LEGISLATIVE COUNCIL

Thursday 9 June 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:03 and read prayers.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (11:03): By leave, I move:

That the sitting of the Legislative Council not be suspended during the continuation of the conference on the Summary Offences (Prescribed Motor Vehicles) Amendment Bill.

Motion carried.

STANDING ORDERS SUSPENSION

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (11:05): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 May 2011.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (11:06): I rise to make a few comments in relation to this bill—particularly, in relation to the behaviour and activities in Hindley Street and some of our entertainment areas—from the perspective of the shadow minister for police and the discussions I have had with police over the past four or five years while I have been the shadow. I refer particularly not to the senior executive group of police or the commissioner but those who are delivering the service out on the street in those areas in our community.

It is important to note that the government claims that its bill is aimed at stopping the antisocial behaviour, the poor behaviour, of patrons exiting these particular venues in Hindley Street and other entertainment areas, but Hindley Street is the one that I would like to particularly focus on. It is interesting to note that, a number of times in the last few years, SAPOL has had an operation called Operation Double Up where it has provided twice the number of police officers on duty in Hindley Street and there has been a significant reduction in antisocial behaviour in Hindley Street as a result of these extra police officers.

I have also been told that recently there were some 40 undercover police officers in Hindley Street—and these figures may not be entirely accurate but certainly there was a large number, up to 40 undercover police officers in Hindley Street—but only a handful, about 10 or a dozen, uniformed officers. Surely, as you would know, Mr President, from your days growing up (and all of us know, I suspect), when it comes to behaviour on the open road and speeding or antisocial behaviour, people behave better and have more respect for their fellow members of the community and other people's property if there is a bigger, more visible police presence.

The Hon. P. Holloway: You don't catch them, though?

The Hon. D.W. RIDGWAY: The Hon. Paul Holloway interjects, 'You don't catch them.' Well, is it about making the place safe or is it about catching people? I understand what he is saying. On the Easter long weekend, coming back from a weekend up the river—and I am digressing slightly—on the freeway I saw one police car marked as a police car with a traffic sign on its roof and I saw five other cars with police officers in them that were unmarked cars. Clearly, that was not designed to be giving a road safety message: that was about catching people.

What a crazy thing to try to do on one of the busiest weekends of the year, to be actually out trying to catch people rather than just slowing everybody down and having a visible police presence. We all know that a clearly visible police presence is one of the solutions. Certainly the

information that rank-and-file police officers give to me is that, when we have Operation Double Up in Hindley Street, antisocial behaviour diminishes significantly.

It is not only about having more police officers on the beat. We have seen this government, while the Hon. Paul Holloway was minister and the Premier and now the Hon. Kevin Foley as minister, bragging about having record numbers of police, yet we do not actually see them out in our community providing that visible deterrent.

Another issue, of course, is the commissioner's absolute reluctance to provide police officers with tasers on the hip. It has been proven around the world that, again, that is a very valuable deterrent. I know; I was with the leader, Isobel Redmond, when she was tasered prior to the last election. I have seen it firsthand. I am sure that, with one or two people—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: Well, I don't think so. The Hon. Paul Holloway thinks this a little bit of a joke. Clearly, it is all about rebuilding respect in our community for police. Under this government, that has declined; there is no respect for our police officers. When you talk to the rank and file police officers, they want the tools of the trade to be able to do the jobs they are trained to do.

You have only to look at the quality of the police station in Hindley Street; it is small and poorly laid out, almost as though the government does not really care about it. If they were really serious about providing a solid, first-class presence in Hindley Street, they would scrap that police station and invest some money in a better, bigger, more prominent police station right in the middle of the Hindley Street precinct. Again, as I have said, the rank and file police officers tell me that it is all about having a visible police presence and the community, if there is an issue, know where they can go to get some assistance.

I am pleased with one aspect of this legislation and that is the on-the-spot fine that is proposed for antisocial behaviour in Hindley Street. That is something that the rank and file police officers have been calling for years and years; for as long as I can recall, as the shadow minister, that is what they have wanted. Again, it is about the tools of the trade: it is a tool to be able to hurt people in the hit pocket. If they are doing something stupid, they need to feel as though it hurts them in the hip pocket. At times, when people have had a couple of drinks, maybe they make poor judgements but, at the end of the day, if they are $300, $400 or $500 worse off as a result of their actions, they are unlikely to go back and do it again at some point in the future.

If you look at what happens in Sydney, the Sydney city council has a person who is the manager of the Night Time Economy, and I think the Adelaide City Council would be well served to adopt a similar approach. I heard the manager of the Night Time Economy in Sydney, who is a woman, being interviewed by Matt and Dave on 891 some weeks ago, and it was in relation to people urinating in public and the mess that is caused in the streets, especially in Kings Cross.

What they have done in Sydney is put in a number of portable urinals. They are distributed by the council on the Friday evening and put in place. I have not seen them myself, but my understanding is that they are of a stainless steel nature, just a little cubicle men can walk into and do what they need to do. They are obviously connected to the sewer. They are there for two nights: Friday night and Saturday night.

You are frowning at me, Mr President, as though, 'Why on earth would you have that?' The manager of the Sydney Night Time Economy said that every weekend in Kings Cross is like a major event, and she used our major events here, like the Tour Down Under, the Clipsal, the Festival of Arts, the Fringe; on those big events, the community provides extra toilets. She said, 'In Sydney, we don't see a Friday or Saturday night as being any different from any other major public event.

So, the Sydney city council has provided these temporary urinals on Friday and Saturday nights. They are hosed down in the early hours of Saturday and Sunday mornings so that they are clean and ready for use and then they are removed again. Clearly, that is something, I think, the city council should be looking at here as well.

This seems to me to be some legislation where the government really has been too lazy to try to come up with a collaborative solution to this problem. They have looked perhaps at the easy way out and said, 'Well, let's just shut the city down. Let's just close it off at 4 o'clock because, at the end of the day, that's going to be easier.' Well, that is not the solution. As I said, Sydney has a

manager of the Night Time Economy. I noticed recently that our new and youngest Lord Mayor ever, Stephen Yarwood, was quoted as saying:

> After going under cover roaming Adelaide's Hindley Street party strip, Mr Yarwood said that it was clear the city often turned nasty early in the morning as people became intoxicated and abusive and violent. Early yesterday, he skipped over pools of body fluid, dodged shoulder bumps and offered sympathy to the incapacitated and sick, often stopping to talk...to [people].

As members would know, I have had the privilege of spending some time on a trip overseas looking at urban development, high density residential development and entertainment precincts, and Mr Yarwood was on that particular trip. He knows that the way to make these places safe is to provide the best of facilities and have more and more people active in the streets.

I am also told that in Mr Yarwood's trip there were two examples, sadly, where somebody had vomited on the side of the street, unlike the article which talks about pools of body fluid, etc. I think the article in the *Advertiser* about Mr Yarwood's visit to Hindley Street has been embellished quite significantly. The government is clearly using a blunt tool here to try to come up with the solution, rather than working with the community.

Mr Yarwood, too, is the youngest Lord Mayor we have had elected. Mr Yarwood was supported by the younger people in the community and ran a very successful campaign. I wonder whether he has actually gone and spoken to the people who voted for him, and whether they are the people who would like to see the city close down. He has been very quick to jump on board with the government on a number of issues, and I wonder whether that is because of a promise we might see later today, whether there is money in the budget for Victoria Square. I hope that our council and our Lord Mayor have not been brought off by the government with the promise of extra money for Victoria Square.

One of the amendments I also notice that has been tabled by the government is to close the parliamentary bar between the hours of 4am and 7am. I am a bit surprised at that because the only time in the nine years I have been a member of parliament that the parliamentary bar, that I can recall, has been open after 4am was when the Hons Mark Parnell and Ann Bressington were sharing the benefit of their very extensive wisdom on the WorkCover bill, and we went for some considerable time. That is the only time I can recall it being open. We all know that the bar is only open until 30 minutes—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: You can have your go in a minute.

The Hon. P. Holloway: You are quite happy to misrepresent—

The Hon. D.W. RIDGWAY: Mr President, can you protect me from the feather duster? He is finished; it is time he left. We all know that the parliamentary bar is open 30 minutes after the rising of the house. Once in nine years it has been open because we had two members who were talking for a considerable length of time. I do not see any need at all to close the parliamentary bar or prohibit the serving of alcohol through this particular bill.

Clearly Michelle Lensink is our lead speaker. This is a blunt tool. The government has not listened to the rank-and-file police officers, the people delivering the security and community service on the street, and there are a lot of other ways we could have achieved an outcome without this blunt tool of trying to shut down the city.

The Hon. R.I. LUCAS (11:18): I rise to speak in opposition to an ill-considered piece of legislation by the Rann government, another in a long line, sadly. This particular measure has a long history. We know what is the long-term plan of the Labor government should it continue in office; that is, whilst this measure is looking at closing down Adelaide virtually from 4am, the long-term plan, as previously espoused by representatives of the government, is for a lockout at 2am or 3am. Mr President, you will be well aware that this is what was being discussed some two or three years ago.

You will remember, Mr President, that at the time a Facebook petition was organised. I know what an avid follower of Facebook and Twitter you are, Mr President, and indeed members of the government are; and, in a very short space of time, more than 16,000 people—predominantly young people—signed up in support of that Facebook group, which was 'Don't let Mike Rann close down Adelaide's pubs and clubs at 2 a.m. or 3 a.m. in the morning'.

It was probably the first example of the use of Facebook as, I guess, a mass-mobilising tool in terms of a political issue here in South Australia. As I said, in a relatively short space of time, more than 16,000 predominantly young people actively engaged to express their view. It was interesting to note that, at the time, vitriol was being poured on me and the Liberal Party by Labor members like the Hon. Bernard Finnigan and others in the government, attacking the issue.

However, I do note that in *The Advertiser* on 11 July 2008 the government was forced to respond by committing at that time to 'No 3am lockout law, says Rankine'. The article continues:

> The state government will not introduce new laws to lock people out of licensed venues after 3am. Consumer affairs minister Jennifer Rankine yesterday said the government would not legislate for a lockout but supported police efforts to gain unanimous voluntary support for the plan.

So, the government realised that it was not going to get anywhere with its plan for the 3am lockout. However, what it sought to do was to impose it through an endeavour with the commissioner and the police to put pressure on licence holders in the CBD to sign up in a voluntary fashion to the 3am lockout. *The Advertiser* article goes on to say:

> The government is understood to have moved to dispel claims that it was going to enforce a lockout for all city venues in response to an online petition started by Liberal backbencher Rob Lucas denouncing the move. It has attracted more than 13,000 supporters [at that particular time]. Meanwhile, police Assistant Commissioner Grant Stevens said an investigation found there was no evidence to support the claim that officers have offered inducements to licensees to sign up for a lockout trial. Nevertheless, he said, he had reported the claim—made by a radio talkback caller yesterday—to the Anti-Corruption Branch.

What that article indicated was that the government, having decided that it wanted to impose a lockout of 2am or 3am, through the force of public opposition—in particular from young people in South Australia—was forced to back off. I know that in the Labor caucus there were one or two Labor MPs who did not agree with the view of the minister, the Premier and the government and put pressure on the minister and the government to back off. That is why minister Rankine at that time was forced to come out and say that they were not going to try to do that because they knew they could not get down that path. What they sought to do was to impose it through the back door by pressuring licence holders at that particular time.

Credit to a small group of licence holders, and West End traders in particular, at that time who, despite fearsome pressure from the government, the police, the Liquor and Gambling Commissioner and others to sign up to this voluntary lockout, continued to oppose (as indeed is their right) that particular proposal from the government and were successful in the end. That was the government's intention. It is now regrouping and it is trying to impose a 4am lockout. But, Mr President, mark my words, if they are successful with this, this is just the foot in the door, because they will come back and say, 'There is still violence now between midnight and 4am. We need now to bring back the restriction from 4am to 3am or 2 am', which was their original intention.

I think the logical question to ask of the government is: why on earth are they moving down this path? Some cynics have suggested that some in the Labor caucus thought that perhaps it was the only way that they could actually get the Hon. Kevin Foley off the streets of Adelaide, not only protecting the Hon. Kevin Foley but protecting the image and the brand of the Labor government. Of course, some wiser heads intervened and said that the last two times that the Hon. Mr Foley has been snotted, or allegedly assaulted, were not after 4am. One of them was around about 9.30 or 10 o'clock in the evening and the other one, of course, was allegedly at around about 3.30am. So, if the cynics were right and they were seeking to protect the Hon. Mr Foley and the government's image, a 4am lockout was not going to be successful.

I suspect that the real answer is that this government is just run by a mob of wowsers, led by the Premier, minister Gago, the former leader in this house (Hon. Bernard Finnigan) and the former attorney-general Michael Atkinson. I think that is the problem, Mr President; that is, those of you in the Labor caucus are being led by a mob of wowsers—anti-fun and anti-young people. The sad reality is that the majority have been dragged by the nose to support legislation like this in the chamber which, as I said, is just the foot in the door. It is just the foot in the door to introduce and impose even more draconian restrictions on the licence holders in the Adelaide CBD and on young people, in particular.

I agree with the views previously expressed by some of my colleagues—the Hons Michelle Lensink and David Ridgway—and have strongly argued for a period of time that we need to treat the Adelaide CBD but, in particular, the West End and Hindley Street, as our pre-eminent entertainment precinct in South Australia. That is what it is. We do not have many. We are not like Melbourne, Sydney and, perhaps, other bigger cities around the world. I guess, to a degree, the

Gouger Street area has been growing as an entertainment precinct in recent years as well, but it is acknowledged that the West End and Hindley Street is our entertainment precinct. It is and should be recognised by governments as different. It is and should be recognised by governments as requiring additional support, supervision, control, etc., in relation to the level of policing for that particular area.

I think that some of the licence holders have pointed out that, when there is an event like Schoolies Week at Victor Harbor, the Big Day Out, or whatever it is, significant numbers of police are properly diverted to those areas for those one-off events. The reality is that, in relation to our entertainment precinct, for Friday evening and Saturday evening, basically, there are significant numbers of people, not just young people, who visit this entertainment precinct. The simple solution—as the Hon. Mr Ridgway and others have pointed out—is that there has to be a permanent increase in police presence, particularly on Friday and Saturday evenings, all year round, in this entertainment precinct. There needs to be a different level of policing in this precinct for those particular hours.

Now, for most weeks of the year, you could go down Hindley Street on any other night of the week—from Monday through to Thursday—after midnight and into the early hours of the morning and fire a cannon up and down Hindley Street without doing too much injury to too many people. There are not significant numbers of people in that entertainment precinct during that period. If there is a special event—World Cup soccer or whatever—then it is different. It is essentially Friday or Saturday nights (or if it is a long weekend it may well be Sunday nights) where what is required is additional policing.

It is not sufficient, once a year with publicity and all guns blazing, metaphorically speaking, for the police to go out and say, 'We're going to blitz with operation this or operation that,' and, 'We're going to arrest so many people and do this and that,' for one weekend in a year, then pat themselves on the back thinking that is going to be the solution to what is potentially an ongoing issue. What is required is that level of policing on Friday and Saturday nights in an ongoing way.

It should not be beyond the wit and wisdom of SAPOL, the commissioner and the government of the day to implement such a policing plan. This government, when it suits it, hides behind 'These are operational issues; we will never direct,' etc., yet at every election they are quite happy to direct the commissioner to build a new police station in some marginal seat somewhere.

The Hon. Mr Holloway was never able to explain the difference between his oft-quoted plea: 'This is operational and you can't direct the commissioner; how outrageous is this suggestion!' yet at every election his government or his party was prepared to direct the police commissioner to open up a new police station in some marginal seat for partisan political advantage.

The Hon. Mr Holloway and the government always wanted to have their cake and eat it too; that is, when they wanted to direct the police commissioner they were quite happy to do so, but on other occasions it pleaded purity of thought and action and would not be involved. I have argued this before and I say it again: there is nothing wrong with the government of the day saying, 'We are going to provide SAPOL, as we did at the last election, with an extra 400 police over the next four years.'

There is nothing wrong with saying, 'We have an expectation that 20, 30 or 40 of those (or whatever is required) will be posted as a special force or unit or whatever you want to call it permanently in the CBD to police the entertainment precincts on a Friday or Saturday evening; that is our priority. We, on behalf of taxpayers, are going to give you tens of millions of dollars' worth of extra police, in terms of 400 extra police, but what we are saying to you is one of the priorities out of the 400 is that a small percentage of those have to go in that area.'

That sort of policy commitment is no different to the commitment that the Premier and the former police minister made when they said, 'We're going to get extra resources to SAPOL, but only on the condition that in this particular marginal Labor seat you build a police station or you extend the police station operating hours in that particular area.' So, there is nothing wrong with that.

If this government will not act then this is an issue for an alternative government as it approaches the next election, in terms of policy development, to consider and reflect upon and decide if it is prepared, as we have done previously, to make that sort of commitment post-2014. That is the solution—not the complete solution but a significant part of the solution—to the issues that need to be addressed in the entertainment precinct.

The other issue is that of issuing a challenge to the minister to provide figures in this house to validate the claim that most of the violent incidents that they are talking about are occurring between the hours of 4 o'clock and 7 o'clock. I do not profess to have a time-classified breakdown of violent incidents in the CBD; hopefully, the government has access to some of that sort of information.

Anecdotally, having reflected on the reports that come in from time to time about violent incidents in the CBD and gone back over the last couple of years, the majority are listed in the hours prior to 4am. A lot of them may well be between midnight and 4am. As I said, one of the allegations from the former treasurer was that it was 9.30 or 10 o'clock on a Saturday evening. Yes, there are incidents between 4am and 7am, and it would be foolish to deny that that is the case, but there are also a significant number of incidents pre-4am about which there have been complaints.

That is why I am saying that this is just a foot in the door for those who want to support the government's position. As sure as eggs, if they get 4am in there, they will come back and say, 'There are a lot of incidents between 2am and 4am; we are now going to need to slide back the restriction from 4am to 10am.' As I said, in my view, that is the long-held view of significant people within this government and, if they are allowed to have their way, that will be the position that they will seek to impose in the future.

I note that all members have been lobbied by a significant number of groups. I will briefly refer to perhaps two that I would normally quote, the first being United Voice. That particular group would be tied in with the Liquor Hospitality and Miscellaneous Union—I think that is the official title. In its submission to all members, it raised concerns about the government's proposal and legislation particularly regarding issues that some other members referred to in relation to hospitality workers who will suffer from these proposed changes to the licensing laws. The submission states:

> The attraction and retention of workers is already an issue for the industry and the cut in hours may see workers chasing jobs in other sectors rather than see their take-home pay cut and having to deal with increasingly angry patrons. Our members will not be able to avail themselves of the additional taxi services that have been promised as a sweetener for the proposed changes. Many members live in the outer northern and southern suburbs and a $70 plus taxi fare is beyond their means, they will have to wait several hours for public transport to commence. Thus being exposed to the apparent dangers on our streets.

