LEGISLATIVE COUNCIL

Tuesday 21 June 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

RAIL COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

MINING (ROYALTIES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

SOUTH AUSTRALIAN PUBLIC HEALTH BILL

His Excellency the Governor assented to the bill.

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) (14:22): By leave, I move:

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

Motion carried.

ANSWERS TO QUESTIONS

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

INTERNATIONAL STUDENTS

188 The Hon. S.G. WADE (9 February 2011). Can the Minister for Health advise—

1. How many international students have had a termination of pregnancy in South Australian metropolitan hospitals in each of the past five years?

2. Does the Government have any strategy or plan to ensure that international students have access to education, information and support on contraceptive options?

3. Will the Minister ensure that the annual report of the South Australian Abortion Reporting Committee includes indicators of the use of South Australian abortion services by non-South Australian residents so that trends, such as these, can be monitored?

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): The Minister for Health has advised:

1. Information on whether a woman requesting a termination of pregnancy is an international student is not collected from hospitals.

2. There are a number of services currently available to all women in South Australia, which can be accessed by international students.

3. There are no plans to include indicators of the use of South Australian abortion services by non-South Australian residents.

YORKE PENINSULA DIALYSIS SERVICE

167 The Hon. D.G.E. HOOD (24 September 2008). Can the Minister for Health advise:

1. When will the Statewide Renal Clinic Network convene to review the study on the need for a renal dialysis service on Yorke Peninsula?

2. Will the state government provide financial assistance to the renal dialysis patients on Yorke Peninsula who must travel outside the region for treatment?

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): The Minister for Health has advised:

1. The Statewide Renal Clinical Network developed a series of recommendations in relation to Country Renal Services and implementation by Country Health SA is advanced.

A detailed analysis of projected future demand is currently being undertaken by the Statewide Renal Clinical Network in conjunction with SA Health and this will inform future planning of dialysis services.

2. The new dialysis service, which was opened at Maitland Hospital in March 2008, has reduced the need for transport assistance. However, in instances where access to a dialysis service outside of the region is required for clinical reasons, then the normal access to assistance through the Yorke Peninsula Health Bus or the Patient Assistance Transport Scheme would apply.

PAPERS

The following papers were laid on the table:

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

Regulations under the following Acts—
- Adoption Act 1988—Fee Increases 2011
- Associations Incorporation Act 1985—Fee Increases 2011
- Authorised Betting Operations Act 2000—Fee Increases 2011
- Bills of Sale Act 1886—Fee Increases 2011
- Births, Deaths and Marriages Registration Act 1996—Fee Increases 2011
- Botanic Gardens and State Herbarium Act 1978—Fee Increases 2011
- Brands Act 1933—Fee Increases 2011
- Business Names Act 1996—Fee Increases 2011
- Controlled Substances Act 1984—
  - General—Revocation
  - Pesticides—Fee Increases 2011
  - Poison—General
- Community Titles Act 1996—Fee Increases 2011
- Co-operatives Act 1997—Fee Increases 2011
- Coroners Act 2003—Fee Increases 2011
- Cremation Act 2000—Fee Increases 2011
- Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—Fee Increases 2011
- Criminal Law (Sentencing) Act 1988—Sentencing—Fee Increases 2011
- Crown Land Management Act 2009—Fee Increases 2011
- Dangerous Substances Act 1979—
  - Dangerous Good Transport—Fee Increases 2011
  - Fee Increases 2011
- Development Act 1993—Fee Increases 2011
- District Court Act 1991—Fee Increases 2011
- Employment Agents Registration Act 1993—Fee Increases 2011
- Environment Protection Act 1993—Fee Increases 2011
- Environment, Resources and Development Act 1993—Fee Increases 2011
- Evidence Act 1929—Fee Increases 2011
- Expiation of Offences Act 1996—Fee Increases 2011
- Explosives Act 1936—
  - Fee Increases 2011
  - Fireworks—Fee Increases 2011
  - Security Sensitive Substances—Fee Increases 2011
- Fair Work Act 1994—Fee Increases 2011
- Fees Regulation Act 1927—
  - Assessment of Requirements Water and Sewerage—Fee Increases 2011
  - Proof of Age Card—Fee Increases 2011
  - Public Trustee Administration—Fee Increases 2011
- Firearms Act 1977—Fee Increases 2011
- Fire and Emergency Services Act 2005—Fee Increases 2011
- Fisheries Management Act 2007—Fee Increases 2011
- Gaming Machines Act 1992—Fee Increases 2011
- Heritage Places Act 1993—Fee Increases 2011
- Harbors and Navigation Act 1993—Fee Increases 2011

Historic Shipwrecks Act 1982—Fee Increases 2011
Housing Improvement Act 1940—Section 60 Statements—Fee Increases 2011
Hydroponics Industry Control Act 2009—Fee Increases 2011
Land Tax Act 1936—Fee Increases 2011
Livestock Act 1997—Fee Increases 2011
Local Government Act 1999—General—Fee Increases 2011
Lottery and Gaming Act 1936—Fee Increases 2011
Magistrates Court Act 1991—Fee Increases 2011
Mines and Works Inspection Act 1920—Fee Increases 2011
Mining Act 1971—Fee Increases 2011
Motor Vehicles Act 1959—
    Expiation Fees—Fee Increases 2011
    Fee Increases 2011
    National Parks and Wildlife Act 1972—
    Hunting—Fee Increases 2011
    Wildlife—Fee Increases 2011
Native Vegetation Act 1991—Fee Increases 2011
Natural Resources Management Act 2004—
    Financial Provisions—Fee Increases 2011
    General—Fee Increases 2011
Occupational Health, Safety and Welfare Act 1986—Fee Increases 2011
Opal Mining Act 1995—Fee Increases 2011
Partnership Act 1891—Fee Increases 2011
Passenger Transport Act 1994—Fee Increases 2011
Pastoral Land Management and conservation Act 1989—Fee Increases 2011
Petroleum and Geothermal Energy Act 2000—Fee Increases 2011
Petroleum Products Regulation Act 1995—Fee Increases 2011
Petroleum (Submerged Lands) Act 1982—Fee Increases 2011
Plant Health Act 2009—Fee Increases 2011
Primary Produce (Food Safety Schemes) Act 2004—
    Citrus Industry Fee Increases 2011
    Meat Industry—Fee Increases 2011
    Plant Products—Fee Increases 2011
    Seafood—Fee Increases 2011
Private Parking Areas Act 1986—Fee Increases 2011
Public and Environmental Health Act 1987—
    Legionella—Fee Increases 2011
    Waste Control—Fee Increases 2011
Public Sector Act 2009—Application of Act
Public Trustee Act 1995—Fee Increases 2011
Radiation Protection and Control Act 1982—
    Ionising Radiation—Fee Increases 2011
    Non-ionising Radiation—Fee Increases 2011
Real Property Act 1886—Fee Increases 2011
Registration of Deeds Act 1935—Fee Increases 2011
Retirement Villages Act 1998—Fee Increases 2011
Roads (Opening and Closing) Act 1991—Fee Increases 2011
Road Traffic Act 1961—
    Approved Road Transport
    Heavy Vehicle Driver Fatigue—Fee Increases 2011
    Miscellaneous—Fee Increases 2011
    Miscellaneous Expiation Fees—Fee Increases 2011
Security and Investigation Agents Act 1995—Fee Increases 2011
Sewerage Act 1929—Fee Increases 2011
Sexual Reassignment Act 1998—Fee Increases 2011
Sheriff's Act 1978—Fee Increases 2011
Strata Titles Act 1988—Fee Increases 2011
Summary Offences Act 1953—
    Dangerous Articles and Prohibited Weapons—Fee Increases 2011
    General—Fee Increases 2011
Supreme Court Act 1935—Fee Increases 2011

Tobacco Products Regulation Act 1997—Fee Increases 2011
Valuation of Land Act 1971—Fee Increases 2011
Waterworks Act 1932—Fee Increases 2011
Worker's Liens Act 1893—Fee Increases 2011
Youth Court Act 1993—Fee Increases 2011
Corporation By-Laws—City of Adelaide—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Waste Management
No. 7—Dogs
No. 8—Cats
No. 9—Lodging Houses

By the Minister for Public Sector Management (Hon. G.E. Gago)—

Regulations under the following Acts—
Freedom of Information Act 1991—Fee Increases 2011
State Records Act 1997—Fee Increases 2011

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

Regulations under the following Acts—
Building Work Contractors Act 19951—Fee Increases 2011
Conveyancers Act 1994—Fee Increases 2011
Land and Business (Sale and Conveyancing) Act 1994—Fee Increases 2011
Land Agents Act 1994—Fee Increases 2011
Liquor Licensing Act 1997—Fee Increases 2011
Plumbers, Gas Fitters and Electricians Act 1995—Fee Increases 2011
Residential Tenancies Act 1995—Fee Increases 2011
Second-hand Vehicle Dealers Act 1995—Fee Increases 2011
Travel Agents Act 1986—Fee Increases 2011

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:28): I bring up the reports of the committee on Natural Resources Management Board Levy Proposals 2011-12 for Kangaroo Island, the South-East, Eyre Peninsula, Northern and Yorke Peninsula, South Australian Arid Lands, South Australian Murray-Darling Basin and Adelaide and Mount Lofty Ranges.

Reports received.

WATER TRADING LAWS

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 table a copy of a ministerial statement relating to the state government's challenge to Victoria's water entitlement trading cap made earlier today in another place by my colleague the Premier.

ROYAL ZOOLOGICAL SOCIETY OF SOUTH AUSTRALIA

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) (14:29): I table a copy of a ministerial statement relating to the Royal Zoological Society of South Australia made earlier today in another place by my colleague the Hon. Paul Caica.

QUESTION TIME

RESIDENTIAL TENANCIES TRIBUNAL

The Hon. J.M.A. LENSINK (14:30): I seek leave to make an explanation before directing a question to the Minister for Consumer Affairs on the subject of the Residential Tenancies Tribunal.

Leave granted.

The Hon. J.M.A. LENSINK: My office has been contacted by several landlords and residential managers who have expressed concerns with delays in having disputes and applications for bond refunds heard by the Residential Tenancies Tribunal. My understanding is that it is not uncommon for hearings to take some 12 to 16 weeks to be heard from the time of application. It has been suggested to me that staffing levels within the Residential Tenancies Tribunal have been cut or vacancies not filled and the situation has been like this for the last six months. My questions are:

1. Does the minister believe that waiting up to 16 weeks is an acceptable time frame for hearings?

2. What is the current FTE of the Residential Tenancies Tribunal?

3. Is this different from what it was 12 months ago, or is there some other explanation, such as staff illness or vacancies?

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) (14:32): I thank the honourable member for her most important question. As I have said in this place before, if honourable members have specific examples of issues that they would like me to respond to, I am more than happy to do that. If the honourable member has any examples of specific cases that she would like me to follow up and investigate, unless I have details of those cases I am not able to look up the relevant information.

As usual, what we find is the opposition coming into this place with unfounded information, often inaccurate information; they just sound off and make up figures as they go along. That is what we find happens in this place. They just make up information as they go along. Members would be well aware that savings have been made right across all government agencies. The Residential Tenancies Tribunal also shared in some of those savings. I don't carry around FTE numbers for all my agencies in my head—I know that that might surprise you, Mr President, but in fact I don't—but I am happy to look up those details to find those actual numbers.

I can assure members that indeed cuts were made across all our agencies in terms of FTEs. Each agency had to share in that, because of the economic crisis that was incurred internationally and that affected us here in Australia—not so much here in South Australia, I should put on the record; we fared very well in this state when we compare ourselves to other states and also other nations. Nevertheless, we are still feeling the aftermath of that crisis and, as I said, one of our strategies was to make cuts to our public sector numbers. They were shared right across all agencies, and the Residential Tenancies Tribunal would have been affected by that as well. So, in terms of the actual numbers, I am happy to take that on notice and to bring those back to this place.

I can assure members that what we endeavour to do, wherever possible, is to have minimal impact on our front-line services as possible. We attempted, wherever we could, to look at administrative services, to look at where services were being shared or duplicated and to improve and streamline back-of-shop type services. So that is what we attempted to do. We worked very hard to ensure there was a minimal impact on front-line services but, as I said, I am happy to take those detailed questions on notice and bring back a response.

REGIONAL DEVELOPMENT

The Hon. S.G. WADE (14:35): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional development.

Leave granted.

The Hon. S.G. WADE: When the Liberal government lost office in 2002, the budget papers included a regional statement. The Rann Labor government maintained the practice for six of its first eight budgets, including the five budgets leading up to the 2009-10 budget. Having a regional statement budget paper ensured that there was an appropriate focus on the needs of South Australians beyond the Adelaide metropolitan area. It also meant that the proposals were subject to parliamentary accountability, including through the budget estimates process. For the last two budgets, there has been no regional statement included in the budget papers. On 4 May

2011, the Minister for Regional Development released a press release entitled 'Government Commits to Regional Statement'. In it she said:

> Now is the time to consolidate and build upon current initiatives with the development of a statement for regional South Australia as the vehicle for improved regional economic, social and environmental outcomes...South Australia will benefit from a statement, which will highlight to regional communities and to government agencies the linkages between government plans, strategies, programs and services.

I ask the minister:

1. Will the regional statement be a budget paper?

2. If the answer to the first question is no, what form will it take, when will it be finalised and how will it be released?

3. Will the process be led by Treasury, her department or the Regional Communities Consultative Council?

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) (14:37): I thank the honourable member for his most important questions. Indeed, the regional budget statement was not made this year nor the previous year. Historically, regional budget statements have not always been made. They have been made from time to time but not necessarily always provided. The reason that we did not provide one this financial year is that our regional programs, if you like, were integrated and incorporated right throughout our whole-of-government approach. So, although there are a number of initiatives where we provide dedicated resources to regional development, they are widespread across different agencies.

I am very pleased to actually note that, in the 2011-12 budget, this government has committed to deliver significant investment to key services and infrastructure in regional South Australia to the tune of $276.3 million. We are very committed to supporting economic, social and environmental sustainability across regional communities and we have contributed to, as I said, a large number of different initiatives and programs to achieve that.

We have committed to invest $54.8 million over four years to improve our regional road network in things like shoulder sealing and the rehabilitation and resurfacing of high priority regional roads. There is an additional $8 million over the next four years for a program for road surfacing, with Kangaroo Island, in particular, being one of the first to benefit.

We have also provided funding for some of our communities that were hardest hit by floods, including $13.5 million, $9.6 million of which is for repairs to things like bridges and $3 million to assist Clare and other councils in the area, as well as number of other initiatives. We have also put aside designated resources for bushfire management: $23.1 million in additional funding over four years to increase prescribed burning, with a high focus on the Eyre Peninsula as well as some other areas.

Moneys have also been designated to improve our school bus services; we have committed $122.6 million for the purchase of 25 new buses. Of course, there is also a very strong focus in this budget on rural health, with new initiatives of $62.7 million, in partnership with the commonwealth government, for things such as redevelopment of the Mount Gambier and Port Lincoln hospitals and, particularly, to provide increased capacity for primary health care, as well as improvements to dental services.

There is also the construction of a purpose-built ambulance station at Mount Gambier. There is a large number of other initiatives: regional investments of $22.5 million over four years for the operation and maintenance of the Upper and Lower South-East drainage system and $10.9 million for service upgrades and maintenance of electricity services, particularly to remote Aboriginal communities. The list goes on and on. As I said, the commitment is there, and it is incorporated and integrated right throughout our whole budget process.

Indeed, the regional statement that I announced fairly recently is an initiative that will be coordinated through my agency. It is not a budget statement but rather a statement that enhances the government's commitment to building sustainable regional communities. It is about identifying emerging challenges and opportunities and, in particular, it is about making those linkages across government plans, strategies, programs and services.

As I outlined, we do a great deal of very hard work and make significant investments right across government, but at present we do not have a single place that draws together and connects all those programs and strategies. That was the aim of the regional statement that I spoke about recently, and, as I said, the Rann government's commitment to regions is well and truly enshrined in this most recent budget, as it is in all our budgets.

REGIONAL DEVELOPMENT

The Hon. S.G. WADE (14:43): I have a supplementary question. When does the minister expect the regional statement to be released?

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) (14:43): I think at the time I indicated that it would probably take somewhere between six to 12 months. There needs to be fairly extensive consultation and consideration—

The PRESIDENT: Order! I remind that cameraman that he either train the camera on the person on their feet or he leaves the chamber.

The Hon. G.E. GAGO: As previously indicated, it will probably be somewhere between six and 12 months.

REGIONAL DEVELOPMENT

The Hon. J.S.L. DAWKINS (14:43): I have a supplementary question. Will the regional statement include a reinvigoration of the regional coordination networks, which include senior departmental officers, local government and Regional Development Australia bodies?

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) (14:44): No; as I have clearly outlined, and as I announced in this place in a ministerial statement previously, this statement provides a wide range of different programs, investments and initiatives, and it is most important that we seek to connect those. At the moment there is very little available that makes the connections and linkages across those different programs.

The Hon. J.S.L. Dawkins: That's exactly what the RCNs were supposed to do.

The Hon. G.E. GAGO: The RCNs are put in place to help establish regional capacity and coordination of local, state and commonwealth, along with community, stakeholders. Each is a peak regional body that is responsible for the coordination of whole-of-government activities and it supports the implementation of South Australia's Strategic Plan. It helps to implement advice to each of the regional South Australian Strategic Plan steering committees and also state government implementation of the plan at a local level.

Its efforts are particularly directed towards improved delivery of public services to optimise the allocation and use of resources and reduce duplication and overlap. Although these networks clearly have a very important role to play in that respect, the regional statement is about a broader policy overview that outlines a road map to the different programs, services and initiatives that are available.

I can assure the honourable member that the regional coordination networks will be given an opportunity to have their say in relation to the regional statement, so they will have an opportunity to input into that. I would like to put on the record what a really important role they play and what a valuable contribution they make to regional South Australia.

LIQUOR LICENSING

The Hon. J.S. LEE (14:47): I seek leave to make a brief explanation before asking the Leader of the Government a question about new liquor licensing fees.

Leave granted.

The Hon. J.S. LEE: On 15 June 2011, on ABC radio, the President of the Australian Hotels Association, Ian Horne, raised the issue of the state government introducing a new licensing fee in addition to the existing tax structures for every venue in South Australia. Country hotels will be paying a new liquor licensing fee. The media reported that small venues are going to be paying

up to $500 a year and larger venues will have to pay up to $4,000 a year. In the *City Messenger* dated 16 June, Clubs SA General Manager, Helen Martin, said:

> Licensed clubs are struggling enough as it is. The fee could contribute to the demise of some clubs.

A number of traders' groups and associations have also raised concerns with me about how businesses will cover these extra taxes implemented by the government. They believe that businesses will have no choice but to pass expenses on to their customers. My questions to the Leader of the Government are:

1. The media has reported that the government will introduce a range of fees for restaurants, sporting clubs and smaller country pubs, and there will be some exemptions. Can the minister explain what the exemptions are and also the basis for these exemptions?

2. Has the government taken into consideration the impact on small businesses, especially country pubs and clubs operating in the regional areas?

3. As businesses may have no choice but to pass expenses on to the consumer, how much will an average drink go up by and has the government taken into consideration the impact on consumer spending?

4. The media reported that the fee likely to be charged from early 2012 will provide the government with an extra $3.6 million a year. How does the state government intend to use the revenue to support pubs, hotels, clubs and the hospitality sector across South Australia? Will country pubs, hotels and restaurants see any additional policemen, better roads and infrastructure? What options and benefits can the government offer to justify introducing a new fee?

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 thank the honourable member for her question. Indeed, the introduction of an annual licensing fee for liquor licensees has been discussed by this government for some time. In fact, it was included in a discussion paper that I put out close to 12 months ago. So, it is not a new or novel idea.

Currently, in South Australia, there is not an annual liquor licensing fee in place. The licensed premises pays at the outset, when they first take their licence out, and they are only required to pay again if their business or licence changes in some sort of significant way. So, for many licensed premises, they pay a once-off fee, and that might be one fee in 50, 60, 70 or even 80 years, unlike most other jurisdictions where an annual liquor licensing fee is, in fact, in place.

At present, Treasury has been in negotiations with the AHA and, I think, some other key stakeholders. The details of the breakdown of the different classes of licence, I have been advised, have not been finalised as yet—that detail is still being worked through—but an annual fee will be introduced for holders of liquor licences to help cover the ongoing costs of regulatory compliance. So, if you like, it is a fee that is a cost recovery type of arrangement to cover the costs of compliance.

At this point, I am advised that it is intended that there will be two base fees, which will reflect the level of compliance effort and the type of business conducted under the licence. Fees will be adjusted between categories for venues that are high or low risk. An additional fee will also apply to licensees permitted to trade after 2am, and a further fee for trading after 4am, if that is permitted.

Clubs holding a limited licence will be exempt from the annual fee, and the fee amounts date for payment and the basis for the calculation of the fee will be set by regulation, and obviously there will be consultation with industry stakeholders. The fees will be set to achieve cost recovery for liquor regulation and will be indexed annually as a part of the fees and charges process, which requires the periodic review of cost recovery levels to be conducted.

The Liquor and Gambling Commissioner will have the discretion to grant, on application of the licensee, either a reduction in that annual fee or, I understand, an exemption under hardship provisions, if they can be established. As I said, the annual liquor licensing fee applies in many other jurisdictions, including Victoria, Queensland, Western Australia and Tasmania, and it is the budget bill that we will be looking to to establish the mechanism to establish that fee.

WOMEN AT WORK INITIATIVE

The Hon. CARMEL ZOLLO (14:53): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about women at work.

Leave granted.

The Hon. CARMEL ZOLLO: The state Labor government committed in 2010 to developing a campaign to encourage women and girls into non-traditional areas of employment. The minister has spoken before in this place on some of these initiatives. Can the minister provide an update on the Women at Work election commitment?

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 her question. From the outset, I would like to acknowledge the hard work of the Office for Women in pursuing Women at Work initiatives. Its enthusiasm, passion and dedication never cease to amaze me, and I know that it has been supported by the Department of Further Education, Employment, Science and Technology, which has also very much embraced the women at work initiative.

We know that there are often many barriers that women face in taking up non-traditional trades, increasing the retention of women in trades or developing women's leadership skills in these fields. While advances have been made, to date they have been small and we still find that women are very much under-represented in those particular fields. I am very pleased that there are some companies out there that have thought creatively of ways to come up with innovative projects that seek to attract more women into their organisations.

As members will remember, I have spoken before about the first project under the Women at Work initiative, the Powerful Pathways for Women program with ETSA Utilities. Powerful Pathways includes the training of 15 women from the northern suburbs and it began in March 2011. The training program comprises a Certificate II in Women's Education, a Certificate I in Information Technology and a Certificate I in Electrotechnology, and also includes 10 days of practical training at the ETSA Training Centre at Davenport near Port Augusta.

I understand that ETSA will offer suitable applicants an apprenticeship at the completion of training, hopefully putting them on a path towards a successful career in the electrotechnology industry. I am advised that this program will be completed early next month, and I very much look forward to hearing about the success of the program.

I note here that, recently in this place, on 9 June, I stated that I was soon to visit the ETSA participants. In fact, that was incorrect. My scheduled visit was with the participants of the second Women at Work initiative, and I was very pleased last Thursday to visit the participants, both men and women, of the Constructing Roads to a Bright Future initiative. The initiative trains unemployed Aboriginal people in the north in the area of construction.

This state and federal government funded initiative supports seven unemployed Aboriginal women to participate in a 10-week pre-employment program. When I visited there last week, the women were finishing up; they were right at the tail end of the pre-employment part of the program. I understand that, this week, they are working on-site on the Urban Superway Project with the engineering service provider, John Holland Group.

It was wonderful to be able to spend time speaking with the women participants. They seem to have come an extraordinarily long way in only 10 weeks. They expressed to me how much they valued the opportunity to be part of the program and talked very much about how much they had learned and also how much they had enjoyed themselves. They informed me that they had had practical learning as well as technical training opportunities in areas of civil construction with the support of the Mining, Energy and Engineering Academy (MEEA). Perhaps the most exciting thing about this initiative is the potential to gain full-time employment with the John Holland Group.

The women I met with were being mentored and trained as part of the pre-employment program. The program delivers job readiness training, employment opportunities and ongoing mentoring support for participants. I was really pleased to be able to provide some dedicated funding to provide one-on-one mentoring to the female participants, which is a key element in the program. Some of the women have obviously had some very challenging life issues, and I think personal mentoring is a great way to help them regain their confidence and learn new skills.

I was delighted to learn that participants were also given leadership training, education about their rights in the workplace, computer training, resume writing and interview techniques. I am advised that participants will graduate from the Constructing Roads to a Bright Future initiative in July.

The Constructing Roads to a Bright Future initiative is funded and supported by the Department of Education, Employment and Workplace Relations, the Department of Further Education, Employment, Science and Technology, the Office for Women, the John Holland Group and MEEA. I would certainly like to take this opportunity to congratulate MEEA and the John Holland Group for their initiative and leadership in this particular area, and I urge all companies to be inspired by these stories and to think of ways they might be able to encourage greater participation of women in non-traditional trades.

SOUTH AUSTRALIAN VISITOR AND TRAVEL CENTRE

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) (14:59): I table a copy of a ministerial statement relating to the South Australian Visitor and Travel Centre made earlier today in another place by my colleague the Hon. John Rau.

QUESTION TIME

BURNSIDE COUNCIL

The Hon. A. BRESSINGTON (14:59): I seek leave to make a brief explanation before asking the minister representing the Minister for Local Government Relations questions about the investigation into the City of Burnside council.

Leave granted.

The Hon. A. BRESSINGTON: It was with disappointment but not with surprise that I learned of the Supreme Court's recent decision to partially quash the terms of reference for the inquiry into the Burnside city council, known as the MacPherson inquiry. I would not be the first to suggest that neither party to the court proceedings desired the release of the provisional MacPherson report. Many point to the fact that the former minister did not question the plaintiff's standing in the proceedings and opted to oppose by affidavit alone as evidence that this government was reluctant for the report to go public.

Such cynicism was bolstered by the new Minister for State/Local Government Relations, who, at the press conference following the determination, argued against the continuation of the MacPherson inquiry, stating, 'One of the things that will occupy our minds is that the court of public opinion has already disposed of the former Burnside council.' Given that information provided to me suggests that the provisional MacPherson report made numerous findings of suspected criminal conduct by both former councillors and a private citizen, who I am led to believe exerted significant influence over a core group of councillors and staff, the suggestion that not being re-elected is a sufficient penalty is absurd.

While the former minister stated that she would refer any findings of criminal conduct to the Anti-Corruption Branch, this now looks increasingly doubtful, given that the final report is unlikely to contain such findings following the determination of the Supreme Court. Further, given the uncertainty surrounding the future of the MacPherson inquiry, even if findings of suspected criminal activity are reported upon, this will not be for some months, if not longer. For these reasons, it is argued by some that the provisional report should be referred to the Anti-Corruption Branch posthaste so that those who did engage in corruption and offended against their positions can be held accountable for their conduct. My questions are:

1. If some or all of the findings of suspected criminal conduct in the provisional MacPherson report now fall outside the limited terms of reference and are subsequently not included in the final report, how can the minister refer these findings to the police, as suggested?

