note that the police commissioner then came out and said that they were actually going to do that themselves and were undertaking a trial.

It reflects poorly on this government that it does not provide resources to the police force to enable our hard-working officers to be kept up-to-date with the latest equipment, especially when we see increasing crime and violence in areas such as Hindley Street. Tasers have been used worldwide so there is no need to conduct a trial. I am sure it is just a delaying tactic employed by the commissioner because the government has not provided sufficient financial support to supply the police with those units.

Certainly, in Hindley Street and those areas where there is a bit of civil disobedience, which are often difficult situations, tasers have proven to be very effective tools of trade for the police to bring some of the crowd behaviour under control and send a message to some of the people in those crowds who behave badly and cause civil disturbances that make those areas a little unpleasant for the rest of us.

Police officers equipped with tasers will move quickly and bring those people under control. We have seen time and again where a person's life has been saved with the use of a taser because the police have not had to use some other more traditional method such as a gun or some other sort of restraint. I think that that is another example of where the government has been, if you like, lazy in not actually resourcing our police force adequately.

The Hon. R.P. Wortley interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Wortley is out of order. This bill is about the provision of Public Service funds.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr Acting President. The police as public servants—and I am sure that the Hon. Mr Wortley would understand that police officers are public servants—in this modern day, when they graduate, do not even receive something as simple as a raincoat or a kitbag. That is a joke in this modern world. I am sure your union members would have got a raincoat. When you were one of the gassies, you would have got a raincoat.

The ACTING PRESIDENT: The Hon. Mr Ridgway is reminded to address his comments through the chair.

The Hon. D.W. RIDGWAY: I do beg your pardon, Mr Acting President. I think it can be seen that there really is a whole range of areas in which this government has let down our public sector, particularly the Public Service and, in particular, the police. I think we need to put this all into context. Even though we have had seven of the best years this state has ever seen, recent budget reductions show that SAPOL has been asked to reduce its spending by nearly $60 million over the next four years to meet the budget cuts and unfunded cost pressures.

Now the pressure will really come on. We will have close to 4,400 sworn officers on the beat. They will not quite get there, but it will be within 50 to 100 of that number, but there will be not enough resources there to support them. I foresee some real tensions where the government will again let down our hard-working public sector.

It is also interesting to note the 2008-09 budget papers relating to the redevelopment of the Fort Largs Police Academy where all our young police officers will be trained. Those budget papers show that $29.7 million was allocated to the redevelopment of that facility, but the recent announcement shows that it will cost some $59 million. You can see that there will be some tremendous pressures for the police minister to deal with: a dwindling budget, dwindling resources and still trying to support our hard-working police officers so that they can actually get out on the beat and do the job that they are trained to do.

One of the other areas for which I have had some responsibility in the past little while is mining. The government has often claimed that it has put extra money and extra staff into PIRSA and that it is investing in helping to develop our mining industry. It is interesting to note that Dr Paul Vogel, when he left as the head of the EPA, commented that, if we were serious about expanding our mining industry, and in particular our nuclear industry (and we have just heard the Premier and the minister, by way of Dorothy Dix questions, talk about what is happening at Roxby Downs), we had inadequate radiation compliance officers to support our burgeoning uranium/nuclear mining industry.

To my knowledge, there has been no increase in radiation compliance officers within the EPA, and yet we are talking about the world's largest mine. I heard the Premier say in another

place recently that he has been told that it is a $US1 trillion resource. He brags about how big it is and how wonderful it is but, as we always see, he does not actually back up his bragging with resources to the Public Service and, in particular, the government departments that will provide the support. We saw the problems that came about in Arkaroola when Marathon Resources dumped some material that probably it should not have dumped. Why did we not have some compliance officers out there? Why do we not have the resources on the ground to support this mining industry?

We have a government bragging about its PACE initiative amounting to roughly $5 million each year, resulting in $300 million worth of mining exploration. It has claimed that it was the PACE initiative that delivered that great mining exploration boom. If $5 million two years ago gave us $300 million worth of exploration, surely $10 million in this budget will see us with $600 million of exploration if that PACE program is the reason we had that wonderful mining exploration boom. We know it is not; it was driven by commodity prices.

We also need to look at the Labor Party's policy (the Premier claims it was hard work changing their no new mines policy from a uranium perspective), which has certainly held this state back. As I indicated some weeks ago in this chamber, we are so highly prospective for uranium in South Australia that whenever you drill somewhere you are likely to find uranium. If you could not establish a uranium mine over the past 20 years under the Labor policy then mining companies were not even interested in exploring. Clearly, Dr Paul Vogel knows that we are highly prospective for uranium. We have 40 per cent of the world's known reserves and it is likely to increase as further exploration takes place.

Again, that is an example of a government that has not been prepared to support our mining industry with enough people on the ground. In fact, I think that an increase in the Extractive Areas Rehabilitation Fund levy was to enable an extra compliance officer to be provided on the ground to monitor what was going on. To my understanding, the government has been collecting that money (quite a significant amount—several million dollars) since that agreement passed this chamber and yet there is not one extra person on the ground undertaking that compliance role for our extractive industries sector.

It is also interesting to note that the government has been championing its reforms in the planning sector, and certainly the move to a residential code was something that the opposition was happy to support. However, as I indicated in my question earlier today, there appears to be a lack of resources in Planning SA. There is a lack of staff on the ground, and it appears that the government has not actually provided enough resources for Planning SA to deliver the sort of leadership we want for the growth in our society and in our economy over the next 20 or 30 years.

The anecdotal evidence I hear is that there are increasing numbers of external consultants. We have a record number of Public Service employees (some 17,000 more than when this government came to office) and yet I know that a whole range of activities are being undertaken by consultants outside of Planning SA, certainly regarding our 30-year plan and other components of the residential code. A whole range of work by the government is all being done by external consultants. Clearly, we have the wrong people in Planning SA, or perhaps the government has not put enough people in there or is not resourcing them adequately.

What I cannot understand is how we can have an increase in the number of public servants in South Australia and yet have an increase in the use of external consultants and external expertise. Surely, if you are going to use external consultants and expertise you should be reducing the number of public servants, or the other way around: you actually bring the expertise in-house and you do not need to use consultants at the same level.

Planning SA has significant challenges ahead of it with the development of the TOD (transport oriented development) concept. I think that is a great opportunity to bring in some good expertise rather than relying on external consultants. I also note that the Minister for Urban Development and Planning (Hon. Paul Holloway) and the Minister for Transport, Energy and Infrastructure (Hon. Pat Conlon) are heading up a world tour of TOD developments in the near future. I think they leave at the end of the week. I have heard that the minister will spend one or two nights in the Waldorf Astoria. I am wondering—

The Hon. P. Holloway: That's not true.

The Hon. D.W. RIDGWAY: The minister says that it is not true, and he can perhaps correct the record, but that is what I was told the other day. I thought that would be a wonderful use—not—of the Public Service. Again, it is about the expertise. I do not really know what benefit it

brings to our state's economy to have some 20 members of our business community touring with two ministers—

The Hon. P. Holloway: It is their choice whether they go; they are paying for it.

The Hon. D.W. RIDGWAY: They are paying for it, but how many members of the government are travelling on this tour, including the two ministers and their support staff? We are talking about the Supply Bill. This money has been supplied to send these people and other members of their staff overseas.

The Hon. R.I. Lucas interjecting:

The Hon. D.W. RIDGWAY: The Hon. Rob Lucas talks about a two week holiday.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister interjects. The cost of the trip is almost double an opposition member's travel allowance. Even if I had been invited, I would not have been able to afford to travel. There is a whole range of issues in Planning SA. I question the Hon. Patrick Conlon's department, where we have seen a whole range of projects. The government has asked the Department for Transport, Energy and Infrastructure to cost these projects, and yet nearly all of them have blown out significantly in cost.

Has the government brought in external people to give advice, or have in-house people given the advice? The South Road/Anzac Highway underpass has almost doubled in cost from $65 million to $118 million; the Northern Expressway increased from $300 million to $560 million; the northern connector corridor cost $1.55 billion; and the Port River bridges increased from $131 million to $175 million. These projects had been costed and, clearly, mistakes have been made. Have they not been resourcing government departments properly? I just do not understand how you can get things so wrong. Most people would expect—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister just interjected, 'Well, steel goes up'. Well, steel has come down significantly in price, so why aren't projects coming down in price?

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: I know. The minister always has an excuse. He always blames somebody or something else. We have some 17,000 extra employees. We have tremendous budget pressures, with talk about the world economy as it slips into recession. Sadly, South Australia is likely to move into low growth over the next period. It really is of concern to the opposition that we have a public sector that will now be starved of resources because the government has not been able to manage it over the past seven years.

We have had significant revenue flows. In fact, the most alarming thing for most of us is that, for every budget the Treasurer has delivered, income has increased beyond what he expected, but so has his expenditure. He has delivered a budget, but expenditure and revenue have outstripped the budget; revenue has always outdone expenditure. So, of course, this government has been rescued by windfall gains every year.

We will now see a government that will move in the opposite direction. We all know that, when an economy starts to back off and underperform, revenue will shrink away from expenditure at an even greater rate. We are at great risk of having a crippled state economy and public sector because this government has not properly managed our state's finances. With those few words, I indicate that I am happy to support the Supply Bill.

The Hon. T.J. STEPHENS (15:55): I will not repeat everything our lead speaker has said, but there are a few points that I wish to touch on. I will make a reasonably brief contribution, unless the Hon. John Gazzola heckles me too much, in which case it will become far more lengthy and it will drive everybody nuts.

Given the global financial crisis that we are facing, it is a very important time for the state's economy to be managed efficiently but, regrettably, this inept government is in charge of controlling the purse strings. This Supply Bill comes to us after seven of the very best years this state has ever seen but, regrettably, there is little to show for it. The Rann Labor government has benefitted from record GST payments from the federal government.

Members interjecting:

The PRESIDENT: Order! Government members have been warned.

The Hon. T.J. STEPHENS: Thank you, Mr President, for your protection. This government has also benefited from record tax revenues. Yet, during the best of economic times prior to the current situation that we face, the government has run South Australia firmly into the ground. The Rann Labor government is all spin and no action. It really has done very little for the people of South Australia.

The Mid-Year Budget Review painted a very interesting picture of where our state is at. As some of my Liberal colleagues in another place have already explained, this government has never had a problem with revenue: it has had a problem with expenses. We have seen budget blow-outs in almost everything this government touches. Almost every project this government has undertaken has had a blow-out. Whether it is building an underpass or a bridge, or undertaking any project at all, the Rann government has stuffed it up. We are not seeing revenue problems, but problems with expenditure.

South Australia's fiscal position and outlook is bleak to say the least. At the time of the Mid-Year Budget Review, there were budget deficits on all three accounting measures in 2008-09: a lending deficit of $819 million, a cash deficit of $801 million, and a net operating deficit of $112 million. All these have worsened since the Mid-Year Budget Review. The responsibility for this rests solely with the Premier and the Treasurer, and a Liberal government will again be required to come in and fix up Labor's financial mess.

South Australia now carries the second worst budget deficit in the nation, with only New South Wales being worse off, and we all know what a basket case they are. Essentially, poor financial discipline and poor management by the Rann government has landed South Australia in financial trouble. To try to make up for his mistakes, the Treasurer has deferred infrastructure projects of significant value to the community.