There is also a letter from the Youth Affairs Council of South Australia (YACSA), which states:

> However, YACSA acknowledges that the majority of young people who use alcohol do so responsibly, in order to enjoy themselves, within the law and in accordance with societal norms. Therefore, YACSA asserts that young people have a right to feel safe should they choose to visit licensed premises or other entertainment venues.
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> ...Specifically, a large number of individuals, potentially intoxicated, will be leaving every venue at approximately the same time. YACSA is very concerned about the likelihood of conflict in a situation such as this, and looks to the state government for further information as to how this will be managed.

Those two submissions raise a couple of issues. Issues relating to hospitality workers have been addressed by a number of other speakers, and I will not go into that in detail. This issue of large numbers of people being dumped on the streets at 4am is an issue that will need to be addressed. At the moment, of course, we have staggered finishing hours. Some venues close as early as midnight, some venues close at 2am, 3am, 4am, 5am, right through to 6am or 7am. Some venues, like the Casino and a limited number of others, can trade right through. So, there is a staggering of management of primarily young people—or younger people—coming back into the entertainment precinct and having to find their way home.

One of the issues being raised by YACSA and a number of the other groups is the fact that public transport services by and large do not commence until 6am or 7am. I know that there are a number of young people, when this issue was first raised (and I did some community radio) who made the point that for many of them they would finish their clubbing at 4am or 5am, they would go to a pizza place or somewhere else and have either a very late supper or an early breakfast, I guess, and then would catch their train or their bus home at 7am to get home at breakfast time to wherever they were living.

Of course, what we are going to have with a 4am closure is these young people not being able to afford a $70 taxi fare or whatever it might happen to be, obviously having to stay within the CBD precinct before they can access public transport. That is an issue that the government will need to address, if it gets its way.

I think the other point that this government just does not realise is—and I guess it demonstrates how out of touch the leaders of this government are in terms of contemporary society—the make-up and the background of the young people who enter the entertainment precinct on these Friday and Saturday nights. The reality is that many of them, because they do not have access to significant dollars themselves, will consume a reasonable proportion of alcohol in small groups at their homes or wherever at what they would see as a much cheaper rate.

Young women in particular, with their vodka and mixes, will buy their bottles of vodka with their various mixers that they mix with that and will drink a significant amount of that so that, in their terms, they are in a good mood and happy, ready to club and rage, before they head off to the clubs. It means, of course, that when they get to the clubs, if they are having to buy their own drinks, they are not having to spend anywhere between $6 and $12 a drink, depending on which particular club or venue you go to, each and every time you want an alcoholic drink.

So, it is much cheaper for them, and many of them organise their evenings in that way. At 11 o'clock or 12 o'clock they get a taxi into the CBD or, if they have a parent, their parents take them into the CBD and drop them off, and they actually start their evening's entertainment at 11 o'clock or 12 o'clock at night. Their whole mindset in terms of entertainment is different to that of our generation. For many of us, when first we hit the night scene, the strict instruction from your mother was that you need to be home by midnight. For many of these young people, as I said, they are not actually heading out into Adelaide until 11 o'clock or 12 o'clock at night.

Their lifestyle and their life cycle, whether we like it or not, is that from 11 o'clock to 12 o'clock through until 4 o'clock, 5 o'clock or 6 o'clock in the morning they are at these various nightclubs and venues enjoying themselves. When I have recounted that at various functions, some people then say, 'This is outrageous.' This is the attitude of the Premier and minister Gago that it is outrageous, that if you can not have enough fun before 4am on a Sunday morning, then too bad, we are going to stop you.

The reality is that it is a bit like the anti-gambling Nazis that we see. The vast majority of young people happily enjoy themselves in these clubs and hotels—the music, their friendship groups, meeting new people or whatever it might happen to be—without any problem for anybody else in those venues or for the rest of us. That is what they enjoy, and why shouldn't they be allowed to enjoy it?

If there is 1 or 2 per cent of the group—and, inevitably, there will be—that is the cause of a problem, then they should be the ones cracked down upon. If they are involved in violent incidents or disorderly behaviour in a public place or offensive behaviour, then an increased police presence cracking down on those troublemakers is the solution.

It is not the solution—as this anti-fun, anti young people government would seek to do—to say that we are going to stop all of you from enjoying yourselves after 4am. Everything gets closed down with the exception of the Casino and that is the end of it. As I said, it will not just be young people who will be distressed to hear that plan. I am sure that the Hon. Kevin Foley would be mightily distressed if this particular legislation were to go through.

As I said, we are seeing this right across the board, sadly, in areas like gambling legislation and now in terms of liquor licensing where, because you have 1 or 2 per cent who either cannot help themselves or cause trouble for others, then we are going to smash the overwhelming majority who are not causing trouble, who are just enjoying themselves. We are going to clamp down on them. We are going to stop them from doing what it is that they enjoy, and that is having a drink with friends in the club, listening to some music, meeting new people at whatever hour of the day or night suits them.

The challenge I put to the minister in terms of her response is: can she bring back to the house the evidence she has of the extent of the violent incidents and assaults between 4am and 7am? Also, I have seen some figures in relation to the percentage of total alcohol-related incidents that relate to the Hindley Street precinct. I seek advice from the minister as to what evidence is available to the government in relation to the percentage of total alcohol-related incidents from the police statistics that relate to Hindley Street and the entertainment precinct of Adelaide.

Certainly the figures that I have seen would seem to indicate that a very small percentage of total alcohol-related crime comes from the Hindley Street precinct. I think in this it is incumbent on the government to produce the evidence to demonstrate why it is seeking to impose such draconian restrictions on people who may well want to enjoy themselves between 4 o'clock and 7 o'clock.

There are just a couple of other specific issues. This particular bill, if it is successful, does involve very significant increases in powers for the Liquor and Gambling Commissioner. I am not sure what his official title is these days but we all understand, the commissioner in charge of this particular area. I must indicate—and I will address this issue if we get to the committee stage of the bill—that I have some concerns with the significant increase in powers going to this particular individual.

I must admit that personally I think the jury is out on the new commissioner. He seems to have a particular emphasis and approach to his new task. I am prepared to reserve final judgment but, certainly, the early indications to me are not too encouraging, and I am certainly concerned at the potential for any significant increase in powers going to this particular office.

The other particular issues that have been raised relate to the Casino. I am of the view (and always have been) that the Casino is a separate and distinct establishment and, for a variety of reasons over the years, it has been treated differently. I can understand how the lobby in this case has sought to distinguish the Casino from other licensed establishments.

My position is that I do not think that there should be these restrictions on the other licensed establishments, as indeed I do not think there should be the restrictions on the Casino. So, my position is consistent; it is the government's that is inconsistent, because it is imposing restrictions on all of the competitors of the Casino and not on the Casino. Our position is consistent, and that is that the Casino should be able to continue but the licensed establishments should not have these further restrictions imposed, particularly as I think a number of cases have been made for nearby competitors which would be significantly disadvantaged if the government's legislation was to be implemented as it is at the moment.

I do note that there is one provision about which I put a question to the minister. I guess it is fair to say that I think that most people in this debate have agreed that the current minister's handling of the legislation has been an unmitigated disaster so far. I guess that, for those who are used to working with the current minister, that is not altogether surprising. That is par for the course, I guess, in terms of the handling of the minister's portfolios across the board, but she seems to have made a mess of her handling of this legislation, upsetting just about everybody who is involved in the debate.

Of course, what we saw after the recent debate was the minister being forced to come up with what she claimed to be a significant new approach; that is, she had to amend significantly her own legislation. We have 11 or 12 pages of amendments, which is just an indication of what a mess her original bill was. Once the industry and every commentator had a look at the legislation, they realised what a mess the minister had made of the legislation and, embarrassingly, not only for the minister but for the government, the minister was forced to introduce 11 pages of amendments to a bill that is probably not many more pages than that. I think it is a 14-page bill, and the minister has had to introduce 11 pages of amendments to her own legislation. That is embarrassing in itself—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, it is embarrassing in itself. There are very few, even within the government's ranks, prepared to defend the minister's performance generally but also in relation to the bill we are debating, and that is because it is indefensible. I think that is, as I said, commonly accepted by all who have had a look at the minister's handling of the legislation.

What we have now are these 11 pages of amendments—not only 11 pages; I think there is another amendment now in relation to Parliament House. So, 12 pages of amendments. We have had two versions of amendments from the minister to her own legislation.

The Hon. J.M.A. Lensink interjecting:

The Hon. R.I. LUCAS: Oh, there's another one. The Hon. Michelle Lensink tells me that the minister now has another amendment, which none of us has seen, on the way. No wonder the—

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

The Hon. R.I. LUCAS: Thank goodness for the Legislative Council! No wonder the legislative program is in such chaos when the minister is trying to handle it and we still have not seen all her changes of heart trying to fix up the legislation that she has introduced and made a

mess of. So, we clearly will not be able to continue with the committee stages because the minister is still trying to further amend her own legislation, evidently.

The first series of amendments, not the second and third, raise as many questions as does the original legislation. Sections of the media have had the line spun to them by the minister and her spin doctors that this has been a significant backdown or change of heart by the government in terms of the 4am restriction.

I point out to members that the new clause 21A that now is to be inserted, which is this proposed exemption or exception and headed 'Extended trading authorisations for 4am to 7am to be rare', is a most unusual piece of legislative drafting and states:

> It is the intention of Parliament that, in order to reduce alcohol-related crime and anti-social behaviour and to otherwise minimise harm associated with the consumption of liquor, trade in liquor between 4am and 7am for consumption on or off licensed premises should rarely be authorised and any extended trading authorisation for such trade should only be granted if there is some special reason to believe that the trade will contribute to, and not detract from, the amenity of community life and is in the public interest that it be granted.

Subclause (2) is then headed:

> Commissioner to determine applications relating to trade between 4am and 7am in absolute discretion.

This is one of the issues that, if I was in the industry, I would have concern about. It continues:

> The following provisions apply to an application for an extended trading authorisation, or for variations of trading hours previously fixed in relation to a licence, to the extent that an authorisation is sought in the application to trade in liquor during all or any of the hours between 4am and 7am on any day:
>
> (a) it is not subject to section 17, and
>
> (b) it is to be determined by the Commissioner, in his or her absolute discretion (and accordingly section 22(2) will apply).

There are then further provisions in (3). In that first subclause, 'Extended trading authorisations...to be rare, 'It is the intention of the parliament...' is an extraordinary piece of legislative drafting. It is the sort of thing that goes in a statement to parliament, a second reading speech or whatever it is. It is not the sort of clause that is normally drafted to go within a statute. It is an indication of the problems the minister is having in terms of handling this legislation and trying to progress it through both houses of parliament.

Whilst some of the media have said that no longer will the 4am to 7am restriction be there; there will be this exemption, the fine print is saying that this will be rare and will only be in exceptional circumstances, in essence, that the commissioner in his or her absolute discretion would issue such an exemption for a particular establishment.

There are dozens of issues that spring from that, but my specific question in relation to the Casino and the other provisions in the minister's 11 pages of amendments is whether the minister can explain, if the legislation is now to be introduced with the government's amendments, what is the impact on the Casino? That is, does the Casino have to seek some sort of exception in relation to its existing operations 24 hours a day?

To that end I refer members and the minister also in particular to clause 17 of her amendments, where it talks about the special circumstances licence held in respect of the Casino and breaks it up into various hours between 4am and midnight on any day, between 7am and midnight on any day, and various other provisions that relate to the 24-hour period within which the Casino currently operates.

As I understand it, I have put questions to the Casino representatives, and their initial response—and this was just an initial response and they would obviously need to consider their advice to both the government and the opposition, I guess, in due course—was, well, they were really wanting to hear from the government what the impact of the changes would be on their operations and whether or not—and these were their words—they would get a permanent exemption. As I said, that was their initial response from their representatives to me, that is, they were waiting on the government to find out whether or not they would get a permanent exemption.

I seek clarification from the minister as to what a permanent exemption in relation to their trading hours means as it relates to the Casino. If we are introducing changes and if they are going to be given a permanent exemption, on whose judgement is that made? Is that just the commissioner's or is it the government's, and can a future commissioner reverse a decision of a previous commissioner to give a permanent exemption? What legal status does a permanent

exemption have, I guess, and how could it be changed in legal terms at some stage in the future? Certainly, I seek a response to that. I put the question to the Casino representatives and, as I said, at this stage they have been unable to give me any definitive reply.

The final issue I want to address is this ridiculous issue of Parliament House. With the greatest respect to my associates and acquaintances within the lobbyists who support the hotel industry, this is a very clever but ridiculous furphy. I can understand the issue of the Casino, because that is a valid competitor for public patronage. If everyone else is closed down, well, the young people and older people can all flood into the Casino; so, that is an issue of competition. The Parliament House one, as I said, was a nice furphy, and it has forced this government, again in its own incompetence, to introduce a ridiculous amendment, but it is a furphy.

The people who are locked out of the Electric Circus, Limbo, the Rocket Bar, or whatever it is, at 4am in the morning—even as the Hon. Mr Ridgway said, one night in nine years that he can recall that the Parliament House bar might have been open between 4am and 7am—will not be able to flee those venues and arrive en masse at North Terrace and demand to be served in the Parliament House bar between 4am and 7am on that one morning in the last nine years it has actually been open.

As I said, it was a cute point. It got some traction in the media; and, with the ineptness of the current minister and the government, we now see a further amendment being moved by this inept, incompetent minister to the legislation in relation to Parliament House. My understanding—and the minister can correct me if my understanding is wrong—is that we do not have in Parliament House a liquor licence. Unlike all these other establishments, there is no liquor licence which relates to Parliament House. The actual amendment the minister is moving is: 'Liquor is not to be sold in Parliament House between 4am and 7am on any day.'

It does not actually refer specifically to the parliamentary bar. I am assuming that, as members will know, most ministers, for example, do not necessarily pay—well, almost never—cash for any alcohol purchases: they just put it on their ministerial account. I am assuming that, in legal terms, the minister's amendment that says liquor is not to be sold in Parliament House would cover ministers who, in the normal course of events, just order from the Parliament House bar a couple of bottles of Basket Press, or whatever it might happen to be, and say, 'Put it on my account.' So, let us assume that that is covered and this is not just a clever device from the minister to get around that.

The other avenue for obtaining alcohol at Parliament House is, of course, through either the catering manager or building services and the cellar which relates, obviously, to wine, and there are beer products and others down there as well. So, that has certainly been, at varying hours over the years, as I understand it, also accessible. Should members and ministers, in particular, want to purchase alcohol, they are able to purchase it from there and have it put on their ministerial accounts as well. So, one would assume that this provision is also going to need to be applied, if it is enacted, to those provisions as well.

I think the workability of this proposed amendment from the government and what exactly its practical impact would be on alcohol sales at Parliament House need to be explored, if we get to the committee stages. As I said, personally it just appears to me to be a bit of a nonsense amendment. The Hon. Mr Ridgway, in particular, has pointed out that, on one occasion in his nine years in the parliament, the members' bar has still been operating between those particular hours. On every other day of those nine years, the members' bar has not been.

There are a number of other issues that we will be able to explore in the committee stage. I would hope that the majority of members in this chamber would see this legislation for what it is: an incompetent piece of legislation, poorly targeted, from both a minister and a government sadly out of touch with contemporary South Australia, sadly out of touch with what the problem is and sadly out of touch with the real solution to the problems that might exist, that is, of course, a permanent increase in police presence in the entertainment precinct of Adelaide.

One would hope that a future government, different to this one, may be prepared to move decisively to act in this way, rather than the lily-livered, limp-wristed responses that we have seen from current ministers. I include former ministers for police and the current Premier in relation to these particular—

The Hon. P. Holloway: Who would pay for it?

The Hon. R.I. LUCAS: Well, the taxpayers of South Australia always pay for the police force. Who do you think should pay for the police force? Unless, of course, the former minister for police is now saying that they are going to introduce user pays for the use of the police force. Now, we know, some—

The Hon. P. Holloway: I didn't say that at all.

The Hon. R.I. LUCAS: Well, that is clearly the inference of what the former minister for police is flagging. Let me just highlight that the former minister for police, in an ill-considered interjection—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Mr President, let me respond to his ill-considered interjection. He asked: 'Who would pay?' Of course, because the taxpayers pay for the police force, clearly, the inference behind that is that this former minister for police—as he, thankfully, exits the stage from this chamber and the house—is still supporting a view, or appears to be supporting a view, that it is not going to be the taxpayers. He wants to implement some sort of user-pays policy in relation to the use of the police force.

If that is his view, and if that is the view of the current government, let him have the courage, after I finish, to stand up, nail his colours to the mast and indicate that he does not think the taxpayer should fund the police force but that, in addition to the taxpayers funding it, there should be an additional charge to users for police services in relation to this area. Did he introduce, when he was the minister, additional charges on Schoolies Week users at Victor Harbor when extra police were sent down? No response from the Hon. Mr Holloway.

The Hon. P. Holloway: Of course we did, but you want to spend $5 million or more.

The Hon. R.I. LUCAS: Did he introduce extra charges for Big Day Out consumers when extra police, dog squads and drug squads had to go to the Big Day Out? Did he introduce extra charges for them? No response from the Hon. Mr Holloway. Did he introduce extra charges when extra police have to go to the cricket or to World Cup soccer for the consumers in that particular area because extra policing was required? No response again from the Hon. Mr Holloway.

It is convenient for the Hon. Mr Holloway to try to use these sorts of ridiculous arguments as they relate to young people wanting to enjoy themselves in the CBD and all of a sudden he wants to come the high and mighty: 'Who is going to pay for it? If there is going to be extra policing, then these young people and the hoteliers, etc., should pay for it.' That is his policy, but in every other area when extra policing is required he has never raised that before.

The Hon. P. Holloway: Somebody has to pay for it.

The Hon. R.I. LUCAS: That has never been a concern to him. It suits him, in relation to this, to use that ill-considered, ill-judged policy.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: If that is the way he thinks, thank goodness he is in the exit lounge, on the way out of this chamber, already on the way out of this government.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Let him retire to the Hills where he can reflect upon what he might have done if he had been in government for a bit longer in relation to the police portfolio. I am not going to be diverted by these ill-tempered interjections from the former minister for police. I will not be diverted. I indicate my opposition to this particular bill and the government's ill-considered policies.

The Hon. J.A. DARLEY (12:11): I rise briefly to speak on the Liquor Licensing (Miscellaneous) Amendment Bill. Like other honourable members, I agree that something needs to be done to curb antisocial behaviour and violence, especially that resulting from the excessive consumption of alcohol. However, I am not convinced that the bill before us is the most effective way of achieving that.

On the one hand, the benefit of the bill itself is that it ensures gaming machine operations cannot be conducted between 4am and 7am, thereby creating a mandatory break in play at poker machine venues, which is very encouraging. On the other hand, the bill provides an exemption from the mandatory shutdown for the Casino, which I am particularly opposed to. The reasons

provided by the government in relation to the Casino's exemption are also less than convincing. I also question whether enough thought has gone into the issue of public transport to deal with the crowds of people who will inevitably need to find their way home after a big night out should a curfew be implemented, and the issue of pre-loading which, I understand, is prevalent amongst revellers.