2. Is Mr MacPherson legally prevented by the suppression order, or otherwise, from referring his preliminary findings of suspected criminal conduct to the Anti-Corruption Branch for investigation and possible prosecution?

3. If not, has the government instructed Mr MacPherson not to refer his findings?

4. If not, will the government now encourage Mr MacPherson to refer his provisional report to the Anti-Corruption Branch?

5. Why must residents of Burnside council wait for the minister to sort out the mess that is the terms of reference before those who offended whilst in office are brought to justice?

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): Indeed, I have put on the record in this place before that the government will not be making any final statements on this inquiry until all matters are resolved before the courts. The matters are not fully resolved at this point, and therefore the minister (Hon. Patrick Conlon) has made it very clear that he will not be making any final public statements or comments about the court findings until all matters before the court are fully resolved.

I understand that the last elements of that are still before the court (I think we are waiting on a decision), so we hope that all matters will be fully resolved soon and then public statements will ensue. In the meantime, I am happy to pass on the honourable member's questions to the minister in another place and bring back a response.

MINING DEVELOPMENT

The Hon. P. HOLLOWAY (15:04): I seek leave to make a brief explanation before asking the Minister for Regional Development a question.

Leave granted.

The Hon. P. HOLLOWAY: As the council would have heard me saying in the past, South Australia has great advantages due to its particular geology. This means that there is considerable interest from mining companies about how they can capitalise on our mineral resources through exploration and the development of mines. There are a number of sites of interest across the state but, of course, it is the centre of our state, the Gawler Craton, which is a particular focus for this sort of activity. My question is: will the minister update the council on assistance to local communities to build the capability to participate in mining developments?

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) (15:05): I thank the honourable member for his question and his legendary impact on this most important area. Indeed, it is an exciting time for South Australia. The government has recognised that and committed to assist the communities to capitalise on these developments through the creation of the Upper Spencer Gulf and Outback Enterprise Zone Fund.

The benefits that communities hope to reap obviously include employment of people living in the area. The obvious labour pool for companies looking to expand their activity in the central and northern areas of our state is the Indigenous workforce, and I understand that some companies are already working with Aboriginal communities to facilitate employment participation. It can be difficult to make the change from unemployment to a world of work, and those changes can be very challenging. I am therefore pleased to announce today that I have approved a grant of $60,000 to the Port Augusta city council for a pilot project to mentor and assist Indigenous employees in the mining and resource sector.

The mentoring project aims to provide off-site assistance to Indigenous mining employees through working with them to manage some of the issues they face and helping to build the skills they need to deal with financial management, organisation of transport and accommodation. This one-year pilot project will seek to decrease welfare dependency through increased employment, to encourage workforce participation and to provide positive local economic stimulus through employment of local people. Importantly, it is hoped that the mining companies will more actively seek to recruit Indigenous workers as they will be ensured that a mentor would be able to provide assistance.

In addition, other benefits that may flow from the mentoring project are the reinforcing of positive role models for the community, increased economic independence and security for employees. The proponents of the proposal hope to make the mentoring a continuing feature by training employees to themselves act as mentors and examples for other Indigenous employees entering the mining industry. I am advised that the project will call on expertise from the

Port Augusta City Council, the federal Department of Families, Housing, Community Services and Indigenous Affairs and also Regional Development Australia Far North to help guide the mentor.

Port Augusta, as members may be aware, is well suited to provide skills and labour to the Upper Spencer Gulf and the Far North and employees for the mining industry. In addition to being an established population centre with an industrial base, it is an important centre for Indigenous communities from the north of the state. It is envisaged that the mentoring service, while based at Port Augusta, will provide services to residents in other centres such as Quorn and Hawker and have a capacity to extend services to areas further north, helping to bridge the gap between a mine site and an employee's home environment.

The Enterprise Zone Fund was established as a $4 million rolling fund available over four years aimed at recapturing the benefits of growing industries to further strengthen Upper Spencer Gulf and outback communities. The Enterprise Zone Fund, which is a competitive fund, can provide up to 50 per cent of funding for eligible project costs to develop community capacity and regional development. Eligible projects may come from a wide range of industry areas for projects that make a major impact by capitalising on existing competitive advantages or change competitive advantages in their favour.

To access the fund, eligible organisations including local government and outback regions, businesses and industry associations need to lodge their application with DTED, which carefully examines the proposals to ensure that they meet the guidelines and assessment criteria and contribute to the implementation of key strategic objectives such as those identified by South Australia's Strategic Plan and the Regional Development Australia Regional Roadmap. Potential applicants can access the guidelines and obtain further information to assist them by accessing the southaustralia.biz website.

URANIUM EXPORTS

The Hon. M. PARNELL (15:10): I seek leave to make a brief explanation before asking the Minister for Regional Development, representing the Minister for Mineral Resources Development, a question about uranium exports to Japan.

Leave granted.

The Hon. M. PARNELL: The Fukushima nuclear disaster has resulted in the evacuation of a vast area and thousands of people within a 20-kilometre radius of the crippled power plant. It has resulted in leaks of radiation to the marine environment and to the atmosphere. It has resulted in elevated radiation levels in drinking water, vegetables and fish, making them unfit for human consumption. We know that the Tokyo Electric Power Company, the operator of the Fukushima nuclear plant, has been a buyer of South Australian uranium for many years. My questions are:

1. How much South Australian uranium from Olympic Dam has been exported to Japan and used in the Fukushima nuclear reactor?

2. What assurance can the minister give that the radiation that has escaped, and is still escaping, from the plant and contaminating the environment is not from South Australian uranium?

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) (15:11): I thank the honourable member for his questions and will refer those to the relevant minister in another place and bring back a response.

ENVIRONMENT AND NATURAL RESOURCES DEPARTMENT

The Hon. J.S.L. DAWKINS (15:11): I seek leave to make a brief explanation before asking the Leader of the Government representing the Minister for Environment and Conservation a question about the Department of Environment and Natural Resources budget cuts impacting on Friends of Parks volunteers.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that an increasing number of concerns are being expressed by Friends of Parks groups about a decline in the availability of liaison rangers and the continuing reduction in district budgets. The groups are well aware that the government is imposing serious budget restrictions across the board and that DENR is by no means exempt. It

has been their clear understanding, however, that national park regional services and on-ground ranger resources would be quarantined from such cuts. This assurance apparently came two years ago from the then minister.

They now understand that voluntary separation packages have been offered to, and accepted by, a number of rangers, many with significant experience. Staffing and budget reductions are imposing more demands on Friends of Parks groups and their volunteers and in some cases are requiring groups to fund materials previously supplied by the agency. There has also not been any great improvement in on-ground resourcing flowing from the integration process with NRM boards.

This is all in a context where DENR is seeking to formulate a number of far-reaching strategies, including a visitor strategy, Linking Adelaide with Nature and NatureLinks, that will impose further resource requirements upon regional staff. I am advised that Friends of Parks groups are becoming increasingly disillusioned about the situation. My questions are:

1. Will the minister ensure that the commitment made by his predecessor that national park regional services and on-ground ranger resources will be quarantined from funding cuts will be met?

2. Will he also recognise the unique and valuable work that Friends of Parks groups dedicate to parks across South Australia by ensuring that departmental budget cuts do not impact adversely on those extraordinary volunteers?

3. Will the minister also explain what the reference to cooperative management arrangements for the Flinders Ranges, Gawler Ranges and Lake Gairdner national parks in this year's budget statement targets actually means?

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) (15:14): I thank the honourable member for his important questions and will refer those to the Minister for Environment and Conservation in another place and bring back a response.

CONSUMER PROTECTION

The Hon. I.K. HUNTER (15:14): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about protecting children from unsafe products in the marketplace.

Leave granted.

The Hon. I.K. HUNTER: The Office of Consumer and Business Affairs oversees the protection of consumers by ensuring compliance with relevant laws, by monitoring business activities that affect consumers and investigating practices that may adversely affect the interests of consumers generally or a particular class of consumers. Minister, will you advise the chamber of any recent investigations by Consumer and Business Affairs into unsafe products in the marketplace?

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) (15:14): I thank the honourable member for his important question. Earlier this year, Consumer and Business Affairs initiated a wide-scale product safety monitoring program. The program focused on the national mandatory safety standard for projectile toys and the permanent ban on undeclared knives or cutters in art, craft or stationery sets.

With the implementation of the Australian Consumer Law on 1 January 2011, these two regulations are now enforced by CBA's product safety unit. I am advised that CBA staff in Adelaide, together with staff from regional offices, inspected a variety of stores in Whyalla, Port Pirie, Port Augusta, Renmark, Berri, Mount Gambier and also throughout the metropolitan area. A total of 57 stores and 113 products were inspected to ensure goods complied with the safety regulations.

Children's projectile toys are products which are designed or clearly intended for use in play by children and which are capable of launching small parts. Projectile toys come in a variety of forms. Things like, obviously, dart sets, bow and arrow sets and guns are some of the most popular. A total of 33 projectile toys were examined and I am very pleased to advise that they were all found to be compliant with the mandatory safety standard requirements.

These include those projectiles having things like suction-capped tips. The tip must not be small enough to fit into the small parts test cylinder, which is the size of, if you like, the windpipe of a young child under the age of three. The products must display prominent safety warning labels on packaging. The mandatory safety standard is enforced to protect children, obviously, from choking on different parts of the projectiles, such as darts.

I am also advised that the CBA inspectors carried out checks on 80 art, craft and stationery sets to ensure that none contained undeclared knives or cutters. On 1 February 2011, a ban covering these items was converted from an interim ban to a permanent ban. The ban ensures that adults who purchase art, craft or stationery sets for children are alerted to the presence of knives or cutters. It also prevents these arts and craft toys from being unknowingly given to children who might be too young to use these implements safely.

The declaration of the presence of a knife or cutter must be easily legible and prominently displayed on the package. I am very pleased to advise that all sets inspected by the CBA officers complied with the ban. Traders found supplying goods which do not meet mandatory safety standards or which are subject to a ban may face penalties of up to $1.1 million for bodies corporate or $220,000 for an individual.

Offences may also be expiated with a fine of $1,200 applying to each offence. Although the results of these investigations were obviously very pleasing, I can assure you that CBA are committed to continuing the monitoring of product safety in South Australia as part of their commitment to protecting South Australian consumers from unsafe goods and unsafe product-related services.

LABOR PARTY LEADERSHIP

The Hon. R.L. BROKENSHIRE (15:19): I seek leave to make a brief explanation before asking the Leader of the Government a question about government direction.

Leave granted.

The Hon. R.L. BROKENSHIRE: Again, in recent days, we have seen comments by a government backbencher concerned about the direction of the government. Interestingly, recently, at a restaurant I was having lunch at on Sunday, I saw two ministers—one unaligned and one from the left—and one backbencher at what appeared to be a strategy meeting for a change of leader. My questions to the minister are:

1. How many ministers from the left will be forced to resign to make way for restless, left faction backbenchers?

2. Does the minister agree with the Premier that he will remain leader until the next election?

3. Given that government infighting is now having an enormous impact on state confidence, as Leader of the Government in the Legislative Council will the minister facilitate a leadership spill to sort out the matter of who will be premier this week?

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) (15:20): This beggars belief, Mr President. Currently, this government has an extremely good leader, so there are no leadership vacancies at this point in time. We already have a leader, and that position is held by an extremely clever, capable person who has an incredible track record in terms of the most amazing contributions to this state. There are no leadership vacancies at this point in time. We have a very good leader in place—

The Hon. R.L. Brokenshire interjecting:

The Hon. G.E. GAGO: I cannot believe that the honourable member has so little to do with his time that he can sit there and conjure up some sort of conspiracy theory when he happens to see a couple of ALP colleagues having lunch. It beggars belief that he constructs some sort of master overthrow plan by simply observing a couple of mates having lunch together. The honourable member should have more, and better, things to do with his time.

MINISTERIAL OFFICES

The Hon. R.I. LUCAS (15:22): I seek leave to make an explanation before asking the Leader of the Government a question on the subject of answers to questions.

Leave granted.

The Hon. R.I. LUCAS: On 8 June this year I asked a question of the minister in relation to the former ministerial office of the Hon. Bernard Finnigan, as well as questions in relation to the Chief of Staff to the Premier, Mr Nick Alexandrides. My questions related to whether or not the Hon. Bernard Finnigan's office—and we welcome the Hon. Bernard Finnigan back to the chamber, at least briefly, this afternoon—was still being maintained as a ministerial office and, if so, why. Also, if it were still being maintained as a ministerial office, what costs were being incurred, how many staff were employed there, and what were the costs to taxpayers of maintaining the office of the Hon. Bernard Finnigan? The minister's reply was (as always, resorting to personal abuse):

As we know, the Hon. Rob Lucas is notorious in this place for besmirching the names and reputations of good people, people who we know are not able to come to this place and give an answer.

An honourable member: He's here.

The Hon. R.I. LUCAS: Exactly right; the Hon. Mr Finnigan is here now, but he was not here on that occasion on 8 June. On 18 May this year I asked the Leader of the Government a question about whether the former leader of the government in this chamber (Hon. Bernard Finnigan) had received professional media training since the March 2010 election and, if so, what was the cost and what particular agency had paid for that media training. Again, there was personal abuse from the minister while she took the question on notice.

Given that these questions have now been raised for over two months, in relation to the former leader (Hon. Bernard Finnigan) and costs to taxpayers, can the minister now provide answers to the questions I put to her in both May and June on those particular issues?

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) (15:24): I thank the member for his questions. As I have done previously in this place, I have agreed to take those questions on notice to provide the details that he has asked for and to bring back a response.

Members interjecting:

The Hon. G.E. GAGO: It takes as long as it takes, because we know the fishing expeditions that the opposition goes on, and we know it is taxpayers' money also for the hours and hours spent putting together the responses to the questions asked in this place. I made it very clear in this place earlier on that, in relation to the despicable innuendo that he raised around the honourable Nick Alexandrides—

The Hon. R.I. Lucas: He has never been honourable and he never will be!

The Hon. G.E. GAGO: He is indeed an honourable man. It is with great pleasure that I call Nick Alexandrides an honourable man, because indeed he is, and it was to him that I was referring the difficulty of having staff members come into this place and answering those questions. The honourable member knows that I was referring my questions to him, but as always I did distinguish it. If the honourable member goes back and reads all of the response, he will see that I clarified the response around my comments regarding Mr Nick Alexandrides. Again, the honourable member comes into this place and makes things up as he goes along.

The Hon. R.I. Lucas: I just read your words out.

The Hon. G.E. GAGO: Absolute nonsense. You did not read all my words out. He failed to read out all my words. If he goes back he will see that I did qualify those responses. So, we can see how dishonest he is in this place, how he distorts the truth and how he simply then fills in the gaps with nonsense; he just makes things up as he goes along.

We have seen that happen in this place and, as I said, he is notorious for that sort of quite despicable behaviour. Nevertheless, they are the lengths to which he chooses to stoop, and so be it. I will call it every time I see it in this place. I will call it for exactly what it is: it is despicable, low-grade behaviour, and I will call it every time. Every time he reduces himself to that unbecoming and unfair behaviour I will call it, and it is with great pleasure that I will do so.

Previously in this place I qualified that in relation to the office I did answer the part of the question that I had information on, and I did put on the record in this place that, in relation to the gambling responsibilities, which are now my responsibilities, in fact there were ministerial advisory

staff who were formerly part of the Hon. Bernard Finnigan's staff and who were offering me support and services, so they were still working; they were still doing the jobs they were employed to do.

I was given additional responsibilities, Mr President, as you know. Not only do I have all of my other former responsibilities, but I was given the additional responsibilities of not only gambling but also leader of this house. Therefore, I am entitled to and I should have additional resources to support me in those responsibilities. So it is that the gambling resources that were part of the former minister's office are now supporting me.

They continue to provide me with support and advice. They assist with correspondence and they provide me with a great deal of advice, so they are doing the job that they were employed to do, and they continue to do it really well. I put on the record in this place that my office was already full to capacity and that I had no room in my office to situate any new officers, so I was not able to accommodate any of those gambling resources. They were physically not able to fit in my office.

It is not an option that they move into my office, so they need to stay where they are for the time being. The only other option I had was to take out additional lease arrangements for the building so that I had additional space. As I have said in this place before, this government has given a commitment that it seeks to fill that second ministerial position as quickly as possible, so I think it would be most foolish for me to be taking out what are often long-term leases when in fact I see that the arrangements around the second minister are only temporary.

So, I have answered that question. I have put that information back on the record today. There is still no room in my office to facilitate those hardworking staff. They are hardworking staff who have continued to do the job that they were employed to do and provide support and assistance.

ANSWERS TO QUESTIONS

ADELAIDE FESTIVAL CENTRE

In reply to the **Hon. T.J. STEPHENS** (30 June 2010).

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): The Minister Assisting the Premier in the Arts has advised:

2. There is no risk to public safety or staff working at the Adelaide Festival Centre and the Metropolitan Fire Service reviewed the existing fire system on 8 July 2010.

In relation to the areas identified in the report as requiring upgrade to align with the current code, Adelaide Festival Centre has advised that the necessary upgrades will be addressed during routine maintenance and during major redevelopment works.

3. As the Adelaide Festival Centre has promptly taken corrective measures to address the areas highlighted in the report and the Adelaide Festival Centre is safe, no disciplinary action will be taken by the Office of the Liquor and Gambling Commissioner.

METHADONE TREATMENT PROGRAMS

In reply to the **Hon. D.G.E. HOOD** (22 July 2010).

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): The Minister for Health has advised:

1. As at 2 August 2010, the number of opioid pharmacotherapy patients was 3,233.

2. South Australian programs have been subjected to randomised controlled trials and other clinical investigations, such as the 2005 Australian Treatment Outcomes Study. This study showed that 12 months after participants entered substitution treatment, 65 per cent had not used heroin in the previous month.

3. Approximately 24 per cent of the Drug and Alcohol Services South Australia budget is allocated to rehabilitation interventions, including substitution treatment for opioid dependence.

4. South Australian policy and programs already assist individuals to recover from drug use, with one program being the pharmacotherapy program that includes abstinence as a long term goal.

WOMEN'S HONOUR ROLL

In reply to the **Hon. J.M.A. LENSINK** (14 September 2010).

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): I am advised:

The 2008 South Australian Women's Honour Roll was implemented by the previous Minister for the Status of Women and the cost came to $21,736.

As current Minister for the Status of Women I was responsible for further developing the South Australian Women's Honour Roll in 2009. The cost was $11,695. The Office for Women plays an invaluable role in organising, administering and promoting the Honour Roll. These staff hours are not captured in this costing.

PORT AUGUSTA AND DAVENPORT ABORIGINAL COMMUNITIES

In reply to the **Hon. T.J. STEPHENS** (28 September 2010).

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): The Minister for Aboriginal Affairs and Reconciliation has advised:

There is a Memorandum of Understanding in place which requires the SA Water Corporation to take care and control of the operations and maintenance of water services infrastructure in Davenport.

The Department of the Premier and Cabinet's Aboriginal Affairs and Reconciliation Division (DPC-AARD) is the program manager for works carried out at Davenport and has the responsibility of allocating operations and maintenance funds to SA Water.

An Essential Services Reporting Officer (ESRO) is to notify Essential Services when problems arise. Funding is available to the Community for employment of such a person; however, DPC-AARD has had difficulty engaging a new ESRO for Davenport Community and continues to attempt to recruit an officer. The inappropriate disposal of foreign objects (for example, clothing and rocks) is frequently the cause of blockages. To assist with this problem DPC-AARD has prioritised the purchase of a macerator.

DPC-AARD's responsibility for infrastructure services is defined, with the responsibility ending at the property boundary, as is the case for all primary infrastructure providers (i.e. water, power and wastewater).

Mr Lew Owens provided his Report on Port Augusta to the Minister for Aboriginal Affairs and Reconciliation.

Mr Owens made special mention of the high level of dedication and commitment among service delivery staff and others involved in public service in Port Augusta. Mr Owens noted the high number of dedicated programs that are currently funded and operate in Port Augusta. He also commented favourably on the standard of facilities and services available in Port Augusta as compared with other regional centres. These include services for youth, women, those experiencing family violence, drug misuse, sporting facilities, etc.

However, Mr Owens raised a number of issues which could usefully benefit from improved local responsiveness, coordination and delivery of services in Davenport and the greater Port Augusta area.

The recommendations are currently being considered, at the highest level, across all government departments. A specific place-based Initiative is being developed for Port Augusta to improve coordination and improve service delivery.

STATUTES AMENDMENT (LAND HOLDING ENTITIES AND TAX AVOIDANCE SCHEMES) BILL

Adjourned debate on second reading.

(Continued from 19 May 2011.)

The Hon. R.I. LUCAS (15:31): I rise on behalf of Liberal members to support the second reading of the Statutes Amendment (Land Holding Entities and Tax Avoidance Schemes) Bill. The member for Davenport at length in the House of Assembly on 17 May put forward the Liberal Party's position and I do not propose in this chamber, given what has occurred since then, to repeat at length the Liberal Party's position. Suffice to say that I intend to summarise, in part, the party's position and then raise another issue and submission that the party has received since the passage in the House of Assembly and as recently as today.

In summary, this measure was a budget measure announced in September of last year, and for some reason it has taken until May of this year for the government to introduce the tax measure. The normal course of events, as we will see with this year's budget, is that the Appropriation Bill is introduced and there is a statutes amendment or tax amending piece of legislation which is introduced concurrently with the budget, and we will see that with the statutes amendment bill in the current Appropriation Bill debate.

That is the normal course of events, but in this case, for some reason, and it is for the government to put on the record and I put the question to the government to indicate why it has taken so long to introduce what in fact, as I said, was a budget measure from September of last year. While it has been dressed up as tax reform, this is a significant tax grab. There is at least a conservative estimate of an extra $20 million a year being gathered by state Treasury if this legislation goes through in the form that it is here at the moment.

As always with these things, that is a conservative estimate from Treasury. As the member for Davenport highlighted in the House of Assembly, it will be worthwhile monitoring the tax revenues from this particular measure should it be implemented because it would not be surprising if in future years we see that it has gathered much more than the conservative estimate of $20 million a year. The government's second reading indicates that this is intended to protect the revenue duty base from leakage caused by taxpayers purchasing land indirectly through companies and unit trusts rather than directly. The government argues that it is targeting contrived schemes entered into to avoid paying tax.

We are also advised that the general approach that is being adopted in South Australia is being adopted in most of the other jurisdictions as well. In this proposed legislation, we are moving from what in revenue parlance is known as the land-rich model to the landholder model. We are told that our bill is modelled significantly on the New South Wales provisions, but we have also been advised by Treasury that those similar provisions—not exactly the same, but similar—already operate in New South Wales, Western Australia, the Northern Territory and the Australian Capital Territory. We are also advised that both Queensland and Victoria in their most recent budgets have announced also that they are moving to this landholder model. South Australia, of course, is moving to the landholder model as well. So, virtually all state and territory jurisdictions, we are now advised, are moving down this general course in relation to these particular difficult issues relating to stamp duty.

I am the first to acknowledge that for probably close to 20 years we have been trying to plug the leaks and loopholes in state stamp duty law. As one particular leak or loophole is plugged, innovative, clever lawyers and tax accountants devise schemes and methods to exploit state duty law to minimise to the extent that is legally possible the amount of stamp duty paid. So, it is a never-ending task and, as I said, in all my time in the parliament, various treasurers, governments and treasuries have sought to plug the leaks and loopholes. This government is no different, and I suspect that the government elected after 2014 will equally be seeking to plug leaks and loopholes in the state stamp duty law, even though we are now supposedly moving down a course of action which will make that task a little easier than it used to be.

The member for Davenport in the house read at length from a couple of submissions from the Law Council of Australia: Business Law Section, the Property Council of Australia and I think also from the Farmers Federation. I do not propose to repeat all of the arguments that the member for Davenport raised there. What occurred as a result of that was that the government, between the houses, looked at the quite detailed, specific criticism that had been made of the government's bill. Credit to, firstly, the member for Davenport but also to those particular bodies to which I have referred that took the time and effort to make comprehensive and significant submissions to the opposition and to the government on what is a complicated piece of legislation.

As a result of that, we have seen various significant amendments tabled in our council by the minister on behalf of the government, some two or three pages of amendments. The member for Davenport took those amendments to our party room yesterday, and we believe that they have improved the legislation. They are significant changes, and I have some general questions to follow on from those but, in general, we indicate the Liberal Party's support for the amendments that the government is introducing.

What we do ask is: what impact, if any, is there on the Treasury's estimate of revenue to be collected under the bill; that is, with these amendments going in, is the revenue estimate of $20 million going to be impacted in any way by the amendments that are about to be moved to the legislation?

The second general point I raise is: can the minister's advisers advise this house which of the significant issues raised by the Property Council and the Law Council (I will leave the Farmers Federation for a moment, because I have a separate submission) have not been agreed by the government, on further reflection, and can the minister indicate, through his officers, the reasons why the government has decided that it cannot agree to the criticisms and further suggestions for change?

The PRESIDENT: Order! I remind the cameraman that it is only the people who are on their feet and speaking you can train your camera on; otherwise, you will be escorted out of the chamber. The Hon. Mr Lucas; I am sorry for the interruption.

The Hon. R.I. LUCAS: I thank you for your assistance in trying to get me on television tonight, Mr President, seeing as how I am the only one speaking.

The PRESIDENT: You could be the next George Clooney!

The Hon. R.I. LUCAS: I don't think so, Mr President; it's not something I currently aspire to, let me assure you.

The PRESIDENT: Jerry Lewis?

The Hon. R.I. LUCAS: In summary, can the minister and his advisers indicate with which significant parts of their submissions the government does not agree and the reasons why the government believes it cannot agree to the changes? In particular, does the government believe that some of those suggestions may well create unforeseen problems and, if they do, what the unforeseen problems are? If the Liberal Party, for example, wanted to move further amendments in relation to some of those submissions, rather than doing that at this stage, we are interested to hear the government's reasons why it has rejected them. It may well be that the Liberal Party's view is that we agree with the government's position but, unless we hear the government's argument, that makes it impossible for us.

The third group which had some involvement in this is the South Australian Farmers Federation. As I indicated at the outset, the member for Davenport popped in to see me just before question time today and indicated that he had only just received a letter dated 20 June (yesterday) from the South Australian Farmers Federation. Given the late arrival of this letter and given the government's desire to progress the debate on this bill, I have not had the opportunity to fully consider the Farmers Federation's submissions and to talk to the federation about them or, indeed, to talk to the member for Davenport about them.