Most of my Liberal colleagues have been involved in small business, and some of my other colleagues in this place will know that, in the good times, it is all about keeping your expenses under control so that your business has a strong future. Unfortunately, most people in the Labor Party do not have this type of business acumen, and that is why Labor governments so often fail on economic management.

I am sure that tonight Mr Rudd and Mr Swan will give us another glowing example of this when they unveil the biggest budget deficit in Australian history, and just watch them blame the former Howard government (a government with impeccable economic credentials), the global financial crisis, and anything and anyone but themselves.

As mentioned, this state government has an expenses problem. Revenue has never been an issue, but we will still not hear the Treasurer talk about the windfall revenues gained from the GST during the good years. As we head into tougher times, one can rightfully ask: where has all the money gone? It has gone into trams, into bungled infrastructure projects and into a ballooning Public Service. It has been wasted while major problems, such as securing our state's water supply, are no closer to being resolved.

I want to touch on state taxes. Since this government came to office, payroll tax is up 52 per cent. Taxes on property overall are up 104 per cent, and some categories of land tax are up 267 per cent. Taxes on gambling are up 29 per cent, insurance tax is up 43 per cent, and motor vehicle tax is up 35 per cent. This is the highest taxing government in the state's history.

The Commonwealth Grants Commission has indicated that South Australia has levied its tax revenue bases more severely than any other state or territory during 2007-08. Labor's unenviable feat is that it has delivered the highest taxing regime of any state in the commonwealth.

I refer to payroll tax levied under this government. A business operating in Queensland with a payroll of up to $1 million will not pay one cent in payroll tax. A business in Tasmania will pay nothing in payroll tax. Over in the west, a business will pay $13,750 in payroll tax but, here in South Australia, it is $22,400. It makes no sense whatsoever. South Australia has the lowest payroll tax threshold in the country and one of the worst payroll tax regimes. It is uncompetitive, unfair and a disincentive to do business in our state.

Let me touch on stamp duty. As a parent of two young adults I am keen to see them break into the housing market, and I have previously spoken in this place about unfair stamp duties in South Australia. If you are buying a $300,000 property in Queensland you will pay $3,000 in stamp duty. If you are buying in South Australia you will pay $11,000 in stamp duty. We are the worst of

all the states, except Victoria. Land tax is a major issue to business in this state. Many business people I speak to are concerned about the effect that land tax is having on their business. It is affecting their business to the point where they have had to sell some of their commercial property and look to invest interstate.

It is again worth looking at how they do things interstate. How much land tax does one pay on an investment property or business premises valued at $500,000 in Queensland? Not a cent. In South Australia the government will take $1,700 from you. If it is a $1 million property you are paying $11,400 in South Australia, but in Western Australia you would be paying about $700. How can the Rann Labor government justify this? What sort of signs are the Premier and the Treasurer sending to the business community when good businesses employing high numbers of people have to sell part of their assets and move interstate purely because of the disgraceful taxation regime in this state?

It is a restrictive regime that quite simply has to change. We have seen the community anger at public meetings and in the media and, clearly, something has to give. With those few comments, I support the bill, but I fear for the future of South Australians both young and old.

The Hon. J.S.L. DAWKINS (16:01): I rise to support the second reading of this bill, which provides, I believe, some $2.75 billion to ensure the payment of public servants and the continuation of state government services from 1 July until the Appropriation Bill for 2009-10 passes both houses. As we know, the Supply Bill gives parliamentary authority to the government of the day to continue delivering services via public expenditure. The government is entitled to continue delivering these services in accordance with general approved priorities—that is, the priorities of the last 12 months—until the Appropriation Bill is passed.

I want to take a little time today to talk about a number of areas that are serviced by various sectors of the state government and, obviously, the public servants who perform those duties. A certain degree of it will relate to the health portfolio, so I will cover three different areas in that portfolio sector. First, I would like to talk a little about the recent plan of the government in relation to central procurement for country hospitals. In recent months my colleagues and I have been able to pour some light on the government's central procurement policy for country hospitals which has mandated those hospitals to cease obtaining supplies from local businesses in favour of the South Australian Distribution Centre at Camden Park.

We have seen a recent backflip—via ABC Radio—which will allow country suppliers to compete against the South Australian Distribution Centre, because I think the government has been embarrassed by the publicity this 'centralisation gone mad' (as I have described it) has received in country areas. While the government has said that regional-based distributors can compete against the Camden Park centre, certainly there are very strong concerns by the businesses who have been supplying the hospitals very well that they will not be competing on a level playing field due to the size of the contracts that the Camden Park centre can hand out to other suppliers.

Certainly in this house the government has been unable to tell me whether the decision was accompanied by a regional impact statement when it went through cabinet. I am sure that it should have done, but we have not heard any answer on that; and, certainly, I have not heard any answer as to whether the Regional Communities Consultative Council was given any indication of this move. It does concern me that a number of significant businesses in regional South Australia—and they include Northern Agencies in Whyalla, EP Cleaning Supplies in Port Lincoln, Warehouse Matrix in Balaklava, Riverland Paper Supplies in Berri and Jaypak Distributors in Mount Gambier (I think there are some others)—have all indicated that they face an uncertain future and that there will be a negative impact on their staffing levels and on the support they can give to community groups in their area.

It has been a very strange decision, yet many of them are reminded of the days of the old Supply SA venture, which was closed down because it was inefficient. These businesses have shown that they are very good at providing a same-day, freight-free service to the hospitals. Let us not forget that those country hospitals are staffed very largely by hard-working public servants who are providing a service not only to the people who live in those regional communities but in many cases also to the people who live in Adelaide and larger country communities who, when driving through a town, have an accident and need to go to a hospital in that area. They need those services just as much as the local people. The government needs to come clean on this one. Is it prepared to allow those public servants in country hospitals to continue to have those very good

arrangements with the businesses based in their local communities or in other regions nearby that understand the intricacies of those local areas?

On another matter in relation to the health area, I remind members that last year, running through to the early part of this year, I chaired the select committee on the redevelopment of the Glenside Hospital. The committee brought down an interim report in September last year, recommending that a research and training institute be developed as part of the redevelopment. Following that, we brought down our final report in February this year, which made a number of recommendations. None of those recommendations at this stage have been responded to by the government. I know the parliament decrees that standing committee reports must be responded to within a set period—I think three months—but unfortunately there is no decree in relation to select committees. However, I would have thought that as a courtesy the minister would have responded to our recommendations. As noted by the Hon. Ian Hunter the last time we were sitting, he and the Hon. Bernie Finnigan supported the great majority of the recommendations of the report.

Certainly the report indicated the great deal of disaffection expressed to the committee on a number of aspects of the proposed redevelopment, including the sale of the land to fund residential housing, plans for commercial and retail areas, the future of rural and remote services, the depletion of open space, the possible destruction of trees, security (particularly in relation the incorporation of Drug and Alcohol Services South Australia), traffic and access issues and the consultation process, which most of us in this place were well aware was indicative of many consultation processes. It reminds me somewhat of what we are going through with Regional Development Australia at the moment. It is almost a 'you will do what we say' consultation process.

I ask the Leader of the Government to seek some response to the work done by that select committee. I understand that the government is not all that keen about some of our select committees, but this one worked well and came up with a very good report. If the leader would like to read the Hon. Ian Hunter's speech on the noting of the report, he would realise that he and his colleagues supported the great majority of the recommendations.

The Hon. P. Holloway: Is that Glenside?

The Hon. J.S.L. DAWKINS: Yes. The committee would appreciate a response from the minister on the two reports. It is important that we get a response to that report on Glenside because there are ongoing issues and continuing matters that remain unresolved. There may have even been a meeting in the vicinity last night of people still concerned about aspects of the Glenside redevelopment that remain unresolved, and the Leader of the Government may well be aware that some of those concerns relate to some development plan amendments. I ask the government to give a response to a number of those issues.

I will not delay the council very long in talking about suicide prevention, as I have done in the past, but in recent years I have made many approaches to the government about the CORES (Community Response to Eliminating Suicide) program and seeking government money, even if only for a pilot program. The current minister (Hon. Jane Lomax-Smith) upon taking office gave me a commitment, as did the Commissioner for Social Inclusion (Monsignor Cappo), that the CORES program would be considered in a review of all mental health and suicide prevention services.

It is many months since that commitment was given to me, and we still see no government support for that program. I have never asked for blanket funding for such a program in this state, other than perhaps some seed funding for community groups—the Salvation Army in some places and Rotary in others, and independent groups such as Loxcare at Loxton—and various councils and regional development boards that have shown interest in running a program but need assistance to do so, but unfortunately that has not been forthcoming. I congratulate the Eyre Peninsula Local Government Association for committing funds to run a CORES program within that local government region. There has already been some training for the general community as well as some specific training for two leaders, who will train more local Eyre Peninsula people in the CORES program over the remainder of the year.

I believe that the Eyre Peninsula Local Government Association has committed $11,000 to the program, and that is an extraordinary commitment that also shows the concern held by communities in that region regarding the great threat posed by suicide in the community. Many other areas are of equal concern, and I would hope they are encouraged by the work of the EP LGA. I would also encourage the government—and the minister, in particular—to take note of the work that program is doing, as I will be doing over the coming months.

I would like to move on to a couple of other areas which particularly relate to my responsibilities as the first opposition spokesman for the northern suburbs, a role that I take very seriously. I was appointed to that position about August or September last year, following the *Sunday Mail* article in which, members may recall, Jimmy Barnes made an impassioned plea for the northern suburbs. That was followed by the University of South Australia convening the Northern Suburbs Summit, which was held on 1 August last year.

Just prior to that, the Premier announced that he would appoint a Minister for the Northern Suburbs, and on the day of the summit he announced that he would open a Northern Connections office in the northern suburbs within a very short period of time. I have spoken about that matter recently in this chamber, but the reality is that the Minister for the Northern Suburbs, the Hon. Jennifer Rankine, has presided over a situation where it took from 1 August, when the announcement was made, until 17 April this year for the government to open that office at Elizabeth. My understanding is that cabinet gave approval in November for the office space to be rented, but no-one has been able to give me any indication of the reason for such a delay. My summary of the situation would be that it was because of general incompetence and a lack of commitment to the project.

It also disturbs me that, while a director has been appointed, we know from the media that he has gone overseas on leave for five weeks. I should point out here that the director is Dr Mal Hemmerling and, while no-one denies him the right to take any leave that he may have accrued in his job as Commissioner for Consumer Affairs, given that the office took from August last year until 17 April this year to open, it would seem that the five councils directed to be part of this portfolio by the government have not yet been consulted regarding what the office will actually do. It seems to me that it will be about 12 months from the Premier's announcement until any concrete work is done.

I support the concept of an Office for the Northern Suburbs—or Northern Connections, as it is known—but I believe it is pointless having it unless local government bodies and other stakeholders in the area have input into what the office will do. The previous Office of the North, which was based at Edinburgh Parks, was not highly regarded and not easily accessible; stakeholders in the region felt it got in the way rather than assisting local community groups or local government bodies. I urge the minister to consult with the stakeholder bodies. While it would seem natural that the Salisbury and Playford councils would be the key stakeholder councils, there are also the Tea Tree Gully, Gawler and Light councils that have been directed to be involved, but none of them has had any say as to whether or not they want to be part of it.