The Premier has often promoted the idea of whole-of-government solutions to problems. I believe this would be an ideal circumstance where a whole-of-government response could be utilised to address the issues of antisocial behaviour which often occur as a result of binge drinking. I understand SAPOL, the Office of the Liquor and Gambling Commissioner and the Adelaide City Council currently have fairly broad powers which could address these issues. However, like many of my colleagues, I have to question why those powers are not being adequately used at the present time.

The information tabled by the Hon. Michelle Lensink relating to liquor licensing offences demonstrates a lack of adequate action. For instance, there have only been five offences relating to the sale and supply of liquor to intoxicated persons between 2008 and 2010. Those figures hardly seem to suggest any real effort on behalf of our enforcement agencies.

Finally, I am not convinced that the government's amendments regarding its extended trading authorisations adequately address the plethora of concerns that have been raised in relation to this issue. I look forward to the committee stage of debate of the bill.

The Hon. CARMEL ZOLLO (12:14): I rise to make a second reading contribution to this important bill. I am sure other members in this place appreciate that the area of liquor licensing is a complex one, or perhaps I should say most members recognise that the area of liquor licensing is a complex one because, like a few other members here, I have just sat through listening to a certain amount of waffle from the Hon. Rob Lucas, particularly his denigration of individual people in this chamber.

It is a fine balancing act between the needs and responsibilities of licensees, the safety and well being of the public, and creating vibrant entertainment precincts in South Australia. I believe all of us have had some contact from industry groups and constituents on the proposals before us.

As members no doubt recall, this government has already made some important changes to this state's liquor licensing legislation. On 18 November 2009, the Liquor Licensing (Producers, Responsible Service and Other Matters) Amendment Bill 2009 (the amendment act) passed through both houses of parliament, and the Governor assented to the bill on 26 November 2009. The date for proclamation of the amendment act, with the exception of sections 5 and 7, was 3 May 2010.

The previous changes to the law provided more clarity around recognising an intoxicated person and also introduced a new provision that affords an authorised person under the act the power to remove a member of the public who they suspect either has or is about to purchase alcohol on behalf of someone who is intoxicated.

I understand that the guidance now offered to licensees through the legislation around intoxication has been an important improvement. The act now states that it is an offence to serve liquor to a person in circumstances in which the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.

The Office of the Liquor and Gambling Commissioner makes information in the form of pamphlets and fact sheets available on its website to assist licensees and staff with determining whether or not a person is intoxicated for the purposes of the act. This information was developed with the help of Disability SA and also includes assistance in determining the difference between intoxication and impairment resulting from a disability or a medical condition.

Members may recall that sections 5 and 7 of the previous amendment act dealing with the code of practice and mandatory licence conditions have not yet been enacted. Those sections are key to the proposals that lay before us now. I will come back to the code of practice in more detail, because it is a really important part of the government's reform measures.

It has been a long journey for the Office of the Liquor and Gambling Commissioner. The current raft of proposals were first floated on 20 July 2009 when minister Gago released the discussion paper, 'A Safer night out'. The paper proposed changes to the act, essentially to

strengthen measures that promote safety and responsible drinking in and around licensed premises, particularly in the state's entertainment precincts.

The amendment bill proposes a variety of reforms, and we have before us what is a challenging but valuable piece of draft legislation. I note that there have been differing views on the right way forward; we have heard quite a few thus far. A scan of the submissions received on the discussion paper—all of which are available on the OLGC website—reveals a range of opinions.

This is not an easy policy area by any means, but the government believes that these proposals strike a good balance, and I would like to talk about some of them in more detail. However, I am not going to dwell on the proposed break in trade for licensed venues; this really is a small part of the government's proposal, yet it has received a disproportionate amount of attention.

There are valuable neglected proposals before us which should be discussed in a fulsome way in this important place of review where we all sit. Members would also now be aware of the government's amendment, which makes trading between 4am and 7am possible in exceptional circumstances at the discretion of the commissioner. The government has needed to make this amendment, as it was very clear that this chamber was not going to support the proposal as originally outlined in the bill.

I am very interested in what the bill terms 'commissioner's management plans'. The bill proposes strengthening the powers of the Liquor and Gambling Commissioner so that he can take action against venues where antisocial problems are occurring. I understand that a management plan allows the commission to put conditions on a group of venues in the same area or a group of venues of a particular class—for example, late-trading nightclubs. These conditions could range from imposing conditions on a licence, such as increasing security guards or cameras, to requesting that all venues cease selling shots after a certain hour.

I understand that management plans will not just be forced upon licensees; they will be developed in consultation with all the affected venues. They are designed to improve the safety of certain areas and to promote responsible service of alcohol (RSA), which are goals I am sure licensees would share with the commissioner. It is also important to note that it will be a requirement that management plans be reviewed to assess the effectiveness of the measures being taken. To me, management plans appear to be a collaborative effort to make our entertainment precincts as good as they can be.

It is proposed to give the commissioner other powers as well. For example, in the case of an imminent emergency or incident, the commissioner will be able to issue a short-term notice which may place conditions on a licence, suspend a licence or close a venue for up to 72 hours. I am told that it is likely that this new power would be exercised rarely, but that it is important for the commissioner to have the ability to act swiftly and responsibly to ensure the safety of the public.

The bill also proposes more powers for the police. As it is important for the commissioner to act if an incident is likely to occur, so too do the police need to be able to respond if an incident is taking place. Police will be given the ability to temporarily shut a venue or part of a venue in an emergency for up to 24 hours. The bill also toughens up on offenders who repeatedly breach the requirements of the act. Maximum penalties for subsequent serious breaches of certain licensing laws will be increased, and I understand that in some cases the penalties are being doubled. A significant penalty works as an excellent deterrent, in my view.

However, it is important that licensees do not just keep receiving and paying expiation penalties. For that reason, the government is proposing that for a second breach of certain licence conditions, a second expiation notice cannot be issued. Instead, disciplinary action before the court would be taken for subsequent breaches.

There is also a third measure designed to make sure serious action can be taken for the really big offences outlined in the act. That measure says that if a licensee has been convicted of a serious offence, such as drug trafficking or supplying liquor to an intoxicated person, the court is required to take disciplinary action against that person. I want to put on record my support for these proposals. It is obvious to me that the act needs to make it really clear that breaches will not be tolerated. I am sure we all agree that licensees need to be doing the right thing, and those that do not can be dealt with appropriately.

I turn now to the proposed codes of practice I mentioned earlier. I believe that perhaps the most significant element for addressing the responsible service and consumption of alcohol being proposed in the bill before us is the updated mandatory code. This is really important because the

code is more than anything about protecting consumers and guiding venues to ensure they do the responsible thing. The draft code is available on the OLGC website. The code will require all staff involved in the service of alcohol to undertake RSA training. At the moment, I am told that only licensees and responsible persons are required to have been trained. I am sure that it will only be of benefit to venue staff to receive this training. It seems to me that confident, knowledgeable staff will be much better placed to deal with intoxicated or difficult patrons who do not know when to stop.

The code also introduces measures to restrict irresponsible drinking practices, and there are a variety of those happening now in our venues. It will no longer be permissible to offer drink promotions or deals which basically encourage people to drink a lot and quickly. This will include limiting the number of hours a happy hour can go for and banning 'two for one' and other such drink specials. It will also be a requirement that licensees provide free cool water and cheap soft drinks to encourage alternative drinking choices and responsible consumption. The code also seeks to address drink-spiking practices, which I understand the member opposite, the Hon. Tammy Franks, has a particular interest in and has raised.

It is not just pubs and clubs that will have to adhere to the new code. These rules will also apply to party buses, which I believe is important. I am not sure if members know much about party buses, but they can be a recipe for trouble if drinking is not undertaken responsibly. As I have said, I have acknowledged that this is not a bill that is going to please everyone, but I do feel that the proposals that the government has put forward and that we are discussing today are important and, ultimately, it is about helping to create a safer night out for all of us. I commend the bill to honourable members.

The Hon. A. BRESSINGTON (12:26): I rise briefly to speak to the Liquor Licensing (Miscellaneous) Amendment Bill, and I will be brief. I would like to say at the outset that I am a little divided on which parts of this bill I would support and which parts I would not. Coming from a background in hospitality and being manager of a nightclub in Queensland, I have to say that really the image that is put out there by some of the things that have been said in here of nightclub proprietors or managers of nightclubs is perhaps a little misleading—that it is our goal to get people as drunk as possible as quickly as possible and that those people in those positions act irresponsibly most of the time.

The fact is that if you are managing a nightclub and are responsible for patrons in that nightclub and responsible for staff and their wellbeing, the last thing that you want is for patrons to be rowdy and drunk and abusive.

The Hon. R.I. Lucas: They won't come back.

The Hon. A. BRESSINGTON: That's right. You hire security to make sure that those issues can be dealt with swiftly. I do have a problem with the responsibility falling on people behind the bar to be determining when a person is drunk or too intoxicated to be served drinks. To think that a couple of hours of training on how to identify when somebody is drunk is going to make their job easier is quite untrue. I think I have used in here the example of when I was just starting in Queensland to work behind bars and tried to cut somebody's drinks off because he was too far gone and literally got dragged over the bar because I refused to serve him.

These are the sorts of things that happen when we are trying to shift the responsibility of law enforcement onto bar staff rather than making sure that law enforcement are there to do their job and that there are enough of them, and that licensees feel comfortable that, if they call police, the police will attend in a reasonable period of time and, in the meantime, security staff will deal with the patron who is causing the trouble.

I do not believe that a 4am close is the way to go. I do believe that it is going to herd people out onto the streets in great numbers. I think the number is that we would be pouring out about 5,000 onto the streets of Adelaide's CBD at 4am, and I do not believe that we can increase the number of taxis or improve public transport enough to be able to deal with that. I know that the Casino is quite concerned about that outpouring of people onto the streets at that time, and it is looking to recruit these people as patrons, a totally different clientele from those it is trying to attract.

In my own mind, I also couple this piece of legislation with the weapons legislation we are currently debating. I am sorry, but I see both of these fitting together as creating a situation where we are going to have more confrontations on the street between police and patrons than we think. We are increasing police powers but we are not increasing police numbers, and we are relying on

bar staff to curb antisocial behaviour by their cutting of people's drinks and, no doubt, some are going to get rowdy.

We are also forgetting, too, what happened with the introduction of poker machines into hotels. A lot of the hotels in the suburbs used to provide entertainment for our young people (live music, live bands, discos or whatever) and, with the introduction of poker machines into those hotels, a lot of licensees of those venues saw it as being far more cost-effective to install poker machines and get extra revenue from them rather than spending money on entertainment and providing that sort of outlet, if you like, out in the suburbs, and I saw that when I first moved down here as well and was working in hotels.

We have created this situation of people flooding into the CBD. We have created the situation of young people going out now at midnight instead of, as the Hon. Rob Lucas said, in our time having to be home by midnight. We have created a culture where a lot of people rely on alcohol to be able to go out and have a good time. But we are also assuming that the majority of those people are irresponsible drinkers, and the majority of them, as the Hon. Rob Lucas said, are not. It is the minority of people who are causing a problem, and it is because of their actions that everybody else will be penalised.

Quite frankly, I see this bill as a way for this government to live up to its tough on law and order agenda through restricting activities and entertainment and businesses without having to spend extra money on extra policing. That is not the way to solve the problems that are stated as the reason for this bill. It is also not, I believe, good public policy.

We do have young people now who live a very different live from the life we lead. A lot of people are working that 4am to 7am shift; that will be money out of their pocket. What are we going to do? When most people in the entertainment industry live on 22 to 24 hours a week of employment and we are going to take three hours from a great many of those people because we want to shut down the CBD, what will they do with that shortfall in their pay packet?

A lot of those people (and I was one of them) are single mothers who rely on the three hours that will come out of their pay packet every week because the government believes it will curb violence in the streets. It is a huge ask for many people who live on the minimum amount of money and work in hospitality. Quite frankly, a lot of these people work in hospitality because it is either their kick-off as their working career, or they are older people who simply do not have the skills to get into any other kind of employment and they will take whatever they can get.

I know as a single mum that I used to work the late late shift because in Queensland they had penalty rates, and I used to work those shifts to be able to take home extra money. I know that is not the case here as it is a flat rate across the board, but it is still three hours a week out of somebody's pay packet that we will just take away because someone says that, after 4 o'clock, the streets are more violent. I cannot see that this will actually make that any better; in fact, I think it will make it worse.

I also have a problem with these management plans that the commissioner will have the power to negotiate as part of a person's liquor licence. I do not believe that it is government business. I do not believe that we have the right in this place to be interfering with how businesses operate. If businesses break the law, there are laws in place already for them to be penalised and prosecuted under those laws.

I would like to ask one question, given a comment the Hon. Carmel Zollo made in her speech. I would like to know how many licensees in the CBD have been issued with two or more expiation notices for a breach of their liquor licence since 2008. I am asking that genuinely because I do not know. I am not sure that businesses, managers or licensees want the reputation of being in constant breach of their liquor licence and paying expiation fees. I know that expiation fees are quite affordable to some of these businesses, but it goes with the reputation as well.

The image being projected about licensees and managers of licensed premises is quite one sided, as put across by the government. The majority of them, like the majority of people who go out on a Friday and Saturday night, behave themselves. Constantly in this place we are drawing up legislation for one-off situations or for the behaviour of the minority, rather than changing how we as a government and the police as a police force undertake their business. In saying that, I also look forward to the committee stage of this bill.

Very quickly I mention that the Hon. David Ridgway made the point about increased police presence being a great deterrent. That has been proved over and over again. I also say that the

morale of the police force depends on how they conduct their business in the street. I have had a number of complaints to my office from young people who have been targeted by police for doing nothing more than walking up the street in a group of three—doing nothing, not even drunk—and being called over. One of them said that the police officer said to him, 'You look like you've been in trouble with the police before.' As a matter of fact he had never been.

If we are to talk about training bar staff to be able to deal with drunks and to cut off drinks, we should also be training some of our new police officers on a bit of diplomacy and how not to escalate situations. I had a meeting with Mr Bönig, President of the Law Society, who conducted a survey which showed that young people have zero to no respect for our police officers, and I think that is a sad, sad indictment on both our young people and our police force. You cannot demand respect: you actually earn respect. I have had a situation in here with a police officer who was rude, aggressive and young. It was not what I would have expected of a police officer doing business.

As I said, I have had a number of complaints about young people being targeted on the streets on a Friday. Already—before we pass the weapons bill, before we even consider the right to arbitrary search—there are some (and I agree that they would be the minority) police who go out there gung-ho, but this is both sides of the argument. It requires training on both sides of the fence and requires an honest review of not only how businesses are operating but also our police force and its resources. As I said, I look forward to the committee stage of this bill and taking into consideration all the other aspects of this bill we will be debating. I will be interested in the outcome.

Debate adjourned on motion of Hon. R.P. Wortley.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 June 2011.)

The Hon. A. BRESSINGTON (12:42): I rise to indicate my position on the Electricity (Miscellaneous) Amendment Bill, which was introduced in this place by the minister on the Thursday of the last sitting week of parliament. Like other members, in that time I have attended a briefing provided by the government and the forum hosted by the Hon. Mark Parnell at which the solar industry, the Clean Energy Council and the South Australian Council of Social Service was represented. At the outset, I would like to thank the minister and the honourable member for providing those opportunities to us.

The government briefing made plain the liability that the solar feed-in scheme has created for South Australians, a liability that, regardless of this bill, will continue to be borne by electricity consumers until 2028—some 17 years from now. I admit that I am partly responsible for that, because, along with the Liberal Party, on the information available at the time I voted in favour of the Hon. Mark Parnell's amendment to the bill establishing the scheme to extend the tariff for 20 years rather than the five years proposed by the government.

A key to that decision, at least, for me, was the expense at the time of PV units, the forecast limited uptake, the notion of a fair return on investment for those who did participate and the length of time that it would take for them to make some of that money back. After all, we are all being asked to provide an incentive for those in a position to cover the initial capital cost to do so. However, as we have seen, each element I relied on in coming to the decision to support those amendments was proven to be undermined by the significant capital subsidies and parallel incentives provided by the federal government.

This assistance to consumers, in addition to the falling purchase price of PV units, saw the rapid uptake of PV to the point where we are now facing well over 100 megawatts installed by the end of September this year, just over three years on from the scheme's commencement. This has, of course, led to consumers being financially unable or, for whatever reason, unwilling to install solar panels to cover the ever-burgeoning expense of the scheme and each power bill.

The cost of the scheme does not come from consolidated revenue—something I do not believe the majority of South Australians are aware of—but is burdened directly by electricity consumers, a solid percentage of which are residential premises. It was never at the cost to this government's revenue that the Premier was able to gloat to the former Californian governor, Arnold Schwarzenegger, former US vice-president, Al Gore, and renowned environmentalist, David Suzuki, amongst other climate warriors.

As a result, we have now seen the solar industry placed in a situation of boom and bust. I was interested to hear comments made the other day by one of the government members—I think it was the Hon. Paul Holloway—that it is a boom or bust situation and we just have to accept that this is the way things go. I have said before in this place that there are alternatives and there are better ways of doing things than literally breaking industries. We are going to see 1,500 jobs at stake if this goes ahead as the government is proposing.

I have seen the amendments of the Hon. Mark Parnell, and they do seem to tick all the boxes, but, like the Hon. Rob Lucas said yesterday in here on this bill, we are not experts and we do not really know. I am all in favour of all aspects of this being sent to ESCOSA for a review and for a written report to be handed back to this parliament of their findings on both the government bill and the amendments of the Hon. Mark Parnell.

I think we made a mistake in the first round. We have disadvantaged a lot of people and we need to make sure that, for the next round, we are all completely well informed and that we are making informed decisions on behalf of the people of this state. In saying that, I make my position clear that I would be one of the members who would support this being referred to ESCOSA. I would then be prepared to make decisions on how we move forward with this.

Debate adjourned on motion of Hon. C. Zollo.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 May 2011.)

The Hon. S.G. WADE (12:49): This bill highlights a clash between the law and the science, but let us not miss the wood for the trees. The law and the science agree on one point, the key point, that identification testimony is inherently unreliable. From the perspective of law, the innocence project in the United States shows that about three-quarters of wrongly convicted people were wrongly convicted on the basis of identification evidence. On average, these people served between 12 and 15 years of prison time when they were innocent. Juries find identification testimony very persuasive—perhaps more persuasive than the science would suggest it should be.

From the perspective of science, studies suggest that, whatever method you use, misidentification rates are significant. Let me highlight the misidentification rates in four scenarios. The first scenario is where the offender is present and the line-up is rejected; that is, a witness says they are not there, or cannot pick them. That is incorrect on 20 to 50 per cent of occasions. Scenario two is where the offender is present and a known innocent person is selected. That occurs about 20 per cent of the time, and for the sake of clarity we might call that the 'Kevin Foley scenario'.