Therefore, the only way in which we can assist, I guess, the government's desire to progress the debate on this bill, given that it was its No. 1 priority for today, is that I propose to read the Farmers Federation's submission to the member for Davenport into the *Hansard* record and indicate that we seek from the government its response to the Farmers Federation. I propose that it is important for all non-government members, I would have thought, who are interested in this bill to receive the government's response to this well prior to our continuing debate on the bill, if I can just flag that.

Given the complicated nature of this, it is not going to be sufficient to have the minister stand at the second reading to read the reply, which obviously she will need to do, and then expect non-government members to be able to move immediately into the committee stage and consider the rest of the bill. What will need to occur on this occasion, following my having raised the issues today, is that the very competent Treasury officers should be able to provide some time tomorrow by way of email through the minister's office, hopefully, or the Treasurer's office to non-government members the government's responses to this issue and the earlier questions that I have raised

and, that way, we may well be in a position on Thursday to progress to the committee stage of the debate.

Even then, this is an extraordinarily truncated process, but we understand that the government wishes to progress this bill as far as it can this week and, to the extent that that is possible, we will certainly seek to assist. However, if there are significant issues that are now being raised by the Farmers Federation even after considering the government amendments that might require further amendment, then that is a potential impediment to the passage of the bill even by Thursday of this week. However, let us cross that bridge if and when we come to it. The letter from the Farmers Federation to the shadow treasurer is as follows:

The South Australian Farmers Federation (SAFF) has been provided with a copy of the amendments to the Statutes Amendment (Landholding Entities and Tax Avoidance Schemes) Bill 2011 that were filed in the Legislative Council on 9 June 2011.

On examining these amendments, SAFF has the following comments:

1. The Bill proposes to insert a new Part 6A into the *Taxation Administration Act*. This deals with tax avoidance schemes.

Under the terms of this Act, tax can be recovered from any party to a transaction. However, in many transactions the agreement between the parties will provide that stamp duty is payable by a particular party who is required to indemnify the other parties that would otherwise have a liability.

For example, in most contracts for the sale of land, the contract will provide that the purchaser is required to pay stamp duty. In such a contract, even though all parties to the transaction may be liable for stamp duty, it is the purchaser that pays it.

While Part 6A should take this into account, a provision should be inserted to the effect that if a party to a transaction assumes a liability to pay stamp duty and indemnify other parties accordingly (such as the case with a land contract), then it is the party that has assumed liability to pay land tax that should be required to pay any additional land tax under clause 40B.

For example, section 40G provides that a person is liable to pay tax avoided by the person as a result of a tax avoidance scheme, whether or not the person entered into, made or carried out the relevant tax avoidance scheme.

Section 40D(2) goes on to provide that a person is not liable to pay an amount of tax avoided by the person as a result of a tax avoidance scheme if the Commissioner is satisfied that it would be '*unfair'* to impose a liability in the circumstances of the particular case.

This carve out should be expanded to make it clear that if under a transaction Party A does not have a liability to pay tax, but party B does, then the Commissioner should be satisfied that it would be unfair to impose a liability for tax on Party A.

2. Section 31 of the *Taxation Administration Act* provides that in the case of a deliberate tax default the amount of penalty tax payable is 75 per cent of the unpaid tax.

There may be many situations in which a taxpayer seeks professional advice regarding a transaction. That advice may set out a reasonably arguable position to the effect that the particular transaction is not a tax avoidance scheme. Where a taxpayer has sought and received professional advice and the taxpayer has a reasonably arguable position which is not frivolous, then a deliberate tax default should not be taken to have occurred.

In other words, there should be no additional penalty beyond the amount of tax assessed where the taxpayer has a reasonably arguable position.

3. A new proposed section 102A(8) has been added in so that the Commissioner may, if the Commissioner considers it to be fair and reasonable, exclude specific goods or a class of goods from the calculation of duty under this section. The new subsection 9 allows the Commissioner to exclude certain goods from the value calculation in certain circumstances although it is not clear when those circumstances will arise. In other words, when will the Commissioner consider it to be 'fair and reasonable to do so'?

4. The definition of goods does not include goods held or used in connection with the business of primary production. Therefore, in the context of a transfer of an interest in an entity which owns farming assets all goods including plant and equipment and implements used in the business of farming will be excluded.

The Legislative Council amendment relates to section 92 'Land Assets'. Section 92 defines a land asset which means an interest in land in South Australia and is taken to include an interest in anything fixed to the land. Various objections were made previously about this definition because it was possible to have an asset fixed to the land (such as a wind farm turbine) which would ordinarily be owned by a wind farm operator and should not be included as part of the land.

This problem has been overcome by the addition of a new subsection 5 whereby where the Commissioner is satisfied that there was no arrangement in place to avoid duty and an item was separately owned from the land the commission can determine that the entity's interest will not be taken to include the interest in the item.

Therefore in the case of a wind farm the turbines and other plant installed by the wind farm operator which are separately owned from the land would not include it in the land asset value. However, it will be necessary to

satisfy the Commissioner that the separation of the ownership of plant in this way is not part of an arrangement to avoid duty and in the normal course it would not be.

It is noted that in section 5(b) that an entity's interest in land will not be taken to include an interest in an item which is owned by another entity unless the land owning entity and the entity which owns the other item are related. This prevents an arrangement being entered into whereby land and items on the land are owned by separate but related entities.

It is recommended that section 92 be further amended to specifically refer to wind farm assets as specifically not to be included in a relevant entity's interest in land together with mining assets or the assets of any other entity conducting non-farming business operations on the land by virtue of a lease or licence agreement on arms length terms.

I seek your support for clarification on these issues.

Yours sincerely, Carol Vincent, Chief Executive

—of the South Australian Farmers Federation. I note that copies of that letter have been sent to the Hon. Robert Brokenshire, the Hon. John Darley, and the Hon. Jack Snelling as the Treasurer. So the Treasurer and his advisers should have copies of that letter already.

So, Madam Acting President, with that I conclude the second reading contribution. As I said, again, on the basis that we have not had the opportunity to even fully read or consider that particular submission from the Farmers Federation, we express no view as the Liberal Party about it at this stage, other than clearly they have been a party interested and involved in this particular legislation as it has passed through both houses, and it therefore merits consideration by the government and, as I said, a response from the government to all non-government members prior to other non-government members being in a position to progress to the committee stage of the debate.

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) (15:52): I understand that there are no further contributions to the second reading stage of this bill, and by way of brief concluding remarks I would just like to reiterate that this bill replaces the land-rich provisions contained in part 4 of the Stamp Duties Act 1923 and the landholder provisions as announced in the 2010 state budget and that transitional provisions provide that agreements entered into prior to 1 July 2011 but completed on or after that date will be dealt with under the existing land-rich provisions. The bill is a highly technical one, and a number of questions have been asked by the Hon. Rob Lucas during his second reading contribution. I look forward to the assistance of advisers to provide a response to those questions during clause 1 of the committee stage.

Bill read a second time.

In committee.

The Hon. G.E. GAGO: I have been advised that, in fact, we are not able to provide full responses to the questions raised by the Hon. Rob Lucas. So, rather than deal with the responses in a piecemeal way, I believe it is probably in all of our interests that officers go away, consider the information and bring back detailed responses. In light of that, I move that we report progress.

Progress reported; committee to sit again.

ADELAIDE OVAL REDEVELOPMENT AND MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 9 June 2011.)

The Hon. R.I. LUCAS (15:58): I rise to speak to the second reading of the bill. Obviously, this has been and, I am sure, will continue to be not only a controversial piece of legislation but a controversial project and issue for many years hence. Whilst the legislation is more than likely to pass in some form or other during this current sitting, it will, nevertheless, as I said, not end the debate on this and many other related issues.

At the outset, I want to put on the record my linkages and biases in relation to this debate. The varying perspectives that speakers in another place came from were interesting, and knowing some of their background, I think it is important to know my background in terms of my contribution to the debate.

Let me say I am a passionate and unabashed supporter of the West Adelaide Football Club in the South Australian National Football League. I am a minority in South Australia in that I actually support a Victorian-based AFL team, St Kilda, as a result of my father's love and passion for the St Kilda Football Club. If forced to choose between South Australian-based AFL clubs, my preference by a long way is for the Adelaide Crows over Port Power.

Having been a passionate West Adelaide supporter, I am almost required to despise, detest or hate anything to do with Port Adelaide, whether that be the Magpies in the South Australian National Football League or Port Power in the Australian Football League. I am a great sports lover, all sorts of sports. I love football and cricket but, if given a choice, my preference would lie with football ahead of cricket, although over the years I have spent many hours watching cricket either live or on television, an indication of my ongoing love for cricket as a sport as well.

Finally, I guess I am, and have been, more comfortable mixing with the people I know well from football than cricket, not just because only very recently a former parliamentary colleague of mine, John Olsen, has been associated with South Australian football. For decades before that I more comfortably mixed with the David Shipways of this world, the Dion McCaffries and the Max Basheers than perhaps I did with the Ian McLachlans and the John Bannons of the South Australian Cricket Association. With that, I guess I lay on the record from where I come.

In the later part of my contribution I want to look at the impact of this project and deal with—because it is not just a project: it is a debate about—football and cricket. I guess the dominant headlines have been about football and the future of football, not just at the elite level—which, of course, is of interest to those who support the elite competition, the AFL—but also for those of us who are passionate about the South Australian National Football League, country and suburban football and the impact this particular deal. This project, this bill, will have ramifications for up to 80 years on the future of football.

I support, and the Liberal Party supports, football in the city. I will not go through all the gory detail of it, but for some period of time the Liberal Party has championed the cause of football in the city. In the early days that was not supported by the current government and its key ministers, or by the South Australian National Football League and key figures within football in South Australia. However, that was a view adopted by various Liberal leaders and the Liberal Party for a period of time.

Our preferred option is well known. We believe that a world-class stadium, with a roof, in the City West area or the railyards area, is the best solution. I might interpose here, because it has become a common distortion by government ministers over the last 12 months, that the Liberal Party proposition did not include 13,000 car parks, as the Premier loves to tweet on occasion.

An honourable member interjecting:

The Hon. R.I. LUCAS: In that particular case it is just not correct. The 13,000 car park estimate was in relation to the whole Riverbank development, including the possible move of the Casino, new hotels and other developments that had been flagged over a long period of time for the Riverbank precinct under the Liberal Party plan. The particular proposal we had costed had car parking for about 5,000 cars, not 13,000 as the Premier continues to distort.

The brutal reality is that we did not win the election. We accept that; the people of South Australia decided to re-elect this government, albeit with a minority vote—but that is another debate. So, what we are confronted with is a debate about the expenditure of probably about $600 million of taxpayers' money, $535 million in this specific area of the project but with related developments—such as the bridge and car parking, etc.—it is likely to be closer to $600 million.

If you spend $600 million on any facility, even if it is not plan A and it is plan B, there is no doubt that the facilities for the customers who will attend will have to be much improved on the facilities that exist at the moment. It would have to be the most incompetent government ever to have a situation where, having spent almost $600 million of taxpayers' money, we would not see a project with significantly improved facilities for the customers who attend that venue.

There is no doubt that, with football in the city, there will be important flow-on benefits to the local economy of the central business district of Adelaide. That is one of the reasons why the Liberal Party, as I said, championed the cause of football in the city, albeit at the rail yards site. In respect of the issues we have raised and will continue to raise, at least from my viewpoint, I acknowledge that, if and when this project is completed (with $600 million of taxpayers' money

spent on it), it is going to provide significantly improved facilities and benefits for football and cricket watchers at Adelaide Oval. There will be a buzz about football in the city.

There is nothing inconsistent, as some ministers have sought to argue, with the position that we have adopted that our preference was another site. It is not inconsistent to argue that even though this is plan B and in our view it is not the best option, it is still going to be a significant improvement for visitors to the Adelaide Oval precinct after the development is concluded.

Our view was that we could still have the buzz with a covered stadium in the city and protect what we believe is a beautiful cricket ground at the moment—not a stadium, a beautiful cricket ground, an iconic venue—and we could have had the best of both worlds. As I said, we lost the election and that is not capable of being implemented, so we now move to this particular plan which we are considering.

Obviously we will be monitoring the project—and I will refer later in my contribution today to the detail of how it should be monitored—but there is a very useful warning sign in that the sort of build that we have already seen at Adelaide Oval is not sufficient for the people who go to view football and cricket.

The Hon. T.J. Stephens: You get wet under the grandstand.

The Hon. R.I. LUCAS: Yes, as my colleague the Hon. Mr Stephens rightly interjects. The Western Stand (which was meant to cost $85 million and which blew out to somewhere between $115 million and $130 million) does not have any toilets in the members' bar area. I hasten to say that I am not a member of the South Australian Cricket Association so I do not speak from firsthand experience.

The Hon. T.J. Stephens: You are not likely to be after this speech.

The Hon. R.I. LUCAS: I am not likely to be. Anyone who wants to go to the toilet, having attended the members' bar, either has to go up a floor or down a floor to go to a toilet facility. During the peak hours of the test cricket, when there were queues of people waiting to get into the members' bar, anyone caught short in having to go to the toilets had to go out and then had to queue up to get back in again if they did not get back within five minutes. It is extraordinary, having spent approximately $115 million on the Western Stand, not to have any of those sorts of facilities available.

At the recent international soccer game, because it is not a covered stadium, people who were sitting in the back row, so not at the front of the stand, were getting saturated by rain floating into the stand area. They have paid $85 for tickets, they are in a $115 million stand and there is rain coming in saturating them while they are watching an international soccer game. That is a significant problem in terms of the design of the facilities at the Adelaide Oval. Hopefully, we will not see more of that.

What we see, supposedly as part of this $535 million budget, is a retrofit (whatever that means) of the Western Stand to try to fix the problem of people sitting in that stand getting wet. So, part of the $535 million has to go towards fixing the problems of the South Australian Cricket Association's design of the Western Stand. They are also going to have to put in toilets in the members' bar area—one would have thought an obvious inclusion within a $115 million development. They are also having to include media access facilities in that area.

One of the problems we have with this particular project now, which will be realised when the whole project is completed, is that the main stand is on the eastern side of the oval. So, the majority of people will be on the eastern side, unlike the current Adelaide Oval and AAMI Stadium where the majority block and the members' stand areas are on the western side, for obvious reasons relating to the setting sun for summer games.

Good luck for cricket in particular, and also some of the early football games, as the sun sets in the late afternoon and early evening with the majority of people being in this eastern stand. That is why there are requirements from the AFL that media facilities, and others, will have to be provided in the Western Stand area and not in the eastern stand area. So, what we are having to do here already is spend taxpayers' money on correcting some of the mistakes of the SACA designed facility, and I will refer to some more details of that later on in my contribution.

In tracking the history of this, this project is now being sold as part of the Riverbank precinct. We have the Premier and various ministers patting themselves vigorously on the back as being the first government ever to recognise the investment, tourism and economic development

potential of this particular area of Adelaide. We have the former treasurer saying that he would be almost happy to sail off into the sunset having achieved this magnificent project, and the Riverbank precinct, etc., with minister Conlon making similar claims.

I will read onto the record the budget speech on behalf of the former Liberal government on 25 May 2000. In that budget speech, the government stated as follows:

The Riverbank precinct project is potentially the most exciting development project seen in South Australia for many years. There must be few cities with a riverfront that turn their backs to that riverfront, as Adelaide does, rather than embracing it and encouraging maximum usage and enjoyment of the precinct. Adelaide's planning over the years for this area has used trees, embankments, walls, roads and urban design to discourage movement through the precinct and enjoyment of the precinct.

The Master Plan envisages walkways, pathways and landscaping to encouragement movement north/south and east/west through the precinct. It will also provide for new cafes, restaurants and commercial spaces to encourage more South Australians and visitors to use the precinct at all times but particularly during lunch times, evenings and on weekends.

This project is designated as our State's Centenary of Federation project and further funding is provided in this year's budget. Whilst the government has already committed $85 million to the extensions to the Adelaide Convention Centre and $19 million to upgrade the Adelaide Festival Centre, a further allocation of $13 million has been provided to undertake the initial stage of the precinct works. Over the coming months, the government will consider whether it will be possible over the next two years to undertake further stages of development of the master plan. This project is an icon development for South Australia and warrants the support of all members and the community.

That was the budget speech in May 2000. That referred to previous decisions taken by the then cabinet and government. I refer to a press release from the then premier John Olsen on 16 March 1999 titled, Riverbank Masterplan Released, which states:

The Olsen government has unveiled a bold plan which will completely transform the heart of the city. Premier John Olsen says the Riverbank project will bring together in a cohesive way what has in the past been ad hoc development in the area.

'Central to Riverbank is opening up the River Torrens to all South Australians, between King William Rd and Morphett St. Currently it is difficult to access the area with surrounding buildings looking inwards, rather than towards the River Torrens. This 10-year plan will bring together all the best elements of the Adelaide lifestyle, including the parks, the cultural attractions and the restaurants', Premier Olsen says.

'The Riverbank project will do for Adelaide what the Southbank project did for Melbourne. This can be and should be our federation project', Premier Olsen says.

'Under the plan, public plazas, terraces, paths and roads will interconnect across the site and entrances to buildings such as the Festival Centre will be changed with stairs and terraces descending from the plazas to the park. A public park will surround the Festival Centre, the Adelaide Railway Station will again host interstate trains, a pedestrian bridge will be built across the river and alfresco cafes and restaurants would look over the river.

The extension of the Convention Centre is a major part of the project and construction is expected to commence later this year and completed by June 2001. The Riverbank will be a place to relax and will put Adelaide with the other great cities where the river is the centre of city life.

State cabinet yesterday considered the plan and it will now be released for public consultation and it is hoped the plan will be the subject of a memorandum of understanding between the state government and the Adelaide City Council.'

The only other quote I want to put on the record from that particular time—and there were many—relates to a question in the house on 10 June 1999 by the member for Fisher (the Hon. Mr Such), who asked the Premier to give a progress report on the Riverbank Precinct Masterplan and outline the benefits for the development of the City of Adelaide. The member, Mr Conlon (now minister Conlon), interjected, 'Forget the Riverbank: clean up the river!' This is the same minister Conlon who is now championing the cause of the Riverbank. However, at that time, he said on the record, 'Forget the Riverbank: clean up the river!'

I put those statements on the record for two reasons. One is to indicate that this government—and we congratulate the government on what it is doing, and this is the next extension of the Convention Centre—is now proceeding with that bridge across the Torrens that the Premier talked about 11 years ago. It has added a new element to the upgrade of the Adelaide Oval, whereas the Liberal Party's position at the last election, as I said, was the new oval at the City West precinct.

The second reason I raise it is that one of the first things premier Rann, treasurer Foley and minister Conlon did when they were elected in 2002 was ditch the Riverbank Precinct plan. The ultimate irony of it all is that hardworking officers at the time—like Mr Manuel Delgado, who

was working for the former government on this particular plan—had all the plans and proposals. Some of the stages of the development had already been accomplished, as the budget speech has indicated. A re-elected government would be moving ahead with the other stages of that plan.

The new government came in and said, 'Throw the plans away. That's the end of it. We're not doing this particular project. We're all about schools and hospitals.' At the same time, the $25 million that was in the forward estimates for the Adelaide Oval at that stage, again, was thrown out the door. The treasurer of the government at the time said, 'We're not wasting $25 million on a stand at the Adelaide Oval; we're spending this sort of money on schools and hospitals.'

The irony of it all, of course, is that Rod Hook and officers such as Manuel Delgado are now being acknowledged by minister Conlon in the House of Assembly as doing all the hard yards and the hard work for this government (as they should) in relation to the Riverbank precinct. How some of these public servants must chuckle in the quietness of their own home, I am sure, at the irony of the fact that, because it was a Liberal initiative, it was thrown out the door for a number of years, only to be dusted off and then acclaimed as the initiative of the new government almost 10 years later, at a significantly increased cost, I might say, in relation to the overall project.

In relation to the debate, one of the aspects is the pedestrian bridge to which former premier Olsen referred and which is now the subject of debate. One of the controversial aspects of the bridge is that, when this project was first announced as a $450 million project, the pedestrian bridge was going to be part of the $450 million. Of course, because of the significant blowouts in the cost of this project, the government has carved out the cost of the bridge, which, on some estimates, has been up to $30 million to $40 million.

I think the current minister is on the record as saying that was for a six-lane freeway and he was not really going to approve that amount of money. We still do not know what he has approved now, but it was up to $30 million to $40 million, according to Mr Hook in earlier evidence to the Budget and Finance Committee. What we now have is that that cost is to be part of the Convention Centre costs, the almost $400 million for the next upgrade of the Convention Centre. So, the $30 million or $40 million (or whatever it is) is to be buried in the cost of the Convention Centre.

I want to place on the record now that there is a real barney going on within the government and the public administration about the alignment of this pedestrian bridge. The intention has always been that the pedestrian bridge would come across the Torrens from the Adelaide Oval to the Festival Centre precinct area, so that people coming out of Adelaide Oval would come across just at a level a little bit below the other two bridges, Morphett Street Bridge and King William Road Bridge, but at the same level from the plaza at the football oval to the Festival Centre.

Because the government has used the device or deceit of saying that this is part of the Convention Centre budget, the Convention Centre people are now saying, not surprisingly, 'Hey, if this is the Convention Centre budget, that bridge should come from Adelaide Oval to the Convention Centre, a completely different alignment because it is part of the Convention Centre budget.' At the same time, there is a dispute that it should be at the river level, not at the plaza level.

Firstly, a huge stoush is going on, and I understand it is being supported by the Premier's department in relation to the Convention Centre budget. The dispute, of course, is being fuelled because I understand the Festival Centre people (Mr Barry Fitzpatrick and others) are furious with those who are now seeking to subvert what they believe was the agreement in relation to this bridge and to change the alignment to the Convention Centre. The Festival people are furious at this proposal to change the alignment of the bridge across the River Torrens.

There is a huge argument going on within government, the bureaucracy and the advisers, etc., in relation to both the height of the bridge and obviously the alignment of the bridge. Of course, the sporting people—the football and cricket people—are saying that they have a view on this as well because, if you change the alignment, it means that you are not going straight to the railway station and to those other areas that were talked about earlier in terms of public transport up to the buses, etc. If you are heading down to the Convention Centre, you are further away from the bus stops and trams, etc.

The other thing is that I am advised that there will be up to 40 steps down and up on both sides. As thousands of people leave football and cricket at Adelaide Oval, in occupational health and safety terms, you are going to have literally thousands of people having to descend 37 steps and then climb 37 steps (or 35 to 40 steps, I am told) as a result of this proposal that is now being

considered. That seems to me to be madness, and I can understand from the point of view of the Convention Centre people why they would argue, 'It's part of our budget; therefore it should go to the Convention Centre.'

They want the people flowing into the Convention Centre and, if there are going to be cafes and restaurants there, they want people going into the Convention Centre cafes and restaurants rather than the ones at the Festival Centre and in that particular part of the precinct. So, when you practice the deceit and the device of hiding the money in other budgets, these are the sorts of problems that you construct for yourselves, and this is a debate and a dispute that is going on at the moment.

The other one, of course, in relation to the precinct which has attracted a lot of controversy in recent times—and credit to Michael Owen from *The Australian* who broke the story first—has been the proposition for a new commercial development at the back and side of Parliament House. I know that the current minister has described that story as a fiction to various sections of the media, but let me put on the record that that statement from the minister is untrue.

There are key people in this precinct, including the Casino and others, who have signed confidentiality agreements with major private sector interests in relation to the exploration of a building in this particular precinct at the back of Parliament House and to the side of Parliament House. Minister Conlon knows that. Minister Conlon knows of those discussions. I am not saying at this stage that the minister has agreed or approved anything, but for him to say that he does not know anything about it or that this is a complete fiction is untrue.

The proposals do talk about government in essence underpinning aspects of the commercial development. For example, as the Catholics were able to successfully negotiate with the SA Water building government tenancies, long-term tenancies for a private sector development underpin the success of those private sector investments. There are those negotiations that are going on at the moment.

Because the government cannot afford to do what it said it would do with $450 million, that is, all the car parking, they have to somehow attract private sector investment into car parking. They have to provide alternative funding for the bridge, which was the Convention Centre bridge. The car parking will have to be provided somehow by private sector interests, so there will be deals that will be done by this government, should it continue, in relation to some of these issues.

As I said, I put on the record that there are people in this precinct who have signed confidentiality agreements which prevent them discussing anything in relation to these particular negotiations for a building in this precinct, and there are discussions for an upgrade of the Festival Centre car park. All of us who know the problems of the car park with the concrete cancer know that the merest drop of rain means significant puddling and water in the Festival Centre car park. The government knows that it has to spend money at some stage on that car park.

The Casino wants extra car parking. The government now needs extra car parking for the Adelaide Oval development because it could not get the $50 to $60 million private-sector underwriter to put an underground car park within the Adelaide Oval precinct itself north of the Torrens. So it now needs the car parking south of the Torrens, and it is looking, and will look, at doing deals in relation to that. That will involve Parliament House, for example, potentially underwriting commercial accommodation in an office block just behind us. It potentially involves, under one of the models, getting rid of the Hajek sculptures and other design facilities immediately behind Parliament House.

I think as we debate this bill that all these issues need to be part of the transparency and accountability of the government. It is not just this issue of the specific costs that we look at in relation to this project in that core precinct area. It will be all the other related costs, all the other related deals. The other deal that is being negotiated is a deal with the Casino. The government wants the Casino to be involved in significant underwriting of precinct projects in relation to getting this precinct developed.

The Casino wants tax breaks. The Casino wants to negotiate favourable tax rates—and good luck to the Casino. It is in a position at the moment where the government wants something from it, and the Casino says, 'Have we got a deal for you.' The Casino wants tax breaks. It wants regulatory changes in relation to wealthy gamblers from overseas and interstate being able to smoke in certain parts of the Casino. It wants to be able to change some of the regulations in relation to the operations of the Casino, the gambling in the Casino and the Casino precinct.

Whilst the Casino people rightly will not speak to me, I know some of the discussions that are going on with government officers from Treasury and elsewhere with the Casino people. They have been going on for many months. The Casino is arguing its position in relation to getting tax breaks and getting deals, and the carrot that the Casino holds is a potential, 'Hey, we are looking at a $250 million development of this area', part of which relates to their need for car parking, which of course potentially assists, under some models, the problems this government has with car parking for the Festival and related events that are going to occur in this particular part of the Riverbank precinct.

What I am saying to members is: do not be deluded that all we are talking about here is $535 million on this particular project. All these other deals are being discussed and talked about, and ultimately some version of them will be done by this government as part of trying to get the project up and going. In saying that, I do not indicate—we have not discussed this as a party—that we necessarily oppose any or indeed all of these. We do not know the detail of some of these schemes. All we are saying is, in the interests of transparency and accountability, all these issues ought to be part of this debate in this chamber at this time, because once the legislation goes through, this government, on its record, will not tell anybody anything until after the deal has been done.

