LEGISLATIVE COUNCIL

Thursday 19 February 2004

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

VOLUNTARY EUTHANASIA

A petition signed by 20 residents of South Australia, concerning voluntary euthanasia and praying that the council will reject the so-called Dignity in Dying (Voluntary Euthanasia) Bill, move to ensure that all medical staff in all hospitals receive proper training in palliative care and move to ensure adequate funding for palliative care for terminally ill patients, was presented by the Hon. J.F. Stefani.

Petition received.

HOLDFAST SHORES

A petition signed by 6 000 residents of South Australia, concerning the proposal for the development of stage 2B of the Holdfast Shores project at the Glenelg foreshore and praying that the council will do all in its power to ensure that the proposal (as contained in an amended development report for the development of stage 2B of the Holdfast Shores project on the Glenelg foreshore), which includes a residential apartment building on the site of the Glenelg Surf Life Saving Club, is rejected, was presented by the Hon. A.J. Redford.

Petition received.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to question on notice No. 203 from the last session and the following questions on notice from this session be distributed and printed in *Hansard*: Nos 124 and 126.

ETSA, DISAGGREGATION

124. **The Hon. SANDRA KANCK:**

1. What were the costs for the disaggregation of the former ETSA into ETSA Power, ETSA Generation, ETSA Transmission and ETSA Energy?

2. What were the costs for the further disaggregation of ETSA Generation into Flinders Power, Optima Energy and Synergen?

The Hon. P. HOLLOWAY: The Minister for Energy has provided the following information:

1. On 1 July 1995 ETSA Corporation commenced operations as a corporatised entity subject to both the Electricity Corporations Act 1994 and the Public Corporations Act 1993.

ETSA Corporation's four subsidiaries were created by Regulations under the Public Corporations Act. These were ETSA Generation Corporation (generation functions); ETSA Power Corporation (retail and distribution functions); ETSA Energy Corporation (energy trading functions); and ETSA Transmission Corporation (transmission function). These entities all commenced trading on 1 July 1996.

In July 1996, legislation to separate ETSA Generation Corporation from ETSA Corporation was passed. This established ETSA Generation Corporation as a separate statutory authority to undertake most of the generation functions previously carried out by ETSA Corporation. The generation assets and liabilities were then transferred from ETSA Generation Corporation to a newly established entity, SA Generation Corporation, which commenced trading as Optima Energy from 1 January 1997.

The ETSA Corporation 1996-1997 Annual Report reported restructuring costs of $1.3 million, comprising consultancy fees as well as other expenses. The 1995-1996 Annual Report did not specifically report on any costs associated with disaggregating the entities.

2. On 12 October 1998 the State's electricity businesses were further restructured as part of the privatisation process into ETSA Utilities (distribution); ETSA Power (retail); ElectraNetSA (transmission); Terra Gas Trader; and the generators Optima Energy, Flinders Power and Synergen.

In a media release of 23 June 1999, the former, the Hon Treasurer Rob Lucas MLC identified that the cost of the October 1998 disaggregation was $19.6 million in consultancy costs. In addition to the consultancy costs, other costs were incurred by the Electricity Reform and Sale Unit (ERSU) of the Department of Treasury and Finance, as a result of the restructure. The Auditor-General Report of 1999 reported contributions of $20.7 million were received by ERSU from the electricity entities for the expenditure associated with the disaggregation of the electricity industry.

MOTOR VEHICLES, REGISTRATION

126. **The Hon. SANDRA KANCK:**

1. Are respective accident rates taken into consideration in setting registration fees for different types of motor vehicles?

2. (a) (a) Are four wheel drive vehicles statistically more likely to be involved in reported accidents than other types of registered vehicles; and

(b) If so, by what margin?

3. Are drivers and passengers in four wheel drive vehicles more likely to be injured than drivers and passengers in other vehicle types?

4. (a) Are the cost of repairs for vehicles involved in collisions with four wheel drive vehicles greater than the average; and

(b) If so, by what margin?

5. (a) Are the cost of repairs for vehicles involved in collisions with four wheel drive vehicles with bull bars greater than the average; and

(b) If so, by what margin?

The Hon. T.G. ROBERTS: The Minister for Transport has provided the following information:

Accident rates are not taken into account when setting registration fees. The present method of determining registration charges for motor cars is based on the number of cylinders. This method was introduced in 1984 by the Government of the day as a means of encouraging the use of more fuel-efficient motor cars.

In South Australia, the Third Party Premiums Committee determines CTP premiums. The Committee is an independent body, appointed by the Governor, with equal insurer and motorist representation, one government representative and an independent presiding officer. When determining CTP premiums, I understand that the Committee considers factors such as the claims experience for each category of vehicle, based upon independent actuarial analysis of claims.

As four wheel drive vehicles are registered and insured as passenger vehicles, there appears to be no current crash statistics that distinguish whether the vehicle involved in a crash was a four wheel drive vehicle.

I am informed that, in a report published by the Australian Transport Safety Bureau (ATSB), it was stated that there was a significant increase in fatal crashes involving four wheel drive vehicles between 1990 and 1998. However, the report also refers to data collected by the Australian Bureau of Statistics suggesting that the increase may well be due to an increase in four wheel drive vehicle activity.

In its report, the ATSB compares the rate of different vehicles involved in fatal crashes per 100 million vehicle kilometres travelled. While the report indicates that four wheel drive vehicles had a slightly higher fatal crash involvement than standard passenger cars and light trucks, it also indicates they had a substantially lower involvement than motor cycles and heavy trucks.

The ATSB has not undertaken any further research on four wheel drive vehicle crash statistics since the release of this report.

Four-wheel drive vehicles are now manufactured in a variety of shapes and sizes, with some being smaller than the common station wagon. Accordingly, the likelihood of drivers and passengers of four-wheel drive vehicles being injured in a crash will depend upon the severity of the crash and the types of vehicles involved, as is the case for all vehicles.

As four-wheel drive vehicles are registered as passenger vehicles there appears to be no crash data to distinguish the cost of repairs between four wheel drive and other passenger vehicle types.

However, I am advised that owners of four wheel drive vehicles are charged a higher premium with some insurance companies as the cost of repairs to these vehicles tend to be greater than for other vehicle types.

There are a number of factors that determine the repair costs of vehicles. However, I understand that there are no repair cost statistics for four-wheel drive vehicles fitted with a bull bar.

ATTORNEY-GENERAL'S DEPARTMENT, EMPLOYEES

203. (Second session). **The Hon. DIANA LAIDLAW:**

1. How many officers work in the Public/Private Partnership Unit in the Department of Treasury now compared to 2001-02.
2. What is the budget for the operation of the unit this financial year compared to 2001-02?
3. (a) What projects is the unit engaged in investigating; and
   (b) In each instance, when was the project referred to the unit or taken up on its own initiative?
4. (a) What projects, if any, has the unit recommended that the government advance as public/private partnership contracts; and
   (b) What is the current status of these recommended projects?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. The number of funded FTE positions in the Public/Private Partnership (PPP) Unit in 2002-03 is eight. In 2001-2002 the number of FTE positions in the PPP Unit was six.

2. The budget for the operation of the PPP Unit in 2002-03 is $4.03 million. The budget for the operation of the PPP Unit in 2001-02 was $610 000.

The main difference between the two periods is additional funding of $3.3 million to ensure the department is adequately resourced to take the lead role across Government in the management of all PPP evaluation and procurement initiatives. This initiative was outlined in the 2002-03 Budget papers.

3. (a) The Unit is currently considering a number of potential PPP projects.
   (b) Projects have been referred to the PPP Unit through the Major Projects and Infrastructure Cabinet Committee. These projects were approved for further investigation on 1 August 2002. This Government will continue to prioritise projects of importance to the State and then determine the means of procurement which provides the best value for money to the South Australian community, this may include PPP's.
4. (a) Three projects have been recommended to Cabinet by the relevant Agencies to be advanced as public private partnerships, namely the Regional Police Station/Courts Project, the Adelaide Women's Prison/Youth Detention Centre Project and the State Aquatic Centre.
   (b) Expressions of Interest have been called for the Regional Police Station/Courts Project from the market and responses are currently being assessed. Previously Cabinet had approved the release of a call for Expressions of Interest for the Adelaide Women's Prison/Youth Detention Centre Project. Cabinet has now reconfirmed the need to investigate this project as a PPP subject to further detailed investigations of potential project costs and sites for the facility.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Implementation of the Upper South East Project—Report, October-December 2003.

KPMG SURVEY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement on a KPMG survey made today in the other place by the Treasurer.

PRISONERS, DNA TESTING

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement on the outcome of DNA testing of the state's prison population made today in the other place by the Attorney-General.

QUESTION TIME

MINING ACT

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Mining Act review.

Leave granted.

The Hon. CAROLINE SCHAEFER: This morning, the minister announced a significant review of the Mining Act and went on to talk about the need for such a review, particularly with a view to rehabilitation. My questions are:

1. Why is it necessary to conduct a review of the Mining Act when a comprehensive review was conducted in 1996 (as was a separate review of the rehabilitation of mines), which was released for public discussion and was due for presentation in the parliament in late 2001? I understand that that was interrupted by the election.

2. Why is the government spending money on something that has already taken place?

3. Was the minister not satisfied with the results of that review?

4. What changes does he plan to make?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I am delighted to be able to give details of the government's plans to review the Mining Act. The Mining Act was introduced into this state in 1971. Although there may have been reviews of particular parts of the act and a number of amendments made in that time, it is, in the government's view, appropriate that now there should be a complete review of the entire act.

Some of the changes that have been made to the act down the years of course include the insertion of part 9B of the Mining Act, which deals with native title, and also part 11A regarding private mines. Improved provisions relating to the more efficient turnover of exploration ground are also amendments that have been made to the act.