Staff members asked me about a number of issues when I went to the opening of Northern Connections, and one that comes readily to mind is the situation regarding the Gawler rail line. Again, I apologise to members who have heard me go on about this for 12 months or more, but it is an issue that the government fails to recognise as being a problem. I concede that the 6.35 train I travelled on from Gawler this morning had a third carriage—and I was pleased to see that, because it was not quite as badly overcrowded as it has been previously—but the reality is that the changed timetables, which came into effect just after Anzac Day last year and which were amended slightly in November and again at the end of January this year, have produced a situation where the trains on the Gawler railway line are always running late and are generally overcrowded.

I highlight a case where, recently, a train driver or another staff member on a service from Gawler during peak hour announced to the passengers that the service had actually arrived in the yard on time, which was a new thing. However, the trouble was that, even though it arrived in the yard on time, it took about another five or 10 minutes to get into the station because all the other services were running late and there was no room for it to come in.

I think that, when we get to a stage where the TransAdelaide staff are announcing that a service is close to its destination on time, then we have a real problem. I certainly do not criticise the TransAdelaide staff who do most of the work in running the services and operating them, but I think the hierarchy and, certainly, the minister's office will not get the message that the current schedule of timetables for these services is not working whatsoever and needs to be overhauled.

I was asked recently whether some federal funding has been announced to increase security cameras at some stations on the line, and whether this was a good thing that would encourage people to use the train services on that line. I said that I welcomed that, but I also made the point that, until you get more security on the carriages themselves but particularly until you get them to run in a timely fashion, it will not be attractive to more people to use public transport.

Certainly, I would have thought that one of the great aims of this government, or any government, would be to get more people using public transport. To do that you need to ensure that they are going to be safe and secure and that they will travel to where they want to go in a timely fashion.

In conclusion, I hark back to what I said earlier when I referred briefly to the Regional Development Australia proposals that are currently out for consultation with councils. While I am certainly not against the new proposals that have been put forward by the federal and state governments, I think that the manner in which this has been handled by the federal department and by the Department of Trade and Economic Development has been deplorable.

A decision was made by all regional development ministers across the country in July last year in Broome to roll out these changes across Australia. In November, the then minister the Hon. Rory McEwen declared that a memorandum of understanding would be developed in a very short period of time with the three tiers of government. It was very important that that happen in this state because we have a unique situation where local government is a funding partner in regional development bodies—something that we do not see anywhere else. It was going to be in November and, here again, a little bit like the delay in the Northern Connections office, it was only about three weeks ago that the memorandum of understanding on its 10th or 11th draft was finalised.

We now have a situation where local government bodies have been given six weeks to decide on varying degrees of amalgamation with the area consultative committees and other regional development boards with something that is supposed to commence on 1 July this year. I think it is ludicrous to think that that can be rolled out across a great deal of the state. There are some areas where it will be easier than others, but I think the process is lamentable.

I commend those practitioners in regional development and within the local government funding providers for wanting to get on and get the best result from the commonwealth government's entry into this area, but I should reiterate that the commonwealth government is only offering at this stage $1.4 million across the whole state as part of the change that it is demanding.

On that note, I thank the council for the opportunity to make those comments about parts of the public services provided to the community of South Australia by the government. I support the facilitation and continuing delivery of public services by public servants, which is facilitated by this bill, and I support the role of public servants in their commitment to delivering services to the people of South Australia.

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

PAYROLL TAX BILL

Adjourned debate on second reading.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:29): I rise on behalf of the opposition to indicate that we will be supporting this bill. In fact, it has arrived from the other place where the member for Goyder (Mr Steven Griffiths), our shadow minister for finance, was the lead speaker, so I will not make a long contribution other than to reiterate some of the important points that he made.

This bill follows an agreement between the state and territory treasurers in 2007 to progress towards the adoption of consistent arrangements regarding the harmonisation of payroll tax. As all members would be aware, in today's business environment this kind of consistency is quite necessary. Businesses are no longer confined to statewide operations and South Australia must remain a competitive state in which to do business. Increasingly, we are seeing more and more businesses operating on a nationwide basis or certainly across state borders. As members may recall, I lived on the South Australian/Victorian border and there were a number of businesses operating in the area; in fact, nearly every significant small business in either Bordertown or Kaniva operated in the other states.

The main aspects to the bill are: the timing of lodgement; motor vehicle allowances; accommodation allowances; fringe benefits; work performed outside the jurisdiction; employees' share of acquisition schemes; superannuation contributions from non-working directors; and grouping provisions. As I have said, the opposition in the other place supports the principle of the states working more cooperatively and businesses having a better understanding of their requirements when operating across state boundaries. My colleague Steven Griffiths notes that payroll tax revenue to this government for this financial year is around $888 million and, in the last

term of the Liberal government, it was $601 million. So, in the past seven years, we have seen it grow by some $287 million.

The feedback that I have been getting from South Australian businesses is that the threshold on payroll tax needs to be lifted in order to stimulate employment in our state and encourage productivity and economic growth. Although we are supporting this bill without amendment, I point out that businesses are struggling a great deal at the moment and payroll tax is one of the main things hindering our businesses in this state. In fact, unemployment is tipped to increase from 5.6 to 9.5 per cent, and certainly payroll tax is, if you like, a dampener on employment growth.

It was stated in the House of Assembly that a small business owner some 15 or 20 years ago was liable for payroll tax if the business employed around 20 people. However, considering the current wages, which have gone up significantly in that time, it can only be employing about eight people to now be liable for payroll tax. So there certainly has been (a bit like land tax) a significant amount of slippage. In essence, in the past, businesses were able to become reasonably well established before having to pay this tax but, sadly, that is no longer the case.

I have a very good friend who is still in business, thankfully, and who was growing his business many years ago and really did not have his head around the fact that he may have to pay payroll tax once salaries passed the threshold. He had gone out on a bit of a limb and bought another bit of equipment and borrowed some money to employ an extra person and then, suddenly, he was hit with payroll tax. I remember him ringing me, knowing that I was involved in politics, and asking, "How can this be? I'm being taxed for growing my own business and taxed for giving jobs to South Australians.'

Certainly, our current payroll tax threshold is not sympathetic to small to medium enterprises which really are the engine room of our state's economy. It is interesting to note that some 26,000 small businesses ceased operation in the first three years of this government, from 2003 to 2006. I think it likely that another 20,000 or more will cease to operate and disappear by 2011. It will be in excess of 40,000 small businesses which have ceased to operate in this state under the term of this Labor government.

We also need to think about the future and the fact that, in the next 10 to 12 years, some 206,000 baby boomers are estimated to be retiring. I do not think the government has really recognised this fact, and I do not think we are doing enough to provide for the transition resulting from such a large loss of skill and experience. Recent unemployment figures show that about a quarter of our 15 to 19 year olds are unemployed. This is a key group that we need to be attracting into the workforce. Payroll tax thresholds need to be changed in order to attract them and to make it possible for employers to employ these great young people who are out there looking for work but who will be under increasing pressure as the unemployment figure rises.

My colleague Mr Steven Griffiths noted that the Commonwealth Grants Commission has just released figures looking at nine areas of tax policy across all states and, of those, South Australia is the highest taxing in six of the areas. It indicates that, while we are supporting this arrangement for harmonisation and consistency across state borders for payroll tax, members will all be aware that there is significant work to be done. With those few words, I indicate that we support the bill.

The Hon. M. PARNELL (16:35): The Greens will be supporting the second reading of this bill but, in doing so, I want to make some general observations about payroll tax and then talk particularly about extensions to the payroll tax regime, and also put a number of questions on the record for the minister in relation to exemptions.

The first thing I would say is that we support the harmonisation objectives of this bill. We note that the first round of harmonisation went through a couple of years ago and that this is effectively the second round, which harmonises those items that were not dealt with in the first, which includes the exceptions to the payroll tax regime. However, in general terms, one thing that the Greens have serious concerns about is the extent to which we use or fail to use our tax system to achieve social, economic and environmental objectives.

Tax is a very useful tool for encouraging things that we want more of and for discouraging things that we want less of. I am putting it in very simple terms but I am sure that I am not the only person who has, in Economics A lectures at university, pondered the question about why we tax something we want more of (like employment) and yet we fail to tax things that we want less of (like pollution), particularly when you consider that pollution has reached levels where it is changing the

very climate of the planet. We accept that other factors come into play in relation to the choice of a tax base and how broad or narrow it should be. We have to take into account the ease of measurement and collection, but the way the Greens look at it is that that should not overshadow the broader economic, social and environmental objectives of taxation revenue, which, in relation to payroll tax, should include not creating a barrier to further employment.

In relation to exemptions, members might recall a campaign that was waged by non-profit environment groups a couple of years ago, led by Greening Australia, where they urged the state government to 'axe the green tax', as they put it. There are not many, but there are some non-government conservation organisations, such as Greening Australia, whose payroll exceeds the threshold for tax purposes, and they were paying many thousands of dollars in tax, money which could have been spent on their original objectives, in particular, tree planting.

As a result of that campaign, in mid-2007 the government announced that it was going to expand the list of worthy organisations that would be given payroll tax relief. I note in this current bill that we are attempting to harmonise the exemptions between the various states. I would like the minister to clarify that all organisations that are currently exempt from payroll tax under the existing legislation will continue to be exempt from payroll tax. Variations on that question include what types of organisations the government believes may be getting payroll tax relief for the first time under this new proposed arrangement and whether there are any organisations at all that are currently exempt from payroll tax that will have to pay in the future.

I understand that, on the face of the legislation, it looks as though it is more likely that the number of organisations to be exempt will increase, and that would flow from a change in the definitions. Previously, a non-profit organisation had to have 'wholly charitable objects', and, under the proposed bill, non-profit organisations need to have only their sole or dominant purpose as charitable. I want the minister to clarify that 'charitable' does include these non-profit, non-government environmental groups.

It might seem that I am making quite an issue out of something that sounds very simple, but I come to this debate from long experience working in the non-profit sector where we had endless arguments with federal taxation officials about the different definitions that are at work here—the definition of 'charitable purposes', the definition of 'public benevolent institution'—and what flows from those different definitions. Whilst we are talking about relief from payroll tax, there are other taxes, obviously, that are more significant. There is income tax and there is also the ability for organisations to attract tax-deductible donations from members of the public.

My understanding of the changes that were brought in a couple of years ago is that the government's intention was that all these organisations would be protected. What I would like from the minister is some detail about the interconnections between state and federal taxation regimes around the types of organisations that might be included. If I stick, for example, with the environmental organisations, as I understand it the current arrangement at the federal level is that organisations apply to the Australian Taxation Office to be included on a register of environmental organisations. Once accepted onto the register, you are then able to make calls to the public for donations, which are then tax-deductible.

I need to know whether all such organisations on that register will be exempt from payroll tax in South Australia. Is that the test? Is the test the same as deductible gift recipients? Is the test in relation to environmental groups whether they are on that commonwealth register or is there some other test? Is it a test of income tax exemptions? Is that the list that we should be looking for?

With those brief remarks and with those questions on the record, the Greens are prepared to support the second reading of this bill.