This project—and we talk now about the Adelaide Oval project specifically—is a project that was done on deceit and lies. We know now from the evidence to the Budget and Finance Committee that the former treasurer and the current Premier knew before the state election that this project—the Adelaide Oval project—could not be achieved for $450 million. On 6 March, during the election campaign in 2010, the former treasurer let it slip that the ballpark estimate of the Adelaide Oval development was $500 million rather than $450 million.

I issued a statement on that Saturday morning and did interviews indicating that Mr Foley had let the cat out of the bag and it had blown out from $450 million to $500 million. Mr Foley, of course, trenchantly denied that. He said that it was just a slip of the tongue, all his advice was—on 6 March 2010—that the project would be done for the $450 million and there had been no blowout. Two days later, on 8 March, I issued a statement—this is during the election campaign—that there had been a $100 million blowout on the Adelaide Oval costings. I said, as follows:

> It can be revealed today that the cost of Premier Rann's proposed Adelaide Oval redevelopment had blown out by...$100 million. Information provided to the Liberal Opposition—by sources with an intimate knowledge of the detailed workings of the new Stadium Management Authority and its two working parties—have revealed confidential information which Mr Rann and Mr Foley are desperate to keep secret until after the State Election.
>
> 'Whilst final estimates are yet to be submitted, the latest estimates are that the total cost has blown out by $90 million—from $450 million to about $540 million,' Shadow Minister for Finance Rob Lucas said...
>
> 'In addition to this figure, the cost of the current [development] of the western grandstand has blown out by [about] $15-$20 million.'

That release then went on to provide the detail of that particular blowout. This was obviously a critical issue during the election campaign and the treasurer then came out with all guns blazing, attacking both me personally and the Liberal Party for making figures up, swearing that he had received no advice at all from anybody that there had been a blowout in the cost of the Stadium Management Authority. That was, and still is, an outright lie, and we found that out afterwards.

In denying that, treasurer Foley went so far as to authorise a statement which said that he swore 'on his grandmother's soul'. This is it. He swore 'on his grandmother's soul' that he had not received any advice in relation to a blowout on the project costs. Here is a former treasurer who swears 'on his grandmother's soul' that he had not been advised, prior to the election, of any blowout on the Adelaide Oval project.

Now, what were the facts? The facts, as revealed through the Budget and Finance Committee investigation, were that former treasurer Foley was advised by Mr Leigh Whicker, the Executive Officer of the Stadium Management Authority, of a blowout in the costs, prior to the election. I will not go through all the detail of that, but various other Treasury officers told the Budget and Finance Committee that they had been aware of the blowout and had provided advice up to the former treasurer's office. Again, I will not go through all the details of the evidence that those officers gave.

So, the advice was that Mr Leigh Whicker had told him. Mr Leigh Whicker had told Treasury officers. The Treasury officers had told the treasurer's office that there had been a

blowout and yet here we have, in the critical stages of the election campaign, the former treasurer swearing 'on his grandmother's soul' that he had not received any advice about a blowout in the costs of the Adelaide Oval project. They are the sorts of lies and that is the sort of deceit that was being delivered to the people of South Australia about this project, leading up to the state election.

We knew there had been a blowout, which was subsequently confirmed. We knew there had been a blowout. We raised the issues with the media about the former treasurer and the spin doctors; the former treasurer swore 'on his grandmother's soul' that he had received no advice from anyone that there had been any blowout in the costs of the Adelaide Oval project.

Now, the lies and the deceit did not stop there. They continued, both in relation to the ministers and the government, but there was also deceit going on within the sporting codes. What the Budget and Finance Committee subsequently established was that the South Australian Cricket Association and Mr Ian McLachlan had been, for a long period of time, conducting secret negotiations with Mr Andrew Demetriou, from the Australian Football League (the AFL), in relation to the prospect of AFL being played at the Adelaide Oval. This was completely unknown to the South Australian National Football League.

We have the extraordinary position with the chief executive officer and representative of the Australian Football League, the elite body in relation to football, dudding its own constituent body, the South Australian National Football League, by going behind its back, keeping it secret from the SANFL and conducting negotiations with a rival code, the South Australian Cricket Association, and Mr Ian McLachlan. When that became public knowledge there was fury within football here in South Australia, and not surprisingly. As I said, this project has been based on deceit and lies right from the word go in relation to costing and to secret negotiations that have been going on for a considerable period of time.

I now want to turn to some of the issues that will impact significantly on the future of football in South Australia. As I said at the outset, we now know that football in South Australia has significantly changed its position. It is certainly my view that, if a Liberal government had been elected in 2010, local football would have strongly endorsed and assisted the implementation of a stand-alone stadium in Stadium West. The reality is that football has to deal with this particular government; it has done so, and continues to do so, and has changed its position in relation to the Adelaide Oval project in particular.

I do not propose to go over the history of it changing its position on that; that is a decision for it, and I respect its right to do that. What I do want to explore is the other key aspect of this deal; that is, the impact on football. What is driving this are the problems the Port Power football club has suffered, both as a football club and by the dragging down, through their financial problems, of local football through the South Australian National Football League as well. Port Power has certainly supported the move to Adelaide Oval. It has always held the view that AAMI Stadium (and Football Park before that) was more a Crows venue than it was a Power venue, and for some reason it has, in most recent years, believed that more people would go to Adelaide Oval to watch Port Power games than would go to AAMI Stadium, which is much closer to its own heartland and its own football community, even though it is deep within Port territory.

Its problems, both financial and sporting-wise over recent years, are well known now. A lot of those problems we are now being asked to resolve. From what Michelangelo Rucci said in the paper this morning, it is a potential $3.5 million uplift for the Port Power football club once the stadium deal (as they call it) is done, which they believe will be in 2014. That is what has driven this particular issue—and, to be fair, in recent times the Adelaide Crows, not being as successful as it has been for most of its history, has also suffered some financial problems.

A lot of the problems Port Power is suffering have been self-inflicted. Last year, at a time when Port Power was putting out its hands to the football league, its own supporters and the AFL, it paid over $90,000 in bonuses to its chief executive officer Mr Haysman, as well as other executives and staff of Port Power. At a time when they were going broke and begging for money, I am told they were paying their chief executive bonuses of some $30,000 to $40,000, of which we, the football community and in the end the taxpayers of South Australia, were going to have to come up with some device to end up paying for their financial difficulties.

I am also told that their contracts for their staff this year would have paid bonuses of a quarter of a million dollars to the chief executive and other staff of Port Power at a time when there was a bailout package being put together by the South Australian National Football League and the Australian Football League.

Thankfully, I am told that those bonuses of a quarter of a million dollars will not be paid to their staff. When you have a chief executive officer of Port Power who I understand is on a package of somewhere around $300,000 to $400,000 in terms of the total package, to be paying bonuses of that magnitude at a time when, clearly, it has not been performing as a financial body, let alone as a football body, is completely unacceptable, from my viewpoint.

I am told also that the Port Power club, its board and its chairman, Mr Duncanson—who has to accept his share of the responsibility—were going to send Mr Haysman on a course to Harvard which was deferred last year. He was meant to go last year and that was deferred. There was a proposal that around about this time Mr Haysman was to go to Harvard at the cost of Port Power for further study, again, at a time when they had their hands out to their supporters, to the South Australian National Football League and to the Australian Football League, for money. Thankfully, I am told that is not going ahead as well.

This is the same football club—the chairman, the board and the CEO all have to accept responsibility—who negotiated an extension of the contract with the former coach, Mark Williams, which meant that if they terminated the contract the full entitlement of the contract had to be paid out even if he got a job in another AFL club. So, if he went from Port Power immediately to another club in the AFL, while being paid, his contract within Port Power in its entirety had to be paid out.

I am not sure what the board, the AFL and others did in the end in relation to that and whether there was some negotiated settlement or not. This is the quality of the financial management of Port Power which is creating some of the problems that we are being asked to resolve by the stadium deal and other deals that we are talking about here. This is the only way of saving football: we have to move them from AAMI Stadium to Adelaide Oval.

I accept that there will be some uplift, but the organisation itself has to accept the problems that it has created for itself. I understand that some of the claims of increased membership of Port Power are illusory. Instead of there being 3,500 members, when you look at the incorporation of the Magpie numbers and various other devices the actual increase is less than 100. There is a claim that they have improved the situation by $2½ million. I understand when the auditors go in and have a look, that number is nowhere near $2½ million dollars once the audit of that particular claim is done.

I understand that the leadership at Port Power told the football league, and this has been shared with all of the league directors so it is a very large group now that is aware of this sort of information, that the claimed shortfall for this year grew by more than $1 million in the space of just over one month, which caused the recent crisis discussions that were going on. The bottom line is that if we are going to help solve some of the problems of football, and in particular of Port Power, then there have to be—

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: No, I am not. I am a St Kilda supporter. If some of these problems are to be resolved then there have to be changes in the administration. That means the chief executive officer, sadly, who is a nice bloke, but in the end the buck stops at his desk and the chairman's desk and there have to be changes in relation to those particular positions.

You cannot have a situation where we in this parliament are being asked to resolve some of these financial difficulties for a sporting club without the buck stopping on the desks of those who have been responsible for some of these decisions and, as I said, that is the chief executive officer and the chairman and the majority of members of the then board who considered some of these particular issues.

The Hon. Mr Wortley says that I hate Port Power. Well, that is true: I do not like Port, but I am not a Crows supporter, I am a St Kilda supporter. I am a member of St Kilda. Sadly, I suspect, I am also a member of the Crows and Power because I am an ultimate member (or whatever it is called) of football at AAMI stadium and I am told that I am counted, for some incredible reason, in Port Power's membership numbers, and if there is anything I can do to prevent that, now that I am aware of it, I will be doing so at the earliest opportunity. I think I am also included in the Crows members numbers for similar reasons.

The Crows have been a more successful club but they have also got themselves into problems in recent times. I have to say that, whilst I do not know him well, I am an admirer of the business acumen and experience of Bob Chapman, who is the chair of the Adelaide Crows, but the simple reality is that he has moved to Sydney. I make no criticism of his business expertise at all,

but being in Sydney at a time when we have these critical debates going on, Mr Chapman and the Adelaide Crows need to address this particular issue themselves in terms of transition to leadership.

Whilst it is an honorary job and position (virtually), chairman of the Adelaide Crows, and people make a huge commitment, as Mr Chapman has done over the years—indeed, so have the Port Power people, let me acknowledge the huge commitment that they have made over the years as well—the reality is that you cannot be, in my view, and I do not make the decisions for the Crows, an absentee chairman. That is a decision for the Crows to resolve, but they are now coming to the league and to others with shortfalls of $1 million, as opposed to the $3 million or so for Port Power, so it is not quite the size of the problem and not quite for the length of the period, but that is an issue that needs to be resolved as well.

So, the taxpayers of South Australia are being asked to put their dollars in in relation to assisting football and cricket. I have already indicated some of the problems with cricket's administration in terms of the Western Stand development, and do not get me started on some of the other things. The South Australian Cricket Association gets an $85 million debt paid off, full stop. That is not a bad deal. It went out and incurred the debt of $85 million, so if it is going to be supported then it has to make decisions in a professional way in relation to the money that goes into it. I am sure that there will be some in this debate who will adopt the position that we should not be putting this money into the Adelaide Oval. There are many other priorities that I am sure other members are going to argue for.

We have come to a position of supporting the development of the project. As I said, whilst my views in relation to the football aspects have nothing to do with the Liberal Party—they are my own personal views—as a passionate football supporter, as someone who is now supporting this legislation with significant amendments, these sporting codes have a responsibility to ensure that, when we are putting this sort of money in, the sort of waste that we are talking about—in terms of massive bonuses for clubs which are struggling for every last dollar at the moment, going off to Harvard courses, signing contracts for coaches which pay out full tote odds even if they get another job—and that sort of administration is, in my view, unacceptable and should not be supported, even though we do not formally vote on that aspect of it in the bill before us at the moment.

There are some huge assumptions that this particular deal will go ahead. I understand that, in ballpark terms, football is banking on an uplift, as they call it, of about $9 million, possibly up to $10 million a year from this deal. I understand that the cricket association is banking on an uplift of about $8 million. I have not seen the detailed business case—we have seen the South Australian Centre for Economic Studies analysis that has been done, but that is not a business case—which was released by the football league, but there are huge assumptions made about the success of the Adelaide Oval development. Certainly, I believe that in the first honeymoon period at least there will be very significant crowds at Adelaide Oval. It will be a novelty, and I am sure that huge crowds will attend the early games, as one would expect.

However, time will tell the success of the football clubs and other related issues once things settle and stabilise. The South Australian Centre for Economic Studies states that it has assumed an average attendance of about 31,000 for Port Power games at Adelaide Oval. Members will recall that the Port Power games at AAMI Stadium in recent times have had attendances in the low 20,000s—22,000 perhaps, on average. I am not sure what the exact number is, but there is a very significant assumed increase in attendances at Port Power games.

I note that there was a story from Michelangelo Rucci, as I understand it, based on him having been given through Port Power, I assume, access to some confidential information, and it was on the back page of *The Advertiser*. There were some huge assumptions—even bigger—in terms of average attendances and new memberships for Port Power, which underpinned some of these particular assumptions.

We are not in a position to second-guess those assumptions. All I can say is that, once it all settles down, I hope that they are right. I hope that the uplift they are talking about of $9 million to $10 million is right because, if it is not right, there will obviously be significant problems not only for the project but also for the football clubs and the football league as well.

As I understand it, there was a big story in *The Advertiser* today about this proposed relief package from the AFL, and it is about $3 million or $4 million a year for the next three years. I think the total package is about $13 million to $14 million. What Michelangelo Rucci has not written is that about $10 million of that, as I understand it, is actually just a loan from the AFL to the SANFL.

So, in this supposed bailout package of $13 million to $14 million, the AFL is actually going to put in about $3 million to $4 million. It is putting all the money in up-front, but it is saying to the SANFL, 'You've got to pay us back.' The SANFL has told us that the football league has a debt already of something of the order of $27 million or $28 million.

My understanding is that this $13 million or $14 million bailout package—Andrew Demetriou, the white knight, blowing in on his horse, supposedly solving all of the problems of the world—the overwhelming majority of that is just going to be a loan to the local football league, which the local football league (SANFL) will have to repay. If that is correct (and I am happy to be proven wrong if the government and its advisers want to do so in response), the football league (SANFL), instead of having a debt of $27 million, will have a total debt of somewhere between $35 million and $40 million that it will have to repay.

Of course, part of the deal is that the AFL wants to free up the licences for the Crows and Power from the South Australian National Football League. I think it is true to say that, at the moment, the AFL is playing a patient, waiting game; it has the financial resources to do it. What it is going to do is squeeze local football and then, at the appropriate time, it will be in a position to make the offer to say, 'We're happy now to take those licences over and give the independence to the Crows and the Power in relation to the running of their clubs.'

I am not going to enter into that debate, other than from the viewpoint of the SANFL. I think the interests of the South Australian National Football League cannot and should not be lost in this whole debate. Whilst it is important that the elite league, the AFL, thrives and prospers and that its teams do well, it should not be on the back of screwing the South Australian National Football League and clubs such as West Adelaide and others, which have been the lifeblood of the South Australian National Football League for its entire history.

Whilst the supporters of the South Australian National Football League are relatively small in number, they remain passionate in terms of their support. I think it is critical that, as we debate this bill, we do look at the impact on the South Australian National Football League and what is likely to occur. Michelangelo Rucci says in his story today that everything is hunky-dory—the $570,000 annual dividend to each of the clubs in the South Australian National Football League, in his view, will now be guaranteed by this supposed AFL package. Remember, as I said, the AFL package is virtually a South Australian National Football League package.

I am advised that the current deal for the South Australian National Football League is protected for next year—it is the last year of the current three-year deal—but that from 2013 onwards, instead of three-year deals, the clubs are being told that there will be only year-by-year deals and that there can be no guarantee that the money will stay at the same level from the South Australian National Football League to support local football.

It is common knowledge that Andrew Demetriou has the view, first, that SANFL ought to be AFL SA. But, putting that to the side, the common view is that the South Australian Football League needs to be circumscribed. He does not believe that the salary cap, which is about $350,000 or $370,000, ought to be at that level. He believes that it ought to be reduced to much closer to the Western Australian Football League level.

He wants to see significant changes in the way the South Australian National Football League is operated, because he believes that too much money is going into clubs, such as West Adelaide, Glenelg and the other SANFL clubs. He wants the money to go into the AFL and to the AFL clubs. That is the direction he is heading, and that is fair enough; he is employed by the AFL. He gets nearly $2 million a year, or whatever it is; he is on significant bonuses. That is the direction he wishes to head in.

The deal that we are looking at here today has impacts, as I have said and I say again and I will continue to say, on the AFL but also on the South Australian National Football League and on junior development in country leagues and district leagues in metropolitan Adelaide, because the less money the South Australian National Football League clubs have the less money will be spent in some of those areas.

Trust me, Andrew Demetriou will not be spending his money in country football in South Australia. He will not be spending his money in the local clubs associated with the SANFL clubs here in South Australia. He will support his elite competition, the under-18 league. He will support the various Indigenous programs and other speciality programs, but he is not going to be putting the dollars in that the SANFL clubs do and the SANFL does for country football and to junior development in country leagues and the suburban leagues of metropolitan Adelaide.

That is not what drives him. That is not of interest to him, and you only have to look at the comments from Mark Ricciuto in recent times in relation to that particular issue as he talked about the plight of his club in the Waikerie-Ramco area and the Riverland Football League to know that there is somebody in Mark Ricciuto who actually understands what is going on in country football at the moment and some of the problems and the need for assistance.

Are we likely to get assistance from Andrew Demetriou and his like in Melbourne with the Australian Football League or are we more likely to get it from the South Australian National Football League, steeped in the tradition of decades of support of local football in South Australia? I know where I would put my money. I know which particular group I believe is more likely to support those particular clubs and those particular leagues. I have no doubt that, from 2013, clubs like my own West Adelaide and others will eventually be told by the South Australian National Football League, 'We can't maintain the funding at the level that we've got.'

Now, I do not know that and I am honest enough to say that. I do not know that but, in my view, having looked at what is occurring, I do not believe there is any other course of action that is likely to ensue. I cannot say in this debate that I have the evidence to show it and, in the end, sadly it will either be proved to be right or wrong when we get to 2013 and 2014 when we see the distributions to the clubs. I do know that the administrators in the various SANFL clubs are already fearful that that is what is going to occur. Again, they do not know, but I do know that they are fearful that they are likely to see this sort of reduction as a result of all that is occurring at the moment.

They are the major issues that I wanted to address during the second reading debate. There are many other specific issues. The member for Davenport has outlined the broad areas of amendment that the Liberal Party proposes to introduce and I will summarise those broadly. They relate obviously to greater accountability measures in relation to the role of the Auditor-General. There are obviously some provisions which have been discussed with the Adelaide City Council, the member for Adelaide and others in relation to control of the Parkland areas, and we will be doing that. There is the issue in relation to the Public Works Committee which I understand the government is in agreement with. There are one or two other broad areas that the Liberal Party has already flagged in another place.

What I want to indicate to the members is that the Liberal Party has further considered its amendments since the debate in the House of Assembly, and whilst we are continuing with the amendments that have been flagged there, there are further amendments that we plan to introduce during this debate in the Legislative Council. For example, in relation to the Auditor-General, we believe strongly that there needs to be an ongoing role for the Auditor-General. I will not go over the explanations for the need for auditing of the project costs within the $535 million. That is evident.

The need for auditing of things like the sinking fund and its adequacy, I think, is evident from the member for Davenport's argument, but I do want to argue that there is a need for an ongoing role for the Auditor-General forever and a day. We are talking about an 80-year project and the reality is that if this project, through the Stadium Management Authority, gets into financial difficulties in 20 years' time, if the South Australian Cricket Association does not have the money to meet its liabilities and if the South Australian National Football League does not have money to meet its liabilities, where will the people owed the money come to?

Inevitably, it will be to the taxpayers of South Australia. This is a body, the Stadium Management Authority, which has been set up under state legislation; in essence its legislation will govern its operations. There is, therefore, an ongoing risk in terms of the liability of the deals that are done by the Stadium Management Authority in relation to this particular project. There is a significant investment, as I said, of $535 million-plus in the project.

It is certainly our view that the Auditor-General needs to have an ongoing role, on a yearly basis, even after this project build has been completed, reporting annually to the parliament on the operations of the Stadium Management Authority. Under current arrangements that is not possible, and that is why in our view there need to be amendments further to the ones that were discussed in the assembly that do, nevertheless, come within the broad ambit of increased accountability and an appropriate role for the Auditor-General to report on, in essence, the efficiency and effectiveness, and the financial management of the Stadium Management Authority.

If this Stadium Management Authority in 20 years' time is starting to get itself into financial difficulties through decisions that it has taken of a financial nature, then the parliament and the

people of South Australia need to be warned by somebody—and that is the Auditor-General—that there are some problems that need to be resolved in the interests of taxpayers before they get out of hand. So that is one of the further amendments that we are going to look at. In one or two other minor areas we are looking at amendment. They nevertheless come within the broad ambit of what the member for Davenport has outlined.

I think one of the issues that need to be resolved is the issue of who is actually in control of this precinct during the build period, because after the project is concluded it is going to be managed by the Stadium Management Authority. I think some of us had the view that the Stadium Management Authority would actually help manage this project in the period leading up to it. It has been there managing everything for the moment, and it is going to be managing it once the project is concluded, but it would appear to be the view of the government that during the next two or three years it is not going to be the Stadium Management Authority: it is going to be the South Australian Cricket Association.

To me, that makes no sense at all. To me, this is a deal being done by the government with football and cricket and it ought to be managed, as it has been for the last 12 or 18 months, whatever it is, by football and cricket through the SMA, and that should continue in terms of managing the project. I am interested in the logic of the government if it has a different view to that, and that is certainly one of the issues that we need to have a look at.

The other issue I have flagged is one the member for Davenport is looking at in some of the amendments. We have taken further submissions from the sporting bodies in relation to the rent issue. I know the government has indicated its opposition to the taxpayers of South Australia getting back a small repayment on the investment that it is putting in. You will see from the amendments that the member for Davenport flagged that it was to increase to $1 million a year after three years.

The potential amendments we are going to move will still be moving to $1 million, but over a longer transition period of five years; so jumping from $200,000 to $400,000 to $600,000 to $800,000 and then to $1 million in the fifth year. So, there is a slight change in relation to that amendment, and that is something which the sporting associations—certainly football, and I suspect cricket also would have the same view—would be happy to see as well. I suspect their view is they prefer not to see the rental issue but, again, I think they will probably acknowledge that it is pretty hard to argue why, if the state and its taxpayers are putting in $500 or $600 million, a small return to the taxpayers should not be envisaged.

The Hon. T.J. Stephens interjecting:

The Hon. R.I. LUCAS: My colleague the Hon. Mr Stephens is tempting me about the SACA vote, but no, I am not going to talk about that. I have enough other things to talk about. We will leave that to other members to approach. In relation to that amendment, what I wanted to flag relates to the slight change in the transition period and that will be in the amendments that are currently being drafted.

In relation to the amendments, the member for Davenport is still discussing the Liberal Party amendments with parliamentary counsel. What I want to make clear now to the government and the non-government members in this chamber is the Liberal Party's position in relation to debate on this legislation. The minister in charge of the bill has made it clear in the House of Assembly that the deadline for the government is the end of this session; that is, the end of the July session. That is the government's position, from the minister in charge.

The minister in this chamber has indicated, by way of notice to all of us, that she wants the bill through this house by Thursday. I am indicating that, from the Liberal Party's viewpoint, we will not be supporting the completion of all stages of this debate by Thursday. I want to explain why that does not make sense and why that is, nevertheless, still consistent with the minister in charge of the bill—that is, minister Conlon—and his statements in the House of Assembly.

The reality is that I am not going to be in a position to table our 15 or so pages of amendments until tomorrow, at the very earliest, and possibly not until Thursday. I, as the Liberal Party spokesperson in this chamber, still have not seen the final drafting of the amendments. The member for Davenport is handling the drafting with parliamentary counsel. He has consulted with me, as he is very good at consulting, all the way through. I have seen a draft of the amendments from late last week. I have provided further suggestions for change, some of which are now being actioned in discussions with parliamentary counsel.

For the benefit of non-government members in this chamber, the first you will see of the final copy of the amendments is likely to be tomorrow or possibly Thursday, this week. We do not believe that it is sensible, firstly, for non-government members to look at all of the detail of those amendments in less than 24 hours and be required to sit on Thursday night to jam this bill through the Legislative Council. We will not support that sort of rushing of critical legislation.

The reason we will not is that we have a full two sitting weeks in July which will allow proper consideration of the legislation. We will be ready to commence the committee stage of the debate in the next sitting week, which, I think, is in two weeks' time. If we can conclude it in those two days, terrific, but, if not, we will certainly have concluded it early in the final week.

Now, as I understand it, there has been healthy discussion between the minister and the member for Davenport. So, most, if not all, of the issues and amendments have been informally discussed with the minister. He has already indicated in the House of Assembly his willingness to agree to what I am sure he would say are sensible amendments—he will need to see the final drafting of some of these amendments—in a number of these areas. He has flagged that he is not very keen on supporting the rental amendments and I think there is one other area, in terms of the planning issue, that he has flagged he might have a problem with as well.

As I understand it, there is the potential for significant agreement with a number of our amendments from the government side but, as I indicated early in the second reading, there are some non-government members who will not support the bill at all and who deserve the right to be lobbied in relation to the amendments that we are moving and to speak against those, if they so wish, as well. I do not believe we should be pushed into the passage of this bill by Thursday this week; certainly, if there is a push from the government we will oppose it and will seek support for an adjournment to the next sitting week from other non-government members in this chamber.

There are one or two other issues that were raised in the House of Assembly debate which we did not flag as amendments but which we are now looking at. One of them, a minor issue, was that the member for Davenport raised a question with the minister about the grassed area to the north of the Adelaide Oval where the Moreton Bay fig trees are and whether the protection in the bill would be sufficient to protect that as a grassed area. When you look at the bill it is not; it could eventually be protected as an open area and terraced. That is an issue that the member for Davenport is looking at as well; that is, do we amend the bill to say, in essence, that it should be protected as a grassed or lawned area, or whatever is the appropriate wording?

To be fair to the minister, I think he indicated a willingness to at least consider an amendment along those lines if it were to be moved. I do not think he committed himself, but he was prepared to consider an amendment. There were one or two issues such as that, that were raised in the committee stage of the House of Assembly debate and, as a result of that, we are looking at some amendments as well. I am convinced that they are not substantive issues, certainly not issues that either side would want to die in a ditch over, and I do not believe they are ones that would jeopardise the potential passage of the legislation through this house.

The other issue—again from the debate—that was not specifically referred to was the issue of the deadlock provision. At this stage I do not think we are planning to amend it, but I have raised the issue with the member for Davenport and also with some of the sporting bodies involved. The issue of the deadlock provision is a critical one. As I see it there is nothing in the legislation which says, when the four SANFL directors and four SACA directors come to an implacable halt in the road, how that is resolved.