The Mining Act is a very comprehensive act that covers all aspects of mining operation, so it is a large act and is also very important for this state. Although the act has been revised regularly down the years, I believe it is time really to undertake a comprehensive review. What the government sees as the consequences of this review of the Mining Act are that the purpose of the new act would be:

- to provide secure legal title for exploration and subsequent extraction of mineral deposits;
- to provide landowners and other parties with a right to comment on mining title applications and to provide adequate compensation for land disturbance;
- to provide for the payment of rental and royalties to the government; and
- to regulate mining operations to ensure that activities are conducted within the framework of sustainable development.

Another object of the review is to identify any issues within South Australia's mining legislation that reduce its transparency and efficiency and to develop a best practice regulatory system for administering mineral exploration in the state. The envisaged outcomes of the mining review that the government seeks are:

- legislation to minimise the environmental impact of exploration and mining;
- to provide an appropriate environment for attracting investment in exploration and mining;
- to maximise access to land for exploration;
- to maximise the discovery and realisation of the state's mineral assets and provide a fair return to the community from exploitation of those assets;
- to reduce conflicts between miners, landowners and the community;
- to provide clear and effective consultation mechanisms and appropriate access to information;
- to provide an effective dispute resolution process; and
- to provide an act that streamlines the range of approvals required and, where possible, to provide a one-stop shop for proponents.

A notice about the act has been sent to all stakeholders. The process that will be undertaken by the act and the timeframes are as follows:

1. An issues paper will be prepared and circulated to all stakeholders and government agencies for comment. Copies will be available on the Division of Minerals and Energy web site and a public notice will be published in *The Advertiser*. The estimated timeframe for circulation is May 2004.
2. Comments on the issues paper will be due by 31 July 2004.
3. Consideration of responses to the issues paper and formulation of preferred options will be completed by 30 November 2004. Meetings and/or workshops with stakeholders will be held if required.
4. A green paper will be prepared and released to all stakeholders and government agencies for comment. Copies will be available on the Division of Minerals and Energy web site and a public notice will be published in *The Advertiser*. The estimated timeframe for circulation is March 2005.
5. Comments on the green paper will be due by 31 July 2005.
6. Consideration of comments and meetings and/or workshops with stakeholders will be completed by 30 November 2005.
7. Preparation of a cabinet submission and drafting instructions, seeking approval to draft a bill amending the act, will be completed by 15 January 2006.

Finally, after receiving comments on the draft bill, which are due by 30 July 2006, it states that the process will be finalised and the bill will be enacted by 30 June 2007.

The Mining Act is very important for this state. A significant amount of activity hinges upon us having the most up-to-date and efficient legislation. Certainly, there have been reviews of various aspects of the act through the years. It is the government's view that we need a comprehensive review of the entire act. That is what we intend to do, and I believe that that will be welcomed by all sections of the community. I notice in this morning's paper that it was welcomed by the Farmers Federation, and particularly the issues that relate to the rehabilitation aspect. I am sure the community will welcome that.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Why do the minister's briefing notes exactly mirror, with only a few changed words, the briefing notes that I have in my hand, dated 8 November 2001? Does the minister predict that the actual results of the review will be any different from the review that was conducted at that time? When does the minister plan to answer one of my questions rather than giving an answer?

The Hon. P. HOLLOWAY: I am delighted. We will have a chance to see just how clever the Hon. Caroline Schaefer is. Earlier this week the Hon. Caroline Schaefer asked me a question about the ALP election policy. I had a lot of trouble finding exactly where in the election platform it was. With the help of some of your diligent staff, Mr President, I was able to find that it was, in fact, out of the 1996 ALP platform. This member has a good habit of getting it wrong. She got it totally wrong then. Her first question this week was about a boat in Whyalla.

The Hon. T.J. STEPHENS: I rise on a point of order. Could the minister please answer the question? What he is saying has no relevance whatsoever to the question.

The Hon. P. HOLLOWAY: It has every reference to the credibility of the member who asked the question.

The PRESIDENT: The long held convention in the council has been that the minister is able to answer the question. It is always helpful if you stick to the answer. There were two supplementary questions, not one, and one was a consequence of the answer given or not given, so I have ruled that in order. The minister is entitled to answer the question in a way which he feels is appropriate to the answer.

The Hon. P. HOLLOWAY: The first question the honourable member asked this week was about the boat from Whyalla. Again, the inference in her question was totally wrong. The boat that is being built will be located in Whyalla. So, she got two out of two wrong. Now we have the trifecta because in 2001 there was to be a review of the Mining Act that was put forward to the previous government. However, that particular review did not proceed. It is now proceeding under this government so that we might have a comprehensive review of the Mining Act. One can only hope that after the first week the shadow minister will improve her accuracy with questions next week.

DRUNK'S DEFENCE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Attorney-General, questions about the drunk's defence.

Leave granted.

The Hon. R.D. LAWSON: In a press statement issued today, the Attorney-General has claimed that he is fulfilling a pre-election promise to wipe out the principle established in the O'Connor decision of the High Court in 1979, which made it possible for an accused person to get off charges by arguing that they were so intoxicated that they could not be at fault of a serious crime. The Attorney's press statement states:

I vowed that if elected I would review this whole area that effectively allows people to avoid responsibility for their actions because of their self-induced condition. Too many offenders get off because they claim they were drunk when they committed the crime.

The Attorney-General names one particular instance in his press statement, that of a Mr Nadruku who was acquitted by a magistrate in the Australian Capital Territory. The previous attorney-general Trevor Griffin pointed out that this defence had never been relied upon in South Australia, but the present Attorney-General claimed that the drunk's defence was used in a 1997 case concerning a prisoner from Cadell Training Centre, called Gigney. Briefly, the facts were that Mr Gigney, in the training centre, made a home brew which was highly

intoxicating. He then took a prison officer's car and drove out of the prison and escaped. He was charged with escape from lawful custody and the illegal use of a motor vehicle and apparently was acquitted on the grounds of his intoxication. The Attorney referred to that case again today.

The Attorney, in allegedly fulfilling his promise to abolish the drunk's defence, has announced that he will create a new offence of 'criminal negligence causing grievous bodily harm' and, for this particular offence, an accused will not be able to rely upon self-induced intoxication to negative the voluntariness of his or her behaviour. My questions are:

1. Is it true that the drunk's defence has not been abolished and that a person in the situation of Mr Gigney would still be acquitted because the proposed abolition relates only to a special new offence 'criminal negligence causing grievous bodily harm'?

2. Does the Attorney-General agree that the proposed legislation does not, as he previously claimed, restore the law to that recommended by a select committee of this parliament?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass that question on to the Attorney-General. However, I say that at least this government is, unlike its predecessor, acting to reform the law so that people who are drunk will not be able to get away with the sorts of things that they have in the past. I think that is really the bottom line. This government has nothing to apologise for whatsoever regarding our law and order policies. I would hope that the council will support the legislation when it is introduced very soon by the Attorney-General and that it will have the support of all members to ensure that this aspect of the law is tidied up.

AGRICULTURE, EDUCATION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about agricultural educators.

Leave granted.

The Hon. J.S.L. DAWKINS: In January, the 13th biannual conference of the National Association of Agriculture Educators was held on Kangaroo Island. Some of the media coverage of this event highlighted the efforts of agriculture teachers to encourage more people to recognise the importance of the agricultural sector. Indeed, conference attendees indicated concern about the lack of perception of the importance of agriculture right across the community.

Agriculture teachers themselves believe that more attention needs to be paid to agriculture education to encourage more people to go into careers in agriculture, where significant opportunities exist. In addition, they see a need to provide the general community with more understanding about the food and fibre industry. My question is: will the minister indicate what actions are being taken by PIRSA to: (1) raise community perceptions of agriculture; (2) highlight the careers available in agriculture; and (3) emphasise the importance of agriculture education and those educators who impart their knowledge of primary industries to students?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his important question. It is incredibly important for this state, which derives more than half of its exports from the agricultural sector, that we have the necessary skills coming into the industry to allow that industry to continue and grow.

In relation to what the Department of Primary Industries and Resources does in terms of making the community aware of the value of agriculture to the state, that is, of course, the core business of the department. Sections within the department really do nothing else but promote the benefits of agriculture, and the results of that are seen every week, particularly in country newspapers, with the articles written by officers of Rural Solutions and other sections of the department informing the farming community about developments within agriculture.

However, I think the honourable member was really referring to careers in the sense of people entering the agricultural industry. Obviously, as far as the education curricula is concerned, they are more matters for my colleagues the Minister for Education and the Minister for Employment, Training and Further Education and, of course, the Department of Primary Industries is closely involved in the development of those areas.

One could also talk about the FarmBis program, which has been operating for a number of years. That program specifically sets out to improve the quality of knowledge within the agriculture sector, and its prime objective is to improve the capacity within the farming community. Many of those programs are delivered through the TAFE sector or private providers, because that is the way in which education is going at the moment. A couple of weeks ago, I had the pleasure of presenting graduate certificates to farmers who were improving their education through the TAFE system.

There are many specific programs, and one could also talk about the Rural Ambassadors Award, through which my department supports a number of young people. Six people were chosen, and a very generous bursary is provided by the Department of Primary Industries and Resources to enable those young people to travel, generally to New Zealand, to pick up farm leadership skills. A very impressive group of young people indeed has come through that program over many years, and that program certainly continues. As for the specifics of agriculture education itself, that is really the province of my colleagues, and I will see whether they have any information to add. In conclusion, I point out that, within the agricultural sector in this state, we have at the Waite Institute one of the finest examples of agricultural research centres in the world.

It is a world-class centre and it is this government's intention that it should grow even stronger in that capacity. The Plant Functional Genomics Centre, due to be officially opened soon, having been completed earlier this year, will further improve the calibre of that body, and that is a key centre for agriculture in the state, which not only attracts researchers and educators within the agricultural sector but also improves the productivity of the farm community. That area is particularly dear to my heart, and around the world we need to promote the value of the Waite precinct as one of the world's great agricultural research campuses. It has a number of bodies on that campus. It is a world-class institute and we need to promote it world wide so that it gets the recognition it deserves and we get the funds and international researchers coming here that we deserve.

The Hon. J.S.L. DAWKINS: While appreciating the information given, will the minister indicate whether he agrees that it is imperative that we give the greatest priority to a larger number of students being able to study agriculture at the secondary level?