The Hon. A. BRESSINGTON (16:43): I rise to briefly indicate my support for the second reading of this bill, which seeks to harmonise payroll tax provisions in South Australia with the equivalent payroll tax legislation in New South Wales and Victoria.

This bill is a result of an agreement reached in March 2007 by state and territory treasurers to move towards consistent arrangements announced by New South Wales and Victoria on a number of key areas, including payroll tax. As has been noted, the legislative amendments to implement these measures were contained in the Payroll Tax (Harmonisation Project) Amendment Act 2008, which I supported in this chamber.

Payroll tax is a controversial topic and is often referred to as a tax on jobs. Small businesses, led by Business SA, have long campaigned for the cuts in both the threshold and rate

of payroll tax. In an ideal world it would not exist, but, as it currently represents about one quarter of South Australia's taxation revenue, it is a vital factor in the government's ability to provide infrastructure and essential services.

There is, therefore, a delicate balancing act that a treasurer must perform between delivering these important things without stifling business too greatly, and it has been made no easier by the global financial crisis. If payroll tax is abolished or cut the revenue shortfall must be compensated for by either reducing services and/or increasing taxes elsewhere.

With payroll revenues forecast to be pushing $900 million this financial year, we are talking about a very significant amount of money. However, although payroll tax is controversial, the subject matter of this bill is straightforward and commonsense. I support the content of this bill because I see it as a move to better reflect the current business environment and the direction in which it is likely to continue to head in the future.

Whereas in the past the vast majority of businesses operated solely within the state, today many operate right across the country. With this in mind, consistency of payroll tax arrangements is highly desirable. It is a better reflection of the times we are in and, not only that, it simplifies things and reduces administrative processes. Again, I support this bill and look forward to its swift passage through the council.

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

STAMP DUTIES (TAX REFORM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 April 2009. Page 2030.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:45): I rise again to make a few brief comments in support of this bill. As I indicated in the previous bill, our lead speaker is the shadow minister for finance, Steven Griffiths (the member for Goyder), in the House of Assembly, so I will not make a particularly long contribution. I will just reiterate some of the important points that were raised during the debate.

As part of the 2005-06 budget, legislative amendments were introduced and passed to phase out rental and mortgage duty, with 1 July 2009 being the date on which both these duties would be abolished. Budget papers show that rental duty across the forward estimates is around $39.6 million, and that mortgage duty is some $192.2 million. The bill proposes to abolish rental and mortgage duty at the start of the 2009-10 financial year. I indicate that the opposition supports the bill without amendment.

Representations from the finance industry have been considered during this process, with the industry position being revised following the receipt of more detailed advice on the application of GST on adjustment notices when stamp duty rates have changed. As such, this bill reflects the changes requested by industry and ensures that no rental duty is payable on rental contracts after 1 July 2009.

It is important to recognise that the removal of these duty costs was part of the intergovernmental agreement stemming from the introduction of the Goods and Services Tax in July 2000 and not a sign of any generosity by the current Treasurer. I think I should remind the council that it was, in fact, today's government (the then opposition) that voted against the Goods and Services Tax. In fact, the level of GST revenue received over the past eight years has been significantly greater than expected. It was predicted to be about $1.9 billion, but it has been significantly greater than that.

Stamp duty is a significant issue for many individuals and businesses. Homebuyers and businesses have struggled to meet their costs. To a homebuyer, it is a substantial portion of their mortgage and, for a small business, it can equate to the salaries of additional employees.

There are other areas where stamp duty needs to be assessed, such as insurance policies. The 2008-09 budget indicates that savings to business—and thus reduced revenue to government—across the forward estimates as a result of abolishing rental and mortgage stamp duty are estimated to be, as I have said, $39.6 million and $192.2 million respectively.

In addition to abolishing rental and mortgage duty, the government has also taken the opportunity to extend the concessional stamp duty treatment provided to exploration licences to include geothermal licences, and certainly the opposition commends the government on taking that

opportunity. I think that geothermal exploration is an area in which we need to provide assistance and encouragement to the people in that industry. Clearly, it is a potential energy source for the future, and we should explore it at every opportunity.

Other minor amendments have also been included to repeal redundant provisions in relation to cheque duty and lease duty, which have not operated for some time. This bill is certainly positive and a good start to tax reform. There needs to be a lot more work done, but this is, indeed, a good start. The opposition indicates its support for the bill.

The Hon. A. BRESSINGTON (16:49): I rise to briefly indicate my support for the second reading of this bill, which introduces legislative amendments to phase out rental and mortgage duty from 1 July this year. I note that these amendments were introduced by the Treasurer as part of the 2005-06 budget. Again, this bill is straightforward and warranted. Many homebuyers, business groups and investors who buy office buildings continue to be deeply concerned about the level of stamp duty they pay. Particularly in the current economic climate, legislation that will reduce these costs is extremely important, and I am pleased that the government has taken on board the request of the industry.

As I understand it, nearly $40 million rental duty and more than $190 million mortgage duty that is currently paid will be cut. Reducing the tax burden by more than $230 million is a significant and extremely positive thing for South Australia. It will be interesting to see how the Treasurer will make up for these cuts in next month's budget, which I think we all expect will not be too pretty. So, with those brief remarks, I commend the bill to the council and look forward to the debate.

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

SOUTHERN STATE SUPERANNUATION BILL

Adjourned debate on second reading.

(Continued from 29 April 2009. Page 2132.)

The Hon. M. PARNELL (16:51): Over the past several years, every time a superannuation bill has come before this chamber, I have got to my feet to exhort the government to include an ethical option for public servants. I have always claimed that our public servants deserve the same rights as members of the general community, that is, to choose an ethical superannuation option if they wish to do so.

On this occasion, I rise not to wholeheartedly congratulate the government on accepting everything that the Greens have called for over the past several years but to at least acknowledge that we have made some tentative steps in the right direction. Earlier this year, Super SA wrote to people who had corresponded with it calling for an ethical option. The letter reads:

> The Super SA Board has asked me to write to all members who may have previously expressed interest in a Socially Responsible Investment (SRI) option being offered by Super SA. I am pleased to advise you that we are introducing an SRI to members of the Triple S and Lump Sum schemes and investors in Super SA's Flexible Rollover and Allocated Pension products. The investment option will be called the Socially Responsible—Balanced option, and will be introduced on 1 March 2009. More information about the option can be found on the enclosed fact sheet. If you require further information, please contact Member Services on 1300 369 315.

The Greens' campaign over two years has at last borne some fruit. The campaign has involved hundreds of letters and emails, numerous petitions to parliament, and bills as well. What we know so far about the scheme, other than the fact that it is recently introduced, is that it will have similar return and risk characteristics to a balanced fund. I think that an important part of the debate that we have had in this place has been whether an ethical investment option is in fact some form of donation—whether you are doing your money or whether in fact you are going to get a competitive rate of return. The evidence is that these funds do perform well and, in many cases, out-perform traditional investments.

The approach that has been taken is to screen out companies involved in certain industries, such as tobacco, nuclear power, armaments, gambling, alcohol and pornography. The managers of the fund will be headed by AMP. The assessment criteria include ethical considerations, labour standards, social and environmental considerations and also governance. The reason I am holding back slightly in my praise of this initiative is that what we find is that the scheme is at the softer end of the spectrum for ethical investment.

My understanding is that the companies invested in will include all the big fossil fuel companies, such as Exxon Mobil and Royal Dutch Shell, but companies such as James Hardie still

manage to get into the mix as well. I think there will still be some work to do if we are going to give real choice, but I do want to acknowledge that this is a start. The other point that I think is worth making is that schemes such as this can fail if there is insufficient marketing to members to encourage people to take it up. Certainly, Triple S has written to me as it knows that I am interested in this, and it has written to people who have written to Triple S, but the question is whether or not it will engage in a full-blown campaign to advise all members of the Triple S scheme that this option is now available. Perhaps that has happened already, but certainly it had not happened some little time ago.

The Hon. R.I. Lucas interjecting:

The Hon. M. PARNELL: The Hon. Rob Lucas asks whether all my money is going in. The answer is yes. I have not mentioned the Parliamentary Super Scheme (the PSS3 scheme) of which I am a member, but that, separately to this Triple S scheme, has been brought within the SRI option. As soon as I can get around to filling in the paperwork, I will be signing up to that scheme, and I urge members to do likewise. The Hon. Rob Lucas will be watching the performance, and so will I. I am confident that I am not doing my money. I am confident that the rate of return will be commensurate with the option already on offer.

With those brief words, the Greens will be supporting this bill, but I wanted to put on the record the fact that the Greens' campaign for an ethical super option for public servants has borne some fruit. The fruit is a little undersized and there is still some way to go, but it is a good start.

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

MARITIME SERVICES (ACCESS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 April 2009. Page 2134.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:58): I rise to speak to this bill and indicate that the opposition will be supporting the second reading. The Competition Infrastructure Reform Agreement was signed by COAG on 10 February 2006, and this bill results from that. This agreement was aimed at providing a simpler and more consistent system of economic regulation of nationally significant infrastructure. That sounds a little like double Dutch but, in fact, it is providing a better and more efficient third party access regime for significant infrastructure.

The reforms within the agreement provide for the reduction of regulatory uncertainty and compliance costs for owners, users and investors in significant infrastructure and make provision to support the efficient use of national infrastructure. In signing the agreement, South Australia committed to a review of the regulation of the Port of Adelaide and to making certain amendments to the state's access regime. The bill ensures that the state's regulatory principles with regard to third party access regimes are consistent with those applied across the nation.

I attended a briefing with Mitch Williams, who was the shadow minister responsible for this area (I have taken over those responsibilities), and I was particularly interested in some arrangements involving the container berth at Outer Harbor. In fact, I asked some questions in the briefing and have been provided with some information by the minister's officers. I want to draw to the attention of members that, in the House of Assembly, Mitch Williams alluded to the fact that, in the debate in the upper house, I would be asking some questions about the container berth. I have had those questions answered for me by the minister's staff, so I will not now be asking any questions . I will perhaps ponder some other proposals shortly.

Principles of this bill include an objects clause to promote economic efficiency and effective competition. It puts six month time limits on conciliation by the commission and arbitration decisions made by the arbitrator to provide greater certainty to businesses and to reduce the time associated with settling access disputes. Pricing principles need to be taken into account by the arbitrator. A three year regulatory period for access regime and price regulation has been extended to five years, with the aim of reducing regulatory costs and uncertainty for port operators. That is an important step forward. I have been a member of parliament now for seven years, but it seems like only yesterday that I was elected. In a business, infrastructure and access sense, and the time it takes to get a commodity across a port, five years seems a sensible period of time.

The bill also improves the negotiation and arbitration process by clarifying and increasing the efficiency of these processes and reducing the regulatory impacts on businesses. It restricts

who can conduct arbitration, and they must be independent of third parties and government and must have no interest in the matter. The commission will no longer be able to act as an arbiter. That is an important step. If you are to have somebody acting as an arbiter, you need a certain level of independence from the issue you are dealing with.

It is important that we remove the impediments that discourage competition. The increase in the review period for price regulation in this bill, along with the reduction in regulatory costs and uncertainty for port operators, is a positive step in that direction. Any bill that reduces red tape—and this certainly does in the arbitration and negotiation processes—is a positive step in that respect.