I am told by the South Australian National Football League, by John Olsen, that it is not in the legislation but is actually in what is known as the operators' or partners' agreement or whatever it is. I seek a copy of that particular agreement, because I think the dispute-breaking mechanism would go to the president of the Law Society, or something like that, and the president of the Law Society would, in essence, break the deadlock. Whether he or she does that, or whether they appoint someone to do it, I am not sure.

I raise the issue but I have not personally formed a final view, and I am not flagging an amendment at this stage, but I believe it is an issue that this council should consider: whether the partners' agreement (if that is what it is called) is sufficient, when football and cricket inevitably come to blows on a particular issue—for instance, about who will get the money. One example is that I understand there has to be a decision made regarding who will have catering rights to the oval.

I am told that the SANFL has its own in-house catering firm, and I am told SACA also has its own in-house catering firm. I do not know, but I assume that both of them would want to support their own. I would hope it would go out to tender, but what happens if the SANFL directors support them keeping it and the SACA directors support them keeping it? How do you resolve a four:four split?

The Hon. T.A. Franks interjecting:

The Hon. R.I. LUCAS: The Hon. Tammy Franks suggests a flip of a coin. As I understand it, the legislation does not resolve it, but I am told that the partners', or the operators', agreement supports it. So, I put a request to the minister that officers provide to myself, and to other members who may be interested, a copy of this supposed operators' or partners' agreement so that we can understand how a critical issue such as this is to be resolved and, indeed, whether that is sufficient.

If you have a project of $500 million or $600 million with all the decisions that are going to be taken and you have a body which is set up and designed to potentially, on significant issues, split into a 4-4 vote with no tie-break mechanism at all (other than whatever is in this supposed operators' agreement), then I think we need to be satisfied that that is the best way for these sorts of issues to be resolved.

Rather than waiting until the next sitting week to finally get a copy of that agreement and the government's response to some of these issues, it would expedite matters if the government's response and information could be provided to all non-government members prior to that sitting week so that members could read it and then enter the debate on the Tuesday of that sitting week fully informed of what the government's position is on a number of these amendments or particular questions which are going to be raised.

I raise those three or four to flag that there are literally dozens of others that I am not going to address in the second reading because I have already taken too much time, but I will address them when we get to the various clauses at the committee stage of the debate. With that, I indicate the Liberal Party's support for the second reading.

The Hon. K.L. VINCENT (17:26): I rise today with, to say the least, a divided mind and a divided heart. Logically, I know that this bill will be passed with the conditional support of the Liberal Party and that a vote against it will merely be what is sometimes termed 'gesture politics'. I also know that I do not support the essence of this bill and that sometimes a gesture is worth making.

As many honourable members will be aware, I have opposed this development from the start. This is because I know that the $535 million that this government intends to spend on a sports facility could be much more valuably employed in other areas, specifically in providing care and services to some of the most vulnerable, at-risk and needy people in our society.

As we all know, the latest budget saw an allocation of $10.8 million over four years toward the provision of disability equipment. I am told that this amount of funding will provide roughly 600 such items each year over that four years. As an example, using this logic, it would seem that if the money going toward the oval redevelopment were to be put towards disability equipment it could provide roughly 118,900 pieces of equipment. When we look at that calculation can we really believe that people with disabilities were, as the Treasurer puts it, the big winners in this year's state budget? I think it would be fair to say that we are not quite preparing for a victory lap just yet.

This is, of course, just one example of a better use of this money that I can think of; there are a few others. The government could clear the unmet needs list, for example, but it will not. This government could clear the 100-day waiting list at hospitals and facilities such as the Hampstead Rehabilitation Centre, but it will not. This government could provide the mere one hour of extra in-home support which some people require in order to get out of hospital beds and back into their homes with their families—it will not.

This government could keep all young people with disability out of nursing homes—it will not. This government could provide adequate respite and support for unpaid carers—it will not. This government could continue to run the Disability SA client trust fund that would give people with disability and mental illness and their families the sound knowledge that their money is being well managed instead of being absorbed by fees as is likely to happen under the Public Trustee, but it will not.

This government could keep Ward 4G open to provide young people with eating disorders with appropriate care and support—it will not. This government could keep the Parent Helpline

running overnight so that desperate parents could get advice and support when they are most in need, but it will not.

These are all human services which constantly take the back seat while we are told that they are too expensive or that the money is simply not there in the first place, and yet here we have the development of what is essentially a luxury item for which the money is being handed over seemingly without the blink of an eyelid. I am not saying that sports and associated tourism are not important. No. I believe that there can, and hopefully will, come a day when South Australia can indeed be proud of projects like the oval redevelopment, but that time is not now.

I am, like many others, saddened, angered, embarrassed and ashamed. I am ashamed that this redevelopment comes at not only an extravagant fiscal cost, but also a heavy human cost. I am ashamed to live in a state which prioritises grandeur ahead of care. I am ashamed that this government would rather build monuments to its reign than provide for the people it was elected to serve.

However, since I am faced with the inevitability that this money is out of reach for those who need it most, I may as well consider how it is going to be used. What I do not want is that this money be used to justify the felling of the 10 Moreton Bay Figs which have stood shady through hundreds of summer test matches, or that it be used to destroy the habitat of some of the amazing wildlife Adelaideians are still privileged to have living in their CBD.

Because of these concerns, I am likely to support the bill if the Liberals' amendments are adopted, but please remember that this decision has caused a terrible amount of angst for me. To illustrate my dilemma a little further, I would like to use a quote, but this is not a quote from any of our great philosophers or any such people, instead I have taken it from the Hon. Gail Gago's second reading explanation of the bill. The Hon. Ms Gago states 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.

This is an interesting statement for many reasons, but I am primarily interested to hear that the government believes that our state is at a point where it can afford psychological infrastructure. Personally, I believe that if you cannot afford to spend money on actual buildings and services which provide essential things to your citizens, you should leave the psychological infrastructure to future generations.

In total, the disability sector was given an extra $56 million in this budget and, as I have already pointed out, that amount will not do it, it will not solve the crisis; $535 million would have got us closer, closer to building something we really could have been proud of, the foundations of a more person-centred and egalitarian society.

Instead of spending that $535 million on infrastructure and services to help real people in the real world, it is being spent on psychological infrastructure. If it were not so terribly sad, the use of those words could be almost comical. I would suggest that this government needs to reflect heavily on its own priorities, as this particular choice indicates to me that this government's own psychological infrastructure is crumbling rapidly.

As I said, I am likely to support this bill with the Liberals' amendments, which we are yet to see, as the Hon. Mr Lucas pointed out in his rather in depth contribution, provided that these amendments provide adequate protection for our Parklands. However, I reiterate that I do so feeling that I am choosing between the lesser of two evils.

When I was first elected I was told to prepare for some pretty rough and trying times. Let me assure you that for me today is more than just a tough day in the rat race. This development is an insult to the values that I hold dear, the values that guide me in my life and my work, values that I dearly hope this government will some day learn to hold itself, but, unfortunately, I will not hold my breath on that.

The Hon. M. PARNELL (17:34): The Greens support the idea of attracting first-class sport back to the city, including AFL football. If that requires an upgrade of the Adelaide Oval then that part of the project (the upgrade) should go through a very thorough and rigorous assessment of all plans and, also, the proposed management arrangements. This assessment should result in a clarification of the various areas of responsibility that lie with the Adelaide City Council or with the Stadium Management Authority or with other parties. So, we support the idea of legislation to achieve this certainty.

This bill puts forward one model of how the proposal will proceed, but it is only one model, and the Greens believe that the parliament can do better. When this bill is considered in committee, we expect there to be many amendments dealing with important issues of accountability and management that recognise that the Adelaide Parklands are not just the plaything of elite sport, they are also for the benefit of all South Australians and they are one of the defining features of our city. We need to be able to use and enjoy the Parklands, but we also need to look after them.

Predictably, the government line is that if you support AFL football being played at Adelaide Oval then you need to support this bill. However, that is not the case. As I have said, this bill is one way to give football and cricket what they want, but it is not the only way. In fact, in many respects, it is not even necessary, given that the Adelaide Oval has accommodated a wide range of large sporting and other events over many decades without the complex lease and licence arrangements that are established under this bill.

Cricket patrons have parked their cars on the Parklands during test matches, and the goodwill of the council has ensured this happens without sacrificing the essential qualities of the Parklands. Of course, as the Hon. Kelly Vincent has just said, the bill before us misses the important threshold question of whether it is the taxpayers who should be funding this project and whether all or part should be paid for by football and cricket.

The AFL recently sold television rights for a reported $1.2 billion. We are regularly told that clubs are struggling financially, that the South Australian Cricket Association is in debt for $85 million, but it is not the job of taxpayers to bail them out. This bill does not give us the opportunity to address those issues. The bill is primarily about development approval and a demarcation of management responsibility. The question before us is not whether or not there are better or more deserving projects for $335 million of taxpayers' money. If that was the bill before us then, clearly, there are many projects that are more deserving of funding.

I want to touch on a couple of aspects. First of all, I want to just outline why the Greens believe that bringing major football matches back to the Adelaide Oval is a good idea. The first relates to transport. Clearly, as members know, the Adelaide CBD is the hub of our public transport network. It is the hub of the bus, train and tram networks, but it is also the home of large numbers of car parks and most multi-storey car parks, most of which are empty during the period that football matches are played. So, that adds to the attraction of the CBD as a location for high-level sport.

I was looking at the actual development plan under the Development Act for the Parklands precinct and noted that there is still a hope—maybe it is a vain hope—of bringing the interstate trains from Keswick back to North Terrace. This is an idea that gets floated every so often and dismissed, but it is in the development plan as a potential longer term project. That makes a lot of sense. If you consider interstate passengers coming by train from Melbourne to Adelaide, staying at a hotel within walking distance, going to the football within walking distance, going to pubs, cafes and restaurants, all within walking distance, it just makes sense.

The project manager, David Johnson, was quoted in the *City Messenger* as saying that they hoped to increase public transport use to the Adelaide Oval from the current 22 per cent at AAMI Stadium (or Football Park) to 50 per cent at the Adelaide Oval. As I understand it, that figure of 50 per cent has been repeated by the minister and many others. That is the target: 50 per cent of patrons will go by public transport to the Adelaide Oval. The Lord Mayor Stephen Yarwood in the *Sunday Mail* just a week or so ago said the following:

> The opportunity to get more people using public transport is also significant...I hope to see more than 70 per cent of people using these services on game day within a few years.

Also, minister Conlon, in the media, has foreshadowed that public transport might be free for all football fans heading to matches at the oval, in an attempt to reduce the demand for car parking. So, it makes sense. But something I query, and it is something I have asked the minister and the Stadium Management Authority, relates to the plan. I have said, 'Show us the public transport plan that gives us some confidence that that figure of 50 per cent (or the Lord Mayor's figure of 70 per cent) will be achieved,' and we still have not seen anything, certainly nothing that has been provided to me.

So that begs the question: if in this bill we are being asked to sign off, effectively, on car parking, yet this great hope of massive improvements and increase in public transport patronage is the main reason we are doing it, why are we not considering that at the same time? Why will the government not come clean with its public transport plan for football matches at Adelaide Oval?

How frequent will the trains and the buses be, where will they go, will they be free, will the ticketing be included altogether? In fact, if it is free, people will not even need tickets.

There are lots of questions in relation to the single biggest drawcard for Adelaide Oval that are not answered whilst we debate where the car parks should go. The centre of Adelaide is obviously also the accommodation centre for the state; there are more hotels within the CBD than any other area. Again, that makes it a potentially winning formula for interstate visitors coming to the football: you can stay at a hotel within walking distance of the ground.

We also have an abundance of restaurants, cafes and pubs, all of which, I think, in time will be incorporated into pre-match and post-match activities. In fact, when we are talking about changes in culture, I have no doubt that, with football matches at Adelaide Oval, the tradition of the tailgate barbeque will give way to the tradition of the pre-game latte or the pre-game beer. People will realise that they do not need to entertain themselves out of the back of their car in a grassy car park; they can do it in the existing facilities in town.

I would like to address some of the specific issues that are raised by the bill. Let's start with car parking. Obviously, some car parking is needed. There are people who have a right to go to football who are not going to be able to get there any other way, whether it is people with disabilities who need to be driven or maybe it is the elderly, and, obviously, there is also going to be delivery vans—there are a whole range of reasons why you have to accommodate some level of car parking. But if the model for a successful football ground depends on replicating football park in the Adelaide Parklands, clearly, it is a flawed model. We do not want a football ground surrounded by bitumen and car parks.

I am very pleased that no-one, either in government or the Stadium Management Authority, is talking about bitumen; they are talking about parking on the grass. The point is: how much of that will they park on, what modifications will be made to it before cars can be parked on it, and who is going to look after it? That is a big part of this bill.

The next question is in relation to the appropriate body to manage the Parklands, and that is an issue that has dominated public debate. Who are the most appropriate custodians of this part of the Parklands: is it the Adelaide City Council or is it the Stadium Management Authority, representing football and cricket interests? I have said before, and I will say it again in the chamber, that I think the Adelaide City Council has been a good custodian of the Parklands.

People point to issues such as the Victoria Park grandstand, and they use that as an example of how the Adelaide City Council cannot be trusted. I say, 'Congratulations for the fact that we did trust Adelaide City Council because we do not have that monstrosity in Victoria Park.' I think the collective responsibility, knowledge and wisdom of council over the years is more likely to result in good conservation outcomes for the Parklands than handing it over to commercial vested interests. Having said that, there may be opportunities for appropriate leases and licences, which we will get to in the bill.

The next question is the issue of development approval for the oval. I divide that up into two: there is the actual redevelopment of the oval itself, the demolition and the reconstruction of various grandstands, and the second issue is ancillary developments that may or may not be needed in the surrounding areas. The bill before us provides that, via the vehicle of the bill, we give development approval.

The alternative process, and one that the Greens support, is that development approval should go through a more thorough process. We will deal with that in detail in the bill. There may be an argument for the actual upgrade of the oval itself to go through with parliamentary approval, but we are very uncomfortable with giving carte blanche development approval through this legislation to future unknown developments in the Parklands.

If people want to talk about this parliament's track record of giving development approval via an act of parliament, three words: Penola Pulp Mill. We debated it here. The Greens voted against it. The parliament gave development approval to that project, which is now going absolutely nowhere because it was a flawed project from the start. We do not need to give development approval through legislation.

In relation to leases and licences, one of the shortcomings of this bill is that it does not have sufficient constraints in relation to the fundamental principles that should lie behind any lease or licence, and the Greens believe that any lease or licence must be constrained by the fundamental objective of protecting the Parklands.

The final thing that I would say in relation to the bill is that one of the proposals is to undo some of the protective measures that were put in place in the Adelaide Park Lands Act back in 2005. Just to remind members what those protections are, I refer to section 21 of the Adelaide Park Lands Act which basically sets out the rules, if you like, for the Adelaide City Council to grant leases and licences over areas of the Parklands.

The first thing it says is that the maximum term of a lease or licence is 42 years. What we have before us is proposing 80 years. The act goes on to say that, if the council wants to give a lease or licence for more than 10 years, then it triggers a process of parliamentary scrutiny. The lease or licence must be tabled before both houses of parliament and either house of parliament can disallow it, but it is a powerful form of disallowance. It is not like a regulation where, if you disallow it, the government simply reintroduces it and it comes into operation on the day of gazettal.

The disallowance procedure in the Adelaide Park Lands Act provides that the lease or licence does not come into operation until after the expiration of the disallowance period. In other words, it is a powerful form of scrutiny. This section—section 21—is overridden by this legislation, so whatever is put into one of these leases or licences, be they the most Draconian clauses or clauses that result in damage to the Parklands that cannot be undone, there will be no parliamentary scrutiny if the bill goes through with that clause in it.

I should say too that the level of consultation with the Adelaide City Council provided for in the legislation is inadequate as well. It is one thing to say that the city council should be consulted, but it does not go through any mechanism for resolving disputes. I understand that the opposition has some amendments in relation to that. With those comments, the Greens will be supporting the second reading of this bill, but we reserve the right to assess the final form of the bill to see whether we believe that that is deserving of support.

I would just like at this stage to put on the record my thanks to minister Conlon for taking the time to share his views with me—and not just his views but also his view, because the minister, as members might know, has a fairly imposing corner office which provides an excellent vantage point to actually see all these areas, including the oval, the Parklands, Parliament House and the railway station, so I thank the minister for that. I thank the football and cricket representatives and the Stadium Management Authority for taking the time to talk to the Hon. Tammy Franks and me about this.

I would like to thank the Adelaide City Council, in particular Deputy Lord Mayor David Plumridge and senior staff, who took the trouble to talk to us about this, and also the many dozens of people who have written to me with their views, either for or against the legislation, and in particular the Adelaide Parklands Preservation Association, who have not taken their eye off the ball at any point during this debate.

Debate adjourned on motion of the Hon. Carmel Zollo.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 June 2011.)

The Hon. T.J. STEPHENS (17:52): I rise to make a couple of brief comments on the Liquor Licensing (Miscellaneous) Amendment Bill 2011. At the outset, can I congratulate my colleague the Hon. Michelle Lensink for articulating our position quite clearly. I am quite proud to support that particular position.

I would just like to make a couple of comments about the hotel industry and, in fact, the Casino. Members may be aware that in my maiden speech some nine years ago I unashamedly said that I would always try to look after the interests of the hotel industry. It is an industry that is often much maligned but is a massive employer in this state. I have always been of the opinion that the hotel industry is a great conduit for social intercourse. Certainly in the part of the world I come from, I cannot imagine growing up and not having the opportunity to catch up with friends in a great environment. Fortunately, hotels provide generally a very good environment. I make no apology for the fact that many years ago I did say that I would support the hotel industry.

I see this bill as another unbridled attack on the hotel industry, and I do wonder where this government is ultimately heading with regard to hotels. Does it want to get rid of the family publican? Does it want to get rid of individuals owning hotels? I constantly see more and more

impediments being put in front of decent, honest, law-abiding business people, making it more difficult for them to run their business.

I see policing in an extraordinary way of licensing rules. I am sure that inadvertently at times I have broken licensing laws with regard to standing up and greeting a friend, colleague or, dare I say it, even a member of the government of the day at a hotel and breaking a licensing covenant where you are not supposed to stand on a footpath with a glass in your hand!

Now, those sorts of extraordinary penalties and the overzealous policing of those things make me wonder where we are all heading as a society. As I said at the start, hotels are a great place where social intercourse takes place. They are the very fabric of our society and I think they are incredibly important. I fear for the industry when we are constantly putting impediments in the way of publicans.

With four o'clock closing, I take my advice not only from the hotels association, which has been very kind to me with regards to briefings; I have certainly spoken to the Casino and had in-depth briefings from the government relations people from the Casino, who have all given me their time quite willingly. I also take my advice from my adult children and their many friends, who I come into contact with regularly.

The PRESIDENT: Your wife, Donna.

The Hon. T.J. STEPHENS: You are right, Mr President. I certainly take a lot of advice from my wife, Donna, but not so much on this issue. At different times, I have done the Sunday morning run. Usually, my wife does it. As you know, Mr President, she, being a teetotaller, is always in good condition to go and perform those sorts of duties, but there have been times when I have been quite capable of taking my turn.

The Hon. R.I. Lucas: Very rare!

The Hon. T.J. STEPHENS: The Hon. Mr Lucas says, 'Very rare!' Well, if he wants to start a slanging match, I am happy to get into that, but it is not really appropriate.

The PRESIDENT: I would refrain from responding to the Hon. Mr Lucas' interjections, because they are not doing you any good.

The Hon. T.J. STEPHENS: Thank you for your protection, Mr President; I appreciate it. I have certainly been to Hindley Street on a child collection run, and the reason that we have—

The Hon. R.I. Lucas: Do you want to rephrase that?

The Hon. T.J. STEPHENS: Collecting my children, at that time of the morning. It is not something I really enjoy but it is the sort of thing you do as a father. Usually, I have had to do it because they have, in frustration, rung and said, 'Look, we can't get a taxi. It's impossible to get a cab at this time of night.' Could we come and help? Certainly, my wife and I have done that on many occasions.

On almost every occasion, they have had enough money to get a taxi. There would be no issue with them jumping in a cab and getting home, but the brutal reality is that, at three or four in the morning, to try to get a cab is incredibly difficult. Much less these days than in days gone by, I have also, at various times, been out in the early hours. I have been on the end of the queue outside the Casino trying to get a cab. It is incredibly difficult, and I have got to tell you that, in the middle of winter, it is not all that much fun. So, the thought that we are going to push people—

The Hon. R.I. Lucas: Do you ever go down to the Marble Bar to catch a cab?

The Hon. T.J. STEPHENS: I have never been to the Marble Bar to catch a cab, but I have been to the Marble Bar, before and I think it is a terrific establishment. I have run into Robbie Kent, the owner, many times. He is a wonderful bloke, and I am sorry that they seem to have some difficulties at the moment. I have never had any issues being out late at night, other than that it can be a bit tricky trying to get home.

The thought that we are going to push people out onto the streets at 4am when, at the moment, they can leave at a voluntary time and still find it difficult to get transport, I think, is incredibly challenging. I have seen nothing from this government that has given me any confidence that they are going to address that particular problem. I am fearful because, if this legislation gets through, how the hell are we going to ensure the safety of young people?

I would love to think that all those young people were home in bed at 12 o'clock, 1 o'clock or 2 o'clock, but the reality is that they are not going to be, and we have to deal with that. We want a state that is progressive, we want a state that goes forward and we do not want to push our kids interstate and overseas because we have got this wowser mentality.

I would love to see a much greater police presence. I think that this situation can be resolved with a stronger, more visible police presence, in particular, in that Hindley Street area. I know that, from time to time, when we have a special task force or whatever to stamp out either, when violence or bad behaviour, when there is a greater police presence all of a sudden all the issues seem to be calmed down in quite a reasonable way. This government constantly boasts that we have more police now than we have ever had in this state; well, I think they need to be deployed in a way that keeps us all safe and keeps the entertainment precincts open.

I do not believe that South Australia in any way, shape or form should be closed for business. That is not the message we want to send out. When I come into Parliament House in the mornings, I often catch the bus and wander across from Grenfell Street, stopping at the intersection of King William and North Terrace. It distresses me, looking down to the left, when I see a banner at the Strathmore Hotel which asks 'Why us minister?'

I have adult children who work at the Casino—they have done for a couple of years now—and I know that quite often after work they go across to the Strathmore at three or four in the morning, because they are not really allowed to socialise in the Casino. They go across to the Strathmore, and in a good, safe environment they can have a couple of knock-off drinks before they head home with their friends. I have been to the Strathmore Hotel a number of times; it is a good—

The PRESIDENT: I have to remind the honourable member that it is 6 o'clock closing.

The Hon. T.J. STEPHENS: Mr President, I have just a bit more, so I seek leave to conclude.

Leave granted.

[Sitting suspended from 18:01 to 19:47]

The Hon. T.J. STEPHENS: I would like to continue, and I will not keep the house for a lengthy period, as is my normal modus operandi. At the break I was talking about the Strathmore Hotel and the extraordinary lengths that the Basheers go to in looking after those people who work at the Casino. I remind honourable members that there are more than 1,000 people employed by the Adelaide Casino, and at different times they avail themselves of the opportunity to pop across to the Strathmore.

I thank the Hon. Tammy Franks, who reminded me during the break that I said that staff at the Casino could not socialise within the Casino, which is not quite correct. The Casino operates in a very strict fashion and, whilst staff can, I believe, have a drink, they have to be very careful about which areas they frequent. They certainly are not allowed to gamble. It is just another range in which the Casino operates in a very strict fashion. They are very careful about trying to ensure that they monitor problem gambling and that sort of stuff.

The staff like to avail themselves of the opportunity for what they call a knock-off drink, and the Basheers at the Strathmore do a great job in making sure that they can do that in a safe and friendly environment. I know that the Casino staff appreciate the lengths that the people at the Strathmore go to. It does sadden me a bit to see a hardworking family wondering why a government is imposing restrictions on them and trying to almost make them feel like criminals.

I am very pleased that the government has finally decided to head down a path where I have always believed that people should take some responsibility for their own actions. I complained earlier about how difficult it would be to run a family hotel. This business about how somebody behind a bar has to go to great lengths to ascertain the level of intoxication of a patron: I understand we have to be responsible, but ultimately there has to be some responsibility put back on the patron.

This measure of the on-the-spot fines is so that you are not going to take up a lot of police time, but I am looking forward to seeing some of these idiots who spoil it for the vast majority waking up with a nasty fine in their top pocket. I think this is a measure that is long overdue and,

with its implementation, I am hoping that some of the angst around people being out, especially in Hindley Street, late at night will disappear.

We have criminal intelligence provisions which allow licensees of hotels to be monitored in the same way as organised crime. Licensees must already pass rigorous character checks in order to obtain their licence in the first place. I think the police resources could be much better used. Constantly trying to find the most minor of faults really does disturb me and, quite frankly, I am hoping that this parliament has had enough of that and I am hoping they will not support these particular measures.

Sir, I have touched on a number of areas that are close to my heart, and I know that you have had the occasional shandy on a hot day in a licensed establishment. I know you share many of my concerns. I am hoping that this bill dies the death that it should. I am hoping that—

The PRESIDENT: I don't think I would put lemonade in it. It'd be full strength.

The Hon. T.J. STEPHENS: Sorry for maligning you, Mr President. It would certainly be full strength beer. We know that the hotel industry provides the social intercourse that our state needs. It is a bonding place. We need to support publicans and we really have to get away from this nanny state attitude. We have to make people take responsibility for their own actions. I am very keen to make sure that this bill does no damage whatsoever to the people I respect.

In closing, there was an amendment moved by the Hon. Tammy Franks with regard to trying to ensure that the Casino closed, too. I know that the Hon. Tammy Franks has no axe to grind with the Casino. To me, it is an incredibly important part of the attractions of this state, and it sends out a message to other people in Australia that we are open for business.

I applaud the initiatives of the Casino with regard to entertainment. You can go and have a drink there late at night, even though they are sometimes overzealous in the way they police patrons who are trying to pop in there after they have been somewhere else. I guess it is absolutely for the better, but I know myself that I have popped in a couple of times and had to make sure I put on a very sensible face to get past the scrutiny of the security people. I think they do a terrific job in that regard and I think they do a terrific job providing a safe environment for people to go late at night to have a quiet drink.

I can remember that a couple of times when we have sat here very late in the evening—I think we have had nearly a 20-hour day—I think a couple of us went and had a couple of beers late at night at the Casino in a pretty good, safe environment. I applaud what they do. I do not support imposing any further restrictions on the Casino. I do not support imposing any further restrictions on the hotel industry, and I hope that this bill heads in the direction that I have indicated.

The PRESIDENT: The Hon. Ms Vincent. We will find out how late you go out in the morning.