The Hon. P. HOLLOWAY: That is an important issue. If we want more people going into the farming community as farmers, the general deterrent is more likely to be the high capital costs incurred in so doing. Certainly agriculture is now changing. Unlike agriculture during the industrial revolution, where the number of people and employees in agriculture was declining, we are now at a stage where agricultural pursuits are increasingly becoming businesses and people are employed in them. A classic case would be the wine industry or some of the more intensive animal industries like dairying and so on. That probably indicates that we are at a stage where we need employees for those industries. We hope there will be increased employment in those industries, and that is where the education issues come into play. They are matters for which my colleague has direct responsibility as the Minister of Education, but I will seek information from her in relation to what her department is doing as far as secondary agricultural courses are concerned.

As far as primary industries and resources are concerned, we support existing places like Urrbrae and work with them to encourage people to take up careers in agriculture, and we have supported a number of web sites that convey that information to young people.

The Hon. KATE REYNOLDS: Will the minister commit to liaising with the education minister to ensure that there are enough specially trained and qualified teachers to ensure that those schools that want to offer agricultural studies as a core part of their curriculum can find and keep teachers of agriculture?

The Hon. P. HOLLOWAY: I am happy to take that up with my colleague the Minister for Education. One of the encouraging developments we have seen in recent times is the increasing number of schools over the past few years, given the strength of the wine industry, that offer wine courses, beginning with Nuriootpa High School. A number of schools now have that as part of their course. I will take up the specifics of the question with my colleague.

NUNKUWARRIN YUNTI

The Hon. G.E. GAGO: I seek leave to make a brief statement before asking the Minister for Aboriginal Affairs and Reconciliation a question about the SA Link-Up program of Nunkuwarrin and Yunti.

Leave granted.

The Hon. G.E. GAGO: I know that Nunkuwarrin Yunti, located in Adelaide, provides a wide range of services to the indigenous community and covers all aspects of health care and community support services. I understand that the South Australian Link-up program at Nunkuwarrin Yunti plays a central role in the delivery of dedicated programs to address the identified needs of the stolen generations. Can the minister provide information on the South Australian Link-up program at work?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her important question in relation to the extension of the stolen generation policy at both commonwealth and state level. The link-up service that is provided out of Nunkuwarrin Yunti is zeroing in on assisting those people who are put in the position of trying to trace their generational relatives. It is an important feature of reconciliation. The fact that people were split up and moved around geographically throughout Australia has played a large part in the dysfunctional aspects not just of individuals but also of communities, and there has been a recognition that, in working on some of the issues associated with those dysfunctional communities and individuals, Bringing them Home and link-up have become important links in the chain to provide that service.

Nunkuwarrin Yunti has provided that link-up service. It has been provided sensitively and, in this case, I can give an example, without breaking the confidentiality, of a couple of clients who are prepared to have their case mentioned but I will not reveal their names. Two sisters were referred to the program. Some years ago, the first sister made attempts to return home. When she finally did, she met some of the family but, sadly, not her mother, as she had passed away. The second sister had not met any of her family. Each sister has a young family, and it was seen to be important for them to know their natural family and the history around their removal. The reunion took place over three days, during which time the sisters, their father and their children visited the institutions where they had spent time before being brought to South Australia. This was also an opportunity for the father to share his history of being removed from his daughters—something he thought he would never have been able to achieve or thought possible in his lifetime.

The reunion was as a result of the hard work and commitment of the South Australian Link-up program, and the people who work there should be commended for the painstaking work they do in trying to get the link-ups to forge relationships with individual communities after they link up. The sensitivities that go with the emotionally charged reunions are difficult for us to imagine. I know that, as non-Aboriginal people, we can experience the emotional impact of meeting up with relatives, friends or parents after a long separation, but for people who have moved large distances and have never seen brothers, sisters, mothers or fathers there is certainly a very strong emotional component involved. I congratulate Nunkuwarrin Yunti for its success in bringing together these relatives and linking up the stolen generation programs with this generation.

SCHOOLS, BUSES

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Children's Services a question about school buses.

Leave granted.

The Hon. KATE REYNOLDS: Mr President, as you and other country members would know, school buses in country areas are a necessity rather than a choice of convenience. It takes considerable organisation to coordinate school bus timetables, using the workload of about .5 of a staff member each week for a typical secondary school, some of whom also coordinate primary school travel. This means that teachers are taken away from the classroom or work even more unpaid hours just to cover the workload. This staff time must be absorbed by rural schools, which do not receive any additional staffing or resources to safely and responsibly manage their bus programs. This puts an enormous strain on the staff.

School representatives have raised this with me as just one example of the inequity between rural and metropolitan schools. Metropolitan schools have the luxury of public transport systems (such as buses, trains and trams) providing easy access for their students who, unlike their country cousins, do not need to travel long distances. Metropolitan school staff are not required or expected to organise bus

timetables, supervise students getting on and off buses, organise approvals to travel, maintain maintenance regimes, etc., which rural schools are forced to do.

I understand that this issue has been raised with this government and previous governments on many occasions by school principals but that the department has refused to address this particular inequity between country and metropolitan schools. My questions are:

1. Does the minister agree that the cost of coordinating school bus services is a departmental responsibility not a local site responsibility; and, if not, why not?

2. Will the minister immediately allocate sufficient funds to country schools operating school buses to cover the cost of coordinating their bus programs; and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass those questions on to my colleague the Minister for Education and Children's Services and bring back a reply.

Members interjecting:

The PRESIDENT: Order!

HALLETT COVE CONSERVATION PARK

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Conservation questions regarding construction work at the Hallett Cove Conservation Park.

Leave granted.

The Hon. T.G. CAMERON: Recently, a constituent from the Hallett Cove area contacted my office complaining about the mess left behind by the company undertaking completion of the boardwalk traversing the Hallett Cove Conservation Park. This constituent informs me that work is currently being done on the completion of the boardwalk through the park which will give users much better access. They have been undertaking this work for several months and I have been told that, so far, they have done a fantastic job.

However, I am informed that there is real concern over the mess that has been created during the building of the boardwalk between the southern car park and the stairs leading up to the boardwalk. Used treated pine poles (from the previous fence) have been strewn around the park and dumped into the park's water course. The constituent claims that these are not only a safety hazard (she almost tripped over one) but an environmental hazard as well and an absolute eyesore. My questions to the minister are:

1. What company is responsible for the work currently being undertaken in the Hallett Cove Conservation Park?

2. How much is the construction work costing and when will it be completed?

3. Do companies bidding for such work have to follow environmental standards and/or guidelines; and, if so, what are those guidelines?

4. If a user of the park is hurt during the construction phase, who is liable for such an injury?

5. Considering this park is world famous for containing glacial rock specimens, will the minister act to ensure that every effort is made to protect our environmental heritage?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will pass those important questions to the minister responsible and bring back a reply.

WATER SUPPLY, ANDAMOOKA

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the minister representing the Minister for Urban Planning and Development a question about the Andamooka water supply.

Leave granted.

The Hon. T.J. STEPHENS: Many reports of the water supply situation in Andamooka have indicated that there is a serious problem during extremely warm weather, namely, that chronic water shortages occur and basic necessities such as hygiene are possibly neglected. In July 2002 I asked a question specifically regarding this same issue. I was assured by the then minister (Hon. Terry Roberts) that he would meet with the Andamooka Progress Association and the traditional owners to resolve this issue. Given that we are nearly 18 months down the track, my questions are:

1. Did the meeting ever take place, and what was the outcome?

2. Why are there still chronic shortages nearly two years after the minister gave his commitment?

3. What steps is this government now taking to ensure that regional communities are receiving adequate and constant water supply?

4. Is the government planning a permanent remedy to this situation and, if so, what is it and when will it be implemented?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I had one meeting with the Andamooka Progress Association, but I do not think there was any outcome to the question that the honourable member asked. I am unaware of what meetings have taken place with the current minister, but I will refer the question to the current minister in another place and bring back a reply.

YOUTH, HOMELESS

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the minister representing the Minister for Social Justice a question about emergency housing for homeless youth.

Leave granted.

The Hon. J.M.A. LENSINK: It was recently reported in the *City Messenger* that the demand for crisis housing has grown significantly over the past 12 months. Last financial year, 848 young people were referred to St John's Youth Services, of which 705 were accepted, an increase from 560 for the previous financial year. Nearly one-third of clients who left St John's never found housing and slept on the streets, in squats or in other unknown locations. The grim story does not end there, with around half the clients returning to St John's within three to six months due to placements breaking down from lack of money and support and absence of independent living skills. In an effort to address this epidemic, St John's has identified a model of housing called foyer accommodation but has been unable to secure government support for this project.

Foyer accommodation consists of secure apartments linked to training and development opportunities to develop skills and facilitate inclusion in the work force and community. My questions for the minister are:

1. What is the government doing to address the inadequacy of emergency housing for homeless youth?

2. How does the government plan to address the problems causing housing placements to break down as described?

3. Has the government investigated the St John's housing proposal of foyer accommodation?

4. What is the government's opinion as to the benefits of this program for the community?

5. What training and education support is the government providing to homeless youth to enable their successful integration into the community and work force?

6. What impact has the unaffordability of the private housing sector had on housing for young people?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

ELECTRICITY SUPPLY, PENSIONERS REBATE SCHEME

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the minister representing the Minister for Energy questions concerning the state government's rebate scheme for pensioners changing electricity retailers.

Leave granted.

The Hon. SANDRA KANCK: As a consequence of soaring domestic electricity prices, the state government is offering a $50 payment to pensioners and some self-funded retirees should they change from the standard default power supply contract with AGL to apparently cheaper competitive deals being offered by other electricity retailers. A constituent has contacted my office to tell me that he was contacted by electricity retailer TXU inviting him to switch his account from AGL. He was offered a $25 reduction in his bill for signing on and another $25 reduction as a loyalty payment after 12 months. The sales pitch was simple: he would be paying less for his electricity should he sign a contract with TXU.