Scenario three is where the offender is not present and a known innocent person is selected. That occurs in around 20 to 50 per cent of cases. Scenario four is where the offender is present and the offender is selected. That could be anywhere from 20 per cent of the time, if conditions were such that on average witness memory is poor, to 90 per cent of the time, if conditions led to good witness memory.

Given that this council is looking at the need for a criminal cases review commission to provide appeals for miscarriages of justice, it would be bizarre for us to treat lightly an area of law which is like a bag full of seeds for potential miscarriages of justice. So, what does the criminal justice system do to reduce this risk? Firstly, the courts have a well-established preference for live line-ups. The law regards live line-ups as more reliable than other forms of identification.

In Alexander v The Queen (1981), the High Court established the practice that a live line-up should be used whenever possible and that judges have discretion to exclude evidence such as photo board line-up evidence if a live line-up is possible. The law also recognises that putting aside the quality variables, live line-ups have other significant benefits over photo boards.

Firstly, to be able to do a photo board identification you must have a photograph of the suspect, and juries could be led to assume that if you have a photograph of a suspect they must already have a criminal record and therefore are more likely to be guilty. With a photo board there is no safeguard against police suggestion. At least the accused and often a lawyer or other independent person is present at a live line-up. That may not be the case with a photo board identification.

Thirdly, a live line-up provides a wider range of identifying characteristics to be used by the witness in making the identification, for example, a person's body shape. I received a copy of a letter dated 18 March from the Law Society to the Attorney-General which highlights these points:

> We note that the existing law in this State, which is in line with High Court authority, is that parade identification is the best identification...We accept that this is so. We are in general disagreement with the comments accompanying the Bill to the extent that they advocate for photoboard identification to the exclusion of parade identification.
>
> If the Bill is passed in this form, we believe that it will benefit the accused and, we accept, the police by way of providing a saving of resources. The consensus of the Criminal Law Committee (by experience) is that parade identification is much more reliable. The witness is able to view the suspect in three-dimensional form and assess factors such as height, build etc.
>
> At the same time we acknowledge that police resources are not finite—

I think they meant 'not infinite'—

> Nevertheless, an effective change from parade identification should not be hijacked by the resource issue if it otherwise may lead to less identifications and, therefore, less convictions.

A key goal of this bill is to negate the judicial preference for live line-ups. In doing so, the government has tried to use science to discredit live line-ups. As I will show later, the science in fact discredits all line-ups done badly.

Secondly, the law seeks to control jury warnings. In relation to jury warnings, there is a standing obligation on a trial judge to adequately direct any jury about the possible unreliability of identification testimony, whatever method is used. In the text *Australian Evidence*, a leading Australian resource on this area of the law, our own South Australian former academic, Andrew Ligertwood, expresses the law in the following terms:

> Consequently, courts have been conscious that juries should be made fully aware, by clear and careful warning, of the risks inherent in both observation and recognition, and that police should employ recognition procedures which eliminate the most obvious risks. But this consciousness has so far fallen short of the imposition of either mandatory guidelines for adequate warning or mandatory recognition procedures to be followed by police, despite appellate courts being given opportunities to tighten up their approach. This failure has led to recommendations for law reform in this area.

In that passage, Mr Ligertwood suggests that to deal with unreliability of identification evidence, the laws of evidence in relation to the identification testimony could be changed to do two things: firstly, enhance judicial warnings to juries and, secondly, provide for mandatory recognition procedures to be followed by police. This bill focuses on the first and does nothing about the second.

Both law and science suggest that identification procedures do matter. In fact, the government's preferred authority in this area, Professor Neil Brewer of Flinders University, suggests that how an identification method is implemented matters more than the identification method used. According to science, there is a negligible difference between the reliability of identification using live line-ups and identification using photoboard line-ups. In a recent police journal article, Professor Brewer wrote:

> Across a number of controlled studies, the evidence does not indicate that either method produces superior performance in terms of preventing identification of innocent suspects or maximising the identification of offenders.
>
> This is not to say that, at some stage, evidence will come to light that demonstrates the superiority of one or other method under particular conditions. But, at present, there is no compelling evidence for the superiority of either method.
>
> I suspect that this might reflect the fact that witnesses generally simply do not store the rich details in memory that would allow them to take advantage of the additional memorial cues that the live line-up would appear to offer.

What makes a huge difference to the reliability of a line-up is how the line-up is constructed and how it is delivered. My understanding is that Professor Brewer supports the use of photoboard line-ups in preference to live line-ups because a photoboard line-up gives you a greater capacity to change the quality variables. It gives you a better opportunity to promote quality, but only an opportunity. As Professor Brewer put it at a recent public lecture, 'A photoboard done badly is just bad as any other method.'

The opposition supports ensuring that our law allows the justice system to rely on the best available evidence and the best available science. We support the removal of the judicial preference for line-ups, but we do not support doing so without firstly ensuring that scientifically

verified quality identification procedures are in place for all modes of identification and, secondly, ensuring other steps are taken to maximise the quality of identification evidence.

Last year, Professor Brewer and a colleague, Matthew A. Palmer, published an article in *Legal and Criminological Psychology*, a journal of the British Psychological Society called 'Eyewitness identification tests'. The article concludes with a section called 'Summarising what works', which states:

In sum, what should line-up practitioners focus on given the current state of knowledge?

What are the procedures most likely to ensure maximum diagnosticity for eyewitness identification test evidence?

The following points capture the main conclusions to emerge from the preceding discussion:

(1) Line-ups should contain only one suspect. Foils should capture the key features of the witness's description and be plausible matches for, but not too similar in appearance to, the suspect.

(2) Do not be preoccupied with the line-up presentation medium as there are many other factors that seem to be far more important.

(3) Double-blind line-up administration should be preferred.

(4) Witnesses who have previously seen a suspect's face in a mugshot search or showup should not subsequently view a line-up for that suspect.

(5) Ensure unbiased instructions providing clear warnings regarding possible culprit absence.

(6) Immediately after the identification decision, ensure there is an (independent) record of the witness's exact identification response, the confidence in that decision, the witness's decision latency, and other perceptions that witnesses had of the encoding and identification experiences.

(7) Avoid giving disconfirming feedback to witnesses following an initial identification decision if there is a chance that the witness may subsequently be asked to view another line-up.

(8) Discount courtroom expressions of identification confidence and other witness perceptions of encoding and the line-up.

At this point it is important to reiterate a point we made at the start. The available evidence clearly suggests that, even if all of the suggested guidelines are diligently observed, eyewitnesses will still make inaccurate decisions when examining line-ups, including the selection of innocent suspects and line-up foils and the rejection of line-ups containing the culprit. Moreover, while we are hopeful that future work will gradually help us refine these guidelines, we believe that the traditional identification test formats that we have been discussing in this chapter will remain limited in their capacity to discriminate the guilty from the innocent.

Debate adjourned on motion of Hon. G.E. Gago.

[Sitting suspended from 13:01 to 14:17]

PET SHOP SALES

The Hon. T.A. FRANKS: Presented a petition signed by 212 residents of South Australia concerning pet shop dogs and cats, requesting the council to stand up for South Australian puppy farm dogs and ban the sale of dogs and cats in pet shops.

PAPERS

The following paper was laid on the table:

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

Commissioner for Consumer Affairs—Report, 2009-10

CHILD'S DEATH

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:19): I table a copy of a ministerial statement relating to the death of a five-year-old child made earlier today in another place by my colleague the Minister for Families and Communities.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Leader of the Government a question about information relating to the new Royal Adelaide Hospital.

Leave granted.

The Hon. D.W. RIDGWAY: I have been provided with a copy of an invitation that was distributed, by my understanding, to all the nursing staff at the Royal Adelaide Hospital and, in this particular case, the day surgery unit. I will read the first couple of paragraphs. It is from the minister, John Hill, and it states:

> The state government has announced that today achieves contractual and financial close with the private consortium SA Health Partnership to build South Australia's new Royal Adelaide Hospital (RAH).
>
> I will be visiting the RAH on Tuesday, 7 June and Wednesday, 8 June and I would like to invite you to come along to hear more about this project which is the biggest State-funded social infrastructure project in South Australia's history.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: And that's right: I heard the Hon. Paul Holloway saying, 'This is about consultation.' It continues:

> Two information sessions, with opportunity to ask questions, will be held in the Robson Theatre at the following times—
>
> Tuesday, 7 June: 11.10 am to 12 noon
>
> Wednesday, 8 June 10 am to 11 am

Unfortunately, this invitation was delivered to nursing staff on Wednesday 8 June at 12 noon or shortly after—an hour after the last briefing session had finished.

My question to the Leader of the Government, and more importantly to a former South Australian head of the Australian Nurses Federation, is: does she think that it shows appropriate recognition and respect to our hardworking nurses to invite them to a meeting and information session after it had finished?

The PRESIDENT: The honourable minister.

The Hon. P. Holloway interjecting:

The Hon. D.W. Ridgway: You go and ask them Paul. They are really pissed off.

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:22): Thank you, Mr President. I thank—

The Hon. D.W. Ridgway: Go and get sick and see what sort of care you get down there. You go and ask them.

The PRESIDENT: I am sure you will great care down there, the Hon. Mr Ridgway. Minister.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: We will wait until the Hon. Mr Ridgway starts behaving himself.

The Hon. G.E. GAGO: Collects himself.

The Hon. D.W. Ridgway: I don't have to collect myself. I know what those people think and feel and they are not very happy with this lot.

The Hon. G.E. GAGO: Calm down, deep breath.

The Hon. D.W. Ridgway: Stand up, Gail, and tell me if this is what you think is an appropriate way to handle and deal with your former nurses.

The Hon. G.E. GAGO: The trouble is if he has a heart attack, Mr President; being a former nurse, I'll have to resuscitate him.

The PRESIDENT: The honourable minister. I think he's finished.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Calm down, calm down.

The PRESIDENT: No, he hasn't finished.

The Hon. D.W. Ridgway: If I have a heart attack, let me go. I don't want the kiss of life from her, that's for sure. I'm happy to go.

The Hon. G.E. GAGO: Please calm down; I would hate to be in a position where I would have to resuscitate him.

The PRESIDENT: The minister.

The Hon. G.E. GAGO: Thank you, Mr President.

The Hon. D.W. Ridgway: Stop her. If she comes towards me, stop her, please.

The Hon. G.E. GAGO: Your life might depend on it: just think about that. There's many a life I've saved, I'll have you know and they didn't mind the kiss of life from me at all, and they still live on this planet because of it. As a former nurse, with the training and education I received, I have to say how grateful I am for that and the contribution that it has allowed me to make to this society. The honourable member would indeed be very lucky to have my assistance in this house in more ways than one.

I was distracted. I thank the honourable member for his most important question. I know that a great deal of clinical consideration has gone into the planning of the new Royal Adelaide Hospital. I know that nurses are very pleased about that, as are doctors and other healthcare professionals. There have been months and months—12 months or more—of involvement of very careful clinical consideration, identifying not just the nursing elements of patient care but also medical elements, treatments, transport and catering.

This has required months and months, if not over a year, of very careful consideration by all of the relevant stakeholders, including that of nursing. I know that nurses have been very pleased at the level of consideration of their clinical and professional needs and, of course, the superb opportunities this new facility will offer in terms of clinical elements.

This new hospital will be South Australia's and Australia's most advanced hospital, and it will certainly lead the nation in terms of efficiency in health care for many decades to come. It is a hospital for our future, and nurses, doctors and other key stakeholders know and understand that. I know that the opposition is having trouble with this. They still do not get it; they are still knocking it. They are not able to move on. They are not able to see what a tremendous asset this is to this state and to the future of health care in this state.

I think it is Ms Kaye Challenger who has had a key role in looking at the key components involved in the planning of this. She is a former CEO of the Royal Adelaide Hospital and, I am very pleased to say, a former nurse as well. So, there is very strong nursing and other healthcare professional input, particularly in relation to the clinical components needed for healthcare services to be provided in this wonderful new facility.

MALE-DOMINATED INDUSTRIES

The Hon. J.M.A. LENSINK (14:27): I seek leave to make an explanation before asking the Minister for the Status a Women a question on the subject of male-dominated industries.

Leave granted.

The Hon. J.M.A. LENSINK: Earlier this year, in response to a question about the Building and Construction Industry Security of Payment Bill, the minister described the construction industry as one that is predominantly male dominated. Indeed, in a publication available on the Office for Women's website in relation to women's employment in South Australia, it confirms that just 9.5 per cent of those working in the construction industry are female. The Construction Industry Training Board has actively sought to run programs, such as Doorways to Construction, that specifically aim to attract females into the construction industry. My questions are:

1. What is the Office for Women's policy on female employment analysis?

2. Is it planning on doing more studies?

3. What, if any, collaboration has occurred between the Office for Women and industries such as the construction industry to improve female participation?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:28): I thank the honourable member for her most important questions. Indeed, as part of our 2010 election commitment, the Rann government committed to the development of a promotional campaign to encourage women to access training, particularly in high-demand, non-traditional industries, such as mining, defence and construction. This initiative is known as the Women and Work initiative, and the Office for Women is working with the Department of Further Education, Employment, Science and Technology and the Department of Education and Children's Services to develop that campaign.

I am advised that a working group consisting of members of these agencies continues to meet on a regular basis to assist in progressing that initiative. I am confident that I have spoken in this house before about this matter, but I will briefly mention some of the work that has come from that. The Powerful Pathways for Women, the ETSA pre-employment program, was the first project under the Women and Work initiative. It is a partnership with ETSA Utilities.

Powerful Pathways includes training for 15 women in the northern suburbs and it commenced in March this year. The training program comprises a certificate II in women's education, certificate I in information technology and certificate I in electrotechnology, culminating in 10 days of practical training at ETSA Training Centre at Davenport near Port Augusta. On completion of the training, I understand that ETSA will offer suitable applicants an apprenticeship and the training also offers employment pathways to the mining and defence industries.

I am advised that the successful participants commenced their TAFE studies on 7 March and are due to complete the course in July this year. I think it is next week that I plan to go out and actually visit this training group—it is some time soon, anyway. I am advised that ETSA contributed $47,000 toward the program, Playford Alive and others $15,000, and DFEEST and others contributed moneys as well. The A-G's has also contributed various promotional materials and such like, which I will not go into the details of.

The other important program is Constructing Roads to a Bright Future, the urban superway extension project. Constructing Roads to a Bright Future is a pre-employment program for Aboriginal and Torres Strait Islander men and women run by the Mining, Energy and Engineering Academy. It follows a 10-week training program where 30 men and women will be selected for employment with John Holland Construction, which is one of the main contractors for the superway. The program includes mentoring of each of the participants throughout the training.

I am advised that the Australian Department of Education, Employment and Workplace Relations also provided funding for this, as did DFEEST. My office also provided some additional funding to provide specific mentorship for those women participating in that program. I have noted that the Premier's Council for Women has also been lobbying very hard to ensure that, in terms of the next round of South Australia's strategic target plans, we include a greater gender disaggregation of information.

I am also very supportive of that and they have lobbied and pushed very hard to ensure that there is a greater disaggregation of information around our targets so that we are better able to monitor the impacts of our policy on gender. First, that helps us understand how we are progressing in terms of how effective our policy positions have been on the different gender groups and, therefore, helps us provide better information in terms of planning future programs and initiatives to ensure that they are gender sensitive.

MINISTERIAL APPOINTMENTS

The Hon. S.G. WADE (14:33): I seek leave to make a brief explanation before asking a question of the Leader of the Government relating to ministerial appointments.

Leave granted.

The Hon. S.G. WADE: In an interview with Ian Henschke's program on 891 on 5 May the leader stated:

> The caucus is very keen to replace the second minister in the upper house and work and discussions are being done to do that as soon as that is possible.

The minister assured Mr Henschke that the appointment was 'being considered right at this moment'. I ask the minister, given that those statements were made more than a month ago:

1. When will a second minister be appointed to this place?

2. Is the delay in the appointment due to the lack of suitable candidates in the Labor team in this place or the inability of the caucus to make a decision?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:34): I thank the honourable member for his questions. I did indeed say on radio, and I have also said it in a number of public forums—in fact, to anyone who will listen to me, Mr President, I have advocated how absolutely important it is to expedite the filling of the second ministerial position in this chamber. I have been consistent and persistent in those efforts, and I remain consistent and persistent in those efforts, as you well know, Mr President. I know you are well aware of that. I have spoken to you about these matters many times.

What I stated on that program was indeed true, that those matters were under consideration at that very time. In fact, contrary to the scaremongering of the opposition, that has been our position right from the outset, that the government would seek to fill that second position as soon as it possibly could. There are, obviously, a number of considerations that are being taken into consideration by the caucus. These matters are obviously internal to the organisation, to the party, to the government.

I can absolutely assure all honourable members here that there are genuine attempts to expedite the filling of this second ministerial position. I, more than anyone else in this place, I can assure members, am frustrated by the length of time it is taking to fill that position. There is no-one in this place who feels it more intensely than I do, so I will be very pleased when that position is filled. However, I do also acknowledge that there are a number of matters that must be considered.

These are complex matters, and they have to be fully weighed up and a decision made. I know that all these important considerations are being contemplated and continue to be contemplated. In terms of suitable candidates—

Members interjecting:

The Hon. G.E. GAGO: I am just waiting so that I can be heard, Mr President.

The PRESIDENT: Fair enough, too!

The Hon. G.E. GAGO: In terms of suitable candidates—this is a very important point, and I want to make sure that the opposition hears this—there is not one person sitting in this chamber behind and beside me, not one person, who would not make an excellent minister.

MINISTERIAL APPOINTMENTS

The Hon. R.L. BROKENSHIRE (14:37): Supplementary, Mr President.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Why not? My parents always taught me to say, 'Why not?' Mr President—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire, I don't think that you are being considered.

The Hon. R.L. BROKENSHIRE: Sir, I'm sure you are right.

The PRESIDENT: But if you have got a supplementary, you can ask it.

The Hon. R.L. BROKENSHIRE: I have a supplementary. My supplementary to the minister is: has the caucus acknowledged that it is in contempt of the importance of this house by refusing to bring a second minister in straight away? Because that is how I see it, sir—absolute contempt.

The PRESIDENT: I don't know how you derived that from the answer the minister gave.

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:38): No, Mr President, of course caucus is not in contempt. Caucus is very respectful of this institution. In fact, I know that it is, because I know that we remind it regularly, don't we, Mr President? We remind it regularly that the real work of parliament is in fact done in this place. We do. We remind it constantly, Mr President. Indeed, it is not in contempt and, as I said, these matters are being considered and these considerations are being expedited as quickly as they can.

The PRESIDENT: Very well answered, minister. The Hon. Mr Ridgway has a further supplementary.

MINISTERIAL APPOINTMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:39): As a supplementary question, has the position been offered to the Hon. Russell Wortley, and is his refusal to have his hair cut the impediment to appointing him?

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:39): I cannot resist responding to this although it is not worthy of a response. Nevertheless, I really believe that the basis of that question comes from the personal envy that the Hon. David Ridgway has for the tremendous asset of the Hon. Russell Wortley. I believe the question is one of envy.