The Hon. K.L. VINCENT (19:54): Don't make me say it. My mum reads the *Hansard* and I might get grounded. One day the 'young' jokes will stop, but until then—

An honourable member interjecting:

The Hon. K.L. VINCENT: When I am older. Can I be a big girl and do my job please? Thank you. I rise today to speak on this bill for many reasons, not least of which being the fact that it is something which, as many members in this chamber have already pointed out, concerns many young people. Though I would not dare to state that I speak for all young people, I think we have already established that I happen to be one of them.

This is a bill which will directly affect my friends, both those who work in the hospitality industry and those who like to go out and dance until the early hours of the morning in clubs. It will even affect my friends who might just like to have a drink at 4.30am after they finish playing with their band or acting in a play, for instance, or doing some other activity which is not offensively debauched but happens to take place in the early hours of the morning. Not all young people want to get outrageously drunk until 5am, stagger down the street and wake up in the gutter—although there can be little denying that this does occasionally happen. Most young people—and hey, even some of you older people—like to socialise, they like to meet new people, and they like to share experiences with others.

At its most basic, this is where the night-life in Adelaide comes from. A venue is not necessarily about alcohol: it is about the richness of the overall setting. If you look at a place like the Fringe Club, for example, which pops up only when that festival is on, you can see an example

of such an experience. In a place like the Fringe Club you can go and mix with a wonderful crowd of people; many local, many from interstate, many from overseas, and many who have some kind of amazing talent or interest which is fascinating to hear about. Mix that kind of conversation with a couple of decent beers and the occasional possum visiting from the Parklands and you get an experience I would be happy to have well into the early hours of the morning.

This legislation circumvents that understanding of clubs and bars. It instead relegates them to being simple alcohol factories, which pump out drunk young people who then create problems for our police department. The concept of this legislation is very narrow, as it assumes that if you close the alcohol factories you will solve the violence problems. I do not believe this to be true. Instead of this kind of simplistic thinking, what we need from our government is more lateral solutions to the alcohol and violence problem. We need the government to recognise the need for social interaction and provide a legislative framework which allows young people to have a good time in a safe way.

One of my staff members helps run an art gallery which is located in a lane just off Hindley Street. The art gallery only serves alcohol about once a month, at openings, and only for about three hours at a time. As a space which supports emerging artists, most of the crowd is young people, but none of these young people are there to get drunk. They are there to support a friend or to absorb some culture—they just happen to do it with a glass of wine in their hand. Despite the entirely innocuous nature of this art gallery and its activities, it has had a lot of trouble getting a permanent liquor licence and is instead forced to apply for a series of temporary licences, a process which wastes the time of the gallery staff and the liquor licensing department.

Imagine if our government could recognise the social value and safety value of places like this gallery in this legislation. Imagine if our government had the willpower to encourage enterprises like this, which are safe and entertaining, instead of just handing down a block ban on a whole range of places. Imagine if the government wanted to consider encouraging alternatives for young people to have a safe night out, instead of just shutting them out of establishments for a few hours.

If that were the case, then I could say that we have a government which truly cares for its young people and which is putting effort into creating a safe but vibrant lifestyle for them. Unfortunately, this is evidently not the case. I appreciate the effort the Hon. Gail Gago has put into her amendments, which give a little leeway for some establishments to be open between the hours of 4am and 7am. This, at least, will hopefully mean that there are a few places young people can go safely to socialise in these hours, but I do not appreciate the basis of this legislation.

I do not appreciate the assumptions it makes about young people and I do not believe that it will make our streets safer. There are other ways, and I hope that the government will consider other approaches in the future. I will support the second reading of this bill, because it will give us the opportunity to explore further how this issue is being addressed, but my support is likely to be very temporary.

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) (19:59): I understand there are no further second reading contributions. There were a number of questions posed through the second reading contributions. I would like to do two things: first, to thank those members for their second reading contributions; and then, secondly, to take this opportunity to answer some of the questions that have been raised.

As all members appreciate, the issue which this bill seeks to tackle in dealing with alcohol-related crime and violence in and around licensed premises is, obviously, a very complex one. The community expects the government to protect citizens and minimise alcohol-related harm. The current functioning of the Adelaide CBD in the early hours of the morning contributes to financial costs incurred by police and other emergency services and, obviously, a loss of amenity to the public.

In his comments on the bill, the Hon. Rob Lucas asked what evidence is available from police statistics in relation to the percentage of alcohol-related incidents that relate to Hindley Street and the entertainment precincts of Adelaide. In a research paper commissioned by South Australia Police, entitled Alcohol and Crime July 2010, it was reported that in the Adelaide CBD in 2008-09 a significantly larger proportion of apprehension reports for offences against a person were alcohol-related compared with the rest of the state: 62 per cent versus 41 per cent.

The picture is similar for offences against property, where 50 per cent were alcohol-related in the CBD, compared with 32 per cent for the rest of the state. Likewise, for offences against public order, 61 per cent were alcohol-related in the CBD, compared with 45 per cent statewide. Furthermore, for the same period, police apprehension reports documenting a range of offences committed in Hindley Street reflected a higher degree of alcohol involvement compared with the whole of the CBD and, likewise, the rest of the state.

I direct the Hon. Rob Lucas to this report to obtain further information and statistics. I also point honourable members to the results of the 2008 Perceptions of Safety survey conducted by the Adelaide City Council of Adelaide residents, city workers and students. The survey found that the presence of drunk people was the main reason respondents felt unsafe at night. I am advised that the area in which the respondents felt most unsafe was, in fact, Hindley Street.

I turn now to address some of the other specific issues raised by honourable members in their second reading contributions. Much of the attention of their contributions focused on the proposal to enforce a mandatory break in trade for venues covered by Hotel, Club Entertainment Venues and Special Circumstances licences. This focus in attention is particularly interesting considering that while many liquor licences across the state have authorisations to extend their trade beyond standard hours—for example, after midnight—the Office of the Liquor and Gambling Commissioner is aware of only six such venues in the Hindley Street area, including West Terrace, that actually do trade for some of that time (and that is for some of the time) between 4am and 7am—that is, six currently trade some of the time between 4am and 7am.

This three-hour mandatory closure is not going to result in the sky falling down and the loss of significant amenity. The OLGC is also aware of approximately 40 venues statewide that operate somewhere between 4am and 7am. This means that, from a total of almost 6,000 licensed premises throughout the state, less than 1 per cent are likely to be actually affected in some way by the proposed mandatory three-hour break in trade. I am the first to admit that there is no single solution to this serious issue in our community. There is no silver bullet, if you will.

The proposed amendments to the act bring together a suite of measures aimed at reducing alcohol-related crime and antisocial behaviour. However, one of the fundamental issues is the extended hours of alcohol availability. It is proposed that a mandatory break in trade will be an effective way of dealing with alcohol-related crime and assist in the transition between night and day time. Licensed premises patrons will have an opportunity to disperse during this period and for the physical environment to be cleaned and restored.

Members, including the Hon. David Ridgway and the Hon. Tammy Franks, have pointed out that a good number of these venues likely to be affected are well-run establishments that recognise and implement sound initiatives aimed at encouraging responsible service of alcohol, and they ask: why should these establishments be unfairly affected by this proposal; why not just penalise licensees who are doing the wrong thing?

In order to reduce the harms associated with liquor consumption, through restricting the overall availability of liquor, the government has decided that a blanket approach, as part of the approach, is likely to be the most effective. Only restricting trade in some high-risk or problem venues would be likely to lead to displacement issues and could create a scenario where unrestricted or unaffected venues begin to have more compliance and enforcement issues and more incidents of antisocial and violent behaviour, as the problem simply moves around to the different venues.

The Hons Rob Lucas, Michelle Lensink and Ann Bressington have raised concerns about the impact that mandatory break in trade may have on hospitality workers. Being a shift worker myself in a former career, I certainly have a great deal of sympathy for shift workers. It is recognised that this proposal may impact on the livelihood of some South Australian families who rely on income received from employment in the liquor industry between the hours of 4 and 7am. However, I suggest that any negative impact of this proposal is likely to be balanced, at least in some way, by the positive impact that the break in trading hours will have on the wellbeing of the community as a whole.

Also, in their respective comments on the bill, the Hons Rob Lucas and Michelle Lensink raised concerns about the impact that the proposed closure will have on workers, particularly in relation to their transport home after work. I respond to this first by confirming to members that an after-midnight bus service operates on Saturday night and Sunday mornings. Despite the opinion expressed by the Hon. Tammy Franks, whose quote was that they are 'sometimes confusing to

young people', I suggest that they provide a safe and accessible transport option for those leaving the city on the weekend late at night or in the early hours of, particularly, Sunday mornings

These buses use the same route numbers as regular daytime services with an N before the number. All buses travel along the regular bus route, with some detouring to major destinations such as Glenelg and the Marion Shopping Centre. After-midnight services operate in both directions on an hourly basis, making it safe and easy for people to get around after midnight.

Depending on the service and the direction—i.e. either to or from the city—the last service into the city can be between 3am and 4am, while the last service out of the city could be between 4am and 4.50am. These services then finish and normal Sunday services begin. I am advised by the Department for Transport, Energy and Infrastructure that some of the best patronised services include buses going to Gawler, Noarlunga, Golden Grove, West Lakes and Mount Barker.

The government acknowledges the importance of establishing a sound dispersal strategy to adequately support the proposals outlined in the review. As members are aware, the government has provided additional funding of $80,000 towards the establishment of new managed taxi ranks and is currently undertaking work on the details of where the locations might actually be.

Priority locations are being identified for the new ranks, and part of this work is also focused on exploring sites for ranks close to suburban public transport interchanges, to ensure that patrons who choose to get home late at night by bus, tram or train could then easily and safely access a taxi for that second leg of their journey, helping to modify or reduce the costs of that service. The government recognises that this aspect is an important part of an effective dispersal plan, so as to effectively cater for persons who, for whatever reason, including cost, choose not to catch taxis.

Another issue raised by a number of members in their speeches is the idea that the mandatory break in trade will result in a mass exodus of patrons leaving venues at the same time. The Hon. Tammy Franks expressed concerns that, and I quote, 'there is no way that public transport options will be able to deal with the curfew measure in this bill'. I challenge this assertion on two bases.

The first is, as I have already explained to members, that the government is undertaking work to establish additional managed taxi ranks, both in the CBD and at suburban transport interchanges, to assist patrons who choose to get home late at night via other public transport options to then easily and safely access a taxi for the rest of their journey home. Another factor that should not be ignored is the likely shift in patron behaviour if licensed premises are required to cease serving liquor at 4am. It is anticipated that there will be a shift in the behaviour of patrons; they will be likely to start their night out earlier, shifting the peak period to an earlier time and thus resulting in a similar, but earlier, staggered dispersal, as is currently the case.

It is interesting that the advice from the Taxi Council of SA is that currently the peak period for taxis is, in fact, from 1am to 3am, with the absolute peak at 3am, slowly tapering off from 3.30am, and with a very significant drop-off in business by 5am. This suggests that even now a good number of people have already called it a night and exited the city prior to the proposed 4am closure. It shows that the peak demand or flow of dispersal that might be created by the 4am closure has already occurred prior to the proposed closure time.

Police have also indicated that they will provide extra resources to assist with people leaving our entertainment precincts. Police will also be assisted by the proposal to add a provision to the bill that creates a new offence of engaging in an offensive or disorderly manner in a licensed premises or in the vicinity of a licensed premises. The bill makes it an offence for a person to engage in such a way, making them liable for a $1,250 fine.

The amendment allows for such an offence to be expiable, and subject to a fee of $160. The aim of this proposal is to give police a practical response to loutish behaviour, in particular by persons leaving licensed premises or moving between licensed premises, without the expense of a prosecution where that may not be necessary.

I note support for this proposal by several members who spoke to the bill, and I am pleased that we have been able to include it in our suite of proposals. Similar provisions exist in other states, including Victoria, where an infringement notice may be issued if a person is found to be drunk and disorderly in a public place. Members have also summarised that simply an increased visible police presence would be an equally, if not more, effective way of managing antisocial

behaviour in our entertainment precincts, as opposed to the amendment currently contained within the bill.

The government agrees that practical police support for the proposal currently before the chamber is important, and I am advised that the Commissioner of Police has indicated he is looking to implement operations to support and use the new legislation to improve safety in high profile precincts involving licensed premises.

I am also advised that the Commissioner of Police has given a commitment to increase the number of police in Hindley Street and the Adelaide CBD area from the additional police being recruited. Further, I understand that consideration is being given to increasing policing in and around our public transport hubs, which this government committed to in the last election. Nevertheless, the government maintains that there is no one solution to these complex social issues, which is why it is proposing a raft of measures to address the many problems associated with the consumption of alcohol and to try to prevent the existence of trouble spots such as those in Hindley Street.

In her second reading contribution the Hon. Michelle Lensink sought leave to table information received relating to the number of prosecutions of liquor licensees since January 2008. She went on to comment on those figures, saying that they highlighted a weakness in what was being proposed in the bill and that if current breaches of the act were better enforced additional measures, as proposed, would not be required.

Again, I challenge that assertion. The figures tabled by the Hon. Michelle Lensink reflect statistics on how many prosecutions of licensees were heard by the Magistrates Court; this is but one avenue, and a less common avenue, that may be pursued when licensees breach their licence conditions or provisions in the act. The most common course of action taken when a licensee breaches the act, or a condition of their licence, is to pursue disciplinary action. This can range from formal undertakings by licensees that are accepted by the Liquor and Gambling Commissioner to the issuing of reprimands, fines and disqualifications imposed by the Licensing Court.

The act allows for disciplinary action to be initiated by the Liquor and Gambling Commissioner or the Commissioner of Police, with all matters other than undertakings determined by the licensing court. Generally, where an offence under the act is alleged, the matter is dealt with by the Commissioner of the Licensing Court, rather than being pursued by the Magistrates Court, as being specialist decision-makers in the regulation of licensed premises whereby consistency in decision-making is optimised.

Several members, in particular the Hon. John Darley and the Hon. Michelle Lensink, also raised the lack of prosecutions related to inappropriate service to intoxicated persons. The amendments introduced in May 2010 were developed in consultation with licence holders and sought to clarify the meaning of intoxication. In doing this, a set of intoxication guidelines were developed and were provided to licensees and bar staff to assist them in recognising the signs of intoxication.

It is important to note that, in addition to refusing service of alcohol to intoxicated persons, licensees may also bar a person from their premises if the person is exhibiting drunken behaviour or behaving in an offensive or disorderly manner, or if the licensee is satisfied that the welfare of a person seriously at risk as a result of the consumption of alcohol.

The OLGC record showed that over 600 barring orders have been issued by licensees since 3 May 2010 for behaviour such as drunken behaviour and disorderly behaviour. Other barring orders relate to behaviour such as assault, property damage and theft, all of which could be associated with an intoxicated offender. I have only a few more things that I would like to take this opportunity to refer to before concluding my remarks.

These figures indicate that licensees are taking their responsibilities seriously to identify intoxicated persons and seek to have them removed or barred from their premises if they are causing issues. I now turn my attention to a question raised by the Hon. Tammy Franks, who requested information on the number of people apprehended by the Public Intoxication Act. I have been provided with information covering the period from 1 January 2005 until 31 March 2011.

Very briefly, before concluding, SAPOL advises that almost 17,000 persons were apprehended. Many were discharged into their own care once they had sobered up and others were discharged at sobering up centres, home or in the custody of friends, and so on. I am advised

that 175 were formally arrested. As public intoxication is not an offence, it is my understanding these persons would most likely have been arrested in relation to another matter such as an existing warrant or another substantive offence.

I turn now, and finally, to the comments made by several honourable members about the Casino exemption to the mandatory break in trade. I particularly address the Hon. Rob Lucas's question as to whether the Casino must apply for a special trading authorisation under proposed section 44A.

Casinos in all other Australian capital cities have 24-hour trade. Enforcing a mandatory closure at the Casino would place South Australia at a disadvantage in comparison to other states. The Casino has always been understood to be an anomaly in local licensing terms. In addition to being covered by the LLA, it is also covered by its own unique act.

The provision contained in the bill in amendment No. 6 does not require the Casino, except for any other area in the Casino described in regulations, to obtain a special trading authorisation to trade between the hours of 4am and 7am. This, therefore, means that any area in the Casino that is not prescribed in the regulation can remain open without requiring an exception under proposed section 44A.

As the Hon. Rob Lucas would know, any act can be amended if both houses of parliament so choose. It is important to note, however, that it is intended that areas 1 and 2 of the Casino, known as the North restaurant, will be prescribed in the regulations and will therefore be subject to the same requirement as other venues to seek an extended trading authorisation should it want to open this part of the premises between 4am and 7am.

As I said at the beginning of my speech, the issue of alcohol-related crime, violence and antisocial behaviour around licensed premises is a complex one. I am the first to acknowledge that alcohol-related problems in our community are entrenched within a complex set of social and cultural issues, and obviously there is no quick fix to improve this serious problem. Nevertheless, I am confident that the current package of reforms comprise a raft of measures that can positively contribute to challenging and, ultimately, changing for the better our community's attitude towards the responsible consumption of alcohol.

I remind honourable members, if they think that the mandatory three-hour break in trade would result in our being considered a nanny state, that New York City has a four-hour mandatory closure, and I know that it is world-renowned for its club venues and its nightlife, so I think that is a somewhat a long bow. If I have failed to answer any of the questions asked during second reading, I am happy to address those during the committee stage and I look forward to the committee stage being dealt with expeditiously.

Bill read a second time.

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I move:

That progress be reported.

The committee divided on the motion:

AYES (14)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A. (teller)	Lucas, R.I.
Parnell, M.	Ridgway, D.W.	Stephens, T.J.
Vincent, K.L.	Wade, S.G.	

NOES (6)

Gago, G.E. (teller)	Gazzola, J.M.	Holloway, P.
Hunter, I.K.	Wortley, R.P.	Zollo, C.

Majority of 8 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

In committee.

(Continued from 9 June 2011.)

Clause 7.

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

Page 15, line 36 [clause 7, inserted section 72B(1)]—Delete 'A police' and substitute:

Subject to this section, a police

To avoid possible confusion, could I indicate to honourable members that I do not intend to move [Wade-2] 33. This is one of a series of amendments. We have already considered a range of similar amendments relating to section 72A. I suggest that this is—conceptually, at least—consequential on [Wade-5] 1 but I will re-argue it, the reason being because the minister in her comments at the conclusion of our consideration of section 72A basically started arguing the case again.

I think I should remind the council of why the opposition suggests this approach. Let us remember that the Summary Offences (Weapons) Amendment Bill steps away from the traditional common law presumption that a police officer would need to have reasonable suspicion before undertaking a search. What this bill does in sections 72A and 72B is to say that in certain circumstances a reasonable suspicion is not required, the mere presence of a person in one of the two areas specified in sections 72A and 72B will justify a metal detector search.

In consideration of section 72A, the council was persuaded, by argument, that it was appropriate that the initial search should be by metal detector and that a more invasive search should not be progressed to unless the metal detector search either returned a negative or was able to be resolved through the removal of items—presentation of items.

Section 72B is dealing with a different sort of area. Section 72A is dealing with licensed premises and community areas, community events. Section 72B is dealing with declared areas, but we cannot see a fundamental difference between the two provisions in relation to the appropriateness, if you like, of a stepped search process.

We are saying that, in relation to both areas, they are particularly areas where we do not want weapons to be; and, that being the case, why would we not take a similar stepped approach? In relation to a stepped approach, I would stress that my amendment [Wade-5] 1 and, shall we say, the other clauses in this set (this is a section 72B set of metal detector amendments, if you like) are modelled on the draft regulations.

The minister has pointed out that they were draft regulations and still subject to consultation. I do not dispute that. What I think they do indicate is that the police, or whoever drafted the draft regulations, anticipated that we would have a stepped approach, and the fact that the government is now indicating (in response to our amendments in 72A and in indicating that it is resisting a stepped approach in relation to 72B) that those draft regulations were overly reassuring.

The government actually indicated the stepped approach where the government tells us it is now not going to. So, for the reasons that the council found persuasive in relation to 72A, I would urge the council to maintain a similar position here. A metal detector search does give the police an opportunity. The fact that they do not need to have a reasonable suspicion to undertake a metal detector search is an enhancement of their search powers in these particular circumstances.

We think that is appropriate, and that is why we are supporting these clauses. However, we do believe that it needs to be measured and considered. There is no reason why a person should go beyond a metal detector search unless there is a reason to do so. We would urge the council to support us on my amendment [Wade-5] 10.

The Hon. G.E. GAGO: The government opposes this amendment. The amendment relates to the honourable member's next amendment, which inserts a new subsection (1a) into section 72B of the bill. 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 that area and such powers are necessary to prevent the incident.

This is not going to be an everyday occurrence. The effect of the Hon. Mr Wade's amendment is to limit the search powers given to police to searches with a metal detector in the first instance, that is, if the person is carrying a weapon that contains metal. However, as I have already said in this place, there are a number of weapons, such as ceramic knives, plastic knuckledusters, etc., that do not contain metal and therefore will not be detected by a metal detector search.

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 defeats the intent of the section, which is to allow police to search persons in a target area for weapons of any kind in order to prevent incidents of serious violence from occurring in that area.

Section 72B is based on a similar provision in section 60 of the United Kingdom's Criminal Justice and Public Order Act 1994, which authorises police to stop and search any pedestrian for offensive weapons and dangerous instruments in order to prevent and control incidents of serious violence in a public place. In New South Wales, pursuant to part 6A of the New South Wales' Law Enforcement (Powers and Responsibilities) Act 2002, police can stop and search persons and anything in the possession of or under the control of the person if the person is in an area that is the target of authorisation or is in or on a vehicle on a road that is a target of an authorisation.

Both the UK and the 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 are necessary for the effective operation of the section. This amendment is therefore opposed.

The Hon. S.G. WADE: I just briefly indicate that I propose not to engage the minister's argument in relation to serious violence because I will be doing that under [Wade-2] 35. By not challenging this point, I am not agreeing with them. I want to focus on the appropriateness of a staged metal detector search. We supported it in 72A. This amendment brings the same principle into 72B.

The Hon. M. PARNELL: The Greens support this amendment.

The Hon. A. BRESSINGTON: I will be supporting this amendment. I would just like to indulge for one second. I note that the minister uses all of the examples where police have these powers of search in Great Britain and New South Wales, so for some reason we should be changing our laws to fit with them. Some weeks ago I introduced a bill to reduce the amount of cannabis on a person for personal use. We are the only state that is out of line with that and, for some reason, it did not count in those situations. This government is very selective in circumstances of where we should fit in and where we should not.

The Hon. D.G.E. HOOD: We will not be supporting this amendment primarily because I think the minister's point about some weapons not being metal is in fact valid. When I took this amendment to senior police for their view, I was told of a scenario where a gentleman—if it is right to call him a gentleman—had glass concealed in his inside jacket pocket. He explained to me that that would not be picked up by a metal detector, as one would assume it would not be. So, I think the motivation is right but the execution may not be what is intended.

Amendment carried.

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

Page 16, after line 1 [clause 7, inserted section 72B]—after subsection (1) insert:

(1a) A search referred to in subsection (1) in relation to personal 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).

I suggest that this is consequential. It is identical to the subsection that was inserted into 72A and reflects the stepped search approach that we have just discussed.

Amendment carried.

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

Page 16, line 8 [clause 7, inserted section 72B(3)(a)]—Delete 'serious violence' and substitute:

large scale public disorder

This is a key clause and, by way of preface, I remind members of the committee why it is important. It is important because this section requires an authorisation to be issued for the powers to be exercised. For an authorisation to be able to be issued under this section, a police officer of or above the rank of superintendent needs to have reasonable grounds to believe that an incident involving serious violence may take place in the area. So, if you like, it is the key threshold of this whole section 72B.

What I find extremely disturbing is that serious violence is not defined in the bill. In those circumstances, I ask myself: what is serious violence? For me at least, serious violence includes an assault. An assault might be one-on-one but it may be quite vicious. It could be sufficient to induce a significant brain injury, so I have no reason to think that a one-on-one assault would not be encompassed by serious violence. Certainly the government has not given us any reassurance in this bill.

If assaults are serious enough to invoke these powers, one has to ask: what is wrong with normal policing powers? Assaults happen throughout South Australia every day, and a superintendent merely needs to have reasonable grounds to believe that a serious assault might occur in an area. I suspect that there would be very few parts of South Australia that would not meet that criteria. Certainly, I do not believe there would be any part of any day, any time of the year, when Hindley Street would not meet this criterion, so this would basically mean you could do a 52-week-a-year authorisation for Hindley Street. I believe this threshold is far too low.

The opposition considers that these extraordinary police search powers should only be available when the violence anticipated is at a high level. We use the logic that enhanced police powers are appropriate when the risk is enhanced. A serious assault is not enough. We suggest that we should be guided by the phrase in the New South Wales Law Enforcement (Powers and Responsibilities) Act 2002.

I expect the government will support this amendment because, as the Hon. Ann Bressington highlighted, the Hon. Gail Gago has told us how virtuous the provisions are in the United Kingdom and New South Wales so, of course, they will support the New South Wales lead. Amendment [Wade-2] 40 again follows New South Wales and limits the opportunity to apply an authorisation to events of large scale public disorder.

The New South Wales legislation defines public disorder in terms of riot or disturbance and, for a simple common law bush lawyer, that makes sense. At the common law, a riot has a meaning of a disturbance involving 12 or more people. I should say that this act does not define that so a court would still have to decide what a large scale public disorder, a riot or a civil disturbance meant, but one would not be surprised if the courts suggested a group had to be involved.

I would say that, if you are talking about group violence, it is sensible to talk about enhanced police powers and, in that context, we would be happy to provide enhanced police powers. We suggest that for up to 12 people police should not need to go beyond normal policing powers and, as it stands, the prospect of even two people being involved in violence justifying enhanced powers is not acceptable.

I know that members are doing the house a great service by engaging in this bill, but I want to stress this point. The discussion paper that the government sent out for consultation on this bill actually talked about large scale public disorder: it did not talk about serious violence. So, when the police, the Scouts, the Housing Industry Association, etc., were asked to comment on this bill, they were being asked to talk about a bill that they thought was going to deal with large scale public disorder. Now it has turned up in this place, we are apparently talking about serious violence. Why the shift? As far as I am aware, there was no consultation input that recommended this change.

As I foreshadowed in my earlier remarks, I would like to pick up comments that the minister made in relation to a previous amendment. The minister said that these powers would not be an everyday occurrence, that we should not be concerned about any misuse of powers because it could only be used to prevent serious violence. As I have said, there is no definition of serious violence and that is a vague notion, so we have no guarantee. Any night of any week the police could reasonably expect there would be at least one-on-one violence and, therefore, they would be able to issue an authorisation.

As the minister said, anyone can be searched for anything at any time if they are in an area of authorisation. The minister complained in relation to the constraints that we were suggesting in relation to the metal detectors. As I said, that was based on the government's own regulations. The government has also been arguing, as we have heard, that these provisions would put us at odds with the UK and New South Wales in that both these jurisdictions have provisions such as this and allow for an invasive search for any weapon.