My constituent is very adept with figures, and he did a quick comparison with what he was paying currently with AGL and told the consultant that he would be paying more under the TXU offer. When he pointed that out, the sales consultant stated (and I quote from my constituent's correspondence):

> But then there is your government concession, to which I said, 'What government concession?' She said, 'You're on a health card,' to which I said, 'How do you know?' To this, she quickly said, 'We assume that.'

The concession to which the consultant was referring was the $50 for switching retailers. The claim from the consultant that she assumed that my constituent was on a health care card seems highly improbable to my constituent. My questions to the minister are:

1. Has the state government provided contact details of people entitled to the $50 switch fee to electricity retailers in South Australia?

2. If not, will the minister investigate whether electricity retailers have access to such information and the legality of that?

3. Is the state government's $50 switch fee conditional upon the alternative retailer offering a cheaper contract exclusive of the $50 switch fee? If not, why not?

4. If so, how will the state government monitor compliance with that requirement?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Energy in the other place and bring back a response. However, it is my understanding (and the minister will correct me if I am wrong) that the rebate is available to people who sign up to a competitive contract with one of the retailers. It does not necessarily require the actual transfer from one company to another, so I think I should make that clear. However, I will refer those questions to the Minister for Energy and, if he has further information, I will pass that on to the honourable member.

LAND, VICTOR HARBOR

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Urban Development and Planning, a question about the compulsory acquisition of land owned by Roy and Verna Henderson at Victor Harbor.

Leave granted.

The Hon. NICK XENOPHON: Roy Martin Henderson and Verna Ellen Henderson of Victor Harbor were the owners of land comprising some 37 hectares situated at Canterbury Road in Victor Harbor. On 14 October 1992, the Engineering and Water Supply Department sent a letter to Mr Henderson which stated:

> You may be aware that a community consultation program about the future of waste water treatment and effluent disposal at Victor Harbor is currently being carried out.

Following that correspondence from the EWS, there does not appear to have been any community consultation as such about acquiring the Hendersons' land for the purpose of a waste water treatment plant as part of an expansion of the existing waste water treatment plant on adjacent land.

An independent valuation of the land by Maloney Field Services during the compulsory acquisition process, dated 12 April 1995, stated on page 4:

> However, with the intervention by the Minister for Infrastructure, the said planning process has stalled. I have resolved, however, that, after considerable deliberation, there is strong evidence to support the conclusion that, had it not been for the intervention of the Minister for Infrastructure, the remaining outstanding approvals to the said amendment report would have been completed by now.

This was despite the fact that the acquisition of the Hendersons' property would mean that any expanded plant would be within 100 metres of existing residential properties. The Hendersons' land was acquired pursuant to the Land Acquisition Act and its compulsory acquisition process. The Hendersons were advised that their land was to be acquired for the purpose of the waste water treatment plant. Subsequently, the Hendersons' land was acquired by way of this process by the successor to the EWS, SA Water. They received payment in the order of $700 000 in or about October 1996. The Henderson family and their forebears had lived on that land since 1856. The homestead, which was built in the 1860s, was bulldozed after the land was acquired.

In 1997, several months after the land was compulsorily acquired, they were contacted by Mr Dennis Lange, who was approached by SA Water to compulsorily acquire his property at Greenhills Road in Victor Harbor, some further distance away from the town centre compared with the Hendersons' property. This occurred within months of the Hendersons having to vacate their property as part of the compulsory acquisition process.

The Hendersons were advised by Mr Lange that SA Water was looking at his property for a waste water treatment plant for Victor Harbor. It subsequently transpired that SA Water

had changed its mind within months about using the Hendersons property for a waste water treatment plant. The Hendersons were not notified by SA Water of the change of plans. The Hendersons have recently been advised that SA Water has applied to rezone the acquired land for residential purposes. A local real estate agent in Victor Harbor has estimated that the rezoned land would be worth in the vicinity of $4 million. My questions to the minister are:

1. What was the community consultation referred to in the EWS letter of 14 October 1992? Did it involve community consultation about situating a waste water treatment plant on the Henderson's property, which is within about 100 metres of existing residential properties?

2. Would the location of a waste water treatment plant within 100 metres of such residences be in breach of EPA guidelines at the time?

3. What community consultations took place at any time up until the compulsory acquisition of the Henderson property and the Lange property? What were the dates of such consultations?

4. What were the results of community consultations conducted in relation to either the Henderson property or the Lange property (including the results in the survey studies and the like)?

5. When did SA Water first consider the acquisition of the Lange property, or any site other than the Henderson site, as a location for a waste water treatment plant for Victor Harbor? At what stage did SA Water begin to consider that the Henderson's property was not suitable for use as a waste water treatment plant?

6. What is the government's policy in the case of compulsory acquisition where land is used for a specific purpose, and where, within a relatively short time frame, that specific purpose is no longer applicable? Has the state previously offered to sell back the land to those from whom it was compulsorily acquired and, in other cases, back to the original owners at least with the first option of refusal?

7. Will the government investigate whether the process of acquisition was carried out strictly in accordance with the Land Acquisition Act?

The PRESIDENT: They are very long and complex questions. I would be surprised if the minister can answer them.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his concise explanation and concise questions. Obviously, his definition of concise is the same as mine. I also see in the *Notice Paper* that the honourable member is looking for 10 questions to be asked by opposition members. There will be no more questions in question time now—the time has been taken up by one member. I will refer those concise questions to the minister in another place and bring back a reply.

COMMUNITY ROAD SAFETY FUND

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about the community road safety fund.

Leave granted.

The Hon. D.W. RIDGWAY: In April last year, I asked a question about this issue and I received an answer nearly six months later. However, the answer confirmed what I already knew: the community road safety fund had not started. One of the government's election promises was to transfer the revenue from speeding fines into a community road safety fund designed to be used for policing and road safety. Currently, Cabinet has approved the establishment of the fund which came into effect on 1 July 2003, according to the government's achievements web sites. My questions are:

1. Will all revenue from 1 July 2003 be included in the fund's balance?

2. What is the fund's current balance?

3. What projects does the government intend to finance with the funds?

4. Are the funds from the new red light/speed cameras to be included in this fund?

5. Will the minister reveal what percentage of revenue from speed cameras, laser guns and red light cameras is being diverted into the fund?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to my colleague in another place and bring back a reply.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I ask a question of the Minister for Agriculture, Food and Fisheries-

An honourable member interjecting:

The Hon. IAN GILFILLAN: No, I can ask a question. My idea of concise introduction is to go straight to the question.

The Hon. T.G. Cameron: Knowing some of your preambles, it would be a welcome first.

The Hon. IAN GILFILLAN: If the interjection provokes me to make a brief explanation, the Hon. Terry Cameron will be responsible. Is the minister aware of the trial plots in Victoria recently found to have the planting of genetically modified canolla provided by Carvills, a reputable seed provider from Canada? The situation in Victoria is such that they are in contravention, arguably, with the federal legislation controlling the handling of genetically modified crops and material in any part of Australia. If he is aware, has he or will he investigate the circumstances to ensure that such circumstances do not in any shape or form recur in South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I cannot claim to be aware of the particular circumstances that the honourable member is referring to in Victoria. I gather that this is a new development and I will seek that information from my department as a matter of urgency, given that we will hopefully begin our debate on the genetically modified crops bill next week. I will try to have that information for the honourable member as soon as possible.

TAXATION, LAND

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Treasurer, questions about the land tax objections.

Leave granted.

The Hon. J.F. STEFANI: Honourable members would be well aware of the anger and concerns that many South Australians share in relation to the exorbitant rises in their land tax bills over the last few years. The anger and frustration of many property owners has been exacerbated by the comments made by the Treasurer, the Hon. Kevin Foley, and

other ministers of the Rann Labor government who have publicly stated that the escalation in property values has generated tremendous wealth which has been earned by the wider community. These statements have been made in the context of great community unrest because of the huge increases in sewer charges on the principal place of residence and sky-rocketing land tax bills on other properties. My questions are:

1. Will the Treasurer provide full details of the number of land tax objections lodged with Revenue SA in relation to the 2003 land tax assessment?

2. Will the Treasurer provide full details of the objections lodged to date with Revenue SA by property owners in relation to land tax assessment charged for this year?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Treasurer and bring back a reply. For clarification, could the honourable member indicate to me whether he is talking about land tax objections or valuation objections.

The Hon. J.F. STEFANI: It is land tax.

The Hon. NICK XENOPHON: I have a supplementary question. How does that compare with objections for the 2001-02 land tax bills?

The Hon. P. HOLLOWAY: I will also seek that information from my colleague.

LABOR GOVERNMENT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Premier about the Rann government's secrecy, lack of transparency and accountability, and deceptive conduct.

Leave granted.

The Hon. R.I. LUCAS: As members will be aware, prior to the last election, the former leader of the opposition was critical of the former government about what he deemed to be an excessive number of fat cats employed within the public sector. The then shadow treasurer referred to employees earning more than $100 000 as being fat cats within the public sector (under their definition, not ours). Over the last 18 months or so, the opposition has been pursuing the Rann government on this issue as a result of reports by the Auditor-General and others of a significant increase in the number of public servants earning more than $100 000, as opposed to the Rann government's promise to actually cut that number by 50. To that end, some 12 months ago, the opposition put a series of questions on notice seeking from each member of the Rann ministry details to enable a calculation of the number of employees within each of their departments and agencies as at 5 March (that is the time of the new government assuming power), then at 30 June 2002, and the estimate for 30 June 2003.

The intention of those questions on notice some 12 months ago was to enable the parliament to judge the accuracy of the policy commitment given by the then leader of the opposition (now Premier Rann) that he would cut the number of public servant fat cats by 50. In addition, those questions requested each minister to list, first, the title and total employment cost of each position that had been abolished within the public sector and, secondly, each new position that had been created since the government assumed power on 5 March 2002 up until 30 June 2003.