The PRESIDENT: Very well done. The Hon. Mrs Zollo.

UPPER SPENCER GULF

The Hon. CARMEL ZOLLO (14:40): That was a brilliant answer. I seek leave to make a brief explanation before asking the Minister for Regional Development a question regarding her recent visit to Whyalla.

Leave granted.

The Hon. CARMEL ZOLLO: South Australia's seven Regional Development Australia country regions each have their particular strengths and competitive advantages, from their vast natural resources and their unique environment and landscape to their strong community spirit. My question to the minister is: can she inform the chamber about her recent visit to Whyalla in the Upper Spencer Gulf?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:40): Indeed, it is a great pleasure to be able to visit regional areas and meet with different people from the wideranging different regions that I have had the pleasure of being able to visit. On Tuesday, 31 May, I travelled to Whyalla. On this visit, I met with members of the Regional Development Australia—Whyalla and Eyre Peninsula to hear firsthand what they see as the priorities for continued development in the region. In particular, I was keen to hear how members of the RDA saw the RDA's road map for the area being translated into action and how the state government could work with the RDA to assist in achieving that particular vision.

Members may be aware that we are on the crest of a wave of economic development and, indeed, at the beginning of a new period for the state as a range of opportunities open up with the expansion of resources, energy and allied service industries. The state government has recognised the importance of preparing communities for these changes, assisting in reaping the benefits of new developments and strengthening local economies, using the $4 million Upper Spencer Gulf and Outback Enterprise Zone Fund, which is available to assist businesses, industry associations and local government in the Upper Spencer Gulf and outback regions.

We, obviously, want to make sure that the communities have the tools to make development work for them and to also assist in capturing those benefits from maximising opportunities. The Enterprise Zone Fund was an election commitment which this government is

honouring. I discussed yesterday the granting of money to support the aircraft refuelling at Leigh Creek Airport. This was an initiative that was announced just yesterday.

The fund can provide up to 50 per cent of eligible project costs and can be used to improve the competitive advantage and strengths of the regions. The three main cities in the Upper Spencer Gulf—Whyalla, Port Augusta and Port Pirie—have between them, I believe, a really solid base of small to medium enterprises with the ability to participate in increased mining and energy generation activity.

The fund can help these sorts of businesses, and also Aboriginal enterprises, to grow their capacity, to provide stimulus, to generate new business activity and also to create jobs. Obviously, what we are looking for is the sustainable growth of communities. Funds like this can mean the difference between capturing or expanding opportunities for growth or, obviously, just sitting by and watching opportunities slip past.

During my visit, I met with mayor Jim Pollock and the council's chief executive officer to hear about their plans for the city. I was also able to see firsthand some of the previous investments in the region, including the Whyalla industrial estate. This industrial estate site was developed by Whyalla council with the support of a $1.5 million grant from another of the state government's successful regional grant programs, the Regional Development Infrastructure Fund. That grant was to support electricity and water infrastructure.

The 150-hectare estate provides a site close to Whyalla to attract a range of industries which could service or support mining exploration and development and seems well suited to house businesses as part of the mining value chain. I am keen to hear directly from local communities about what they see as the key strengths of their local area and how their economic development capacity can be maximised.

I am on record as saying that the ideas which will help solve local problems are more likely to come from those who live, work and breathe the area: those who know the area intimately. It is important to harvest those ideas and the local enthusiasm and knowledge to create and implement strategies for sustainable regional development into the future.

Regional South Australia is a key driver for our state's economic, social and cultural development. As Minister for Regional Development I will listen and learn from the visits I make to all seven RDA regions across the country, and the Enterprise Zone Fund is available to help realise strategic projects which can strengthen the Upper Spencer Gulf and outback communities. I urge applicants to access those guidelines (which are online), or they can contact DTED or their local RDA to explore opportunities.

UPPER SPENCER GULF

The Hon. T.J. STEPHENS (14:46): Minister, on your trip to Whyalla did any official or management personnel from OneSteel raise with you their concerns regarding the implementation of a carbon tax and the possible demise of the steelmaking works at Whyalla, and the fear that is going through that community?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:46): I did meet with OneSteel, and I enjoyed an outline and update of the operations at Whyalla. It was really exciting; there were boats there and ore was being transferred out and delivered to the tankers, so we were able to enjoy watching that activity whilst I was receiving a briefing. The carbon tax was only alluded to in the most general of ways. We did not discuss the tax, although it was mentioned as an issue. They did not want to debate or discuss that with me in any way, shape or form.

I am not surprised about that, because they have enough sense to know that it is a federal issue and I am a state minister, unlike the honourable member opposite me who does not quite get the distinction between state and federal governments yet. Never mind; if he is here for long enough eventually the penny will drop. The chief executive of OneSteel did understand the distinction between the two jurisdictions, and I was grateful for the briefing. We had discussions on a broad range of issues dealing with their current business.

The PRESIDENT: The Hon. Mr Dawkins has a supplementary, I think.

UPPER SPENCER GULF

The Hon. J.S.L. DAWKINS (14:48): Is the minister aware of any national evaluation of the quality of the road maps drawn up by the South Australian RDA boards she mentioned in her answer, particularly with respect to Whyalla and Eyre Peninsula?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:49): I am not aware of any specific evaluation that is being conducted nationally. I know the commonwealth government is very interested in those road maps, because they are key to describing the potential for future directions. One of the main roles and functions of the RDAs is to formulate these road maps to give guidance and direction for future potential for investment, growth, development, etc. I know that the federal government is very interested in those road maps. They are very keen for the road maps to be reviewed regularly so that they remain living, breathing contemporary documents. In terms of a specific evaluation, I am not aware of that, but I do know that they are keenly interested, and rightly so. As I said, they are a very important building block to the future of our regions.

HOSPITAL PARKING

The Hon. J.A. DARLEY (14:50): I seek leave to make a brief explanation before asking the Leader of the Government representing the Minister for Health a question regarding parking at hospitals.

Leave granted.

The Hon. J.A. DARLEY: I have been contacted by a constituent who was surprised to discover a letter on the noticeboard at Hampstead hospital from the then chief executive of health, Dr Tony Sherbon, which outlined the government's intention to standardise car parking charges at metropolitan hospitals. As a result of this standardisation, staff at Modbury, St Margaret's, Hampstead, Glenside and Repatriation hospitals will face a fortnightly fee of $21.58, which is effectively a $550 decrease in salary for them. Parking is currently free at these sites.

This fee will affect not only staff but visitors as well. I am concerned about this as I understand there are some circumstances where rehabilitation patients may be residing at the Hampstead Rehabilitation Centre for up to two years. This change will have a large financial impact on the family and friends of these patients who will face parking fees every time they visit. These fees have the potential to act as a deterrent for family and friends to visit, which, in turn, will have a significant impact on the social and overall wellbeing of the clients and families who are already facing many new challenges every day.

I understand that, unlike the Royal Adelaide or The Queen Elizabeth, many of the hospitals are not well serviced by public transport, which leaves little option for staff and visitors other than to drive. The Hampstead Rehabilitation Centre provides specialised services, and many families and friends are required to travel great distances from across the state to see their loved ones.

It may be arguable that charging a fee to park in the city is justifiable as space for parking is limited; however, hospitals in the suburbs do not experience the same problem. It has been suggested that street parking in the vicinity be utilised, however, many visitors and/or outpatients are either elderly or their mobility has been affected by their illness or disability, making walking a challenge.

Further, I understand that staff have concerns about their safety and their vehicles if left unattended on nearby streets. Notwithstanding these issues, undoubtedly, councils would soon be inundated with complaints from residents about the increased traffic on the streets and move to restrict parking conditions. My questions to the minister are:

1. Why was the decision made to standardise hospital parking fees, particularly when standardised parking facilities will not be provided across sites?

2. Were affected staff consulted before the decision was made to make these changes?

3. Will provisions be made to compensate staff, clients and families who are adversely affected by these changes and, if not, why not?

4. What is the estimated net revenue expected for each of the metropolitan hospitals from these new charges?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:53): I thank the honourable member for his questions. I will refer those to the Minister for Health in another place and bring back a response.

UPPER SPENCER GULF

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:53): Just for the record, I have since received information in response to the question that the Hon. John Dawkins asked in relation to road map evaluations. I have received very brief information that the federal government does make some assessment of those road maps. I do not know how extensive those assessments are. I do not have those details but, in light of that, I will seek further information and bring back a response.

EZYREG

The Hon. T.A. FRANKS (14:54): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question regarding astroturfing and the EzyReg application.

Leave granted.

The Hon. T.A. FRANKS: Yesterday in this place, we heard about the very exciting new iPhone application for South Australians to register their light vehicles anywhere, any time, provided by Service SA, which has worked closely with an external vendor—I understand that would be Deloittes—to produce such an exciting new application. I was very interested to see that, before the application was even launched through iTunes, it had some 17 five-star out of five-star reviews. To put that in context, in the top 150 free applications currently on iTunes, iBook (Apple's own app) has 14 ratings, ninemsn has 24 ratings, Twitter has 33 ratings, realestate.com has 44 ratings, and the National Australia Bank has 73. None of them are across-the-board five-star.

I was also interested to see that once one looked at some of the names of these five-star rating reviewers, some of them actually correlated to public sector workers. Some of them worked in DTEI; some of them worked and were unassigned in other parts of the public sector. I noticed that one from MHRead was in fact a five-star rating on 6 June this year and reads:

> In the interest of disclosure, my awesome team at Deloitte Online in South Australia built this app. However, I do love it, and I know that it will make everyone's life a little easier when the registration stickers are peeled off our windscreens for the last time. If you build online apps, and think that you could do better, come work for me. Twitter@mhread.

At least he disclosed. However, as I say, I suspect that there are perhaps a few public servants here who worked on this application or were in some way encouraged to review this application who had not disclosed, yet the names correlate. Since the application was launched, the reviews have been less glowing. I note that they have gone down from the across-the-board five-star rating, and we have a two-star rating:

> Doesn't really do much beyond the ezyreg website. Numberplate scanning would be great. No iphone push notifications for when registration is due? Really should take better advantage of iphone features.

Also, somebody has suggested (they have given it a four-star rating) that it would be good for the renewal date to go onto your calendar as a reminder. Another person who has now given it three stars says:

> ...it has no ability to store client/car information or use push notifications as a registration reminder, which is disappointing...

There are many people who have now said that there are in fact some flaws in the registration EzyReg application. I do not have a problem with the EzyReg application; I think it is actually quite a good piece of work. What I do have an issue with is where I will now address my questions to the Minister for Consumer Affairs:

1. Does the minister have any awareness that public sector workers were encouraged to review this application before it was launched?

2. Were those reviews what I would consider astroturfing?

3. Was it, in fact, a fake grassroots movement giving glowing reviews of an application that does still need work?

4. If she does not condone this sort of astroturfing as standard government practice, what measures will she undertake to make sure it does not occur in the future?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:58): I find it truly exasperating. There are some responses that I need to put on the record in relation to these questions. You would think that here we have an initiative where we are getting rid of stickers that are not particularly good for the environment. The stickers consume considerable resources, and what we have done is found that these resources are unnecessary. It is no longer necessary to have stickers.

I think it is WA and other places in the world who no longer have these stickers, so you would think the Greens—considering all the paperwork that is involved—of anyone here in this place would get to their feet and say, 'Congratulations to the government. Fabulous! What a fabulous green initiative, getting rid of all of that sticky paper and other documents, all that correspondence.' You would think that congratulations would be in order for the government for getting rid of something that consumes resources unnecessarily: 'Well done!'

Well, not on your nelly. All we do is have them standing in this place whingeing and whining and carping. I find it astounding. When we introduce technological changes that assist in reducing paper, sticky glues and plastics, when we introduce IT apps and other initiatives like hotlines, when we introduce these initiatives and take advantage of technology to reduce the demand on our natural resources, you would think again that the Greens would leap to their feet and say, 'Congratulations government; congratulations for bringing about such a fabulous green initiative.' No, not on your nelly, no. Back on their feet they are again, whingeing—

Honourable members: Whining, carping.

The Hon. G.E. GAGO: —whining and carping, and everyone across there agrees with me. They are all joining in, because even the opposition agrees with me. Even the opposition agrees that the Greens are whingeing and whining and carping, so it is a disgrace. It is an absolute disgrace that the only contribution to these really valuable initiatives—that are quite green initiatives—they can make is when a few enthusiastic public servants go online. It is a handful—it is not hundreds or thousands: it is a handful—of enthusiastic public servants. God help us that they are enjoying their job and might be passionate about their job and what they do. No; up in this place, there is some conspiracy going on. There is some dreadful conspiracy that the government is behind. That is the innuendo. What absolute rubbish!

I am compelled, although her question was full of snide innuendo and opinion—I was forced to get to my feet today to defend our green initiatives and to defend our public servants, those who might—God forbid!—be enthusiastic and passionate about their work. They are individuals as well. They have every right to get online and express a view. No-one else has to disclose who they are and what their interests are. No-one else gets online and has to disclose. It is one rule for public servants and another rule—what: for the Greens? Until the Greens get up in this place and demand that everyone has to disclose their interests before they go online, I will not take this question on board. It is outrageous; absolutely outrageous.

CONSUMER PROTECTION

The Hon. I.K. HUNTER (15:03): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about assisting vulnerable consumers.

Leave granted.

The Hon. I.K. HUNTER: I understand that part of the role of the Office of Consumer and Business Affairs is to promote awareness within the community about consumer rights and to empower vulnerable consumer groups around these rights. Will the minister advise the chamber about OCBA's work with vulnerable consumer groups?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:03): I thank the honourable member for his most important question. The Office of Consumer and Business Affairs is committed to educating and empowering consumers to protect themselves in the marketplace and in other areas

in our community. In recent months, OCBA has bolstered its efforts to provide additional protections to vulnerable consumer groups, including older South Australians.

Recently I have become concerned about the number of constituents who are obviously worried about their loved ones and have become vulnerable to exploitation and are at risk of being preyed upon by unscrupulous traders. As members would be aware, we live in an ageing society, and concerns expressed by constituents have resonated strongly with the value I place on the contribution of older people in our community.

As a direct result of these concerns, I have encouraged OCBA in the development of a number of initiatives that will directly cater for older South Australians. As part of a range of education, information, brochures, pamphlets and other things relating to the new Australian Consumer Law, OCBA has produced information explaining the rules governing door-to-door sales arrangements, and these are being distributed to a wide range of service providers that support older people within our community.

In March this year, OCBA gave a presentation at a forum organised for the staff and volunteers of Meals on Wheels. We know that older people can be the target of dishonest traders, and this forum was an opportunity to encourage participants to consider the consumer issues that may affect their clients and alert them to the assistance that OCBA can provide. Last month, OCBA addressed a carers' roundtable, which was a fantastic initiative organised by the Department for Families and Communities.

This provided OCBA with the chance to liaise with carer organisations and to provide them with information about a range of consumer issues, such as scams. It also looked at what resources are available to assist their clients. I am also advised that OCBA has now committed to contributing to articles in carers' newsletters and publications, wherever possible, to provide ongoing education to this sector. OCBA has also become a representative on the new volunteer-based advisory service, Seniors Wise SA.

I am advised that this service raises community awareness about ageing-related issues and provides information and encouragement, and also supports local businesses in providing senior-friendly services. OCBA, in partnership with DFC, has also provided Senior Wise SA with assistance in its senior-friendly business certification scheme. This allows Senior Wise SA to liaise with OCBA about a business's credibility before they grant a business certification on the scheme.

OCBA will continue to network with the Office for Ageing to discuss information sharing and also further joint initiatives. South Australia's older population obviously has an amazing contribution to make to our community, and I am very proud of the work this government is doing in order to offer them support and empower them to feel safe from unscrupulous and unwanted traders.

APY LANDS, COURT FACILITIES

The Hon. T.J. STEPHENS (15:07): I seek leave to make a brief explanation before asking the minister representing the Minister for Aboriginal Affairs and Reconciliation questions about proposed court facilities on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: In April 2008, the Mullighan inquiry recommended that court facilities on the APY lands should be housed separately from the police facilities, yet in November 2009, the government outlined a plan to build new police stations in Amata, Pukatja and Mimili, which would include court facilities.

Until these facilities were completed, court hearings were to be conducted at PY Ku centres in those townships. After the new buildings were completed, the Court Administration Authority, under the guise of separation of powers, which should be respected, preferred not to use the police facilities and said that the PY Ku facilities were adequate.

On 9 October 2009, the government announced that a new court and administration facility would be built at Umuwa, with the help of $4.5 million of federal funding. According to the government, the new facility would supplement the court/police facilities at Amata, Pukatja and Mimili. In November 2009, the government reported that the Magistrates Court would use the centre primarily as a trial facility.

The government stated in the 2009-10 budget that the centre would be completed by June 2010—the project had obviously not even begun by June last year. In September 2010, the

government then announced that the Umuwa centre would be completed by June 2011. However, on 24 November, the government further announced:

> Improvements to infrastructure within communities have significantly eased the need for court facilities at Umuwa....As a result, the Courts Administration Authority is no longer involved in a planned courts/administration facility at Umuwa. Funding for the facility has come from the commonwealth and negotiation is underway to reconsider the purpose of the planned facility.

In March of this year, the CAA pulled out of the project as the facility would be used 'infrequently' by the courts.

The commonwealth government had stated in its original agreement with the state government that the $4.95 million would be provided for the construction of a court facility at Umuwa only and that no changes had been made allowing it to be spent on anything different. My questions are:

1. Since it has been almost two years since the original funding was released from the federal government, how much interest has the state government earned on those funds?

2. How much was spent on the court facilities attached to police stations at Amata, Pukatja and Mimili? Why were these built in the first place?

3. What improvements in infrastructure have been made which have made the building of a new court facility at Umuwa redundant?

4. What will the federal funding now be spent on? Will it be spent in the APY lands? As it seems that the funding is conditional and there have not been any changes to the original agreement, why doesn't the government build a court centre at Umuwa, which it was meant to do, as outlined in the Mullighan report?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:10): I thank the honourable member for his questions and will refer those to the relevant ministers in another place and bring back a response. I have to say, what a hypocrite! I cannot believe that the honourable member can stand straight in this place and ask those questions. He is part of the Liberal Party under which, when it last formed government, I do not believe there were any police stations on the lands; in fact, I do not think there were any police on the lands. They were a government that was completely derelict when it came to the APY Lands.

Not only did they not ever build a police station and did not provide police on the lands, but also they were responsible for the Aboriginal Lands Parliamentary Select Committee, which I am advised did not meet for a considerable period of time—five years I believe. Derelict; absolutely derelict when it came to the APY lands.

ELECTRICAL APPLIANCE SAFETY

The Hon. R.P. WORTLEY (15:12): I seek leave to make a very brief explanation, much briefer than did the previous member, before asking the Minister for Consumer Affairs a question about a recent product recall.

Leave granted.