Similar to the argument of the Hon. Ann Bressington, I would say it depends on which way you look at it. We might be the odd man or odd person out vis-a-vis UK or New South Wales. The other way of looking at it is that UK and New South Wales are the odd man out for every other common law jurisdiction around the world.

We as a South Australian opposition are happy to look at our South Australian circumstances and develop South Australian laws, otherwise we would not bother having a parliament in South Australia. We believe that the focus on large-scale public disorder is appropriate in New South Wales, a state which is four times our size. We cannot see why we need to have a far narrower provision. So that we do not get another lecture on who is tougher than tough, I just remind the—

The ACTING CHAIR (Hon. I.K. Hunter): Is the Hon. Mr Wade coming to the end of his second reading speech in relation to this amendment? We are having a very long discussion.

The Hon. S.G. WADE: I am sorry; there is no time limit in this place.

The ACTING CHAIR: No, there is not, Mr Wade, but—

The Hon. S.G. WADE: I have every right to address each point.

The ACTING CHAIR: You have every right to take all the time you like. However, you should be addressing the thrust of this amendment, not the generality of the bill.

The Hon. S.G. WADE: If I can go back, then, and highlight in which way each of the points I have made on this clause relate to the provision 'serious violence'. In my introductory remarks, I was making the point that the New South Wales law enforcement bill, a very similar bill to this one, has exactly the same provision we are currently discussing: it provides for large scale public disorder.

The ACTING CHAIR: I heard you say that.

The Hon. S.G. WADE: And I appreciate your not calling me out of order on that. So, that is good; we agree that that was appropriate. I then made the point that the discussion paper the government distributed provided for large scale public disorder.

The ACTING CHAIR: I heard you say that, and that is twice now.

An honourable member: Why are you repeating it?

The Hon. S.G. WADE: I am just trying to see why I am being constrained. I am actually allowed—

The ACTING CHAIR: Order! I was very clear, the Hon. Mr Wade: I will not have a general discussion about the generalities of the bill. You are allowed to discuss to your heart's content this amendment. Please stick to the amendment.

The Hon. S.G. WADE: With all due respect, Mr Acting Chair, I have more than one point on this amendment, and I intend to make each of the points.

The ACTING CHAIR: You are free to do so, as long as you stick to the amendment.

The Hon. S.G. WADE: If I can move to my next point.

The ACTING CHAIR: Thank you.

The Hon. S.G. WADE: My next point is that, in relation to areas of serious violence, and this amendment relates to serious violence, I would stress that this provision is more invasive than the common law. The point I was making before I was interrupted is that the government is prone to accusing the opposition of not being as tough as it is. We as an opposition make the point that we are willing to accept an enhancement of the common law, to move away from reasonable suspicion alone, to allow more enhanced provisions for search powers, but we will do so only in a stepped approach.

I wanted to highlight the extent to which this is more invasive than the common law. Even with this amendment (just to remind the Acting Chair, the one that I am moving now is Wade 2, amendment No. 35), these powers are far more invasive than the common law. After all, engaging a person for a metal detector search provides closer observation of a person. Okay, the amendments we have already moved and this one do require a stepped approach, but they also provide an opportunity for a closer observation of the person, which gives the officer involved an increased opportunity to observe the subject and form a reasonable suspicion.

So, we are argue that, whilst it does not change the legal threshold for reasonable suspicion for non-metallic objects, it significantly increases the opportunity for non-metallic objects to be observed, for the police officer to form a reasonable suspicion, and therefore for the police officer to respond. We will not brook an argument that, even in relation to areas of serious violence, we are not providing additional support for the police. We are providing additional support—additional support which is stepped and appropriate.

The Hon. G.E. GAGO: The government opposes this amendment. As already discussed, an authorisation can be granted under new section 72B of the bill only if there are reasonable grounds to believe that an incident involving serious violence can take place in an area and such powers are necessary to prevent the incident from occurring.

This amendment would remove the requirement of serious violence and replace it with the requirement that police be satisfied that an incident involving large-scale public disorder will take place before an authorisation can be made. 'Public disorder' is defined, in a further amendment to be moved by the Hon. Mr Wade, as:

> ...a riot or other civil disturbance that gives rise to a serious risk of public safety, whether at a single location or resulting from a series of incidents in the same or different locations.

The discussion paper that was released for public consultation referred to provisions in two jurisdictions that give police similar power, such as section 60 of the UK Criminal Justice and Public Order Act, and part 6A of the New South Wales Law Enforcement (Powers and Responsibilities) Act. There were mixed reactions to the proposal. Some argued against the powers, while other submissions supported a range of possible thresholds.

On balance, the government decided to base the section on section 60 of the UK Criminal Justice and Public Order Act, which allows an authorisation to be made if there is a reasonable belief that incidents involving serious violence may take place in an area. This was considered more appropriate for South Australia than part 6A of the New South Wales Law Enforcement (Powers and Responsibilities) Act, which was enacted in response to the Cronulla riots. Pursuant to section 87D of the Act, an authorisation can be made if an officer:

> (a) has reasonable grounds for believing that there is a large-scale public disorder occurring, or threat of such disorder occurring in the near future, and

(b) is satisfied that the exercise of the special powers is necessary to prevent or control the public disorder.

The definition of 'public disorder' is the same as that proposed by the Hon. Mr Wade. Limiting the exercise of these provisions or preventing incidents of large-scale public disorder would severely curtail the usefulness of the provision, as it would be a rare occurrence for South Australia to have the kinds of riots or civil disturbance that occurred with the Cronulla incident.

The government believes that serious violence is an appropriate threshold for the exercise of these powers. Incidents of serious violence can impact not only on the people actually involved, but also on anyone in the surrounding area. In appropriate circumstances, police should be able to search persons in these areas for weapons in order to stop that violence before it occurs. It is for those reasons that we oppose the amendment.

The Hon. M. PARNELL: The Greens have supported almost all of the amendments that the Hon. Stephen Wade has put forward, but we are not proposing to support this one, and I will just briefly outline why. It might perhaps be unfortunate for the Hon. Stephen Wade that this amendment is followed by one which is not consequential to it but which, to a certain extent, colours this amendment. The following amendment removes the exemption for advocacy protests, dissent and industrial action.

Now, I know the honourable member, in relation to the amendment currently before us, would say that this does not catch those forms of protest, yet it seems to me that, given that the opposition is proposing to remove that important exemption that the government has written in there, there will potentially be some overlap.

The amendment before us proposes to replace the test of serious violence with the test of large-scale public disorder and, in a consequential amendment—[Wade-2] 40, which we will get to—'public disorder' is defined as being:

...a riot or other civil disturbance that gives rise to a serious risk to public safety...

Now, that might not sound like a typical Adelaide street protest yet, on one interpretation, a lot of people blocking the street and marching, and holding banners with—

The Hon. G.E. Gago: Pointy ends.

The Hon. M. PARNELL: I will just say 'pointy ends'—could that be a serious risk to public safety? Well, maybe not, maybe yes. So, it seems to me that if there is a potential for this amendment to catch what I do not doubt is an unintended group of people, then the Greens are more comfortable with the government's existing test, which is one of serious violence.

Now, I certainly appreciate what the Hon. Stephen Wade said, which is that it does leave itself open to the whole of Hindley Street being declared a potential location for serious violence every single night of the week. I do not see it being used like that, so we will be opposing this current amendment, the consequential amendment [Wade-2] 40, and I will perhaps rise again to oppose [Wade-2] 36 when we get to that next.

The Hon. S.G. WADE: I will just briefly make the point that I must admit I am bemused by the Greens' response. The government is offering you a scope which includes everything from one-on-one violence to, shall we say, the London May Day marches and what we are saying is that we only want to cover from 12 up to the London May Day marches. I do not think either of the major parties are offering you a freedom for a large mass violent rally. We are just saying that enhanced powers should not be needed when normal policing powers would do.

The Hon. D.G.E. HOOD: Family First will not be supporting this amendment. We are, however, attracted to the next one when we get there, but we will deal with that when we do. The reason we will not support this amendment is that it is a matter of judgement, is it not, where the threshold should be? The other thing that is worth noting in the bill is that no-one, unless I missed it, has actually mentioned yet that subsection (3) actually requires that the superintendent may have reasonable grounds to believe, as we have talked about:

(a) that an incident involving serious violence may take place in the area; and—

It is not 'or': it is 'and'—

(b) such powers are actually necessary to prevent the incident.

I think paragraph (b) is actually very crucial there. There is an onus on the superintendent not to use these powers if both those criteria are not met, and the second one clearly states that they are 'necessary to prevent the incident' which in itself is a pretty high bar, I would argue.

Amendment negatived.

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

Page 16, lines 11 to 13 [clause 7, inserted section 72B(4)]—Delete subsection (4)

The opposition believes that this exemption for protests, which is provided in current subsection (4) is inappropriate. If a group is threatening serious violence, the opposition sees no reason why they should not be subject to enhanced search powers whatever the purpose for which they are deploying the violence.

It matters naught that they want to shroud their violence in advocacy, protest, dissent or industrial action, and we do not believe the law should promote violence even in otherwise virtuous causes, if they may be virtuous. There is no value judgement given on the particular use of advocacy, protest, dissent or industrial action. We believe it is right that the state should expect these activities to be peaceful.

After all, my reading of this section is that the exemption would cover a Free Australia rally or perhaps the Finks' poker run. Let us remember that the Finks took the opportunity to advocate against the government's anti-association laws and one wonders whether the police would actually find it difficult to use these enhanced powers because the Finks have taken an opportunity to have a press conference about how unfair the government's anti-association laws are. We want to help the government out. We think it would be in their interest to remove this subsection.

To assist honourable members and to reassure them that the opposition has not given up on democratic rights, I do foreshadow that I will be moving amendment [Wade-4] 1 which would put a positive duty on police officers to exercise the powers in this act in a way that does not unreasonably interfere with lawful advocacy, protest, dissent or industrial action. We are not providing a carte blanche exemption, but of course we expect the police to respect those democratic values of our society, as I am sure they will.

The Hon. G.E. GAGO: The government will not be opposing this amendment. The exemption for persons participating in advocacy, protest, dissent or industrial action was included because of concerns that a person participating in these demonstrations could be unfairly targeted as a result of an authorisation. However, as I said, the government will not be opposing this amendment.

The Hon. D.G.E. HOOD: For the record, Family First supports the amendment, simply because it is applying the same law to all regardless of the circumstances, and I think that is fundamental to how people should be treated. Violence is wrong in virtually all circumstances regardless of the form or the banner under which it takes place and this amendment will make that plain.

The Hon. M. PARNELL: Notwithstanding the contributions of other members to date, I want to put on the record that the Greens oppose this amendment. We support the protection that the government has in the bill and we do not want to see it removed. For the record, non-violence is an absolute core Green principle, so under no circumstances do we condone violence, but we do believe that removing this clause would enable the police to unreasonably shut down non-violent protest. Just to give you an example, if there was a protest happening that you did not want to go ahead for your own political reasons, you would ring the police and say, 'I am going to be there with some mates and we've all got knives.'

That would give the superintendent reasonable grounds to believe that a violent incident might occur, and suddenly the protest gets shut down, everyone gets metal detected, the rally down King William Street cannot go ahead. It is just fraught with danger. I think we need this protection in here, but I acknowledge that the Hon. Stephen Wade has an alternative positive duty which he wants to impose on police, which is better than nothing, but our preference is for subclause (4) to remain.

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

Amendment carried.

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

Page 16, line 17 [clause 7, inserted section 72B(5)(b)]—After 'relates' insert:

(which must not be larger than is reasonably necessary for the purposes of the authorisation)

To remind members, what this amendment would do is to require that any authorisation given under section 72B was no larger than is reasonably necessary for the purposes of the authorisation. I suggest that that may well be implicit in what the government was intending, but I think it would be good to make it explicit. After all, at the current writing of the bill, you could say that you fear there is going to be an assault in Hindley Street on Saturday night, so I am going to declare the whole of South Australia enhanced search powers. We would suggest that, if you are concerned about an assault in Hindley Street, then perhaps an authorisation for Hindley Street would be a good idea.

The Hon. G.E. GAGO: The government rises to support this amendment. At present, an authorisation must specify the area to which an authorisation relates. The amendment qualifies this by adding a requirement that the declared area must not be larger than is reasonably necessary for the purposes of the authorisation. Although the government believes that this is already implicit in the section, we do not believe that there is any harm in making it absolutely clear and, therefore, we are happy to support the amendment.

The Hon. D.G.E. HOOD: I will not speak when the government and the opposition agree every time, but it is important to put on record that we do certainly support this. These powers are vast powers that are being issued under this bill, and I want to make it clear to members and to those reading *Hansard* that Family First is not supporting carte blanche here. There are limits, and I think this amendment puts in place a reasonable limit on the jurisdiction.

Amendment carried.

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

Page 17, lines 4 to 23 [clause 7, inserted section 72B(10) and (11)]—

Section 72B(10) and (11)—delete the subsections and substitute:

(10) 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 authorisations granted under subsection (3) and the nature of the incidents in relation to which such authorisations were granted;

(b) the number of occasions on which persons were searched in the exercise of powers under this section;

(c) 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;

(d) the number of occasions on which the Commissioner gave consent under subsection (9);

(e) any other information requested by the Minister.

This amendment deletes the current reporting requirements in new subsection 72B(10) and (11) and replaces them with a similar reporting requirement or regime as proposed in amendments Nos 1 and 2 so that the information required is included in the commissioner's annual report rather than as a separate report to the minister.

The information that must be included is the number of authorisations granted under subsection (3) and the nature of the incidents in relation to which such authorisations were granted; secondly, the number of occasions on which persons were searched in the exercise of powers under this section; thirdly, the number of occasions on which a weapon 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; fourthly, the number of occasions on which the commissioner gave consent under subsection (9); and, fifthly, any other information requested by the minister. The amendment provides a consistent reporting regime in the bill and ensures appropriate scrutiny of the exercise of these new powers.

The CHAIR: The Hon. Mr Wade has two amendments, I understand, to the minister's amendment.

The Hon. S.G. WADE: Yes. First of all, if I could welcome the government's amendment. If my memory serves me correctly, this was an issue that was raised in the House of Assembly, and that the government then undertook to consider between the houses, and we welcome both the enhancement of the reporting requirements and also the placing in the annual report rather than in a separate report to parliament.

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

Amendment to Amendment No 3 [MinRegDev-1]—Inserted section 72B(10)—Delete paragraph (b) and substitute:

(b) the number of metal detector searches, and the number of searches other than metal detector searches, carried out under this section, and information identifying the authorisation pursuant to which those searches were carried out;

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

Amendment to Amendment No 3 [MinRegDev-1]—Inserted section 72B(10)—After paragraph (c) insert:

(ca) 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;

For the benefit of honourable members who have trouble hearing me under the pile of amendments I have filed, I will not be moving [Wade-2] 38 and [Wade-2] 39 in relation to this clause.

[Wade-6] 4 and [Wade-6] 5 are merely to enhance the provisions that the government has provided so that we can be clear about where the searches were done and what were the outcomes of them. We believe they are consistent with the direction of annual reporting and provide enhancements to it.

The Hon. G.E. GAGO: The government opposes both of these amendments for the same reasons that we have raised previously but, for the purposes of the record, this amendment would require the commissioner to include in his annual report information about metal detector searches conducted under the new section 72B. The government considers this amendment, particularly new paragraph (b), to be unnecessary, as the commissioner is already required to report the number of occasions on which persons were searched in the exercise of powers under section 72B and the number and nature of authorisations granted under subsection (3) and section 72B. In addition, if the minister determines that further information should be included in the commissioner's annual report, he can request that the commissioner include that information.

In relation to the second component, amendment No. 5, as already explained in relation to similar amendments moved by the honourable member to the reporting obligations under new section 72A, the proposed new paragraph would require a police officer, in addition to performing his many other duties, to record details about any articles found during a search that may afford possible evidence of the commission of an offence. This would be a very onerous requirement for the 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 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 the person being searched. The government believes that the current reporting obligations are enough to ensure appropriate oversight of how these powers are being exercised by police.

The Hon. S.G. WADE: I could sum up the minister's comments in relation to amendment No. 4 as, 'If the minister wants it, the minister can ask for it.' I do not think it is enough for the level of public accountability we want, and I also remind members that we have endorsed the concept of a sunset clause in relation to this bill. These powers are significant, and I believe that it is incumbent on us as lawmakers not to just give them the third reading and never think of them again but to maintain active oversight to make sure that they are an appropriate balance.

In relation to amendment No. 5, it may well be that in the inevitable dialogue between the houses on amendments this amendment could be further clarified, but certainly in commissioning this amendment with parliamentary counsel we understood that in using the word 'evidence' we were talking about material that the police were retaining as evidence. In other words, they have a charge in mind and they are holding it as evidence for that charge.

It must be considered that, if police are retaining material for a possible charge, they would need to record it or else they are in serious jeopardy of having an abortive prosecution and perhaps, under the current law at least, the possibility of costs being awarded against them. We do not think this involves any additional record keeping. The notes have already been taken for evidentiary purposes; it merely requires the database to be consolidated and find its way into the annual report, as well.

The Hon. D.G.E. HOOD: Family First supports the amendment. The Hon. Mr Wade's logic is compelling. That is how I read the amendment, as well. If these items are to be taken as evidence then surely they need to be recorded and recorded appropriately.

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

The Hon. A. BRESSINGTON: I am supporting the amendment.

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

Amendments to amendment carried; amendment as amended carried.

The Hon. S.G. WADE: I regard amendment [Wade-2] 40 as consequential on [Wade-2] 35 which did not receive the support of the council, so I will not be moving that amendment. I move amendment No. 41:

Page 17, after line 25 [clause 7, inserted section 72C]—Before subsection (1) insert:

(a1) 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.

This requires that a metal detector search carried out under 72A or 72B must be conducted using only a metal detector of a kind approved by the commissioner and in accordance with any directions issued by the commissioner. We believe that this is good practice.

The Hon. G.E. GAGO: This is basically consequential. The government opposed the substantive amendment and we oppose this.

The Hon. S.G. WADE: I feel a bit like an ANZAC being told to go out of the trenches and the officers behind me will back me up if they agree with me. I would like to suggest to the council why, I believe, it is appropriate to move this amendment. The council has previously given me leave to withdraw an amendment, which was [Wade-3] 2, which was deleting the definition of metal detector search at the end of section 72A.

The reason why the government suggested, and I agreed to, the withdrawal was that it, to a certain extent, foreshadowed the substantive debate that we have just had in relation to section 72B. So, I agreed to withdraw it, on the understanding that the government would agree to recommit it, if what I would call the stepped metal detector search was agreed to, in the context of section 72B.

So, what we did not know when we considered that amendment, we now know. Whilst we are finished with section 72B and we are now into section 72C, the amendment that I have currently got before the house is a section 72C amendment, which relates to the authorisation of metal detectors. In other words, it is part of that stepped metal detector search issue.

It is not part of section 72B, but we actually now know what we think about section 72B. So, I would humbly submit to the council that it is appropriate for us to consider this amendment now, in the context of what we know about section 72B and that, at the appropriate stage for the recommittal, I would also hope to receive the support of the council for the set-aside motion, which is [Wade-3] 2. I look forward to any advice from my officers as to whether I have misled the house.

The Hon. D.G.E. HOOD: That actually made sense to me, so I think I am following this. I have just a quick question for the Hon. Mr Wade: you were successful in moving your amendments on 72B?

The Hon. S.G. WADE: Yes.

The Hon. D.G.E. HOOD: Then I do not see this as being consequential. To me, the 72B discussion was about the order of searching, and the Hon. Mr Wade was successful in that amendment. To me, this is a different matter; it is about what the commissioner can approve as a metal detector or not.

The Hon. S.G. WADE: It is a good point the honourable member makes. It reminds me of the terminology the minister used; I think she described it as linked rather than consequential. I think the point the Hon. Mr Hood makes is true but, as I understand it, while the minister does not see it as inherently consequential, it is linked and tolerable.

The Hon. G.E. GAGO: The honourable member is quite right. The government is not opposed to this, as indicated previously, for the reasons we outlined. It is not consequential: it is linked; therefore, the government will not oppose it.

Amendment carried.

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

Page 17, lines 28 to 32 [clause 7, inserted section 72C(2)]—Delete subsection (2)

Again, as we move to the next stage I thank the chair and the committee for their patience. I regard this as consequential. The current section 72C(2) puts a duty on the commissioner to put in place procedures which avoid undue delay, inconvenience, etc. What the committee did earlier by inserting amendments Nos 1 and 2 [Wade-10] was ensure that procedures are put in place in regulations which take account of all those values. It is a bit like the protest situation, where we take it out of this section but make sure it is in another. So I stress—particularly to the Hon. Kelly Vincent, as an advocate for people with a disability—that the values are not lost in the act; they just appear somewhere else.

The Hon. G.E. GAGO: The government opposes this amendment. It deletes subsection (2), and the government believes that operational procedures should be left to the determination of the Commissioner for Police, as subsection (2) currently provides.

The Hon. M. PARNELL: The Greens will support this amendment.

The Hon. A. BRESSINGTON: I support the amendment.

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

Amendment carried.

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

Page 17, after line 32 [clause 7, inserted section 72C]—After subsection (2) insert:

(2a) A police officer must ensure that any exercise of powers under section 72A or 72B does not unreasonably interfere with a person's right to participate in lawful advocacy, protest, dissent or industrial action.

If I can use the minister's terminology, I would describe this as linked rather than as consequential. It is linked to the previous discussion about protests and so forth. Whilst we wanted to remove, and had the support of the committee for removing, the exemption for people involved in advocacy processes, etc., the committee considered my amendment in the context of a subsequent amendment—which is this one—to ensure that the police are under a positive duty to respect those values. I have no doubt that our police force is one of the best in Australia and does respect those values, but for the sorts of issues that the Hon. Mark Parnell raised it does not hurt to state it as a positive duty.

The Hon. G.E. GAGO: The government does not oppose this amendment. Section 72C in the bill sets out the general provisions relating to the exercise of powers under new sections 72A and 72B of the bill. This amendment inserts a new subclause(2)(a) into section 72C with the effect that if a police officer is exercising his or her powers to search a person pursuant to section 72A or 72B he or she must ensure that the exercise of those powers does not unreasonably interfere with a person's right to participate in lawful advocacy, protest, dissent or industrial action. Therefore, the government will not be opposing this amendment.

Amendment carried.

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

Page 17, lines 33 to 35 [clause 7, inserted section 72C(3)]—Delete subsection (3)

This amendment I regard as extremely important. The government is suggesting that the police should be able to engage a civilian to assist them with the searches. Section 72C(3) provides:

A police officer may, in exercising powers under section 72A or 72B, be assisted by such persons as the officer considers necessary or desirable in the circumstances.

The amendment deletes the reference to a person accompanying a police officer.

We will also move a subsequent amendment ([Wade-2] 43), which will delete a reference in section 72C(6) to 'a person accompanying a police officer'. We just consider this puts members of the public at extreme risk. I am sure that logically the police are telling themselves that they would envisage using a security officer, a bouncer, at a licensed premises to engage in these searches. However, there is no such limitation in this provision.

We may well find that police in a busy situation might be inclined to engage a civilian who is not trained, is not clothed, not identified in any particular way, and that that would be extremely risky, not only because they would not have the skills to properly manage the stepped searches we are envisaging. These police procedures are not liked. They are substantive and structured for a purpose. However, I think the more worrying scenario is a person who has not been authorised by the police. You are in a nightclub—I must admit I cannot remember ever being in a nightclub, but I understand they exist and have seen an ad that purports to relate to a nightclub—

The Hon. K.L. Vincent interjecting:

The Hon. S.G. WADE: Great, Kelly's just invited me out—great. I can imagine a circumstance where, shall we say, undesirables notice police arriving at a venue, undertaking searches around the licensed premises, and they think, 'Here's my chance. I'll tell this unsuspecting person that I've been authorised by the police as a civilian under section 72C(3) and I want to undertake a search.'

Not only am I at risk of inappropriate invasion of my privacy, let alone the risk of more serious offences, but I will be liable to an offence under section 72C(6) if I resist. I am faced with an incredibly difficult dilemma: do I believe this person and see them as an authorised civilian and risk an appropriate invasion of my privacy or worse, or do I risk committing an offence under section 72C(6)?

We believe that this is a reckless expansion of the resources available to police. We see it as a duty on the government to provide the police with the resources they need. If the police do not have enough people to undertake the search, call in more reinforcements, summon more police officers. Alternatively, it is going to be slow; but I would much rather, if I ever imagine being a young person in a nightclub, a slow methodical search by properly trained, properly authorised officers than this keystone cops provision that is being inserted by the government.

The Hon. G.E. GAGO: The government opposes this amendment. Section 72C of the bill sets out the general provisions relating to the exercise of powers under new sections 72A and 72B. Subsection (3) authorises a police officer to be assisted in the exercise of their powers by such persons as the officer considers necessary or desirable in the circumstances. This power is consistent with section 67 of the Criminal Offences Act and section 72D of the Controlled Substances Act which allow police to be assisted by such persons as they consider necessary in the circumstances.

The honourable member's amendment would mean that police would not be able to request assistance from anyone other than a police officer and, although it would not be a common occurrence, there would be instances when the police officer would need to request assistance from another person such as a protective security officer, a police cadet or even a bouncer at a nightclub who may be needed to hold onto items being removed from a person during a search, for instance. The honourable member's amendment would cause practical difficulties for the police in the exercise of powers under these sections and is therefore opposed.

The Hon. M. PARNELL: I have a question for the minister: if the police already have the power to co-opt civilians to help them under section 67 why could they not use that power notwithstanding the honourable member's amendment to delete it from this specific clause? In other words, does section 67 cover a wide range of circumstances where the police might need help, and could they use that power if this power is removed?

The Hon. G.E. GAGO: I am advised that the answer is no; section 67 is about a general search warrant and therefore it is not applicable to this.

The Hon. S.G. WADE: The minister's comments about the other act are by way of analogy: we have it in another act so it should be allowed here. I remind the house that I am grateful for what they have done to section 21F of this act. At a quick count there are about 13 amendments to that clause. The relevance of that is that that clause is almost a photocopy of the Firearms Act. In putting forward prohibited weapons provisions for this act, the government

thought, 'The house agreed to it in relation to firearms; they should agree to it in relation to prohibited weapons.'

The fact that the council did not see merit, or perhaps did not even turn its mind to the issues in considering one piece of legislation, does not preclude the council turning its mind to the same issues in relation to another piece of legislation. In that context I put to the house that the key issue for us is not whether there are similar provisions in other acts: it is simply whether this is a good provision for this act. I would argue that I cannot see that the risks involved in this provision vastly exceed the benefits that the police might accrue.