Earlier this week, the Leader of the Government in this place produced a three line response to those 14 questions on notice, indicating that I should refer to answers to questions (which were very good questions) that had been asked by my colleague the Hon. Mr Redford and answered on 13 October 2003. In essence, that three line response means that this government and the Leader of the Government in this place are refusing to answer those questions put on notice some 12 months ago, that is, the Leader of the Government and the Premier are refusing to answer questions about the number of public servants earning more than $100 000 since 5 March 2002. They are also refusing to indicate which positions have been abolished and which new positions have been created.

In the past two days, the opposition has been informed that one of the reasons for the Leader of the Government and other ministers refusing to provide this information to the opposition and, in particular, a refusal by ministers to indicate the number of positions earning more than $100 000, if any, they had actually abolished (and, equally, in some cases, ministers had created more positions earning more than $100 000 than they had actually abolished since the assumption of government on 5 March 2002) is the supreme embarrassment it would cause some ministers and the Premier if this information was to be released. My questions to the Leader of the Government and to the Premier are:

1. Is the government going to continue to refuse to provide answers to the legitimate questions asked by the opposition in those series of questions on notice put down in this place some 12 months ago about the number of public servants earning $100 000 or more as of 5 March 2002 to 30 June 2002 and an estimate for 30 June 2003?

2. Will the government continue to refuse to answer questions in relation to the number of jobs in that remuneration category that have been abolished since 5 March 2002 and also any new positions earning more than $100 000 which have been created since 5 March 2002?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Leader of the Opposition has raised a question about the number of public servants earning in excess of $100 000 in this parliament on at least one previous occasion. I informed the council on that occasion that, of course, in any one year there are wages movements. For instance, if one were to use $100 000 as a definition for an executive level public servant, $100 000 back in 2001 would be somewhat in excess of that, given that the wage movements are about 3½ or 4 per cent. Two years on, obviously if one were to look at the same level, it would be somewhere close to $110 000 rather than $100 000, due to wage movements.

I explained that to the honourable member on the occasion when he asked those questions. When I was asked during the estimates committees why there had been an increase in people in my department moving over the threshold, I explained that people were getting $95 000 or above back in 2001 and one would expect, just through normal indexation movements, that they would move above the threshold. There is nothing particularly unusual about that. It is a simple fact.

As I recall, the question asked by the Hon. Angus Redford related to executives. Certainly the answers I recall supplying at around that time related to executive level—

The Hon. T.G. Cameron: There was no answer at all.

The Hon. P. HOLLOWAY: No, that's wrong. Information was provided to the Hon. Angus Redford about the number of executives, and those executive levels are the appropriate way in which one can measure the number of

executives in the Public Service. By any definition that is the appropriate measure. I have given an answer, on a previous occasion, on the number of people on $100 000 a year. The issue of why that number has increased has been addressed. Information has been provided to this council in relation to executive level appointments. The Leader of the Opposition may not like the answer, but he has had an answer.

The Hon. R.I. LUCAS: By way of supplementary question—

The PRESIDENT: The time having expired for the asking of questions, does the minister wish to move to suspend standing orders to allow the supplementary question?

The Hon. P. HOLLOWAY: I see no reason to.

The Hon. R.I. Lucas: You're hiding!

The PRESIDENT: Order!

The Hon. R.I. Lucas: You're embarrassed!

The PRESIDENT: Order! The time having expired for the asking of questions, I call on the business of the day.

REPLIES TO QUESTIONS

ABORTION

In reply to **Hon. A.L. EVANS** (3 December 2003).

The Hon. T.G. ROBERTS The Minister for Health has provided the following information:

1. Medical termination of pregnancy is provided for in Section 82A of the Criminal Law Consolidation Act 1935. Neither the Act nor the Criminal Law Consolidation (Medical Termination of Pregnancy). regulations 1996 require a medical practitioner to provide information to a patient.

A medical practitioner's duty of care is established by common law. In the case of Rogers v Whitaker the High Court determined that a doctor's duty of care is to warn a patient of a material risk inherent in the proposed treatment. The Court stated that:

> 'a risk is material if, in the circumstances of the particular case, a reasonable person in the patient's position, if warned of the risk, would be likely to attach significance to it, or if the medical practitioner is or should reasonably be aware that the particular patient, if warned of the risk, would be likely to attach significance to it'.

Therefore, women seeking an abortion are informed of significant risks associated with the procedure.

2. As explained in the answer to question 1, doctors have a duty of care in relation to warning of material risk and documenting the advice given to the patient in the clinical record.

The Criminal Law Consolidation Act and Regulations do not require a medical practitioner to obtain a signed declaration from a woman having an abortion. However, a signed consent prior to treatment is standard procedure.

Section 15 of the Consent to Treatment and Palliative Care Act 1995 states that:

> A medical practitioner has a duty to explain to a patient (or the patient's representative)., so far as may be practicable and reasonable in the circumstances:
>
> the nature, consequences and risks of proposed medical treatment; and
>
> the likely consequences of not undertaking the treatment; and any alternative treatment or courses or action that might be reasonably considered in the circumstances of the particular case.

Standard hospital procedure requires a patient to sign a consent form, prior to an anaesthetic or surgical procedure, acknowledging that a medical practitioner has explained the procedure and its risks and complications and the patient understands and gives permission for the procedure(s) to be performed.

WATER SUPPLY, GLENDAMBO

In reply to **Hon. T.J. STEPHENS** (24 November 2003).

The Hon. T.G. ROBERTS The Minister for Local Government has provided the following information:

Since 1998 the Outback Areas Community Development Trust, for which I have portfolio responsibility, has been attempting to facilitate a solution to both the quality and quantity of underground water available to the township of Glendambo.

Glendambo was established by the South Australian Government in the late 1970s and early 1980s as a tourist and traveller stop-over on the then re-located and sealed Stuart Highway.

The Glendambo water supply, which is pumped from an underlying, shallow, local aquifer is saline and corrosive. For some time now there has been a high ongoing maintenance and replacement cost with water-reliant equipment like evaporative air coolers. 2The supply itself is now believed to be diminishing.

As in other outback settlements the 25 to 30 residents at Glendambo rely on roof catchment for drinking water and surface runoff and groundwater for all other household uses.

In consultation with the Glendambo and Districts Progress Association Inc., the Trust has considered and costed two options. One involved pumping and piping from a more plentiful supply at the wells at Kingoonya 40 kilometres west. These wells were originally sunk for railway supply and now belong to the Trust.

The other, more recent proposal was prepared for the Trust by SA Water and involved a staged plan to desalinate and treat the local underground supply at Glendambo and redirect stormwater runoff from the ground and the motel rainwater tanks into the local aquifer.

Questions relating to how the costs of the preferred option might be met and what would be an equitable charging basis to be levied on local residents and the two major businesses in the township, for both installation and on-going operation need to be further discussed and clarified.

As was noted in this House when this question was first raised last year, the quality, volume and cost issues with water supply to small outback communities is not confined to Glendambo. There are a number of other communities, and particularly those that do not sit within the Great Artesian Basin, where residents are paying significantly for what is essentially an unreliable and poor supply.

Late last year, along with two other of my Ministerial colleagues, I received a proposal from the Presiding Member of the Arid Areas Catchment Water Management Board aimed at developing the consistent application of an agreed policy position on the supply of water to remote communities including the assessment of priorities, technical solutions, pricing and related matters.

This submission is currently under consideration and is aimed at establishing a process to examine the water related priorities for all outback communities (including Glendambo). in an integrated and strategic manner.

HEAVY VEHICLES, YORKE PENINSULA

In reply to **Hon. SANDRA KANCK** (10 November 2003).

The Hon. T.G. ROBERTS The Minister for Transport has provided the following information:

Transport SA advises me that the current road infrastructure is safe for all users.

Transport SA has spent in excess of $2 million in the last few years shoulder sealing the section of road from Ardrossan to Port Giles.

In addition, 2 overtaking lanes were constructed south of Ardrossan and the junction of the silo access road at Ardrossan and the Curramulka Road junction were recently upgraded at an overall cost of $1.5 million. Those works provide improved safety for all road users, including heavy vehicles and tourist traffic.

Maintenance works will continue to be undertaken to ensure the road is maintained in a safe and trafficable condition.

The Coast Road south of Ardrossan has sealed shoulders and satisfied the seal width requirements to remain at 110 km/h. The condition of the road deteriorated recently from a combination of intense grain movement and wet weather. Defects were identified immediately, however works were unable to be completed until the weather improved. Maintenance works to rectify the defects are now complete.

The interests of all road users are considered on a Statewide basis when determining the priority of particular projects. This approach ensures that the funds available each year allocated to the projects where the greatest benefit can be provided to the community as a whole. A bypass of Pine Point is currently seen to be a lower priority project (when compared to others).

Transport SA is continuing to work with the grain industry and specific transport operators, to minimise the impact of heavy vehicles through Pine Point to reduce speed, noise and time of operation.

DOG AND CAT MANAGEMENT

In reply to **Hon. IAN GILFILLAN** (23 October 2003).

The Hon. T.G. ROBERTS The Minister for Environment and Conservation has advised:

1. No. The employment of inspectors will continue to be a responsibility of councils, which determine the number of inspectors needed for their communities.

2. The Bill has undergone extensive consultation over the past three years. Initially, the Dog and Cat Management Board asked councils and the community whether or not the existing legislation required amending. The Board then wrote to the former Environment Minister and provided him with a series of proposed amendments. The former Government developed a draft Amendment Bill, incorporating most of the Board's proposals and some new initiatives. This was released for public consultation and in the order of 150 submissions were received. This Government developed and released for public consultation the Responsible Dog Ownership Discussion Paper and the Ten Point Plan for reducing dog attacks. This document received in the order of 550 submissions from councils, stakeholder groups, community organisations and individuals. The majority was overwhelmingly supportive of all the proposals. In addition, a stakeholders group was developed to assist in the development of the Bill. This group comprised representatives of:

- Dog and Cat Management Board
- Local Government Association
- RSPCA
- Animal Welfare League
- Australian Veterinary Association
- Pet Industry Joint Advisory Council
- South Australian Canine Association
- Security Dog Industry
- Urban Animal Management Advisory Committee
- Department of Human Services Injury Surveillance Unit
- Veterinary Surgeons Board of SA
- Guide Dogs Association of SA and NT

These groups assisted in the development of the Bill and are supportive of its provisions.