The Hon. R.P. WORTLEY: In South Australia the Office of the Technical Regulator is the regulatory body that monitors and enforces the compliance of electrical appliances with safety and technical standards. The Electrical Products Act 2000 administered by the OTR proclaims that electrical appliances with a high safety risk must be safety tested before they can be sold. My question to the minister is: will the minister inform us of any recent action taken to ensure consumer safety around electrical appliances this winter?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:13): I thank the honourable member for his most important question, and I take this opportunity to remind members that, given that the cold weather is on us again, no doubt many consumers will be turning to their electric blankets for warmth. In South Australia the Office of the Technical Regulator (the OTR) monitors and enforces the compliance of electrical appliances with safety and technical standards under the Electrical Products Act 2000.

The act proclaims that electrical appliances with a high safety risk must be safety tested before they can be sold. These proclaimed appliances include electric blankets, so it is an offence to sell or offer for hire a proclaimed electric product that does not have the necessary safety approval. Electrical appliances that are deemed unsafe can be recalled and removed from sale by the OTR under the act.

Most product suppliers, including manufacturers and importers, initiate a voluntary recall for unsafe products. However the OTR can impose a compulsory recall if a product is unsafe and, in particular, if no action is taken by the supplier. Last year the Office of Consumer and Business Affairs (OCBA) received a complaint concerning a Linda electric blanket, which had burned a bed sheet that was placed over the electric blanket.

OCBA subsequently identified several incidents with Linda electric blankets, and on 3 May 2010 they recalled the blankets from sale. The Office of the Technical Regulator initiated action in South Australia and advised electrical safety regulators around Australia of that particular recall action. This then resulted in a national recall of these particular blankets. The supplier, GSM, advised consumers that a replacement controller would be provided. This particular remedy was accepted by the authorities, and GSM was then advised to have the issue rectified by winter 2011.

The original recall advised consumers that specific models of Linda electric blankets posed the 'possibility of electric shock or electrocution in instances where there is a severe bend in the electrical supply lead located at the connector to the blanket, the potential risk exists for an electrical short to occur'. I can advise that the recall was reissued last month as a result of the ACCC's administrative follow-up of the original national recall. The recall of electric blankets provides a timely reminder that heating products need to be checked regularly, so consumers are encouraged to call OCBA or use its website to report on any other complaints related to products and services.

UPPER SPENCER GULF

The Hon. R.L. BROKENSHIRE (15:16): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about economic stimulus in the Upper Spencer Gulf.

Leave granted.

The Hon. R.L. BROKENSHIRE: In his answer to my question on Tuesday, the minister admitted that the Riverland Sustainable Futures Fund had been underspent this financial year and was being carried over to next year. I note that yesterday on ABC North and West radio the minister admitted the same was true for the funds available for the Upper Spencer Gulf, and she sought to blame the underspend on a lack of applications.

Further to the point, on 27 May, the minister in her letter to the editor of *The Advertiser* attacked the Port Pirie Regional Council for complaining about the Regional Development Infrastructure Fund (RDIF) criteria being too restrictive. A gentleman who I have a lot of time for, the Port Pirie mayor, Brenton Vanstone, had said that his region wanted to develop a $19 million camel abattoir. Mayor Vanstone had said in *The Advertiser* on 26 May that, in his view, the conditions for eligibility to access the RDIF were too restrictive, and councils were increasingly looking to the federal government for assistance. One wonders whether his view had anything to do with not having submitted an application. My questions to the minister are:

1. Are the conditions in the minister's opinion for accessing the RDIF too restrictive in contrast with the funding processes for grants from the Gillard government?

2. Is the government sitting on its hands with regional development funding given the admissions of underspending and carryover for the Riverland and Upper Spencer Gulf?

3. Will the minister work harder to partner with local councils in the Riverland and Upper Spencer Gulf to identify and develop the best local infrastructure and community opportunities so that the funds are not embarrassingly carried over again in 2011-12?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:18): I thank the honourable member for his question and, indeed, I spoke at length about the Riverland Sustainable Futures Fund yesterday. In relation to the Upper Spencer Gulf and the Outback Enterprise Zone Fund (just to

ensure that members are aware), the South Australian government has committed $4 million over four years towards that enterprise zone fund.

Obviously, the Upper Spencer Gulf and outback regions are often well placed to capture business from the expansion of the resource energy sectors. The fund is aimed at capturing the benefits of growing industries to further strengthen those communities, such as capitalising on opportunities that are focused on but, not limited to, the expansion of resources and energy sectors, and also providing access to organisations for projects that make a major impact in the region by changing the competitive advantages in its favour.

The fund is accessible via organisations, including local government businesses and industry associations in the region for projects that make a major impact by capitalising on existing competitive advantages or changing competitive advantages in its favour. I am advised that applications are accepted and assessed throughout the year and the grant funds may be offered for up to a maximum of 50 per cent of the eligible project costs. The applications are assessed on a number of criteria, including:

- whether the project creates sustainable economic benefits that are broadly distributed across communities or industries, beyond that of just the organisation receiving the grant;
- that it is strategically important to the state, the region or a major industry;
- that it is viable and sustainable in the medium to long term;
- that it leverages alternative sources of funding; and
- that it diversifies the economy.

The applicants are encouraged to contact either DTED or the RDA office to receive information about that.

Indeed, I have been disappointed that there has been a lack of funding applications in relation to funds from this particular grant. I announced one yesterday. I am not surprised. It does take time for the information to get out there and for people to start to get their heads around the potentials. However, the funds are available and, really, the only thing that is stopping us spending those funds is the lack of viable proposals that meet the criteria of the funding guidelines.

In fact, to the best of my knowledge, we have not received an application for the camel abattoir. Again, this is really disappointing. I am sure there are lots of good ideas out there but, if members want to access the funds, they have got to put their applications in; it is that simple. The government is very genuine about ensuring that these funds are available. It is part of our commitment to the regions. The funds are there, and I encourage industries to look at opportunities to form partnerships with the state government to access those funds.

PAPERS

The following papers were laid on the table:

By the Minister for Regional Development (Hon. G.E. Gago)—

Budget Overview 2011-12 Budget Paper No. 1
Budget Speech 2011-12 Budget Paper No.2
Budget Statement—2011-12 Budget Paper No. 3
Agency Statements—Volume 1—2011-12 Budget Paper No. 4
Agency Statements—Volume 2—2011-12 Budget Paper No. 4
Agency Statements—Volume 3—2011-12 Budget Paper No. 4
Agency Statements—Volume 4—2011-12 Budget Paper No. 4
Capital Investment Statement—2011-12 Budget Paper No. 5
Budget Measures Statement—2011-12 Budget Paper No. 6

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

In committee.

(Continued from 8 June 2011.)

Clause 7.

The Hon. S.G. WADE: By way of reiteration, the opposition suggests this is an appropriate test clause for a range of provisions, particularly in this case [Wade-5] 1,

[Wade-5] 2 and [Wade-10] 1. By way of preface, I apologise to members that, in responding to the discussions last evening, we have given you yet another set of amendments. Responding to issues as they arise is part of the legislative process and we humbly request that you give those amendments due consideration.

The proposed amendments to sections 72A and 72B of the bill require searches by police under the new powers to be undertaken by metal detectors in the first instance, and to prevent them from proceeding to a more invasive search, unless a person refuses or fails to produce the item detected by the metal detector. That was the cumulative effect of [Wade-5] 1 to [Wade-5] 3. As a result of concerns last night, there is a new [Wade-10] 1, which means that [Wade-5] 3 does not need to be moved.

Concerns were raised last night that both the bill and the amendment would work inappropriately in relation to people with metallic insertions—I suppose the amendments, in particular, because they were talking about producing an item. They would work inappropriately for people with metallic insertions and the police would be compelled to proceed to a full search based on the positive reading from the metal detector and because the subject would not be able to produce the item.

One response would be to allow a person to either produce the item or show reason why they cannot produce the item or similar, but I remind the house that, as the amendments stand, the police have the discretion at any time not to proceed with a search and may desist from undertaking a search for any relevant reason. Parliamentary counsel's advice in that context is that, if we were to insert reasonable explanation type provisions into the bill and therefore constrain the discretion, it may well have the unfortunate consequence that it limits the ability of the police to desist from a search in other circumstances which do not involve medical implants or disability.

Another option would be to require detailed procedures and regulations or police general orders. Police general orders are less attractive because they are not necessarily public, which means people are less likely to be aware of and be able to assert their rights. Secondly, they are not disallowable. I acknowledge that the government has, in section 72C(2) of the bill, a provision which says:

> The Commissioner must establish procedures to be followed by police officers in the exercise of powers under section 72A or 72B, being procedures designed to prevent, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subjected to the powers.

The opposition would expect such procedures to include provisions to protect the dignity of those with a disability or who carry metal as the result of a medical procedure that otherwise may result in further inconvenience or embarrassment.

Parliamentary counsel advises that section 72C(2) is modelled on section 52B(9)(a) of the Controlled Substances Act 1984. A key difference is that section 72C(2) seeks to avoid embarrassment, whereas section 52B(9)(a) does not, and I think that is an improvement. Having said that, the opposition still believes it is appropriate that these enhanced search powers be tempered so that people with disability, people who are carrying a metallic object as a result of medical procedures and other South Australians with reasons for setting off a metal detector should have the opportunity to have their rights respected and for those rights to be appropriately enshrined.

We are not suggesting that that sort of detail appropriately goes into the legislation, but we believe that the set of amendments that I have before you this afternoon puts an obligation on the government to put regulations in place that respect those values, particularly [Wade-10] 1, which talks about regulations and that the exercise of the powers could not be exercised without regulations which respect those interests.

In that context, we understand it is inappropriate for the parliament to direct the Governor to issue regulations, so they are not done in that form. What it does say is that, if the regulations are not in place, the powers cannot be exercised. So, that is the approach that is taken. This would mean that this parliament would have an opportunity—if you like, it puts another duty back on us—to consider these regulations when they are tabled to make sure that they appropriately balance the capacity for the police to conduct metal detector searches and for South Australians, who are subject to these enhanced search powers, to have their rights respected.

The Hon. Mark Parnell spoke of his partner who feels humiliated by continually being subjected to enhanced searches that are not imposed on other South Australians. That will increasingly become the case. As we become an ageing society, there will be more and more

people carrying some sort of metallic insertion. For that matter, there will be more and more people who will be subject to the range of disabilities that might require supports. That is not, of course, always an implant, but it will often be so. The nature of modern medicine is that often an insertion response—a hip replacement, knee, or whatever it might be—is an increasingly prescribed response.

We are not telling the government or the police how to conduct the searches, but we believe it is appropriate that the police and the government are put on notice that this parliament takes seriously the rights of people with disability, in particular, and the rights of people who have undergone medical procedures which leaves them with a metallic object embedded in their body, and that we would like the opportunity to make sure those rights are appropriately balanced in the regulations. So, whilst I am moving [Wade-5] 1, I must admit that that also addresses issues that are raised in [Wade-5] 2 and [Wade-10] 1.

The Hon. G.E. GAGO: I rise to oppose the amendment before us and also this series of amendments that go to the same or similar issues. The current wording of the provision allows police officers to search persons with a metal detector if they are in certain areas, such as licensed premises. They can only proceed to a further search in accordance with regulations if there is a positive indication of metal.

The Hon. Mr Wade has argued that this should be set out in the act to ensure that the search powers are appropriate and do not go straight from a metal detector search to an invasive search. Given that this amendment reflects the wording used in the draft regulations provided by the government, it seems that he is genuinely happy with how the government proposes to deal with the conduct of further searches, so why is it necessary to go into the act?

I reiterate that this provision is still in draft form, and it needs further work and consultation. The proposed amendment tries to give some protection against further intrusive searches by saying, 'A metal detector search must be conducted in the first instance.' It is not clear from the proposed provision whether or not police would be able to do a second metal detector search if the person produces a metal item after the first search. So, that is not clear.

It is equally unclear whether the subject of the search will be protected from an unduly intrusive second or third search after metal has been discovered and obviously handed over. So, we should not be putting a provision into an act that is obviously flawed or unfinished. There are too many unknowns. This needs to be completed; the detail of this needs to be worked through. We are putting in a flawed proposal that still requires improvement, and what we are saying is that that should be done within a regulatory framework that gives us the time to deal with those elements that are, at this point, unknown.

The Hon. S.G. WADE: On behalf of the opposition, I indicate that we would be more than happy for progress to be reported for the government to undertake those consultations. The alternative that the government seems to be implying is 'Let through a wide berth, a wide pathway, and trust us.'

An honourable member: And we'll fix it later.

The Hon. S.G. WADE: Yes, we will fix it later. To me, this is reminiscent of the debate on South Australian public health. We raised concerns. The government said, 'Trust us.' We put up amendments; they said, 'These have not been consulted.' Remember we were told that we should have spoken to Health SA. The government was persistent right through that process, briefing after briefing, failing to bring alternative amendments. We seem to be facing the same, what I would call 'blackmail', today—it is legislative blackmail.

What we are being told is, 'You are just the simple opposition. You don't understand all the ramifications of this provision.' I humbly submit you may well be right, but you can be sure that just as we did with the South Australian public health act, we will say that we will not pass dodgy legislation just trusting the government. We would be more than happy, as I said, to report progress and to let the government continue the consultation. The other option would be for the council to insert this provision and for the government, through the Attorney in the other place, to suggest alternatives.

Let's not forget that this is not a particularly urgent bill. We did not even do any work on it last week. It has been in the lower house since September, so the sky is not going to fall in if we do not pass it this week. We believe it is more important to get it right than get it now. In relation to how important this is, we think that it is a balancing matter. We do not believe that everything

should be in the act. That is why we are suggesting that there are important matters—such as how people with disabilities and people with mental implants are dealt with—that should not be in the act.

We respect the need for the government to be flexible with new technology in terms of electronic searches. It might well be very appropriate to change the regulations at relatively short notice, but it is appropriate that this parliament has the opportunity to say, 'When it comes to issues like human rights, we are not going to leave loopholes.' I believe that the bill as it stands is a loophole. You can almost ignore the results of a metal detector search and go to a more invasive search. It may not be that the opposition amendments are perfect, but I can assure you that the government bill is not either.

The CHAIR: It is a matter of trust. I understand that the Hon. Mr Wade has amended his amendments since yesterday.

The Hon. S.G. WADE: If I could respond to that, Mr President—and I do not know if the fact that you are asking me a question means that you will be voting on this bill, because that would be of interest.

The CHAIR: I understand that you have amended your amendments since yesterday. If the bill had gone through yesterday, and your amendments had been accepted, they would not have been any good you are saying, are you?

The Hon. S.G. WADE: Mr President, I will respond to that point personally. I will come back to my question. My response to your question is that we had the discussion in the council last night when Mr Parnell raised issues. I responded to those. The government is failing to respond to those. I reiterate my question to you, Mr President: considering you are questioning me on this amendment, could you indicate whether you will be voting on this bill?

The CHAIR: No, I did not ask you a question: I made a statement, if you remember. I said that the Hon. Mr Wade has amended his amendments since yesterday. Is that a fact?

The Hon. S.G. WADE: Well, I am responding to this council, and that is my duty to do so.

The CHAIR: Well, it is my duty.

The Hon. S.G. WADE: But could I clarify, Mr President: are you going to be voting on this matter? It does matter.

The CHAIR: If it is a tie, I certainly will be.

The Hon. S.G. WADE: So, you are not intending to use a deliberative vote.

The CHAIR: No. I will be voting if there is a tie, though.

The Hon. S.G. WADE: Okay. Well, that is interesting.

The CHAIR: I cannot use a deliberative vote. The Hon. Mr Parnell.

The Hon. G.E. Gago interjecting:

The Hon. S.G. Wade: He made a statement from the chair to say that he would vote when he wants to.

The CHAIR: Which is the chairman's right to make a statement.

The Hon. S.G. Wade: It is not the convention of this place.

The CHAIR: You don't have to get excited. You are not the only who can make statements in here, the Hon. Mr Wade. The Hon. Mr Parnell.

The Hon. M. PARNELL: I am keen not to get into trouble when I go home tonight, so I would just like to clarify a few of the things that the Hon. Stephen Wade said. To be fair, as I said yesterday, as I was reading through the honourable member's amendments and I was reading through the draft regulations that the government had put forward, it did occur to me very late in the piece—like, at that moment, yesterday—that there was a range of circumstances where the provisions as drafted, either by the Hon. Stephen Wade or in the regulations, were effectively unworkable. That was a situation where, if the metal detector showed the presence of metal, you needed to produce it.

What got me thinking was the situation of my wife who has a knife-sized piece of metal holding her leg together and, in order to produce that, a surgeon would need to be summoned at short notice and the leg opened up and the piece of metal produced. I just suggested that that was a problem and, in talking with the Hon. Kelly Vincent later on, there are other issues. There are people who have metal calipers. There is a whole range of metal items that are either on or in people to help them get through their lives.

It struck me that there was perhaps a little bit more work to do, and I acknowledge that the Hon. Stephen Wade has taken this up in good faith with parliamentary counsel, and they have suggested, rather than trying to identify the situations and list them in the legislation, putting in some more general criteria, which basically obliges the person undertaking the search to undertake it in accordance with certain procedures and identifying in the legislation that those procedures should seek to minimise, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subject to a search under this section, and I think that is appropriate.

The honourable member used the word 'humiliated' and I do not remember whether I used that word. I may have said that word, but I want to have the record show that my wife is not claiming that she has been humiliated. What she said is that every time she goes to the airport and walks through the metal detector, she is sent back. She removes her shoes and walks through again. The metal detectors still goes off. She then needs to stand in a spread-eagled position in the airport while a female attendant is found. The female attendant then pats her down. We are hoping at this stage that the loudspeaker is not announcing the flight because it adds minutes.

As a community we put up with a level of inconvenience at airports in the security system because we want to be kept safe. We know the consequences are dire. Would we be prepared to put up with the same level of inconvenience and embarrassment at a pub or a restaurant? I doubt it very much. I do not think that anyone is really arguing at cross-purposes that we need a system that respects people's dignity, that gives adequate instructions to our law enforcement officers as to how they should exercise their powers. I have not heard a great deal of disagreement that that is what we are trying to achieve.

The question really before us is: do we put it in the act or do we leave it in the regulations? I am not inclined to just report progress because I would like to see the back of this bill, as I think other members would, so I am inclined to now support this series of amendments and then, if the government comes back with something that is even better, then we can look at fixing up the bill later on. In order to progress the debate, I think that these amendments, whilst filed late, have been done in the spirit of debate in this place, and I think they warrant support.

The Hon. D.G.E. HOOD: There is a whole range of issues here as, I think, members would agree. I think the primary issue that this has finally come down to, after what seems to be quite an evolution in the original amendments that have been moved, as the Hon. Mr Parnell just alluded to, is: should we put this in the act or is it a matter for regulation?