This is an important piece of legislation when we look at some of the issues facing South Australia over the next 20 years, particularly the development of our mining industry. We saw BHP lodge its environmental impact statement last week, and it will be building significant new infrastructure: potentially a new rail line, the desalination plant, electricity transmission lines, a sulphur facility at Outer Harbor potentially, and an exporting concentrate facility in the Port of Darwin. We can see significant investment infrastructure.

We also need to look at the potential for third party access to all those facilities, and we need a regime that allows people the opportunity to use those facilities. It has been encouraging to note that BHP has facilitated the taking of electricity from the site at Roxby Downs across to the mine site at Prominent Hill. We need also to look at the proposal that has been on the table for a port at Port Bonython. The government has called for expressions of interest, and a group headed up by Flinders Ports was a successful consortia given the approval to put together a feasibility study into developing the port there.

Sadly, we have not seen that released by the government at this point. We know it has been completed and we think it is sitting on the minister's desk and has not been released. We are a little uncertain of the way forward for that development. One of the big problems is that, for all the junior miners on Eyre Peninsula, particularly with the big deposits of iron ore, to have a bankable feasibility study we need a port built and operating so that they can go to their bankers and say, 'We are going to dig up a million tonnes of ore a year, and this is how we are going to get it to market because we have a port at Port Bonython', or some other site on Eyre Peninsula, so they can deliver it to a boat and get it to market. Without that port they cannot bank their feasibility studies.

We also have the problem with, I suspect—which is why the minister has not released the feasibility study by the ports consortia—the cost to build a bulk commodities port at Port Bonython. They do not have anybody who is prepared to put any product across that port: it is a chicken and egg situation. The port cannot be built because there is no product to go across it, and there is no product to go across it because the port has not been built for the miners to develop their bankable feasibility studies.

The third party access regime is particularly important in this case and the government needs to show leadership, whether at state or federal level, to underwrite the development. It may be not with state or federal government funding but perhaps an overseas customer who is wanting product across that port. They might be able to facilitate some underwriting of that development so it can get off the ground and our junior miners can come on board and bank their feasibility studies and get funding to develop those mines.

Flexible access in general to facilities like Port Bonython, which I suspect will be built by a consortia of people and be accessed by a range of small miners, with the state government as a stakeholder, is required so that people can get on board and develop their mines or whatever product they want to export. The Richards Bay port in South Africa is a good example of how an open access port has been built by a number of investors, with the government having a share, and over time the government has been able to underwrite it and then sell off a share of its investment as further miners and commodities have come on board to go across the port.

This relates to Port Adelaide, but there are significant implications going forward for South Australia. It is a step in the right direction and we need to encourage fair and open access to all our infrastructure so the state economy continues to grow and prosper. With those few words, I indicate that the opposition supports the bill.

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

CROSS-BORDER JUSTICE BILL

Adjourned debate on second reading.

(Continued from 24 March 2009. Page 1661.)

The Hon. R.D. LAWSON (17:07): I rise on behalf of the Liberal opposition to indicate that it will support the second reading of this bill and its passage. The bill will, as described in the minister's second reading explanation, enable South Australia to participate in cross-border justice schemes with both Western Australia and the Northern Territory. These schemes are aimed at delivering better justice services and improving the safety of the communities and regions covered by them.

We are assured that the current proposal includes only the area of the APY lands and their surrounding areas in both the Northern Territory and Western Australia. The minister's second reading explanation stated that an example of border regions that might be used includes the Kimberley region, and I ask the minister to indicate, in her response, exactly how the Kimberley region could be incorporated in a scheme of this kind, given its primary location within the state of Western Australia.

However, the Liberal Party does agree that particular problems have been identified in the APY lands and their surrounding areas and that the justice system there would be enhanced by the introduction of this bill, which will remove the artificial barriers that currently exist and enable some offenders, some perpetrators of domestic violence and other crimes, to skip over the border and make it more difficult for law enforcement authorities to apprehend them.

I acknowledge that the initial concept for the cross-border justice project, as it was called, arose at a justice roundtable held in June 2003. I understand that the original proponent was the NPY Women's Council, a non-government organisation which provides support and advocacy services for Aboriginal women and which operates on a tri-state model in the area proposed to be covered by this bill. I commend the NPY Women's Council not only for this particular initiative but also for its great ongoing work in support of the victims of domestic violence in this area. It is a group whose work is widely applauded, and I am delighted to see that it is a group which strongly supports the former Howard government's intervention, an intervention which, despite some criticism by members of the Labor Party in this state, is actually continued and supported by the Rudd government—indeed, as it should be.

I am also indebted to a paper entitled 'The Cross-Border Justice Project: Enhancing justice and victim services in the central desert region', prepared by Inspector Ashley Gordon of the SA Police. Inspector Gordon puts the issue in very appropriate prose, as follows:

> Gross inefficiencies exist in the Cross Border region due to similar justice services from each respective jurisdiction working separately, sometimes only kilometres apart. For example, South Australia police may be working in a community near the State border, when an incident requiring a police response occurs only kilometres away in another State. They are restrained by legislation from acting, and other police services may have a response time of several hours. In particular, this often leaves victims vulnerable. Sharing infrastructure, in particular police stations, courts and prisons, is seen as an important initiative to reduce costs and streamline services.

Inspector Gordon goes on to say that the Northern Territory police have already built a shared police facility at Kintore near the Western Australian border with a staff of two and WA police have provided an additional police officer. At the time of his paper, they were also planning to build a station at Mutitjulu which is near Yulara.

Likewise, Inspector Gordon says that WA police are presently building a shared facility at Warakurna which will be staffed by Northern Territory police working alongside WA police. In addition to this, WA police have built a station at Warburton staffed by five officers. He mentions the fact that SA Police have recently moved eight police to live permanently at Umuwa and Murputja in the South Australian APY lands and that it is planning to build two new police stations at Amata and Ernabella.

One of the important effects of this increased police presence is that there is an increased willingness on the part of victims to report crime because complainants now know that there is some possibility of timely police action. It is important, I believe, to encourage victims to report crime and, also, for those victims to have the certain knowledge that there will be a response, that action will be taken and that the perpetrators will be brought to justice and cannot simply pop across the border to evade apprehension.

In his paper, Inspector Gordon provided a couple of good examples of why legislation of this kind is needed. He gives two case studies with the names changed. He writes of the case of Dorothy, a young Anangu woman living at Pipalyatjara in the north-western corner of South Australia. She is in a relationship with John. He assaulted her when he was drunk. He continued to do so on several occasions every few months thereafter. At the time of these assaults, Dorothy did not bother to report them to police because she knows that South Australian police are stationed at Marla some 600 kilometres away.

She thought there would be little point in telling the police about it. In any case, every time John does something wrong he flees to Wingellina across the border knowing full well that the South Australian police cannot come and arrest him there. At one stage, Dorothy did see police in Pipalyatjara and a local nurse encouraged her to report a recent assault. She reported the assault. The police took a report and advised that they would arrest John for assault next time they saw him but, as he was in Wingellina, they could not go and get him.

They also told Dorothy that she could take out a restraining order so that John could not assault her again. Police never found John in South Australia. They spoke to WA police about extraditing John back to our state to answer the charges. The nearest WA police were based in Laverton, some 900 kilometres from Wingellina, and only went there every three or four months. They said that the charge was not serious enough to extradite John, that it was too far away, and that they might not find him anyway.

Although there was a restraining order in place, John did not care about that when he got drunk and violent, knowing only too well that the South Australian police would not drive 600 kilometres to enforce such an order. As for Dorothy, she did not bother reporting any further assaults to police, believing that it was a waste of time. Although she received support from the NPY Women's Council, the justice services had failed her as a victim.

That illustration, I think, highlights the need for some legislation to remove these impediments to effective justice. I note that this legislation will require complementary amendments to the commonwealth Service and Execution of Process Act and I note that the Law and Justice (Cross Border and Other Amendments) Bill 2009 was introduced in the House of Representatives on 19 March this year. I believe the bill was referred to the Legal and Constitutional Affairs Committee of the federal parliament which produced an interim report on 7 May. I would ask the minister to indicate in her response whether there have been any further developments in relation to the commonwealth legislation.

I note also that, some time ago, the Western Australian parliament passed legislation sufficient to enable it to participate in this proposed scheme. I ask the minister to indicate whether the Northern Territory has either introduced or passed legislation which will enable it to participate in the proposed scheme. I would also ask the minister to indicate whether it is proposed that the area of the Nullarbor Plain which joins both South Australia and Western Australia will be included as a separate area or whether there is any proposal to do so, because the second reading explanation of the minister indicates clearly the cross-border area earlier referred to. There is no suggestion whether, in the Nullarbor area—where there are cross-border issues and reasonably significant indigenous populations—consideration has been given to including that area. I note that on 3 March the Law Society wrote to the Attorney-General expressing reservations about the bill, and I think it is appropriate that the society's concerns be put on the record. The letter states:

> The Society's Aboriginal Issues Committee and its Criminal Law Committee have considered the Cross-Border Justice Bill 2008.

It then describes the bill, and the letter continues:

> The Society, through its Aboriginal Issues Committee, is aware of the substantial work done by the Aboriginal Legal Rights Movement in response to this Bill and endorses the submissions that it has made in relation to it. The Society's Criminal Law Committee has identified similar concerns. Those concerns relate to the following...

The first is the width of the application of the legislation which states:

> The legislation appears to have a wider application and would be required to achieve Parliament's objective. For example, clause 20: 'Connection with a cross-border region' will cover someone who commits an offence anywhere in WA or NT and who happens to be arrested in a cross-border region. It might be that Parliament wants to overcome the extradition process between States, but that should not be a reason for passing such far-reaching legislation.

It continues:

> Clause 20 should be restricted in its operation to people suspected etc. of committing offences in the cross-border region...the extension of the operation of the proposed legislation and to people suspected of committing offences...outside the cross-border region (eg, to Mt Gambier, Albany, Broome, Darwin...places nowhere near the region) is too wide.

The Law Society Criminal Law Committee also contends that the bill gives police in one jurisdiction power to arrest without warrant and otherwise use the powers they have in their jurisdiction in another jurisdiction. The letter states:

> Cl 20 should not extend to people who happen to live or be arrested in the region...

It queries why clause 18 of the bill should be retrospective and argues that clause 27 should be deleted, stating:

> Authorities should be able to prove where they arrested the suspect. This is not the type of matter that is peculiarly within the knowledge of the suspect.

It believes that this clause will reverse the onus which ordinarily applies. Similarly, it says that clause 28 should be deleted as the proposed legislation should not apply to people just because they live in a particular area. The Law Society letter states:

> It is not clear whether the 'suspected' (of committing an offence) is adequately defined or managed. The provisions of the Bill are too loose and will be open to abuse if 'suspected' is not appropriately defined.

It also claims that there are obvious jurisdictional concerns with the bill, although it does not identify those particular concerns. I ask that the minister, in her second reading response, address the matters raised by the Law Society. However, in conclusion, I emphasise that the principle of this bill is supported and we do hope that it can be implemented effectively as soon as possible. We look forward to the committee stage of the debate.