3. The Bill proposes a new standard for dog management in South Australia. Research about dog attacks has already been provided to Members of Parliament.

NUCLEAR WASTE

In reply to **Hon. J.F. STEFANI** (13 October 2003).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. The Environment Protection Authority has completed its report—Audit of Radioactive Material in South Australia. The Hon. T. Roberts has received a copy.

2. The Environment Protection Authority's Audit of Radioactive Material in South Australia was tabled in Parliament on 4 December 2003.

3. The Environment Protection Authority has completed its report. It was tabled in Parliament on 4 December 2003.

ZERO WASTE SA BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 983.)

The Hon. T.G. CAMERON: This bill was introduced late last year and was received by the council on 3 December. The bill proposes to establish a new body as I understand it—Zero Waste SA—which is designed to implement a waste management plan for South Australia. The bill establishes Zero Waste SA, a body corporate and instrumentality of the crown and subject to the direction of the minister. Its primary objective is to promote integrated waste management practices that eliminate waste or land fill and advance resource recovery and recycling. Integrated resource management in the field of waste is essential to reverse overlandfilling and to help modify our throw-away culture of consumerism. It must do this in accordance with the principles of ecologically sustainable development, as well as the waste management hierarchy. This is an order of priority for the management of waste and there are several levels of this hierarchy, as follows:

(a) the avoidance of the production of waste;
(b) minimisation of the production of waste;
(c) reuse of waste;
(d) recycling of waste;
(e) recovery of energy and other resources from waste;
(f) treatment of waste to reduce potentially degrading impacts; and,
(g) disposal of waste in an environmentally sound manner.

The criterion for moving from one level to the next is whether or not the step is reasonably practicable. This seems to be common sense, but I am concerned at the scope and would have preferred it to be better defined so that local governments, businesses and consumers know the extent of the government's reforms or at least its full intentions. In addition, best practice methods and standards are to be used and the policies on waste management should be developed through local government, industry and the community in open dialogue with government. Amongst Zero Waste's functions will be the requirement to:

- develop and administer a waste management strategy for the state (this seems a sensible idea for resource management. I have often called for a water management plan for the state);
- monitoring that strategy (that is, advising the minister on waste levies and other waste related matters);
- helping development and implementing government policy objectives on the following: first, waste management for regions, industries and material types; secondly, public and industry education on waste management (see programs for the prevention of liquor and illegal dumping); and, thirdly, developing markets for recovered resources and recycled material.

All these functions and powers are necessary and essential in an organisation of this type. However, it would be helpful to know the scope of the government's intention to develop markets. What happens if this is cost prohibitive, and how much is the government prepared to spend if that is the case? Will the government accept a recurrent loss or allow a massive injection of capital?

The board of Zero Waste will consist of between six and 10 members, with at least one man and one woman, and one member must also be a board member of the Environmental Protection Authority. The bill also provides that the LGA must be consulted in regard to appointments—although I think that process, considering recent literature that has been forwarded from the LGA, should be outlined to the government. In other words, if there is an understanding between the Local Government Association and the parliament in relation to what the regulations will say on this matter, that should be forthcoming prior to the passage of the bill.

I have two concerns about this provision. The first is that we seem to be increasing the number of quangos here in South Australia—something which the Rann government said was unacceptable and which it committed to reducing at the

same time. Perhaps we could hear from the government about the impact this board will have in relation to the government's promise in that area. I am also a little concerned about the aspect of there being between six and 10 members.

Whilst my concerns are not the same as those of the Democrats, they are not dissimilar. Could this mean that, if the board had six or so members, if the government at any time needed to shore up its numbers on that board, it could simply increase the number from six to nine or 10? My question is: why was a fixed number not chosen? Is this standard a practice of the government or is the government indicating that, in future, it will move towards more flexible staffing arrangements for its boards?

The CEO is appointed for a term not exceeding seven years and board members for terms not exceeding two years. The board may establish committees or subcommittees. Zero Waste SA must develop an annual business plan and an annual report and submit them to the minister. This seems to be a sensible and common practice, although the power of the minister to alter the business plan as he or she sees fit is a little harsh, and some might term their powers as bordering on draconian. The legislation specifies that Zero Waste has proprietary interest in its own name. That is a sensible precaution.

The bill also establishes the Waste to Resources Fund. It consists of at least 50 per cent of the levy on solid waste, depot licence holders and any money appropriated, donated or paid in, and any income from the investment of the money belonging to the fund. This money is to be collected by the EPA. Payments of 47.5 per cent of the levy collected this financial year will be sent to the fund upon commencement of part 3 of the legislation, to be fixed by proclamation. This does seem a reasonable way of funding the scheme—sort of a 'dumper pays' basis.

The waste management strategy to be developed by Zero Waste SA will include analysis, targets and goals for waste reduction, diversion from landfills, collection, disposal, education and research programs. They are all positive proposals that need to be supported. It will also identify means of implementation, goals and obstacles, risks and success/failure criteria. Before it is adopted, the strategy must be sent to the minister and other prescribed bodies. Perhaps the government can outline who those prescribed bodies will be. Notice of the strategy must also be published in a state wide newspaper, and the strategy must be available on its web site and at its office during normal office hours. At least eight weeks' consultation must take place before it is to be adopted.

The first plan must be developed within 12 months and subsequent plans within five years. Again, this is sensible as it requires a review at regular intervals and there is scope for earlier reviews as new technologies and practices come to light. I noted a document to the Minister for Environment and Conservation, Zero Waste SA briefing notes, which was forwarded to the government on 19 November, a copy of which was provided to me as part of the briefing process. There are just a couple of points that I would like to refer to. The briefing paper was written by Vaughan Levitzki, acting chief executive of Zero Waste SA. It says that the separation of the regulatory (EPA) and non-regulatory (Zero Waste SA) functions is supported by local government and the business community. I would be very interested to see what the written support by the Local Government Association is and what business community support the government or Vaughan Levitzki is relying upon there.

The document states that Zero Waste SA will be funded by a percentage of the levy on solid waste disposed to landfill. The levy was increased on 1 July to $10.10 in the city and $5.10 in the country, and I would be interested to know what those levies were increased from. I also note that this will give Zero Waste SA a revenue stream of approximately $5.9 million per annum. I have not been able to ascertain anywhere the government's budget or estimates for operating Zero Waste SA. One can only assume that missing from my research or in the information provided by the government are details enabling people to work out what those costs are. I am assuming that it will not cost $5.9 million per annum.

I do note that in the minister's second reading explanation he stated that a small office is to be set up by Zero Waste SA. What are the budgeted costs for the establishment of this office? What are the budgets for all other costs in relation to the establishment of Zero Waste SA, and could they be detailed for the first two years? I indicate my support for the second reading.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank members for their contributions to this bill and for their indication of support. The bill will enable a new waste entity, Zero Waste SA, to address the community's concerns regarding waste. The establishment of Zero Waste SA enables the government to deliver outcomes for the benefit of all South Australians in relation to waste avoidance, reduction, reuse and recycling and, importantly, it will reduce our reliance on landfill as a lead waste management approach. Zero Waste SA is a significant change agent that will apply strategies, programs and activities to avoid the creation of waste and, when this is not possible, to treat waste as a beneficial resource. The government anticipates that members will support this commonsense bill that has wide support.

One issue that has been raised by the opposition relates to the interaction between Zero Waste and the Environment, Resources and Development Committee. Given that waste management is an issue relevant to the ERD Committee, the government agrees that the work of Zero Waste SA will be of interest to that committee. We do not feel it necessary or desirable to establish a formal reporting arrangement but expect that the committee will seek information and advice from Zero Waste SA when it deals with waste issues. This bill establishes the entity Zero Waste SA. Zero Waste SA will develop a new waste strategy that will guide the direction of waste management into the future.

The waste strategy will include targets and goals for waste reduction and diversion of waste from landfill, disposals and other matters, and will involve consultation with state and local government bodies and the public. The honourable member has placed a number of questions on record that are not included in my brief, but I will endeavour to have those questions answered during the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I have a number of questions. During my second reading contribution I alluded to the establishment of regions that Zero Waste would operate under. I am wondering how those regions will be defined and whether they are local government regions, regions similar to the NRM regions or some other boundaries that Zero Waste may be drawing.

The Hon. T.G. ROBERTS: The intention is to form clusters of cooperative local government bodies where agreements can be reached about regional geography. They will not be imposed boundaries but negotiated boundaries, using local government as the driver for their requirements.

The Hon. D.W. RIDGWAY: My next question relates to the consultation that took place with local government in the drawing up of this bill, and I refer to comments made by the member for Davenport in another place, who stated that, as he understood the process, the government had a draft bill that it had discussed with the LGA on 15 May last year but that the next time the LGA saw that bill was something like 11 November, when the bill was tabled in the house, and a number of changes had occurred to the bill. The LGA sought to put it out to councils and sought feedback by 25 November, but the government then decided not to wait for any feedback from those councils. Will the minister enlighten me as to what consultation took place?

The Hon. T.G. ROBERTS: In the final stages of the bill, consultation was carried out with local government at the request of the Hon. Iain Evans, the final result being that the LGA and the minister were able to work out an agreed position in relation to the final drafting of the bill.

The Hon. D.W. RIDGWAY: My final question on behalf of the LGA relates to clause 9(4), which provides:

> The minister must consult with the Local Government Association in accordance with the regulations in relation to the selection of persons for appointment under this section.

The LGA says that that issue—namely, how the responsible minister will consult with the LGA regarding appointments to the board of Zero Waste—remains to be clarified. The bill provides that this is to be contained in the regulations, but the content of the proposed regulations has not yet been clarified with the Local Government Association.

The Hon. T.G. ROBERTS: I am advised that the minister has given an undertaking that the regulations that will be brought forward are being formulated, and that will be done in consultation with local government. At the moment, four of the 10 interim board members are local government members. They will be insistent that local government's views are put forward, and I suspect that, with that strong representation, the LGA's position will probably be part of the formula that brings about the final drafting of those regulations.