Generally speaking, I am someone who supports putting issues into legislation within reason but, generally speaking, that would be our position. When one reads this bill closely, however, I think there is enough protection as the bill stands to not warrant any particular insertion of other measures. For example just to refresh members' memory, new section 72C(2), provides:

> The Commissioner must establish procedures to be followed by police officers in the exercise of powers under section 72A or 72B—

Those are the sections we are talking about—

> being procedures designed to prevent, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subjected to the powers.

So, there is a fairly substantial directive already in the bill which will make it clear that police need to make sure that they are not overstepping the mark, and that is very important. I think that is really the key concern the Hon. Mr Wade has raised with respect to all of these search powers.

The other thing I would like to say is that I think the government needs to be aware that it really should not be coming into this chamber every time and saying, 'Trust us, we'll get it right because we have more resources available to us.' That is true—no-one is disputing that—and, yes, there are some pretty bright people putting these things together; no-one is disputing that, either. But this chamber should have the right, under most circumstances, to be able to weigh up all of the possible alternatives and make a final decision; after all, that is what parliaments do.

Having said that, I also reflect on the advice I have received from the police I have consulted with extensively about these amendments and about the bill as it stands. They are of a very clear mind: they do not want the bill amended in this particular way; this is a very significant change, from their perspective.

Thus, on balance, we are inclined to oppose the amendments, but I must say with some sense of not being 100 per cent confident in doing so because we do not have the final version yet. The government is saying that these regulations are being drafted, but we would have to say, 'Well, okay, we've seen a draft, but why haven't we seen the final version?' On balance, we will not support these amendments.

The Hon. K.L. VINCENT: I will speak very briefly in support of these amendments. In fact, I would like to thank the Hon. Mr Parnell, as I must confess that the extent to which these amendments are relevant to people with medical conditions and disabilities did not occur to me prior to hearing him speak about his wife's experience.

As a person in a wheelchair and a person with a medical implant, whenever I visit an airport, I am required to do the old eagle spread. I obviously cannot go through the metal detector, so I am required to wait for the female attendant to come and pat me down, often in full view of everyone who is also boarding a plane. Whilst I understand it is necessary, it can be quite an embarrassing experience, particularly as I obviously require physical assistance to take off my shoes in order to be patted down.

I am often escorted, if that is the word for being pushed without my permission in my wheelchair to the female attendant, without being spoken to and without being asked permission to be pushed in my chair. Given that I stand for dignity for people with disabilities, I think these are a sensible set of amendments, and whether we have them in the act itself or in the regulations remains to be seen. So, I will be supporting them in good faith.

The Hon. A. BRESSINGTON: I will very briefly state my position that I will be supporting these amendments and supporting them in the legislation. The reason for this is that, on a number of occasions in here we have seen where regulations have been brought before the house to be disallowed, and we go through the whole process, and then the minister reinstates them the very next day. It is just a merry-go-round ride.

I believe, and we have heard it from someone who is directly affected by these sorts of procedures now, that it can be quite embarrassing and humiliating. I do not think it does any harm at all for it to be in the legislation and be enshrined in legislation rather than being in the regulations where, if we do not approve, we could mount a whole disallowance process and be successful, only to have them reinstated.

The Hon. S.G. WADE: I would like to briefly respond to a comment Mr Hood made. Mr Hood indicated that the police sources who have spoken to him do not support my amendments. I presume these are referring to the original [Wade-5] 3, because the C part only came in today. In that regard, I would suggest that that is a very strong point as to why it should be in the act, because, as the minister has indicated, my clauses are based on the regulations. So, if the police are saying that they oppose my clauses, they are saying they were going to try to wind back the draft regulations. To me, that is a very strong argument to do what we are doing today.

The Hon. J.A. DARLEY: I will be supporting the opposition's amendment.

Amendment carried.

The Hon. D.G.E. HOOD: May I make a brief statement about process very quickly?

The CHAIR: The Hon. Mr Hood.

The Hon. D.G.E. HOOD: This is not a criticism of anyone. In fact, I think we have a million amendments here and everyone is doing the best they can, but I think crossbenchers would agree at the very least that it is very disjointed. You seem to be following a running sheet in terms of the order that these amendments are coming in, and that would be very useful for us.

The CHAIR: Ask the Hon. Mr Wade to give you one.

The Hon. D.G.E. HOOD: No, that is not a criticism of the Hon. Mr Wade. I think he has done a terrific job.

The CHAIR: Isn't it? Well, it could not be a criticism of the government.

The Hon. D.G.E. HOOD: It is not a criticism of anyone. I am just saying that it is very hard—

The CHAIR: Hon. Mr Wade might prepare a running sheet for you.

The Hon. D.G.E. HOOD: I don't think it is really up to the Hon. Mr Wade to do that.

The CHAIR: Do you want chamber staff to do it?

The Hon. D.G.E. HOOD: Well, somebody should do it.

The CHAIR: You can't do it.

The Hon. D.G.E. HOOD: Why not?

The CHAIR: Because you can't. I am happy to have the Hon. Mr Wade explain the amendments as we go through them.

The Hon. D.G.E. HOOD: That is helpful. I think the Hon. Mr Wade has done an outstanding job because there are a lot of amendments here, and the fact that he has them in order precisely says that he is on top of it, but it is not for him to prepare documents for us. It would be useful if we had a running sheet of the order of amendments.

The CHAIR: It would be useful if I had one, too, I suppose, but we do not have one up here. I am relying on the Hon. Mr Wade, as he is called and as he moves each amendment, to explain them to me as well as you.

The Hon. S.G. WADE: I agree with the Chair that it would be unreasonable for chamber staff to do a running sheet, and I would like to pay tribute to the assistance the chamber staff and parliamentary counsel have given me in managing this. I must admit that I might seem to have it under control, but wait for the first hiccup.

I appreciate that these are very complex amendments and, as we said earlier, we will need to show patience in working through them together. However, it is so dynamic that I think a standing running sheet would inevitably be fraught with errors. I think we need to persevere to do what we can to work together as a group and, if we do get to the point where members are not feeling that they are fully informed and fully aware of the amendments being moved, I think we need to face the issue of reporting progress. I certainly do not think we are in that position.

The Hon. G.E. Gago interjecting:

The Hon. S.G. WADE: Other members might be listening. I am saying that I think we are continuing to progress well, but I certainly respect the point Mr Hood has made. The fact that I have worked hard—

The Hon. G.E. Gago: Just sit down.

The Hon. S.G. WADE: I'm sorry; I will only be sat down by the Chair, and I am trying to assist the committee by indicating that it is up to crossbench MPs to indicate when they think they are not able to properly consider the amendments.

The CHAIR: I did not try to shut you down. What are you talking about?

The Hon. S.G. WADE: I said it is for you to shut me down, not for her; that is what I am saying.

The CHAIR: The committee has always operated by people getting up and moving their amendments. If people have amendments, sometimes they can run around and speak to people about their amendments or whatever. In this case, there are a number of amendments to this bill. Yes, they do get a bit confusing. That is why the Chair gives the opportunity for the mover of the amendments to explain the amendments to the committee, and the opposition to the amendments to explain their opposition to the committee. It happens in most debates, and if we cannot get that as members of parliament then perhaps we should not be here. The Hon. Mr Parnell, are you saying you should not be here or you should be here?

The Hon. M. PARNELL: No, my resignation is not forthcoming on this occasion. I want to endorse what the Hon. Dennis Hood has said. This is a debate that—

The CHAIR: It doesn't need endorsing because it's not going anywhere.

The Hon. M. PARNELL: I know it's not. It is a discussion that the crossbench has had and with some Liberal colleagues, as well. We will not resolve it now, but I will put it on the table though, because it has never been discussed in this chamber: as amendments are filed they are received by parliamentary staff electronically, and I maintain that, if a system whereby the filing of an amendment involves the emailing of that amendment to all members, it would at least assist us in putting running sheets together. I know that—

The Hon. J.M. GAZZOLA: On a point of order, Mr Chairman, why are we having this discussion?

The CHAIR: The Independents and the minor parties have more staff than most of us, so they could probably have a running sheet put together by their staff if they want one that badly.

The Hon. M. PARNELL: I do not propose to delay the chamber any longer. I am just saying that there are solutions that are easy to achieve that would actually assist the chamber, but I am disappointed that there is a reluctance to adopt them.

The Hon. S.G. WADE: I move:

Page 14, line 5 [clause 7, inserted section 72A(1)]—Delete 'metal detector'.

This amendment I consider to be consequential on amendment [Wade-5] 1.

Amendment carried.

The Hon. S.G. WADE: I move:

Page 14, after line 9 [clause 7, inserted section 72A]—After subsection (1) insert:

(1a) A search referred to in subsection (1) in relation to a person or property must be carried out as follows:

(a) the search must, in the first instance, be a metal detector search and must not proceed to a further search unless the metal detector search indicates the presence or likely presence of metal;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may—

(i) require the person to produce the item detected by the metal detector; and

(ii) if the person refuses or fails to produce such item—conduct a search of the person for the purpose of identifying the item as if it were a search of a person who is reasonably suspected of having, on or about his or her person—

(A) stolen goods; or

(B) an object, possession of which constitutes an offence; or

(C) evidence of the commission of an indictable offence;

(c) a search will not be taken to be lawfully carried out under this section unless it is carried out in accordance with procedures set out in the regulations (being procedures that seek to minimise, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subjected to a search under this section).

This is the key provision. This is the provision that we debated as a set in [Wade-5] 1. This is [Wade-10] 1. It is basically the old [Wade-5] 3, plus paragraph (c), the very last paragraph, which is the response to the Parnell issues.

The Hon. G.E. GAGO: It is linked to the issues that have been discussed. The government opposes.

Amendment carried.

The Hon. A. BRESSINGTON: I move:

Page 14, after line 16 [clause 7, inserted section 72A(2)(a)]—Delete

'and the vicinity of licensed premises'.

I will speak to this amendment and to No.4 also as it is consequential. As I expressed previously, I would have preferred to move to delete new section 72A if I had been able to finish my speech on amendment No.1 of the Hon. Mr Wade's yesterday. However, being conscious of the numbers, and having pushed my luck in moving amendments in the alternative earlier in the bill, I instead propose to limit the power in section 72A to patrons of licensed venues, that is, those entering, exiting or within a hotel, pub, club or licensed restaurant or cafe.

The amendment does so by deleting 'and the vicinity of licensed premises' in section 72A(2)(a). Recognising, however, that hotel car parks are often the scene of violent incidents, I have also had an amendment drafted to include car parks specifically or primarily provided for the use of patrons of licensed venues or declared events. If these powers are left to extend to the loose term of 'vicinity', which I am led to believe could be as far as 500 metres, which was included in the discussion paper that went with this bill, or even a statutorily defined distance, then even those walking past a cafe, a restaurant, pub or club, whether it be in Hindley Street or in the main street of a country town, and whether it be on the same side of the street or the other, would inadvertently be captured and their otherwise right to freedom from an arbitrary search would be extinguished.

As I said earlier, I believe this is wrong and, in the very least, we should be focusing these powers on the intended target, and that is patrons of licensed premises. My staff and I did a quick scour and, under this currently, it could include the entire street of Gawler if the recommendations from the discussions paper are adopted in regulations, so there will be no safe zone in Gawler for anybody to go to be able to avoid an arbitrary search. Even in their Coles and Woolworths supermarkets, they could be hauled over for an arbitrary search, as it stands.

So, my amendments will at least give people the choice as to whether they forgo their freedom from arbitrary search, and ensure those simply walking down the street, or shopping in the local shopping centre, are not inadvertently caught by this parliament's over-action.

The Hon. G.E. GAGO: The government rises to not oppose—

The Hon. A. Bressington: Oh! Very good.

The Hon. G.E. GAGO: —which is not 'support'—don't let it be said! The effect of the Hon. Ms Bressington's amendment is to limit metal detector searches in relation to licensed premises to searches of a person who is in, or apparently attempting to enter or leave, licensed premises, or in the carpark. As indicated earlier, our response to the honourable member's amendment to the new section 21C of the bill, which was passed—the government has some concerns about the effect of this amendment, as it could produce anomalous results, however, we will not be opposing this at this point.

The Hon. S.G. WADE: I would indicate that, just as the opposition supported Bressington 3(1) on 6 April in relation to section 21C, 'in the vicinity of licensed premises', we will do so again in relation to this part. I just note that, if the government did have concerns, 6 April is over a month ago, and they could have perhaps looked at amendments for this clause.

Amendment carried.

The Hon. S.G. WADE: I move:

Page 14, lines 29 and 30 [clause 7, inserted section 72A(5)]—Delete 'metal detector.'

I would suggest that this amendment is also consequential on Wade 5(1). It is part of the set which indicates that a search needs to be progressive.

Amendment carried.

The Hon. S.G. WADE: I move:

Page 14, lines 33 to 35 [clause 7, inserted section 72A(6)]—Delete subsection (6).

Likewise, I submit to the committee that this is consequential.

Amendment carried.

The Hon. G.E. GAGO: I move:

Page 14, lines 36 to 41 and page 15, lines 1 to 12 [clause 7, inserted section 72A(7) and (8)]—

Section 72A(7) and (8)—delete the subsections and substitute:

(7) The following information must be included in the annual report of the Commissioner under section 75 of the Police Act 1998 (other than in the year in which this section comes into operation):

(a) the number of declarations made under subsection (3);

(b) the number of metal detector searches carried out under this section;

(c) the number of occasions on which a metal detector search indicated the presence, or likely presence, of any metal;

(d) the number of occasions on which weapons or articles of a kind referred to in Part 3A were detected in the course of such searches and the types of weapons or articles so detected;

(e) any other information requested by the minister.

This amendment deletes the reporting requirements in subsections (7) and (8) of new section 72A and replaces them with a similar reporting regime that is proposed in amendment No. 1, so that the information required is included in the commissioner's annual report, rather than as a separate report to the minster. I think I have already talked about the information that has to be included in the annual report; I talked about that earlier on.

The Hon. S.G. WADE: Again, just as we did on an earlier matter, the opposition thanks the government for cooperating with enhancing the reporting requirements, and supports it being in the annual report, rather than a separate parliamentary report. I just have a clarification, Mr Chair. We have a number of amendments to this amendment. In terms of process, I am seeking clarification as to at what point I should be moving my amendments to this amendment.

The CHAIR: Well the minister has moved hers, so you can move all of those together, if you like.

The Hon. S.G. WADE: If the Chair is agreeable, I will move Wade 6(1), 6(2), 11(1) and 6(3) together, and then briefly give the reason for each of them. I will not be moving Wade 5(8). I will move Wade 5(9) separately, which relates to the sunset clause. It does not relate to the reporting, but, rather, it relates to the scheme. Accordingly, I move:

Amendment to Amendment No. 2 [MinRegDev-1]—Inserted section 72A(7)(b)—

After 'searches' insert:

, and the number of searches other than metal detector searches,

Amendment to Amendment No. 2 [MinRegDev-1]—Inserted section 72A(7)—

After paragraph (b) insert:

(ba) the locations at which those searches were carried out (for example, licensed premises, a public place holding an event or elsewhere);

(bb) in the case of a search carried out at a public place holding an event—the event and period specified in the relevant declaration and the date on which the notice of the declaration was published in the Gazette;

Amendment to Amendment No. 2 [MinRegDev-1]—Inserted section 72A(7)—

After paragraph (a) insert:

(ab) the following details about each declaration made under subsection (3):

(i) the name and date of the event;

(ii) the location of the public place;

Amendment to Amendment No. 2 [MinRegDev-1]—Inserted section 72A(7)—

After paragraph (d) insert:

(da) the number of occasions on which other kinds of weapons or articles constituting evidence, or possible evidence, of the commission of an offence were detected in the course of such searches and the types of weapons or articles so detected;

The Hon. D.G.E. Hood interjecting:

The Hon. S.G. WADE: No, and I will explain why. If I could very briefly, for the benefit of honourable members, explain the purpose of each. I should, perhaps, preface this by saying that, as I said, the opposition welcomes the government's commitment to reporting on this. What you cannot report you cannot measure you cannot see outcomes for. However, we do think that there are opportunities to enhance the reporting, and the amendments are directed at that goal.

With respect to my amendment [Wade-6] 1, the government clause only provides for the number of metal detector searches to be reported. Amendment [Wade-6] 1 would require the report to also cover the number of other forms of search, in other words, whether it goes to a more invasive search. The [Wade-6] 2 amendment requires the report to deal with the locations at which the searches are carried out. That would be of use to us to know, in terms of: was it all in relation to licensed premise, was it all in relation to community events, or what was the mix?

Amendment [Wade-11] 1 dislodges [Wade-5] 8. This amendment requires the report to collate information in relation to declarations made, including the location and date, regardless of whether a search was undertaken. You might be asking yourselves, 'Why do we need this when we have got [Wade-6] 2?' I would just stress that [Wade-6] 2 only requires this information to be reported in the context of the number of searches undertaken at each declared event and, without [Wade-11] 1 (this amendment), we would not know which events were declared, just the total number of declared events and if no searches had been undertaken in relation to those events.

Amendment [Wade-6] 3 requires reporting on what was found. To properly consider the effectiveness of search provisions, we need to know whether material is being found. For example, we might find that there are lots of positive searches in relation to licensed premises but we are wasting resources on community events, so I think that it would be of interest to both the police and the parliament. We publish data of a similar nature in relation to random breath testing and drug testing, and I suggest that it would be of value, as I said, to both the police and the parliament.

The Hon. G.E. GAGO: I rise to oppose these amendments. The Hon. Mr Wade is seeking to impose further reporting obligations on the commissioner with his latest set of amendments. The government is opposed to these amendments as the additional reporting obligations are considered too onerous. Pursuant to new section 72A of the bill, police officers are authorised to carry out metal detector searches of persons in or near licensed premises or at gazetted public events.

In order to ensure that there is transparency and accountability in the use of these search powers, the commissioner is required to include certain information in his annual report, such as the number of metal detector searches carried out and the number of occasions on which the weapons or articles of a kind referenced to part 3A were detected, and also the types of weapons or articles so detected.

This amendment, and amendments Nos 2 and 3 of the honourable member's sixth set of amendments, and also amendment No. 1 of set 11, would require the commissioner to also report on a number of other things, including information about a declaration issued in relation to a public place holding an event and the number of occasions on which other kinds of weapons or articles constituting evidence or possible evidence of the commission of an offence were detected in the course of such searches and the types of weapons or articles so detected, including information about the declaration in the annual report as an unnecessary doubling-up of information that is already publicly available via the notice published in the government *Gazette*.

Proposed new paragraph (da) would require an officer, in addition to performing his many other duties, to record details about any articles found during the search that may afford possible evidence of a commission of an offence. This would be, as I said, a very onerous requirement for police officers out on the street.

Searches are conducted in a very dynamic environment, and the interpretation of this provision as to what would constitute evidence or possible evidence would depend on a number of factors, such as the individual assessment and discretion of the officer conducting the search and whether or not charges would actually be laid against a person being searched. That is just because of the diverse nature of what a weapon could be. In this place I gave the example of a stiletto heel for instance, which could be the heel of a shoe on one occasion or used as quite a nasty weapon on another.