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

STATUTES AMENDMENT (ENERGY EFFICIENCY SHORTFALLS) BILL

Consideration in committee of the House of Assembly's message.

Clause 4.

The Hon. A. BRESSINGTON: I move:

That the council no longer insist on its amendment but make the following amendment in lieu thereof:

Page 4, after line 3—Insert:

(11a) If an amount is recovered as a shortfall penalty under this section, it must be applied under a scheme established by the Commission for one or more of the following purposes:

(a) to assist persons who may have failed to benefit from activities relating to energy efficiency on account of any electricity retailer's energy efficiency shortfall;

(b) to support other programs or activities to promote or support energy efficiency or renewable energy initiatives within South Australian households.

This amendment has changed the wording slightly. I believe that the government rejected the previous amendment, saying that there would probably not be any financial impost on business and that, therefore, it would cost more to set up an administrative fund. This amendment basically provides that if there is a shortfall a fund will be then established and administered.

The Hon. P. HOLLOWAY: The alternative amendment moved by the Hon. Ms Bressington is certainly superior to the original amendment that has been rejected by the House of Assembly because it does put in the proviso that if an amount is recovered as a shortfall penalty under this section it must be applied to a scheme.

The government's view is, nevertheless, that we do not expect any money under this; this is the whole purpose of it. However, should we receive a very small amount of money, it could arguably cost more to set up a scheme than it is worth. As I indicated during the earlier debate we had on this bill, it is the government's view that, if the scheme is working correctly, we would not expect to get any shortfall penalty.

Certainly, the alternative version moved by the Hon. Ms Bressington is an improvement. From the government's point of view, whereas we do not believe that any amendment is desirable,

we will not divide on it, but I reiterate our opposition to any amendment. We will not divide on the alternative amendment.

The Hon. D.W. RIDGWAY: I rise to indicate that the opposition supported the amendment when it went to the House of Assembly. I understand the concerns that the minister had, but we see this as an improved version. If an amount is recovered there is a mechanism to deal with it. I indicate that we will be supporting the amendment.

The Hon. M. PARNELL: The Greens also supported the original amendment. We see this amendment as not greatly different but an improvement. This gives effect to how many of us imagined the first amendment would have worked, in any case: that a scheme would be established only if there were funds to populate it. Having clarified that point, I think the Legislative Council should insist on the thrust of the first amendment as evidenced by this alternative amendment. I will be supporting the motion that we no longer insist on our original amendment. I think that these replacement words do the job as well.

The Hon. D.G.E. HOOD: Family First will be supporting the revised amendment.

The Hon. J.A. DARLEY: I will be supporting the new amendment.

Motion carried.

Clause 5.

The Hon. A. BRESSINGTON: I move:

That the council no longer insist on its amendment but make the following amendment in lieu thereof:

Page 5, after line 36—Insert:

(11a) If an amount recovered as a shortfall penalty under this section, it must be applied under a scheme established by the Commission for one or more of the following purposes:

(a) to assist persons who may have failed to benefit from activities relating to energy efficiency on account of any gas retailer's energy efficiency shortfall:

(b) to support other programs or activities to promote and support energy efficiency or renewable energy initiatives within South Australian households.

This is supplementary to the first one.

The Hon. P. HOLLOWAY: The comment I made in relation to the previous amendment applies equally to this amendment.

The Hon. D.W. RIDGWAY: The comments pertaining to the first alternative amendment apply to the second.

Motion carried.

STATUTES AMENDMENT (PUBLIC HEALTH INCIDENTS AND EMERGENCIES) BILL

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

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) (17:39): 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 World Health Organisation (WHO) in The World Health Report 2007—*A Safer Future: Global Public Health Security in the 21st Century* reminded the world that every day, the constant movement of people and products carries with it the potential to spread highly infectious diseases and other hazards more rapidly than at any time in history. As the WHO put it 'A sudden health crisis in one region of the world is now only a few hours away from becoming a public health emergency in another.'

'Today's highly mobile, interdependent and interconnected world provides myriad opportunities for the rapid spread of infectious, and radionuclear and toxic threats. Infectious diseases are now spreading geographically much faster than at any time in history. It is estimated that 2.1 billion airline passengers travelled in 2006; an outbreak or epidemic in any one part of the world is only a few hours away from becoming an imminent threat somewhere else.'

'Infectious diseases are not only spreading faster, they appear to be emerging more quickly than ever before. Since the 1970s, newly emerging diseases have been identified at an unprecedented rate of one or more per

year. There are now nearly 40 diseases that were unknown a generation ago. In addition, during the last five years, WHO has verified more than 1100 epidemic events worldwide. Among them was a deadly new disease, SARS—Severe Acute Respiratory Syndrome—which sparked an international alert in 2003. Today, there is a real and continuing threat of a human influenza pandemic that could have much more serious human and economic consequences'.

More recently, in the context of the unfolding H1N1 Influenza 09 (Human Swine Influenza) outbreaks, the Director-General of the WHO, Dr Margaret Chan, in a statement made at the Secretary-General's briefing to the United Nations General Assembly in May 2009, made the following points—

- 'Influenza pandemics are caused by a virus that is either entirely new or not known to have circulated among humans in recent decades. This means, in effect, that nearly everyone in the world is susceptible to infection.
- It is this almost universal vulnerability to infection that makes influenza pandemics so disruptive.
- Historically, influenza pandemics have encircled the globe in two, sometimes three, waves. During the previous century, the 1918 pandemic, the most deadly of them all, began in a mild wave and then returned in a far more deadly one. In fact, the first wave was so mild that its significance as a warning signal was missed.
- The world today is much more alert to such warning signals and much better prepared to respond.
- The pandemic of 1957 began with a mild phase followed, in several countries, by a second wave with higher fatality. The pandemic of 1968 remained, in most countries, comparatively mild in both its first and second waves.
- At this point, we have no indication that we are facing a situation similar to that seen in 1918. As I must stress repeatedly, this situation can change, not because we are overestimating or underestimating the situation, but simply because influenza viruses are constantly changing in unpredictable ways. The only thing that can be said with certainty about influenza viruses is that they are entirely unpredictable.'

Later in May, when addressing the ASEAN + 3 Health Ministers' special meeting, Dr Chan indicated that 'the world is better prepared for an influenza pandemic than at any time in history...'. The years of tracking the H5N1 avian influenza virus in humans and animals taught the world to expect a pandemic and to plan for such an event.

The Australian Government and each of the States and Territories have been planning, and continue to plan, for the possibility of an outbreak of pandemic influenza. The *National Action Plan for Human Influenza Pandemic* and the *Australian Health Management Plan for Pandemic Influenza* (AHMPPI) describe the overarching aim of pandemic preparedness as being to protect Australians and reduce the impact of the pandemic on social and economic functioning. As AHMPPI notes, 'An influenza pandemic has the capacity to cause economic and societal disruption on a massive scale. If Australia is prepared, we are more able to reduce dramatically the impact of an influenza pandemic by minimising the number of people who become infected, protecting critical infrastructure and essential services in our society and considerably improving the health outcomes for those who are affected.'

Planning is based on a set of assumptions that have been identified using the best scientific and medical evidence. Processes are in place for continual review of these assumptions, to ensure planning continues to be evidence-based and in line with the latest advances, and to reassess the assumptions as quickly as possible following the emergence of a pandemic, should it behave differently than initial assumptions suggested.

The South Australian government has been working, and continues to work, with other governments, the community and the private sector to plan for the challenges that may be faced during a pandemic.

Under the State's emergency arrangements, the Department of Health has responsibility for identifying and managing the response to a human disease incident. It will activate response phases and direct when activities and strategies need to change. In the event that a human disease outbreak involves a national and/or international response (such as an influenza pandemic) it will work in conjunction with Commonwealth, State and local governments.

The Department has developed a series of plans to guide South Australia's response to an influenza pandemic. These are 'live documents' and, as with AHMPPI, the plans will continue to be updated as new clinical evidence or other prevention and management strategies emerge or are developed. The plans will form part of, or be recognised in, the State Emergency Management Plan.

The key strategies that will drive South Australia's response to pandemic influenza are to delay it, contain it and sustain the response, control it and recover from it.

Each of these responses has specific triggers, actions and objectives which support both national and international strategies.

1. Delay it

Once the pandemic virus emerges overseas, the aim is to control or eliminate the virus within other countries to prevent, or delay to the greatest extent possible, the arrival of the virus into Australia and South Australia.

2. Contain it and sustain the response

Once the pandemic virus arrives in Australia, the aim is to contain the outbreak as much as possible and prevent transmission and spread for as long as possible. The response will be sustained while awaiting a pandemic vaccine.

3. Control it

The aim is to control the pandemic spread with a vaccine.

4. Recover from it

Once the pandemic is under control, return to normal, while remaining vigilant.

Legislative preparedness needs to take into account the nature of the development of a pandemic and provide the powers necessary to support response strategies.

Government response to pandemic influenza resides within a legislative framework of which the primary structures are:

- Commonwealth quarantine powers
- State public and environmental health powers
- National health security legislation
- Commonwealth and State emergency powers

The Commonwealth has express legislative power with respect to quarantine under the *Quarantine Act 1908*. While several SA public health doctors hold appointments under the Commonwealth *Quarantine Act 1908*, these powers are traditionally used for border control and operating under the direction of the Commonwealth Director of Human Quarantine.

It is possible under the *Quarantine Act* for the Governor-General to issue a declaration of an epidemic or the danger of an epidemic caused by a quarantinable disease in a part of the Commonwealth, which then enables the Commonwealth Minister to give directions to control and eradicate the epidemic by quarantine measures or measures incidental to quarantine. The Commonwealth has indicated that its powers could be used in the event that a State's or Territory's powers had gaps or were inadequate to address the outbreak.

As the *National Action Plan for Human Influenza Pandemic* noted, States and Territories have reviewed their powers in relation to quarantine arrangements within their own jurisdictions.

The State's public health powers under the *Public and Environmental Health Act 1987* (P&EH Act) currently provide a basis for health officers to respond to outbreaks of certain diseases by directing affected persons into quarantine. However, there are shortfalls in these provisions, most notably, that there is no clear power to quarantine asymptomatic (well) people who have had contact with a case or a suspected case to prevent them unwittingly passing on infection before they themselves become symptomatic.

It is critical that the State has adequate powers to address an outbreak of disease, such as an influenza pandemic, in the State and not be reliant on actions/directions from the Commonwealth. The two sets of powers and levels of government need to be able to work together in a co-ordinated manner.

The State's emergency powers under the *Emergency Management Act 2004* (EM Act) are far-reaching but the early recognition of warning signs of a pandemic by the Department of Health, together with its expertise, make it better placed to respond to such an emergency in the first instance. Under the State's emergency arrangements, the Department of Health has responsibility for identifying and managing the response to a human disease incident.

States and territories recently participated in the development of new national health security legislation (the *National Health Security Act 2007—'NHSA').*

The NHSA provides for the exchange of public health surveillance information between jurisdictions and with the WHO to enhance the early identification of and timely response to national or international public health emergencies, including an influenza pandemic. It also establishes the operational arrangements for Australia to meet its obligations under the International Health Regulations (IHR). (The IHR aim to prevent, protect against, control and provide a public health response to the international spread of disease in ways which avoid unnecessary interference with international traffic and trade.)