In relation to the police cadets point, I agree with the minister. It makes sense to allow police cadets to assist, and I am amazed that the government is suggesting that 'police officers' would not cover police cadets. Again, between the houses we would be very happy to clarify the situation. As I said in my initial comments—I hope the council got the gist of my remarks—we are happy for properly authorised, properly trained people to undertake searches, not just civilians pulled off the street.

The Hon. A. BRESSINGTON: I rise to indicate that I will be supporting the Hon. Stephen Wade's amendment. I ask honourable members to cast their minds back to 2008, I think, when we sat in this place and debated the security agents legislation. According to the government at that time, bouncers and so on were unsavoury types and could not be trusted and had to have all of these regulations put on them, and all of these requirements for them to get their licence and hold their licence, because some people in that industry were bad boys. Now we are saying that the police can call on those very same people to assist them in a search and to hold on to the belongings of other people, because for some reason now the world spins in a different direction.

I also remind honourable members that I tried to have amendments made to the security agents act to allow static guards to have a little bit more authority. They actually do not have authority to be laying hands on anybody and can be subject to civil lawsuit if they do that. I think the government's presumption of this section of the bill that it has put forward is fraught with danger for not only the people who are being searched but also the people who could be required to assist in the search because, as far as I understand it, there is conflicting legislation in other acts that could leave them wide open to civil suits.

The Hon. S.G. WADE: I endorse all the remarks of the Hon. Ann Bressington, but particularly the final ones. In that regard, it reminds me of the report of the Police Complaints Authority that highlighted that DNA tests that were not properly authorised laid the police officer open to an assault charge and civil action. So, I think the Hon. Ann Bressington has the Police Complaints Authority on her side.

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

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

Amendment carried.

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

Page 18, lines 9 and 10 [clause 7, inserted section 72C(6)(a)]—Delete

', or a person accompanying a police officer,'

I suggest this amendment is consequential on the amendment we have just considered.

Amendment carried.

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

Page 18, line 36 [clause 9(1)]—Delete subclause (1) and substitute:

(1) Section 85(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) vary the provisions of Schedule 2 (other than clauses 5 to 7 inclusive and 19 to 25 inclusive) by including provisions in, or deleting provisions from, the Schedule;

I suggest that this amendment is effectively consequential. It allows the list of dangerous articles, the list of prohibited weapons and the exemptions to prohibited weapons without significant conditions to be varied by regulation. That is related to previous amendments. It is an unusual approach but, in the context of the mix between the act and the regulations, it actually slightly raises the proportion of exemptions that cannot be amended by regulation. The council supported

the use of the schedule in this way in [Wade-2] and, in that context, Amendment No. 2 and Amendment No. 13.

Amendment carried; clause as amended passed.

Clauses 8 and 9 passed.

New clause 10.

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

Page 19, after line 3—After clause 9 insert: 10—Insertion of Schedule 2

After Schedule 1 insert:

Schedule 2—Weapons etc

Part 1—Interpretation

1—Interpretation

(1) In this Schedule, unless the contrary intention appears—

catapult includes a shanghai and a slingshot;

designed includes adapted;

extendable baton of a prescribed kind means an extendable baton that can only be extended by means of gravity or centrifugal force;

number, in relation to the identification of a weapon, means an identifying mark comprised of either numbers or letters or a combination of both numbers and letters;

official ceremony means a ceremony conducted—

(a) by the Crown in right of the State or the Commonwealth; or

(b) by or under the auspices of—

(i) the Government of the State or the Commonwealth; or

(ii) South Australia Police; or

(iii) the armed forces;

prescribed Masonic organisation means—

(a) the Ancient, Free And Accepted Masons Of South Australia and the Northern Territory Incorporated; or

(b) a Lodge or Order of Freemasons warranted and recognised by the association referred to in paragraph (a); or

(c) the Lodge of Freemasons named 'The Duke of Leinster Lodge';

prescribed services organisation means—

(a) The Returned and Services League of Australia (S.A. Branch) Incorporated or any of its sub-branches; or

(b) an association or other body (whether or not incorporated) that is a member of the Consultative Council of Ex-Service Organisations (S.A.).

(2) For the purposes of this Schedule—

(b) a reference to a particular class of dangerous article is a reference to the class of dangerous article as declared and described in Part 2; and

(c) a reference to a particular class of prohibited weapon is a reference to the class of prohibited weapon as declared and described in Part 3; and

(d) if an article could, but for this paragraph, be declared by this Schedule to be both a dangerous article and a prohibited weapon, it will be taken, unless the contrary intention appears, to be declared to be a prohibited weapon and not a dangerous article.

Part 2—Dangerous articles

2—Dangerous articles

Each of the following is declared to be a dangerous article for the purposes of Part 3A of this Act:

(a) *anti-theft case*—a case, satchel or similar article designed to administer an electric shock to a person who handles or interferes with the case, satchel or article or its contents;

(b) *bayonet*—a stabbing weapon designed to be attached to or at the muzzle of a rifle;

(c) *blow gun*—a blow-pipe or similar device or instrument designed to propel an arrow, dart or similar projectile by air expelled from the mouth;

(d) *cross-bow*—a cross-bow, other than a pistol cross-bow as described in Part 3 clause 3(s) of this Schedule;

(e) *dart projector*—a device (for example, a Darchery Dart Slinger) designed to propel a dart by means of elastic material;

(f) *gas injector device*—a device (for example, a Farallon Shark Dart or a WASP Injector Knife) designed to kill or injure an animal by injecting a gas or other substance into the body of the animal;

(g) *plain catapult*—a catapult made for commercial distribution, other than a brace catapult as described in Part 3 clause 3(b) of this Schedule;

(h) *self-protecting spray*—a device or instrument designed to temporarily or permanently immobilise, incapacitate or injure a person by the emission or discharge of an offensive, noxious or irritant liquid, powder, gas or chemical;

(i) *self-protection device*—a hand held device or instrument designed to temporarily or permanently immobilise, incapacitate or injure a person by the emission or discharge of an electric current, sound waves or electromagnetic energy.

Part 3—Prohibited weapons

3—Prohibited weapons

Each of the following is declared to be a prohibited weapon for the purposes of Part 3A of this Act:

(a) *ballistic knife*—a device or instrument (other than a dart projector) designed to fire or discharge a knife, dagger or similar instrument by mechanical, percussive or explosive means;

(b) *brace catapult*—a catapult (for example, a Saunders Falcon Hunting Sling) that includes or is designed to be used with a brace fitted or resting on the forearm or another part of the body in order to support the forearm or wrist when the catapult is activated;

(c) *butterfly knife*—a knife comprised of a blade or spike and a handle, in respect of which—

(i) the handle is in 2 sections that fold so as to wholly or partially cover the blade or spike when the knife is not in use; and

(ii) the blade or spike can be exposed by gravity or centrifugal force;

(d) *chloroacetophenone*—chloroacetophenone (known as CN) in all its forms;

(e) *concealed weapon*—an article that appears to be harmless but that conceals a knife, spike or other weapon;

(f) *dagger*—a sharp, pointed stabbing weapon (other than a bayonet or sword), ordinarily capable of being concealed on the person and having—

(i) a flat blade with cutting edges on both sides; or

(ii) a needle-like blade that has a round or elliptical cross section or that has three or more sides;

(g) *dirk* or *sgian dhu*—a ceremonial weapon associated with traditional Scottish culture;

(h) *dypenylaminechloroarsone*—dypenylaminechloroarsone (known as DM or adamsite) in all its forms;

(i) *extendable baton*—a baton designed for use as a weapon that can be extended in length by gravity or centrifugal force or by a release button or other device;

(j) *fighting knife*—a knife (other than a bayonet or sword) designed for hand to hand fighting, for example, a butterfly knife, dagger, flick knife, push knife or trench knife;

(k) *flick-knife*—a knife in respect of which—

(i) the blade is concealed when folded or recessed into the handle and springs or is released into the extended position by the operation of a button or other device on the handle; or

(ii) the blade is wholly or partially concealed by a sheath that can be withdrawn into the handle of the knife by gravity, centrifugal force or by the operation of a button or other device;

(l) *hand or foot claw*—an article designed as a weapon consisting of prongs or other projections worn on the hands or feet (for example, the martial arts weapons known as ninja hand claws, ninja foot claws or ninja claws);

(m) *knife belt*—a belt or similar article (for example, a Bowen Knife Belt) designed to hold a knife, dagger or similar instrument so that the presence of the knife, dagger or instrument is concealed or disguised when the belt or article is worn;

(n) *knuckle duster*—a device or instrument designed to be worn across the knuckles of a hand so as to—

(i) increase the force or impact of a punch or blow when striking another with the hand; and

(ii) protect the knuckles from injury,

including a weighted or studded glove, but not including a boxing glove;

(o) *laser pointer*—a hand held device, commonly known as a laser pointer, designed to emit a laser beam with an accessible emission level of greater than 1 milliwatt;

(p) *morning star*—an article designed as a weapon consisting of a weight (whether or not with spikes or blades) attached to a chain, rope or a length of other flexible material;

(q) *nunchakus*—a device comprised of 2 or more bars joined by a chain, rope or other flexible material so that the bars can swing independently of each other;

(r) *orthochlorobenzalmalononitrile*—orthochlorobenzalmalononitrile (known as CS) in all its forms;

(s) *pistol cross-bow*—a cross-bow designed for aiming and discharging an arrow, dart, bolt or similar projectile when held in one hand;

(t) *poniard*—a ceremonial weapon associated with the traditions of a prescribed Masonic organisation;

(u) *push knife*—a knife (for example, an Urban Pal Knife) comprised of a blade or spike with a transverse handle that is designed—

(i) to be held between the fingers or the forefinger and thumb with the handle supported by the palm of the hand; and

(ii) to inflict injury by a punching or pushing movement;

(v) *star knife*—a device comprised of a number of points, blades or spikes pointing outwardly from a central axis and designed to spin around that axis, and capable of causing serious injury, when thrown;

(w) *throwing knife*—a knife that is designed to cause serious injury when thrown;

(x) *trench knife*—a knife comprised of a blade or spike attached to one end of a handle that is designed to be held in the closed fist with the fingers through the handle which serves as a knuckle duster;

(y) *undetectable knife*—a knife that—

(i) is made wholly or partly of a material that prevents the knife from being detected, or being detected as a knife, by either a metal detector or by a method using X-rays; and

(ii) is capable of causing serious injury or death.

Part 4—Exempt persons—prohibited weapons

4—Application of Part

(2) If—

(a) in this Part, a person is expressed to be an exempt person for the purposes of 1 or more offences against section 21F(1) of this Act in relation to a particular class of prohibited weapon; and

(b) the weapon is included in 1 or more of the other classes of prohibited weapon,

the person is an exempt person in relation to that weapon for the purposes of the offences even though he or she is not an exempt person in relation to a prohibited weapon of the other class or classes referred to in paragraph (b).

(3) The provisions of this Part (other than clauses 5, 6, 7 and 8) do not apply to a person who has, whether before or after the commencement of this Part, been found guilty by a court of—

(a) an offence involving violence for which the maximum term of imprisonment is 5 years or more; or

(b) an equivalent offence involving violence under the law of another State or Territory of the Commonwealth or of another country.

(4) If a person is an exempt person in relation to a weapon under a clause in this Part other than under clauses 5, 6, 7 or 8) and a court finds the person guilty of using the weapon to threaten or injure another person, he or she ceases to be an exempt person in relation to that or any other weapon under that clause and can never again become an exempt person under that clause.

(5) A person who, prior to the commencement of this Part, ceased, in accordance with regulation 7(4) of the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000*, to be an exempt person under a particular regulation is taken not to be exempt under any corresponding provision of this Part.

5—Police officers

A police officer is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the officer uses or has possession of a prohibited weapon for the purpose or in the course of his or her duties as a police officer.

6—Delivery to police

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon for the purpose of delivering it as soon as reasonably practicable to a police officer.

7—Emergencies

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon for the purpose, and in the course, of dealing with an emergency (whether as a volunteer or in the course of paid employment), provided that the person does not use the weapon to threaten or injure another person.

8—Executors etc

(1) A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act

if the person has possession of a prohibited weapon in the course of his or her duties—

(a) as the executor, administrator or other representative of—

(i) the estate of a deceased person or a bankrupt; or

(ii) a person who is legally incompetent; or

(b) as receiver or liquidator of a body corporate.

(2) A person is an exempt person for the purposes of an offence of sale or supply of a prohibited weapon under section 21F(1)(a) of this Act, if the person sells or supplies a prohibited weapon in the course of his or her duties—

(a) as the executor, administrator or other representative of—

(i) the estate of a deceased person or a bankrupt; or

(ii) a person who is legally incompetent; or

(b) as receiver or liquidator of a body corporate,

provided that the sale or supply is to a person who is entitled to possession of the weapon under section 21F of this Act.

9—Heirlooms

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon that is of sentimental value to him or her as an heirloom and that was previously in the possession of 1 or more of his or her relatives provided that the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except for the purpose of—

(a) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(b) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(c) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(d) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(e) permanently transferring possession of the weapon to another person (being a person who is entitled under section 21F of this Act to have possession of it).

10—Collectors

(1) A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon as part of a collection of weapons or other artefacts or memorabilia (comprised of at least 3 weapons, whether or not prohibited weapons) that has a particular theme, or that the person maintains for its historical interest or as an investment, provided that—

(a) the person keeps the following records in a legible manner in a bound book at his or her place of residence for a period that expires at the end of 5 years after he or she ceases to be in possession of the collection:

(i) a record describing and identifying the weapon;

(ii) a record of the date of each occasion on which he or she obtains or re-obtains possession of the weapon and the identity and address of the person from whom he or she obtains or re-obtains possession;

(iii) the date of each occasion on which he or she parts with possession of the weapon to another person and the identity and address of that person; and

(b) the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except for the purpose of—

(i) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(iv) repair, restoration or valuation—

(A) by another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(B) by a person who is, under clause 13, an exempt person in relation to a prohibited weapon; or

(v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(vi) storage by another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(vii) returning it to—

(A) another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(B) a prescribed services organisation that is, under clause 11, an exempt person in relation to a prohibited weapon,

on whose behalf he or she has repaired, restored, valued or stored the weapon; or

(viii) taking it to a meeting but only if the majority of persons at the meeting are collectors who are, under this clause, exempt persons in relation to prohibited weapons; or

(ix) its sale or supply to another person in accordance with subclause (2); and

(c) the person permits a police officer at any reasonable time to enter his or her residential premises to inspect the collection and the records kept under paragraph (a).

(2) A person who is an exempt person under subclause (1) will also be an exempt person for the purposes of an offence of sale or supply of such a weapon under section 21F(1)(a) of this Act if the person sells or supplies the weapon in the normal course of maintaining the collection, to a person who is entitled to possession of a prohibited weapon under section 21F of this Act.

(3) A reference in subclause (1) to the place of residence of a person will be taken, in the case of a body corporate, to be a reference to the registered office of the body corporate.

11—Prescribed services organisations (RSL etc)

(1) A prescribed services organisation is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if it has possession of a prohibited weapon of a kind acquired or used by one of its members (or by a person that it represents) while on active war service as a member of Australia's armed forces, provided that—

(a) the organisation keeps the following records in a legible manner in a bound book at its premises for a period that

expires at the end of 5 years after it last ceased to be in possession of the weapon:

(i) a record describing and identifying the weapon;

(ii) a record of the date of each occasion on which the organisation obtains or re-obtains possession of the weapon and the identity and address of the person from whom the organisation obtains or re-obtains possession;

(iii) the date of each occasion on which the organisation parts with possession of the weapon to another person and the identity and address of that person; and

(b) the organisation keeps the weapon in a safe and secure manner at its premises and does not remove the weapon except for the purpose of—

(i) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(iv) repair, restoration or valuation—

(A) by a collector who is, under clause 10, an exempt person in relation to a prohibited weapon; or

(B) by a person who is, under clause 13, an exempt person in relation to a prohibited weapon; or

(v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(vi) its sale or supply to another person in accordance with subclause (2); and

(c) the organisation permits a police officer at any reasonable time to enter the premises of the organisation to inspect the weapon and the records kept under paragraph (a).

(2) A person who is an exempt person in relation to a prohibited weapon under subclause (1) will also be an exempt person for the purposes of an offence of sale or supply of such a weapon under section 21F(1)(a) of this Act if the person sells or supplies the weapon in the normal course of maintaining the collection, to a person who is entitled to possession of a prohibited weapon under section 21F of this Act.

12—Possession by collector on behalf of prescribed services organisation or another collector

A person who is, under clause 10, an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act (the *first collector*) will also be an exempt person for the purposes of such an offence in relation to a prohibited weapon that is owned by another collector or a prescribed services organisation if—

(a) possession of the weapon by the first collector is solely for the purpose of repairing, restoring, valuing or storing it on behalf of the prescribed services organisation or the other collector; and

(b) the other collector is, under clause 10, or the prescribed services organisation is, under clause 11, an exempt person in relation to the weapon; and

(c) while the weapon is in the possession of the first collector, the first collector complies with the conditions in clause 10(1)(a) to (c) in

relation to the weapon as though it were part of the first collector's collection.

13—Manufacturers etc

A person is an exempt person for the purposes of an offence of manufacture, sale, distribution, supply of, or other dealing in, possession or use of a prohibited weapon under section 21F(1) of this Act if—

(a) the person—

(i) has not been found guilty by a court of an offence involving the use, or the threat of using, a weapon; and

(ii) has notified the Commissioner in writing that he or she is, or intends, manufacturing, selling, distributing, supplying or otherwise dealing in prohibited weapons and of—

(A) the person's full name; and

(B) the address of the place or places at which the person is, or intends, conducting those activities; and

(C) the person's residential address; and

(D) in the case of a body corporate—the full name and residential address of each of its directors; and

(iii) the possession and use is, or is to be, only to the extent reasonably necessary for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapons (as the case requires); and

(b) the weapons are kept in a safe and secure manner; and

(c) in the case of the sale, distribution or supply of, or other dealing in, a prohibited weapon—the weapon is not sold, distributed or supplied to, or dealt in with, a person who is under the age of 18 years; and

(d) a prohibited weapon is not marketed (within the meaning of section 21D of this Act) by the person in a way that—

(i) indicates, or suggests, that the weapon is suitable for combat; or

(ii) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon; and

(e) in the case of the manufacture of prohibited weapons, each weapon manufactured is marked with an identifying brand and number in a manner that ensures that the brand and number cannot be removed easily and will not wear off in the normal course of use of the weapon; and

(f) the person keeps the following records in a legible manner (and in a form that is reasonably accessible to a police officer inspecting the records under paragraph (i)) at his or her business premises for a period of at least five years:

(i) a description of each prohibited weapon that is, or has been, in his or her possession;

(ii) the identifying brand and number (if any) that is marked on each of those weapons;

(iii) the name and address of the person to whom he or she sells, distributes, supplies, or with whom he or she otherwise deals in, each of those weapons;

(iv) the date of each transaction; and

(g) the person permits a police officer at any reasonable time to enter his or her premises or a vehicle in which prohibited weapons are carried to inspect the premises or vehicle, the weapons on the premises or in the vehicle or records kept by the exempt person under paragraph (f); and

(h) the person notifies the Commissioner in writing of a change in any of the information referred to in paragraph (a)(i) and (ii) within 7 days after the change occurs.

14—Possession by manufacturer etc on behalf of prescribed services organisation or another collector

A person who is, under clause 13, an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act (the *manufacturer*) will also be an exempt person for the purposes of such an offence in relation to a prohibited weapon that is owned by a collector or a prescribed services organisation if—

(a) possession of the weapon by the manufacturer is solely for the purpose of repairing or restoring the weapon or valuing or storing it on behalf of the collector or prescribed services organisation; and

(b) the collector is, under clause 10, or the prescribed services organisation is, under clause 11, an exempt person in relation to the weapon.

15—Extendable batons—security agents

(1) A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of an extendable baton of a prescribed kind if—

(a) the person is—

(i) authorised by a licence granted under the *Security and Investigation Agents Act 1995* to carry on the business of protecting or guarding property as a security agent; and

(ii) the holder of a firearms licence under the *Firearms Act 1977* authorising the possession and use of a handgun in the course of carrying on the business of guarding property; and

(b) the baton is kept in a safe and secure manner at the person's business premises when not being used; and

(c) the baton is marked with a number for identification and with the name of the person in a manner that ensures that the number and name cannot be removed easily and will not wear off in the normal course of use of the baton; and

(d) the baton is not issued to another person unless the other person is—

(i) an employee in the business; and

(ii) an exempt person under subclause (2); and

(e) the person keeps the following records in a legible manner (and in a form that is reasonably accessible to a police officer inspecting the records under paragraph (f)) at his or her business premises for a period of at least 5 years:

(i) the make and model of the baton and the identifying number marked on the baton under paragraph (c);

(ii) the date and time of every issue of the baton to an employee, the identification number of the baton, the identity of the employee to whom the baton is issued and the date and time when the baton is returned by the employee;

(iii) the date or dates (if any) on which a person to whom the baton has been issued uses the baton (as opposed to carrying the baton) in the course of his or her duties and the reason for that use of the baton; and

(f) the person permits a police officer at any reasonable time to enter his or her business premises to inspect the baton, the manner in which the baton is kept and the records kept under paragraph (e); and

(g) in the case of a natural person—

(i) the person has completed a course of instruction approved by the Commissioner in the proper use of extendable batons and has been awarded a certificate of competency by the person conducting the course; and

(ii) the person does not carry the baton while engaged in crowd control.

(2) A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of an extendable baton of a prescribed kind if the person—

(a) is employed to protect or guard property by a person who carries on the business of protecting or guarding property; and

(b) is authorised by a licence granted under the *Security and Investigation Agents Act 1995* to protect or guard property as a security agent; and

(c) is the holder of a firearms licence under the *Firearms Act 1977* authorising the possession and use of a handgun in the course of employment by a person who carries on the business of guarding property; and

(d) reasonably requires the possession of an extendable baton for the purposes of carrying out the duties of his or her employment; and

(e) has completed a course of instruction approved by the Commissioner of Police in the proper use of extendable batons and has been awarded a certificate of competency by the person conducting the course; and

(f) has not been found guilty by a court of an offence involving the illegal possession or use of an extendable baton, a firearm or any other weapon; and

(g) does not carry the baton while engaged in crowd control; and

(h) as soon as reasonably practicable after using the baton in the course of his or her duties, provides his or her employer with a written report setting out the date on which, and the circumstances in which, he or she used the baton.

16—Dirks and sgian dhus—members of Scottish associations

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the possession of a dirk or sgian dhu (alternative spelling 'skean dhu') if—

(a) —

(i) the person is a member of an incorporated association that has as its sole or a principal purpose the fostering and preservation of Scottish culture or the playing or singing of Scottish music; or

(ii) the person is a member of a society, body or other group (whether or not incorporated) that is affiliated with an incorporated association and both the society, body or group and the incorporated association with which it is affiliated have as their sole or a principal purpose the fostering and preservation of Scottish culture or the playing or singing of Scottish music; and

(b) the person has possession of all of the clothes and other accoutrements traditionally worn with the dirk or sgian dhu (or, if the dirk or sgian dhu is traditionally worn with different clothes on different occasions, he or she has possession of the clothes and accoutrements for at least 1 of those occasions); and

(c) the person has possession of the dirk or sgian dhu solely for the purpose of wearing it with that clothing and, in the case of a dirk, for the purpose of using it in traditional Scottish ceremonies; and

(d) in the case of a dirk—the person only uses the dirk for the purposes of traditional Scottish ceremonies; and

(e) the person keeps the dirk or sgian dhu in a safe and secure manner at his or her place of residence and does not remove it except—

(i) for the purpose of wearing it with that clothing; or

(ii) for the purpose of lending it to a person who is entitled under section 21F of this Act to have possession of it; or

(iii) for the purpose of permanently transferring possession of the dirk or sgian dhu to another person (being a person who is entitled under section 21F of this Act to have possession of it).

17—Poniards—lodges of Freemasons etc

A prescribed Masonic organisation is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a poniard if—

(a) the poniard is kept at the premises of the association, Lodge or Order concerned in a safe and secure manner and is not removed from the premises except for the purpose of—

(i) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(ii) valuation by a person who carries on a business that includes valuing articles of that kind; or

(iii) permanently transferring possession of the poniard to another person (being a person who is entitled under section 21F of this Act to have possession of it); and

(b) the poniard is only used at the premises of the association, Lodge or Order concerned for traditional ceremonial purposes.

18—Laser pointers for astronomical use

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a laser pointer if—

(a) the person is using or has possession of the laser pointer for the purpose or in the course of participating in astronomy; and

(b) the person—

(i) is a member of—

(A) the Astronomical Society of South Australia Incorporated; or

(B) the Mars Society Australia Incorporated; or

(ii) participates in astronomy under the supervision of a member of a body referred to in subparagraph (i); or

(iii) participates in astronomy at an observatory; or

(iv) participates in astronomy as part of a course of study conducted by an educational institution.

19—Undetectable knives used in food preparation

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of an undetectable knife if the use or possession is solely for the preparation of food or drink for human consumption.

20—Business purposes

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of conducting his or her business or in the course of his or her employment, provided that—

(a) the use or possession of the weapon is reasonably required for that purpose; and

(b) the use or possession of the weapon is not in the course or for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapon.

21—Religious purposes

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the possession of a knife (other than a butterfly knife, flick knife, push knife or trench knife) or dagger if—

(a) the person is a member of a religious group; and

(b) the person possesses, wears or carries the knife or dagger for the purpose of complying with the requirements of that religion.

22—Entertainment

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of providing a lawful and recognised form of entertainment of other persons that reasonably requires the use or possession of the weapon.

23—Sport and recreation

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of participating in a lawful and recognised form of recreation or sport that reasonably requires the use or possession of the weapon.

24—Ceremonies

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of an official ceremony that reasonably requires the use or possession of the weapon.

25—Museums and art galleries

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon for the purposes of a museum or art gallery.

As I understand it, this provision inserts schedule 2, parts 1 to 3, which are a transfer of the regulations, and part 4 brings together the current act's provisions and regulation provisions. In that sense, it is similarly consequentially linked, as was [Wade-2] 44.

The Hon. G.E. GAGO: It is consequential.

New clause inserted.

Schedule 1.

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

Page 19, line 29 [Schedule 1, clause 4]—Delete 'Commissioner of Police' and substitute:

Minister

I would suggest to the council that this amendment is consequential on [Wade-2] 14. It is a transitional provision amended to reflect the minister's role.

The Hon. G.E. GAGO: Consequential.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Bill recommitted.

Clause 7.

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 thank the minister for facilitating the recommittal. Honourable members will remember the discussion about this clause and the amendment [Wade-2] 41 being, shall we say, beyond section 72B but dependent on 72B. So, having decided beyond 72B it is appropriate to recommit this and I would submit that in the context of what the council considered in relation to 72B this should be regarded as consequential and supported by the council.

The Hon. G.E. GAGO: The government is not opposing this amendment.

Amendment carried; clause as further amended passed.

Bill reported with amendment.

At 21:51 the council adjourned until Wednesday 22 June 2011 at 11:00.