The government believes that the current reporting obligations are sufficient to ensure appropriate oversight of how these powers are being used by police. Members should also note that if, after the section has been in operation the minister determines that the commissioner should include further information in his annual report on the use of this section, the minister would then have the power to require the inclusion of that particular information. For those reasons, the government opposes these amendments.

The Hon. S.G. WADE: I just want to provide a word of clarification in relation to the intended amendment when it may be necessary that it be amended between the houses. In relation to the section on evidence, it was only ever intended that it be recorded if the evidence was to be used in criminal prosecution. The Law Society was concerned that these powers should not be misused, shall we say, to look for other stuff. That was the purpose of that amendment. If it does not effectively target that purpose, we would certainly be open to further amendments.

The Hon. M. PARNELL: The Greens are supporting these amendments because we believe that they provide important additional information and we do not accept that they are too onerous.

The Hon. A. BRESSINGTON: I will be supporting these amendments as well.

The Hon. D.G.E. HOOD: Supporting.

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

Amendment to amendment carried; amendment as amended carried.

The Hon. S.G. WADE: I need to move [Wade-5] 9, which was the one I suggested was not in the nature of reporting. It is a sunset clause provision, so I needed to remove it separately. I have not moved it yet.

The CHAIR: So you are not moving [Wade-5] 6.

The Hon. S.G. WADE: I am not moving [Wade-5] 6 or [Wade-5] 8, but I will move [Wade-5] 9.

The CHAIR: What about [Wade-5] 7?

The Hon. S.G. WADE: No, I am not moving that either. They have been superseded. I move:

Page 15, after line 12 [clause 7, inserted section 72A]—After subsection (8) insert:

(8a) This section will expire 3 years after it comes into operation.

We have left the realm of reporting obligations. What I am asking in this amendment is: considering that we are talking about enhanced search powers, is it appropriate to look at this again in a period of time? We suggest that it is, and we suggest that three years should give both the police and the parliament the opportunity to assess the operation.

Let us remember, too, that these sunset clauses do not start ticking from today, the day we pass them; they start ticking from the day it is promulgated. As we saw with the government's approach with the intervention orders, it can be close enough to two years after a bill is passed that it is actually promulgated, and of course the regulations would be developed in that intervening period. With those few remarks, I suggest that there is value in a sunset clause, and that is what you get if you vote for [Wade-5] 9.

The Hon. G.E. GAGO: The government opposes this amendment. This amendment would pass new section 72A which would expire three years after it came into operation. The search powers are a preventative mechanism to enable police to search persons for weapons in or around licensed premises or at a public event, in order to prevent alcohol-fuelled violence. They do not apply to public places generally. There are also measures in place in the legislation to ensure that more intrusive searches are only carried out as a last resort.

Although it is not unheard of to have sunset clauses requiring expiry after 5 or 10 years, the government does not agree that the nature of these search powers would require their expiry, particularly after only three years of operation. If problems are identified in the operation of these search powers, then the government would bring a bill to amend the act. However, if the search powers proved to be a successful tool in the fight against weapons crime, which the government fully expects them to be, then this amendment would mean that the government would have to come back to the parliament after three years and deal with the issue over again. We do not believe that is an effective use of parliament's time.

The Hon. M. PARNELL: The Greens are supporting the amendment.

The Hon. A. BRESSINGTON: Same.

The Hon. D.G.E. HOOD: Just for clarification, this would mean that the search powers of section 72A would expire automatically after three years?

The Hon. S.G. Wade: Yes.

The Hon. D.G.E. HOOD: Okay. Family First will oppose that amendment.

The Hon. J.A. DARLEY: Supporting.

Amendment carried.

The Hon. S.G. WADE: I move:

Page 15, lines 30 to 34 [clause 7, inserted section 72A(9), definition of *metal detector search*]—

Delete the definition of *metal detector search*

I would like to indicate that I will not be moving [Wade-2] 32, which also relates to this section. This one, I believe, is consequential because it relates to the staged use of search powers. Also, could I mention that, perhaps, after we have determined this, it might be good to consult the government as to whether this might be an appropriate place to pause. This is, if you like, the end of section 72A and then we move to section 72B.

The Hon. G.E. GAGO: How many amendments to section 72B?

The Hon. S.G. WADE: They are actually quite contentious, too.

The Hon. G.E. GAGO: The government does not believe it is consequential and I will give my reasons why the government opposes this amendment. The amendment deletes the definition of metal detector search from section 72A of the bill. Although it appears a simple amendment, it is related to several other amendments that the honourable member will be moving to section 72B of the bill. So, the government is opposed to this amendment and to the related amendments to section 72B.

To assist police in the prevention of incidents of serious violence, section 72B of the bill gives police officers broad powers to search any person and any property in the possession of that person, if the person is within an area that is the subject of an authorisation. An authorisation can only be granted in relation to an area if there are reasonable grounds to believe that an incident involving serious violence will take place in an area, and such powers are necessary to prevent the incident. Obviously this will not be an everyday occurrence.

The honourable member proposes to move amendments that will limit the effectiveness of section 72B. A subsequent amendment to be moved by the Hon. Mr Wade will insert a new subsection (1)(a) into section 72B. The effect of this subsection will be to require police officers to conduct a metal detector search in the first instance of any person in the target area. The police officer would only be able to proceed to a broader search of the person, such as requesting that person to empty their pockets or their bag, if the metal detector gives a positive indication for metal.

That is fine if the person is carrying a weapon that contains metals, such as a knife. The problem with this amendment is that there are a number of weapons that do not contain metal and therefore will not be detected by a metal detector search; ceramic knives, fibreglass or wooden batons, for that matter even plastic knuckledusters, are a few examples. If a person does not give a positive indication for metal, then a police officer would not be entitled to proceed to a further search. This would not promote the purpose of the provision, which is to allow police to search for all weapons, not just metallic weapons such as metal knives, in order to prevent incidents of serious violence from occurring.

Section 72B is based on similar provisions in the United Kingdom which authorised the use of special powers to prevent and control incidents of serious violence in a public space. Section 60 of the UK Criminal Justice and Public Order Act 1994 authorises police to stop and search any pedestrian, and anything carried by him or her, for offensive weapons and dangerous instruments. Part 6A of the New South Wales Law Enforcement (Powers and Responsibilities) Act 2002 also gives police special powers to prevent public disorder. Under that part, police are authorised to stop and search persons, and anything in the possession of or under the control of a person, if the person is in an area that is the target of an authorisation or is in or on a vehicle on a road that is the target of an authorisation.

Both the UK and New South Wales acts give police broad powers of search in areas that are subject to an authorisation to ensure that all weapons, including non-metallic weapons, can be detected by police. The government believes that the broader police powers of search such as currently set out in section 72B are necessary for the effective operation of this section. So I urge honourable members to oppose this amendment and the subsequent amendments that will limit the effectiveness of section 72B.

The Hon. S.G. WADE: If I understand the minister correctly, she is suggesting that this amendment [Wade 3] 2 would impact on section 72B. I draw members' attention to the bill. This clause, 'metal detector search', is a definition which is part of section 72A(9), so my understanding is that the definition of 'metal detector search' impacts only in defining metal detector search in

relation to that section, but I will seek leave to consult parliamentary counsel to confirm my understanding. The issues the minister raises are legitimate concerns which the opposition would be keen to investigate. We certainly do not want to undermine the whole schema, but if there is work to be done it might well need to be another amendment to section 72B. However, on my reading, the section I am trying to delete only works in relation to section 72A—

The CHAIR: It might shorten the issue if you consulted now, perhaps.

The Hon. S.G. WADE: That is what I meant; I was just seeking permission.

The CHAIR: Away you go.

The Hon. S.G. WADE: This is a good opportunity to demonstrate to the house how reliant I am on parliamentary counsel and to thank them again for their assistance. The answer to the issue is that, as a result of my amendments in toto, it was considered wise to put the definition of 'metal detector search' in new section 72C. Members will recall that section 72C is the normal repository for provisions that relate to both sections 72A and 72B. Amendment [Wade-2] 41, which obviously is much later and relates to section 72C, provides:

> A metal detector search carried out under section 72A or 72B must be conducted—
>
> (a) using only a metal detector of a kind approved by the Commissioner; and
>
> (b) in accordance with any directions issued by the Commissioner.

That may not completely allay the minister's concerns, and I will be interested to hear the minister on that point but, whilst it deletes it from 72A, it is in anticipation of a 72C provision which covers both A and B.

The Hon. G.E. GAGO: We understand what the honourable member is trying to do, and I agree it is quite complicated, but the most simple way to explain this is that, if the Hon. Stephen Wade's amendment to 72B is not passed (which is what we are going to deal with later on), then the definition should remain in 72A, because that would be the only section left to deal with metal detectors, so we then create a problem is the advice I have received.

The CHAIR: You are still opposing this amendment?

The Hon. G.E. GAGO: We are opposing it.

The Hon. S.G. WADE: I seek the advice of whoever would like to give it, but is this a situation where we could seek an undertaking from the government to recommit if I do succeed on the 72B amendments?

The Hon. G.E. GAGO: Yes.

The Hon. S.G. WADE: So if the government is happy to take that amendment, I am happy to seek leave of the council to withdraw the amendment.

The CHAIR: You can put it and lose it.

The Hon. S.G. WADE: No. I am happy to have a commitment for recommittal; I am happy to trust the minister, even if the president is not.

The Hon. G.E. GAGO: I am happy to put on record that we would be prepared to recommit under those circumstances.

The CHAIR: So, you are withdrawing that amendment.

Amendment withdrawn.

The Hon. S.G. WADE: Could I seek leave to consult the government about its intentions?

The CHAIR: Yes. If you do things nicely through the chair your wishes will always be granted—most times.

Progress reported; committee to sit again.

ADELAIDE OVAL REDEVELOPMENT AND MANAGEMENT BILL

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

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (16:31): 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 *Adelaide Oval Redevelopment and Management Bill 2011* will enable the timely redevelopment and long-term management of Adelaide Oval as a multi sport venue that will become the home of football and cricket in South Australia.

The Bill will provide the certainty required to allow Football and Cricket once again to co-exist at one of the greatest sporting grounds in the world, providing significant financial security to both sporting codes and delivering funds for grass-roots investment.

It will also provide a world-class 21st century stadium venue that will accommodate other sports, functions and events.

The significant vote of confidence recently provided by the members of the South Australian Cricket Association demonstrates the overwhelming support for the redevelopment of Adelaide Oval as a modern sporting venue that retains its unique heritage and traditions. These include retention of the name 'Adelaide Oval', the heritage scoreboard and the northern mound along with its iconic vistas of St Peter's Cathedral.

The overwhelming response by the broader South Australian community to SACA's vote of confidence has shown that the Adelaide Oval redevelopment is not only seen as a world-class piece of construction, but also as a piece of psychological infrastructure that lifts the spirits of the State.

The redevelopment of Adelaide Oval will act as a catalyst for the reinvigoration of the Riverbank Precinct, which along with the expansion of the Adelaide Convention Centre and other planned private and public sector initiatives, will transform the precinct into one of the city's prime destinations for the arts, leisure, recreation and entertainment.

It will be the showpiece of Adelaide that once and for all proves the naysayers cannot hold South Australia back and will attract private sector investment into the billions of dollars.

The Adelaide Oval redevelopment is also a key element in the Riverbank Precinct Master Planning process, which is now developing a comprehensive and integrated plan for the precincts on both sides of the river. Importantly the Master Plan will guide the alignment of the new bridge that will connect Adelaide Oval to the city and its many attractions, facilities and convenient public transport just 350 metres away—closer than the Melbourne Cricket Ground.

The redevelopment also allows for significant investment in the park lands and the Stadium design team has focussed on a 'Pavilions in the Park' concept—a unique stadium that takes advantage of the park land setting.

The *Adelaide Oval Redevelopment and Management Bill 2011* is vital to deliver the government's planned $535 million investment to redevelop Adelaide Oval and to ensure the new venue and the surrounding precinct are operated and managed to the highest standards and to the overall benefit of the South Australian community.

The Bill requires the Minister to protect and enhance the park lands and also provides powers for the Minister to cancel arrangement where a holder of a sub-licence is not managing any land in a manner consistent with maintaining park lands for the use and enjoyment of members of the public.

The four broad objectives of the *Adelaide Oval Redevelopment and Management Bill 2011* are as follows:

- To vest care, control and management of the Adelaide Oval Core Area to the minister.
- The Minister will be authorised to grant a lease of the Adelaide Oval Core Area to the Adelaide Oval SMA Ltd for any term up to 80 years. The lease will be subject to the rights of South Australian Cricket Association and the South Australian National Football League set out in licences granted by the minister to unrestricted and exclusive use of Adelaide Oval for cricket and football purposes.
- At the request of the minister, the Adelaide City Council must grant a licence over all of the Adelaide Oval Licence Area. The licence will be for any term up to 80 years.
- Any development up to 2015 within the Adelaide Core area and the Adelaide Oval Licence Area will be authorised.

The project team has made significant progress in the last 12 months and has recently called tenders for a builder to join the project team to undertake the redevelopment of Adelaide Oval. The Government still seeks to let a construction contract in October/November this year and to complete the project in 2014.

To enable this work to proceed it is necessary to ensure certainty in relation to care, control and management of the subject land, governance and tenure matters and other arrangements necessary to facilitate the redevelopment and management of Adelaide Oval and the surrounding precinct.

The passage of this Bill will provide this certainty and finally bring Football back to the city in a world-class Stadium, alongside a world-class Riverbank precinct that will forever change Adelaide for the better.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This measure will come into operation on a day to be fixed by proclamation.

3—Interpretation

This clause defines certain terms for the purposes of the measure.

Part 2—Adelaide Oval Core Area

4—Care, control and management of land vested in Minister

This clause vests the care, control and management of the *Adelaide Oval Core Area* in the Minister subject to the other provisions of the measure (and on such vesting any lease between the Council and SACA that relates to any part of the area is extinguished).

The clause provides that the area must be used predominantly for the purposes of a sporting facility (including related uses) with other uses (such as recreational, entertainment and social uses) being allowed on an ancillary or temporary basis from time to time.

The clause also provides that the Minister must ensure that the area continues to be named *Adelaide Oval*, that the existing scoreboard is maintained in good condition and that an open space is kept at the northern end of Adelaide Oval (provided that temporary structures would be allowed in this area under subclause (4)).

5—Lease to SMA

This clause authorises the Minister to grant a lease over any part of the *Adelaide Oval Core Area* to Adelaide Oval SMA Limited (*SMA*) which may be for any term up to 80 years (including an extension or renewal) and which must be subject to the rights of SACA and the SANFL (set out in licences granted by the Minister) to unrestricted and exclusive use of Adelaide Oval for purposes associated with the playing of cricket during designated periods (in relation to SACA) and for purposes associated with the playing of football during designated periods (in relation to SANFL). A copy of any lease or licence granted under this clause must be laid before both Houses of Parliament within 6 sitting days after being granted.

6—Development authorisation

This clause authorises any development undertaken within the *Adelaide Oval Core Area* associated (directly or indirectly) with the redevelopment of Adelaide Oval, its stands and other facilities. An authorisation under this clause will be subject to conditions Gazetted by the Minister and operates as if it were a development authorisation under the *Development Act 1993*.

The Minister must take reasonable steps to consult with the Council before specifying conditions on development authorisation and must, after specifying conditions (by notice in the Gazette), cause copies of the notice to be laid before both Houses of Parliament.

The clause will expire on 31 December 2015 (without affecting any development completed or commenced before that date).

Part 3—Adelaide Oval Licence Area

7—Licence to Minister

This clause provides that the Council must, at the request of the Minister, grant a licence to the Minister over all of the *Adelaide Oval Licence Area*, or any part of that area specified by the Minister. A licence under this clause is to be for a term specified by the Minister (of up to 80 years including any extension or renewal) and may be subject to such terms and conditions as the Minister may specify after consultation with the Council.

The clause restricts the purposes for which land may be used in accordance with the licence (or a sub-licence granted by the Minister under subclause (4)), namely providing car parking, access to, and redevelopment of, the *Adelaide Oval Core Area*, providing facilities for playing sport and any other activity prescribed by the regulations.

A licence under this clause will not be subject to Part 11 of the *Local Government Act 1999* or section 21 of the *Adelaide Park Lands Act 2005*.

The Minister must, within 6 sitting days after a licence or sub-licence is granted under this section, cause copies of the licence or sub-licence to be laid before both Houses of Parliament.

8—Development authorisations

This clause authorises (as if it were a development authorisation under the *Development Act 1993*) any development, undertaken by or with the consent of the Minister, within the *Adelaide Oval Licence Area* associated (directly or indirectly) with development within the ambit of clause 6 or in connection with a licence or sub-licence. The Minister must take reasonable steps to consult with the Council before undertaking or consenting to development under this clause, or before specifying conditions under subclause (4).

Under subclause (2), the development authorisation in subclause (1) will not apply to development involving the construction of a permanent building unless the development involves a grandstand or other facilities associated with the playing of sport on or in the vicinity of *Adelaide Oval No 2*. The measure makes it clear that subclause (2) does not apply to site offices etc associated with the redevelopment of Adelaide Oval.

The clause will expire on 31 December 2015 (without affecting any development completed or commenced before that date).

Part 4—Miscellaneous

9—Interaction with other Acts

This clause provides for the interaction of the measure with other Acts.

10—Status of land as park lands

This clause provides that, except to the extent that is reasonably required in connection with the operation of Parts 2 and 3, the Minister should, in managing any part of the *Adelaide Oval Licence Area*, seek to protect and enhance the area as park lands for the use and enjoyment of members of the public.

11—Victor Richardson Road

This clause provides for the closure of Victor Richardson Road at North Adelaide and for the care, control and management of the land that comprises the road to be vested in the Council (as part of the Adelaide Park Lands). This land is included in the definition of the *Adelaide Oval Licence Area* under clause 3 of the measure.

12—Identification of land

This clause provides that the Minister may, by instrument deposited in the GRO, identify or delineate any land in connection with the operation of this Act.

13—Duties of Registrar-General and other persons

This clause provides that the Registrar-General must take any appropriate action as required in consequence of a plan or instrument deposited in the Lands Titles Registration Office or in the GRO under or for the purposes of this Act. The clause also provides that any other person required or authorised under an Act or law to record instruments or transactions relating to land must take any action necessary to give effect to the plan or instrument.

14—Interim occupation of core area

This clause provides that until the Minister grants a lease to SMA under clause 5, SACA is authorised to continue to occupy and manage the Adelaide Oval Core Area on any terms and conditions that the Minister may determine after consultation with SACA.

15—Regulations

This clause provides for the making of regulations for the purposes of the Act.

Schedule 1—Adelaide Oval Core Area—Overall plan

Schedule 2—Eastern Grandstand Area

Schedule 3—Southern Area

Schedule 4—Northern Area

The Schedules provide maps for the purposes of the measure.

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

FAMILY RELATIONSHIPS (PARENTAGE) AMENDMENT BILL

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

At 16:33 the council adjourned until Tuesday 21 June 2011 at 14:15.