The NHSA is underpinned by an intergovernmental agreement which establishes a surveillance and decision-making framework to support co-ordinated national response to public health emergencies, such as an influenza pandemic. The Agreement recognises the responsibility of States and Territories for responding to public health threats within their jurisdictions in accordance with their own public health and emergency legislation and plans. The role of the AHPC will complement, and not impede, the authority of jurisdictions to act.

In parallel with the general planning for an influenza pandemic, the SA Department of Health, in collaboration with a number of other agencies such as SAPOL, has been reviewing its legislation to respond to public health emergencies. Regard has also been had to national work to ensure there are mechanisms that enable jurisdictions to respond in a nationally co-ordinated way in the event of a public health emergency such as a pandemic.

In addition, the unfolding international 'real life' situation with H1N1 Influenza 09 (Human Swine Influenza) has caused added focus on areas for further improvement in legislative powers.

The P&EH Act is over 20 years old and while it provides some powers, the potential for new epidemics necessitates complementing existing infectious disease controls with broader public health emergency powers to respond appropriately. The Government is engaged in a broad review of the overall P&EH Act and changes will be brought before this House in due course.

It should also be noted that, while the focus is currently on disease, public health emergencies may arise from agents that may be biological, toxins or poisons and not *'quarantinable diseases'* within the scope of the *Quarantine Act*. The proposed new provisions in the P&EH Act provide powers to deal with public health incidents and emergencies that are not disease-specific.

Some jurisdictions already have significant public health emergency powers in their legislation or are in the process of updating them.

The Bill makes significant amendments to the EM Act and the P&EH Act. A number of consequential amendments are made to other legislation.

The scheme within the Bill maintains the EM Act as the principal, overarching Act for management of a State emergency.

It provides an additional mechanism to respond to public health incidents or emergencies under the P&EH Act without needing to seek a declaration under the EM Act until such time as that may be required. This better reflects the Department of Health's responsibility for identifying and managing the response to a human disease incident.

The amendments enable a two-stage approach from an emergency management perspective—

In the initial stages, Health, with its expertise to manage a health issue, will manage the response. If the situation warranted it, the Chief Executive, Department of Health (CE Health) could declare a public health incident or emergency after consultation with the Chief Medical Officer and the State Co-ordinator under the EM Act. If that occurred, once a public health incident or emergency is declared, most of the EM Act powers 'come across' and the CE Health can exercise them under a public health incident or emergency declaration.

If the situation escalated in magnitude, such that a whole-of-government State emergency response was necessary, the State Co-ordinator under the EM Act would be approached, seeking a declaration under the EM Act. This would be with the aim of ensuring a co-ordinated approach to whole-of-government strategic decision making.

The scheme also allows for an easy transition from the P&EH Act to the EM Act if and when this is needed, that is, a scaling up in the level of response should it get to the stage where co-ordination of a number of agencies is required.

Each public health emergency would need to be considered separately, given the features would most likely be different and may have the potential to change rapidly (for example, there is much uncertainty about the nature of pandemic influenza virus and how it might develop).

However, it is likely that the stage at which an EM Act declaration would be sought would be when the situation had deteriorated to the point that the emphasis needed to shift to the provision of priority products and services and maintenance of essential services.

Once an EM Act declaration had been made, the State Co-ordinator could (under clause 26 of the Bill—new section 37C(3)—request the Chief Executive, SA Health (CE Health), to revoke a public health emergency declaration. If that occurred, the CE Health would be able to act under delegation of the State Co-ordinator to continue the Health response, using the same powers but under the EM Act.

It would be possible under the provision for declarations under the EM Act and P&EH Act to operate in tandem, with the State Co-ordinator attending to whole-of-government, maintenance of priority and essential service matters and the CE Health continuing the Health response.

Clearly, in such circumstances, Cabinet, the Emergency Management Council of Cabinet and the State Emergency Management Committee would be monitoring the situation.

Turning specifically to the key provisions in relation to the EM Act—

- Clause 3(2) amends the definition of *emergency* to clarify that the definition relates to an event occurring in the State or outside the State, or both. The amendment makes it clear that invoking the provisions of the Act does not rely on an event having reached the State. This provision is particularly important in relation to a public health emergency such as an influenza pandemic, given the unpredictability of influenza viruses.

- Duration of declarations—the experience gained from the Eyre Peninsula bushfires and the planning for a pandemic have shown the current timeframes for duration of declarations to be insufficient. The amendments therefore introduce greater flexibility by extending the maximum initial period for major emergencies to 14 days and clarifying that that period may be extended by such further periods of any length as approved by the Governor. In relation to a disaster declaration, the amendments extend the maximum initial period for disasters to 30 days and clarify that that period may be extended by such further periods of any length as approved by resolution of both Houses of Parliament.

- Clarification is provided that an emergency may be declared to be an identified major incident, major emergency or disaster whether or not the emergency has previously been declared to be a public health incident or public health emergency under the P&EH Act. Thus an emergency that has been dealt with under the P&EH Act may be taken over and dealt with under the EM Act.

- Important new powers are proposed for section 25. The State Co-ordinator or an authorised officer are provided with the following additional powers when dealing with emergencies declared under the principal Act:
    - to remove or destroy, or order the removal or destruction of, any building, structure, vehicle, vegetation, animal or other thing;
    - to carry out, or cause to be carried out, excavation or other earthworks;
    - to construct, or cause to be constructed, barriers, buildings or other structures;
    - to direct a person to remain isolated or segregated from other persons or to take other measures to prevent the transmission of a disease or condition to other persons;
    - to direct a person to undergo medical observation, examination (including diagnostic procedures) or treatment (including preventative treatment);
    - to require a person to furnish such information as may be reasonably required in the circumstances.
- The first three of those powers were identified as being necessary, or requiring clarification, in the wake of the Eyre Peninsula bushfires. However, they may potentially have application in a pandemic situation and are therefore included.
- The latter 'health' powers are included to make it quite clear that in a declared emergency, persons, including well contacts of someone who has been exposed to a pandemic influenza virus, can be directed to remain isolated or segregated or take other measures to prevent transmission of a disease and may be directed to undergo medical observation or treatment.
- In addition, the State Co-ordinator is given the power, in extraordinary circumstances, to authorise authorised officers, or authorised officers of a particular class, to provide, or direct the provision of, medical goods or services or a particular class of such goods or services on such conditions as the State Co-ordinator thinks appropriate.
- The other 'health' power that is included is proposed section 26A which enables the Minister to modify the operation of the *Controlled Substances Act 1984* during the period of a declared emergency for the purposes of response or recovery operations. This can only be after consultation with the Minister responsible for the administration of the *Controlled Substances Act 1984.*
- The above 'health' powers are significant and are discussed in more detail below.

These proposals have been developed in consultation with SAPOL and SAPOL supports them.

Turning to the amendments to the P&EH Act, it is clear that there is a need to have modern public health law that can respond not only to 'traditional' public health issues, but also has the flexibility to deal with emerging public health concerns of the 21st Century. New and emerging dangers—including emergent and resurgent infectious diseases and incidents resulting in mass casualties, have focussed attention on the adequacy of legislative frameworks. As was observed in the *Exercise Cumpston 06 Report*, the community expects government to provide leadership in preventing disease outbreaks and, in the event of an outbreak, to respond and assist recovery quickly and effectively. Public health legislation therefore needs to be flexible enough to respond to a variety of emergency situations and integrate with other emergency responses.

Some communicable diseases can be infectious before an individual produces symptoms that would lead to a diagnosis. As a result it may be necessary to quarantine asymptomatic (well) people who have had contact with a case or a suspected case to prevent them unwittingly passing on infection before they themselves become symptomatic.

The existing powers under the P&EH Act do not provide a clear power to do that.

While people tend to be co-operative if the reasons for doing so are explained to them and it is made as easy as possible to do so, there also needs to be powers available to deal with non-compliance. It could be expected that in a situation of rapidly escalating magnitude, such as an influenza pandemic, compliance could become an issue.

The Bill therefore provides new powers for the Chief Executive, Department of Health (CE Health) to declare a public health incident or emergency after consultation with the Chief Medical Officer and the State Co-ordinator under the EM Act. This is not a power that would be exercised lightly. Once a public health incident or emergency is declared, most of the EM Act powers are applied and the CE Health can exercise them under a public health incident or emergency declaration.

A public health incident, which has application for 12 hours (mirroring the identified major incident under the EM Act) might be declared for a serious incident, but one not as dire as a public health emergency.

A public health emergency can be declared by the CE Health for a period not exceeding 14 days and any further period must be approved by the Governor.

On declaration of a public health incident or emergency, the CE Health must take action to implement the Public Health Emergency Management Plan and cause such response and recovery operations to be carried out as thought appropriate.

The Department has developed a series of plans to guide South Australia's response to an influenza pandemic. These are 'live documents' which will continue to be updated as new clinical evidence or other prevention and management strategies emerge or are developed. The plans will form part of, or be recognised in, the State Emergency Management Plan.

The powers available to the CE Health are significant. Clearly, they will not be exercised lightly or capriciously.

New clause 25(3)—

- Can only be exercised by the State Co-ordinator or Chief Executive for the duration of a declaration
- Must arise from advice of the Chief Medical Officer
- Who would be permitted to do what and on what conditions is within the control of the State Co-ordinator or Chief Executive and would be tightly controlled. It may, for example, be used—
    - in the event of workforce shortages and if interstate health professionals were available and brought urgently to assist, and there was not time for them to go through the registration process with the relevant professional board, the provision could be used to authorise them to provide specified goods or services on specified conditions;
    - in the event that flu clinics were established, perhaps with only one senior doctor if the workforce was stretched, and it was necessary for para professionals to assist, they may be authorised to do so. A clinical governance framework is being developed for flu clinics, with various sets of clinical guidelines to which staff will have to adhere. The conditions attached to the authorisation could explicitly require such compliance.
- The rationale for the inclusion of new clause 26A, which allows for the *Controlled Substances Act 1984* to be modified, was primarily to cover situations that may arise with the distribution and supply of medication during a pandemic where there may not be a formal prescription and nurses or other health professionals may need to assist with supply;
- There are checks and balances built in—
    - it is the Minister who would issue the notice;
    - the Minister must form the opinion that it is necessary or desirable to do so;
    - it could only be done for the purposes of the response or recovery operations;
    - the Minister is obliged to first consult with the Minister responsible for the administration of the *Controlled Substances Act*;
    - the notice can only be for the duration of a declaration.

The government recognises that the proposed powers in the Bill are significant and substantial powers. It makes no apologies for seeking to have such powers available should they need to be used to protect South Australians in the event of a public health emergency such as an influenza pandemic. The granting of significant powers does carry risk—that risk is outweighed by the recognition that the exercise of those powers would be for the purpose of promoting the common good.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Amendment provisions

This clause is formal.

Part 2—Amendment of *Electricity Act 1996*

3—Amendment of section 54—Emergency legislation not affected

This clause makes it clear that nothing in the *Electricity Act 1996* affects the exercise of powers that are able to be exercised under Part 4A of the *Public and Environmental Health Act 1987*.

Part 3—Amendment of *Emergency Management Act 2004*

4—Amendment of section 3—Interpretation

Clause 3(1) includes in the interpretation section of the principal Act, the definition of *Chief Medical Officer*.