The Hon. D.W. RIDGWAY: In my correspondence with the Local Government Association, it says that the President of the LGA wrote to the minister on 12 February 2004 to make clear the association's expectations and to seek clarification of the minister's intentions. That letter spelt out the proposed process of consultation that would need to be reflected in the regulations. It makes it clear that the LGA is not seeking a copy of the drafting instructions for the regulations at this stage but, rather, written confirmation of government support for the process outlined. Will the minister give a commitment that he will give the LGA written confirmation of the process outlined?

The Hon. T.G. ROBERTS: Without direct contact with the minister between now and the passing of the bill, it will be difficult for us to get that undertaking. However, given the minister's previous track record and his statements on the record, we expect that confirmation would be given to the LGA at the appropriate time.

The Hon. SANDRA KANCK: Can I ask the minister to get an undertaking from the minister in the lower house to put that on the record when this bill is returned to the other place?

The Hon. T.G. ROBERTS: I will seek that undertaking before the bill is returned.

Clause passed.

Remaining clauses (2 to 20), schedule and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 987.)

The Hon. IAN GILFILLAN: I indicate Democrat support for the bill. It is my understanding that the justice community supports the need for intervention programs and generally believes that they do far more to reduce recidivism than traditional lock-and-key programs.

The bill codifies a set of practices that have become widespread in South Australia, that is, it addresses the causes of crime and seeks to remove the pressures that cause criminal behaviour. I am particularly enlightened and encouraged by the success of the Nunga Court in South Australia, which was introduced and developed in South Australia in 1999 as a division of the Magistrates Court. It involves a complete restructuring of the aesthetics of the traditional Western courtroom structure and a greater involvement of the Aboriginal community during the sentencing of indigenous offenders.

The Nunga Court operates once a month and is located in Port Augusta, Port Adelaide and Murray Bridge. It is designed to remove the more intimidating aspects of the courtroom—namely, language, ceremony and so on—which tend to make the process all but incomprehensible and certainly very daunting to indigenous Australians, and instead create an atmosphere more like a community tribunal, where consensus is achieved between the offender, the community and often the victim.

Reports to date have indicated that offenders feel great shame in discussing their offences before their elders and feel honour-bound to any commitments that they make in this environment. This is not a soft option. It is about the offender admitting their offence and dealing with their actions and the consequences of those actions. It is my understanding that the Nunga Court has been backed up with an Aboriginal Youth Court in Port Augusta.

The key to these courts is to create a model of justice forum that is effective for all participants. At the time of the announcement of the Aboriginal Youth Court, Justice Moss said:

> This is not about special treatment. It's about the courts delivering justice—the same justice for everybody but through a suitable model.

It is clear that I support intervention programs, diversionary conferencing or, indeed, anything that addresses the needs of society and victims and reduces the rate of reoffending. What I do not understand is why this bill falls short of expanding these programs to more offenders. Recently, Justice Robertson of the Childrens Court in Queensland, who is recognised nationally as an authority in this area, said this about our present judicial system:

> It intrigues me that we still cling so passionately to notions of punishment derived from a 19th century culture many of whose other

values, e.g. suppression of women and children and minority groups and colonialism by force, we have long since rejected.

Justice Robertson was talking about Australia's general reticence to adopt principles of restorative justice, principles which have been demonstrated to be effective around the world.

I would like to interpolate that I have organised two balance of justice conferences in this place where many people have come from various professions and endorsed this principle of restorative justice. We do have knowledge and expertise of it in South Australia. Justice Robertson made the following analysis:

> When I was in practice, I instinctively understood the value of reconciliation between victim and offender, although the adversarial system at every stage made this very difficult. I could see the marginalisation of the victim in our system. On occasions, I did bring victims and offender together, and apologies were made and accepted, compensation paid and, on the rare occasions this occurred, it led to a reduced sentence.

It is time for us to go beyond the chest beating about being tough on crime and for us to get serious about addressing the causes of crime. Restorative justice delivers better outcomes for society, victims and offenders. I believe it is high time for the government to make a commitment to implementing restorative justice processes as an option; I stress that this is not a soft option. Restorative justice processes should be available for all suitable offenders. We support this bill and recognise the government's efforts in this direction, but, as I indicated, we are eager to see more steps along these lines.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their support for this bill. It is an important proposed law which gives statutory backing to intervention and sentencing options, now exercised by the courts. That is apparent from comments made by the Hon. Ian Gilfillan, the Hon. Robert Lawson and The Hon. Nick Xenophon in debate.

I would particularly like to thank the Hon. Robert Lawson for his support for the bill, for his thoughtful exposition of it and for relaying Courts Administration Authority statistics about current intervention programs and Aboriginal sentencing procedures. However, I disagree with his proposal for an amendment to the bill which adds a new schedule that would require a review of intervention programs put in place in the calendar year 2004-05. The amendment requires investigation and review by an independent consultant whose report must be tabled in both houses of parliament. The government opposes this amendment as it did when it was introduced in the other place. The reasons follow.

This bill does not establish any particular intervention program. This is made clear in the second reading reports to both houses and on reading of the bill itself. It was acknowledged by the honourable member in debate when he said the following:

> . . . it must be acknowledged that this bill does not establish particular intervention programs or even set guidelines for the approval or delivery of those programs, as that is a function of executive government. That is obviously something that has budgetary implications and priorities which will dictate the availability of programs.

The intervention programs now in place in South Australia were established as pilots by the previous government long before the introduction of this bill. They were established and maintained collaboratively by the Justice and Human Services portfolios. The bill gives the court the formal statutory authority to use them because they have proved to be valuable tools in this and the previous government's efforts to reduce crime. The proper place for a parliamentary evaluation of the programs remains in the budget estimates process or in question time. Parliament has evaluated the programs this way since they began. There is nothing to suggest that they should be scrutinised in any different or more intensive way, especially not the full-blown expensive way suggested in this amendment.

Given that these programs are already scrutinised by parliament every year, I suggest that the money spent on the kind of additional inquiry suggested by the honourable member would be better spent in expanding existing assessment and rehabilitation services for those who qualify for intervention, or in establishing new programs when the need arises. In any event, I point out that the current intervention programs were implemented well before the period proposed for review, January 2004-05. None of the existing programs for drug addiction, mental impairment and domestic violence would qualify for the review proposed in this amendment.

I would also like to thank the Hon. Nick Xenophon for his support for the bill and note his concern that it does not specifically endorse intervention programs for defendants whose problem gambling has contributed to their criminal behaviour. It is true that the bill does not specifically endorse such programs. This is because it does not endorse any kind of program. The bill establishes the legislative backing for the courts to direct eligible defendants into an appropriate intervention program, whatever that may be.

The bill is not designed to establish or set rules and criteria for particular programs; that is done by executive government through its Justice and Human Services arms. The provisions in this bill are constructed carefully so that they will apply to intervention programs that exist now and to any intervention programs set up in the future. That is why no particular programs are mentioned in the bill itself. An intervention program for defendants who are problem gamblers need not, as the honourable member suggests, be enshrined in this or any other legislation. It can and should be set up by the government administratively like the other intervention programs. The amendment introduced by the honourable member, to the definition of 'intervention program' in clauses 4 and 6, is acceptable to the government, although not strictly necessary because it clarifies that an intervention program that addresses behavioural problems could be one that deals with gambling addiction without committing this or any subsequent government to establishing such a program.

The honourable member's proposal during debate for a pilot intervention program for crime related problem gambling, should, of course, be given serious attention. Clear links between pathological gambling disorders and crime have been noted in Australian studies on the subject. For the information of members I quote extracts from the abstract of the paper published by the Australian Institute of Criminology, Report No. 256, 'Gambling as a motivation for the commission of financial crime'. Published in June 2003, it was mentioned by the honourable member in his speech. It states the following:

> . . . with increasing opportunities and venues for gambling, public concern about 'problem gambling' has grown. . . one of the principal social costs of gambling [is]. . . gambling related crime, or crime committed by individual gamblers in order to finance their gambling. . . gambling related crime is usually limited to non violent property crime, such as theft, shoplifting, embezzlement and misappropriation of money;. . . pathological gambling addiction is rarely viewed by the courts as a mitigating factor in sentencing or one that requires special rehabilitative procedures,. . . these findings

raise the question as to the appropriateness of the current judicial response to gambling related financial crime.

I also note the following suggestion in the paper itself:

If one accepts the psychopathology model of gambling-related crime, then arguably non-custodial orders with strict conditions that the offenders undergo counselling and treatment for their addiction may be more effective than the imposition of full-time custodial orders, even in serious cases. What may be preferable, however, is for encouragement to be given to people who have a gambling problem to seek assistance before they commit any crimes at all.

The report also notes the absence of hard evidence linking intervention during imprisonment or on parole and a reduction in recidivism. This bill contemplates intervention at an earlier stage than imprisonment or parole. The dearth of objective evidence about its effectiveness in reducing recidivism in gambling related crime would suggest that intervention for problem gamblers in South Australia should begin, if at all, as a pilot.

The Independent Gambling Authority in its report in December 2003, in recommending a reduction in the number of gaming machines, acknowledged that this was only one of a range of harm minimisation measures for problem gambling. The government has responded by announcing its intention to reduce the number of gaming machines and by introducing legislation to allow people to apply for problem gambling protection orders when a family member has caused financial harm through excessive gambling. The Problem Gambling Family Protection Orders Bill 2003 was passed in the House of Assembly on 17 February 2004.

The Attorney-General has asked me to say that he will be investigating the feasibility of a pilot court-based intervention program for crime-related gambling to which courts could direct defendants under this bill. In particular, he will pursue with the Minister for Gambling the extent to which the services provided to participants in such a program can be linked with those provided to problem gamblers and their families under the problem gambling family protection orders legislation. I commend the bill to the council.

Bill read a second time.