Clause 3(2) amends the definition of *emergency* to clarify that the definition relates to an event occurring in the State or outside the State, or both. The amendment makes clear that invoking the provisions of the Act does not rely on an event having reached the State.

5—Amendment of section 17—Authorised officers

This clause clarifies that the appointment of authorised officers may be made subject to conditions specified by the State Co-ordinator.

6—Amendment of section 23—Major emergencies

This clause amends section 23 of the principal Act to extend the maximum initial period for major emergencies to 14 days and to clarify that that period may be extended by such further periods of any length as approved by the Governor.

7—Amendment of section 24—Disasters

This clause amends section 24 of the principal Act to extend the maximum initial period for disasters to 30 days and to clarify that that period may be extended by such further periods of any length as approved by resolution of both Houses of Parliament.

8—Insertion of section 24A

This clause inserts section 24A into the principal Act.

24A—Public health incidents and emergencies

Proposed section 24A clarifies that an emergency may be declared to be an identified major incident, major emergency or disaster whether or not the emergency has previously been declared to be a public health incident or public health emergency under the *Public and Environmental Health Act 1987*. This indicates that an emergency that has been dealt with under the *Public and Environmental Health Act 1987* may be taken over and dealt with under the *Emergency Management Act 2004*.

9—Amendment of section 25—Powers of State Co-ordinator and authorised officers

This clause gives the State Co-ordinator or an authorised officer the following additional powers when dealing with emergencies declared under the principal Act:

- to remove or destroy, or order the removal or destruction of, any building, structure, vehicle, vegetation, animal or other thing;
- to carry out, or cause to be carried out, excavation or other earthworks;
- to construct, or cause to be constructed, barriers, buildings or other structures;
- to direct a person to remain isolated or segregated from other persons or to take other measures to prevent the transmission of a disease or condition to other persons;
- to direct a person to undergo medical observation, examination (including diagnostic procedures) or treatment (including preventative treatment);
- to require a person to furnish such information as may be reasonably required in the circumstances.

In addition, the State Co-ordinator is given the power, in extraordinary circumstances, to authorise authorised officers, or authorised officers of a particular class, to provide, or direct the provision of, medical goods or services or a particular class of such goods or services on such conditions as the State Co-ordinator thinks appropriate.

10—Amendment of section 26—Supply of gas or electricity

This clause enables the State Co-ordinator or authorised officer to direct a person to connect or reconnect a supply of gas or electricity to premises, adding to their existing powers to direct a person to shut off or disconnect such services.

11—Insertion of section 26A

This clause inserts section 26A into the principal Act.

26A—Modification of Controlled Substances Act

Proposed section 26A enables the Minister to modify the operation of the *Controlled Substances Act 1984*, if it is necessary or desirable to do so.

12—Insertion of section 31A

This clause inserts section 31A into the principal Act

31A—Confidentiality

Proposed section 31A makes it unlawful for a person to intentionally disclose medical or personal information obtained in the course of the administration or enforcement of this Act in relation to another person unless that disclosure is—

- made in the course of the administration or enforcement of this Act; or
- made with the consent of the other person; or

- required by a court or tribunal constituted by law.

Part 4—Amendment of *Essential Services Act 1981*

13—Amendment of section 6—Power to require information

This clause adds the requirement that any information obtained by the Minister under section 6 relating to the provision or use of an essential service be relevant or incidental to the administration of Part 4A of the *Public and Environmental Health Act 1987* (Management of Emergencies).

Part 5—Amendment of *Fire and Emergency Services Act 2005*

14—Amendment of section 3—Interpretation

This clause clarifies that the definition of *emergency* relates to an event occurring in the State or outside the State, or both. The amendment makes clear that invoking the emergency provisions of the Act does not rely on an event having reached the State.

15—Amendment of section 42—Powers

This clause gives an officer of SAMFS the following additional powers when dealing with a fire or emergency:

- to remove or destroy, or order the removal or destruction of, any building, structure, vehicle, vegetation, animal or other thing;
- to carry out, or cause to be carried out, excavation or other earthworks;
- to construct, or cause to be constructed, barriers, buildings or other structures;
- subject a place or thing to a decontamination procedure;
- to direct a person to submit to a decontamination procedure.

16—Amendment of section 44—Supply of gas or electricity

This clause enables a person lawfully dealing with a situation under the Division to direct a person to connect or reconnect a supply of gas or electricity to premises, adding to their existing powers to direct a person to shut off or disconnect such services.

17—Amendment of section 97—Powers

This clause gives an officer of SACFS the following additional powers when dealing with a fire or emergency:

- to remove or destroy, or order the removal or destruction of, any building, structure, vehicle, vegetation, animal or other thing;
- to carry out, or cause to be carried out, excavation or other earthworks;
- to construct, or cause to be constructed, barriers, buildings or other structures;
- subject a place or thing to a decontamination procedure;
- to direct a person to submit to a decontamination procedure.

18—Amendment of section 99—Supply of gas or electricity

This clause enables a person lawfully dealing with a situation under the Division to direct a person to connect or reconnect a supply of gas or electricity to premises, adding to their existing powers to direct a person to shut off or disconnect such services.

19—Amendment of section 108—Functions and powers

This clause adds to the functions of SASES, the function of assisting the Chief Executive within the meaning of the *Public and Environmental Health Act 1987*, in accordance with the Public Health Emergency Management Plan, in carrying out prevention, preparedness, response or recovery operations under Part 4A of that Act.

20—Amendment of section 118—Powers

This clause gives an officer of SASES the following additional powers when dealing with a fire or emergency:

- to remove or destroy, or order the removal or destruction of, any building, structure, vehicle, vegetation, animal or other thing;
- to carry out, or cause to be carried out, excavation or other earthworks;
- to construct, or cause to be constructed, barriers, buildings or other structures;
- subject a place or thing to a decontamination procedure;
- to direct a person to submit to a decontamination procedure.

21—Amendment of section 119—Supply of gas or electricity

This clause enables a person lawfully dealing with a situation under the Division to direct a person to connect or reconnect a supply of gas or electricity to premises, adding to their existing powers to direct a person to shut off or disconnect such services.

Part 6—Amendment of *Gas Act 1997*

22—Amendment of section 54—Emergency legislation not affected

This clause makes it clear that nothing in the *Gas Act 1997* affects the exercise of powers that are able to be exercised under Part 4A of the *Public and Environmental Health Act 1987*.

Part 7—Amendment of *Health Care Act 2008*

23—Amendment of section 51—Functions and powers of SAAS

This clause enables SAAS to direct a person holding a restricted ambulance service licence to assist with the provision of response and recovery operations in such a manner as the SAAS sees fit if a public health incident or public health emergency has been declared under the *Public and Environmental Health Act 1987*.

Part 8—Amendment of *Public and Environmental Health Act 1987*

24—Amendment of section 3—Interpretation

This clause inserts a number of new terms in the Act that are required for proposed Part 4A dealing with the management of emergencies. The definitions are as follows:

(a) *Chief Medical Officer* means the Chief Medical Officer of the Department and includes a person for the time being acting in that position;

(b) *emergency* has the same meaning as in the *Emergency Management Act 2004*;

(c) *emergency officer* means a police officer or a person holding an appointment as an emergency officer under section 7A;

(d) *public health emergency*—see section 37B;

(e) *public health incident*—see section 37A;

(f) *Public Health Emergency Management Plan* means a plan (or a series of plans) prepared by the Chief Executive comprising strategies to be administered by the Department for the prevention of emergencies in this State and for ensuring adequate preparation for emergencies in this State, including strategies for the containment of emergencies, response and recovery operations and the orderly and efficient deployment of resources and services in connection with response and recovery operations;

Note—

It is contemplated that the Public Health Emergency Management Plan will form part of, or be recognised in, the State Emergency Management Plan prepared under the *Emergency Management Act 2004*.

(g) *recovery operations* has the same meaning as in the *Emergency Management Act 2004*;

(h) *response operations* has the same meaning as in the *Emergency Management Act 2004*;

(i) *State Co-ordinator* means the person holding or acting in the position of State Co-ordinator under the *Emergency Management Act 2004*.

25—Insertion of section 7A

This clause inserts section 7A into the principal Act.

7A—Emergency officers

This clause provides for the appointment of emergency officers and is equivalent to the provision enabling the appointment of authorised officers under the *Emergency Management Act 2004*. It is anticipated that emergency officers will be involved in the administration of proposed Part 4A (Management of emergencies).

26—Insertion of Part 4A

This clause inserts Part 4A into the principal Act.

Part 4A—Management of emergencies

37A—Public health incidents

This clause enables the Chief Executive to declare an emergency to be a public health incident. Such a declaration remains in force for a maximum of 12 hours.

37B—Public health emergencies

This clause enables the Chief Executive to declare an emergency to be a public health emergency. Such a declaration remains in force for a maximum of 14 days but may be extended by such further periods of any length approved by the Governor.

37C—Making and revocation of declarations

This clause provides that—

- the Public Health Emergency Management Plan may contain guidelines setting out circumstances in which an emergency should be declared as a public health incident or as a public health emergency;
- consultation with the Chief Medical Officer and the State Co-ordinator (within the meaning of the *Emergency Management Act 2004*) must take place before a declaration is made; and
- the Chief Executive must revoke a declaration under this Part at the request of the State Co-ordinator.

37D—Powers and functions of Chief Executive

This clause sets out the main powers and functions of the Chief Executive on the declaration of a public health incident or public health emergency. These are—

- to take any necessary action to implement the Public Health Emergency Management Plan and cause such response and recovery operations to be carried out as he or she thinks appropriate; and
- to provide information relating to a public health incident or public health emergency to the State Co-ordinator in accordance with any requirements of the State Co-ordinator.

37E—Application of Emergency Management Act

This clause applies certain provisions of the *Emergency Management Act 2004* (modified in accordance with subsection (2)) with the effect that, on the declaration of a public health incident or public health emergency, the Chief Executive or emergency officers will be able to exercise most of the powers that are able to be exercised by the State Co-ordinator and authorised officers under the *Emergency Management Act 2004*. The applied provisions of that Act are:

- Part 4 Division 4 (Powers that may be exercised in relation to declared emergencies) except section 25(1) and (2)(n);
- Part 4 Division 5 (Recovery operations);
- Part 5 (Offences);
- Part 6 (Miscellaneous) except sections 37 and 38; and
- definitions in section 3 of terms used in the above provisions.

27—Amendment of section 47—Regulations

This clause adds to the regulation making powers in section 47 of the principal Act, the power for the regulations to provide for such matters as are necessary in consequence of conditions directly or indirectly caused by an emergency declared to be a public health incident or public health emergency under the Act.

Part 9—Amendment of *Summary Offences Act 1953*

28—Amendment of section 83B—Dangerous areas

This clause provides that a declaration of a dangerous area, locality or place under section 83B of the *Summary Offences Act 1953* may not be made in relation to circumstances arising in an emergency for which a declaration under the *Emergency Management Act 2004* or Part 4A of the *Public and Environmental Health Act 1987* is in force.

Debate adjourned on motion of Hon. D.W. Ridgway.

At 17:40 the council adjourned until Wednesday 13 May 2009 at 14:15.