STATUTES AMENDMENT (COMPUTER OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 985.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their contributions to the debate and indications of support for the bill. As has been pointed out, the bill seeks to fill a gap in the law created by the continuing development of technology in all aspects of our lives by enacting the recommendations on the subject by the Model Criminal Code Officers Committee. I think that it is necessary to address two matters that were raised in debate. The Hon. Robert Lawson raised the question of police resources.

In a sense this bill is enabling legislation. It gives the police the power to attack and prosecute those who damage the electronic infrastructure upon which so much of our daily lives now depend. The decision of the police to devote resources to a particular crime or type of crime is an operational matter for the Commissioner and his team. If the police require more resources because computer damage is growing and requires more enforcement, there may be competing priorities and, in the end, a request from the Commissioner for resources in the normal budget process.

The Hon. Ian Gilfillan raised the question of what he called 'phishing'. I had not heard the term before, although the phenomenon to which he refers is well known and has unfortunately become something of a recent trend. I can assure him that the identity theft legislation which so recently passed this place was framed with exactly that crime in mind. Section 144B provides:

False identity etc

(1) A person who

(a) assumes a false identity; or

(b) falsely pretends

(i) to have particular qualifications; or

(ii)to have, or to be entitled to act in, a particular capacity, makes a false pretence to which this section applies.

(2) A person who assumes a false identity makes a false pretence to which this section applies even though the person acts with the consent of the person whose identity is falsely assumed.

(3) A person who makes a false pretence to which this section applies intending, by doing so, to commit, or facilitate the commission of, a serious criminal offence is guilty of an offence and liable to the penalty appropriate to an attempt to commit the serious criminal offence.

So, a person who assumes a false identity intending to commit a serious criminal offence commits the offence. 'False identity' is defined to include a corporate identity. It follows that if, for example, a person pretends to a bank, with the intention of stealing or defrauding, that person has committed the false identity offence (even if no stealing actually takes place). I trust that this explanation deals sufficiently with the honourable member's concerns. I commend the bill to the council.

Bill read a second time.

SUMMARY OFFENCES (CONSUMPTION OF DOGS AND CATS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2004.)

The Hon. IAN GILFILLAN: The Democrats vigorously oppose this bill. Not only do we believe that it is bad law but it is in extremely bad taste. That remark is entitled to cause the odd chuckle. However, for many people this is seen as a very offensive expression by a government which has largely neglected the fact that we are a multicultural society. There are diversions of people's eating tastes and preferences which are not prescribed as a justification for either entry or refusal of entry into this country as new residents. Technically, it is clear that it is currently illegal to prepare or sell dog or cat meat. It is federal legislation that spells it out. The food regulations simply state:

A person must not sell for human consumption the meat of an animal that is not referred to in the definition of 'meat' in the Food Standards Code.

The Food Standards Code does not include dog and cat meat in its definition of what can be called meat. In fact, the only exemptions to that are game or the meat of a crocodile. It continues:

Subregulation (1) does not apply if the food in question is to be exported to another country.

However, that is not in any way addressed by the bill that is before us. It continues:

'Game' means goat, rabbit, hare, kangaroo, wallaby or bird that has not been confined or husbanded in any way;

A definition from Meat and Meat Products Standard 2.2.1 is as follows:

'Meat' means the whole or part of the carcass of any buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep, slaughtered other than in a wild state, but does not include—

(a) the whole or part of the carcass of any other animal unless permitted for human consumption under a law of a state, territory or New Zealand; or

(b) avian eggs, or foetuses or part of foetuses.

There is an editorial note to this which states:

This definition of meat does not include eggs or fish, as such foods are regulated in Standards 2.2.2 and 2.2.3 respectively.

The reason for putting this detail into my contribution is to make it plain that the government has cooked up this issue purely for what it sees and, I can say, misconceived as its own political advantage.

There is no legal way in which dog or cat meat can be sold for consumption in South Australia. In legislating to intrude further into what an individual may or may not do in preparing food for their own consumption, we are opening up a can of worms. The risk of offence is enormous, and the perceived gain is spurious and, in any case, negligible in so far as having a beneficial effect for the community at large.

I will refer briefly to what I believe to be inappropriate treatment by the Attorney-General (the Hon. Michael Atkinson) in relation to this matter. Following the passage of the bill through the assembly on Tuesday this week, the Attorney-General was reported on radio telling the people of South Australia that it was now illegal to consume cats and dogs in this state, the presumption being that, because legislation passes in the assembly, it therefore automatically becomes law. You and I, sir, recognise that that is arrogance unacceptable in this place. Anyone in this place knows full well that nothing becomes law until it is passed by this chamber as well as the assembly. I believe it is appropriate that that message be taken in the strongest terms to the Attorney-General so that he does not diminish and belittle the significance of this chamber again in any shape or form, whether it be in relation to this or any other legislation.

Unfortunately, there appears to be a presumption or anticipation by this government that legislation will be passed. On a far more benign matter, there was the recognition that the Minister for Conservation and the Environment has been advertising for people to come on to national resource management boards, although those boards have not yet been legally structured. It is a presumption that shows an arrogance in the other place which ought to be brought to its attention. It is not only inaccurate but it is also an insult to the Legislative Council. I believe the same minister used a similar tactic in coercing people who had perpetual leases into freeholding those leases. That matter was the subject of legislation we had already dealt with.

It is clear from my remarks, I am sure, that the Democrats oppose this bill. We believe that, more so than in relation to most legislation, where opposition might be based on either legal or logical argument, opposition to this bill is really based on disgust that any government should see this measure as being significant to the wellbeing of the community in South Australia at large. I hope that this chamber gives it a resounding thumbs down, so that we can, on balance, show that there are people in this parliament elected to represent all of the people in this state and who are not prepared to support such insulting and trivial legislation as this bill happens to be.

The Hon. J. GAZZOLA secured the adjournment of the debate.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That this bill be now read a second time.

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

Leave granted.

REPORT

This Bill amends the *Liquor Licensing Act 1997* to achieve two purposes. First, it will permit hotels, clubs, entertainment venues and other licensed premises to apply to the licensing authority for authorisation to trade until two a.m. on Good Friday, including serving patrons who are not having a meal. Second, it makes some minor technical amendments to give the licensing authority greater flexibility in dealing with applications.

In deference to the Christian tradition, the *Liquor Licensing Act 1997* presently places stringent limits on the sale of liquor on Good Friday. It is lawful for restaurants, motels and other licensed premises to serve liquor to lodgers on the premises, to diners having a meal on the premises and to patrons attending a reception at which food is served. Liquor cannot, however, be served to other patrons. Further, entertainment venues are forbidden to sell liquor in conjunction with the provision of live entertainment on the night of Maundy Thursday to Good Friday.

At the same time, wineries and other producers are at liberty to serve and sell their product on Good Friday, whether or not the patron has a meal, and the licensing authority can, if it sees fit, also grant a limited licence for a special occasion that is held on Good Friday.

It is often said that we live in a multi-cultural society. Although Good Friday is observed by many South Australians, there are many others for whom it has no special significance. The Government does not wish to offend Christians but, equally, it considers it fair that those who do not observe Good Friday should be able to enjoy liquor service on the night before what is to them simply another long weekend.

The Government therefore brings before the House a Bill to permit licensees of hotels, clubs, entertainment venues and other licensed premises to apply for an extended trading authorisation to allow them to trade until two a.m. on Good Friday morning. Note that this extension of hours is not automatic and will not necessarily apply to all venues. In each case, a licensee who wishes to trade in this manner would need to apply to the licensing authority for permission. The authority would be required to consider any possible offence or inconvenience to others, including persons attending religious worship nearby. There would be an opportunity for the public, including representatives of churches, to object if they think that the extended trading hours would cause offence or inconvenience. The matter would be in the authority's discretion. If the authority concludes that there would be an unacceptable interference with the conduct of worship, extended trading authorisation would be refused.

I point out that, at present, the law does not allow entertainment venues to sell liquor in conjunction with providing live entertainment after nine p.m. on Maundy Thursday. They are not required to be closed, but it can only serve liquor to diners, or patrons who are seated at tables or attending a function at which food is served. This amendment would permit liquor service in conjunction with the provision of live entertainment and without the provision of a meal. This is to achieve neutrality between entertainment venues and hotels. If a hotel, which may offer live entertainment, can trade until two a.m. on Good Friday, then it is fair that an entertainment venue, such as a nightclub, also be permitted to trade in this manner.

The result of the provision will be that those who wish to do so can enjoy liquor service without a meal at licensed venues such as hotels, clubs and entertainment venues until two a.m. on Good Friday, if those venues can secure extended trading authorisations. At the same time, the concerns of those who will be attending religious worship at this time will be taken into account case by case and they will be protected from undue offence or inconvenience.

This Bill also rectifies some minor technical deficiencies in the Act identified by Crown Law. It will give the licensing authority the

ability to impose conditions subsequent on the grant of an application or approval and in connection with disciplinary proceedings and to also receive undertakings given by a party or their legal representative, in connection with proceedings before the licensing authority. This adds further flexibility to the Act by increasing the procedural options available in disciplinary and other matters.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Liquor Licensing Act 1997*

4—Amendment of section 4—Interpretation

The effect of this amendment to the definition of ***extended trade*** in liquor would mean that the definition would be extended to include the sale of liquor between the hours of midnight and 2 am on Good Friday.

5—Amendment of section 35—Entertainment venue licence

6—Amendment of section 44—Extended trading authorisation

The amendments proposed in clauses 5 and 6 are consequential on the proposed amendment to the definition of ***extended trade*** to include trading up to 2 am on Good Friday.

7—Amendment of section 53—Discretionary powers of licensing authority

The proposed amendments would allow a licensing authority to grant an interim application on condition that the applicant satisfies the authority as to certain matters within a period determined by the authority. If the applicant fails to comply with the condition, the licence, permit or approval may be revoked or suspended until further order.

8—Amendment of section 121—Disciplinary action

This amendment is consequential on the amendment proposed to section 53.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

ADJOURNMENT

At 4.15 p.m. the council adjourned until Monday 23 February at 2.15 p.m.