LEGISLATIVE COUNCIL

Tuesday 20 June 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.18 p.m. and read prayers.

ASSENTS

Her Excellency the Governor, by message, assented to the following bills:

Government Financing Authority (Insurance) Amendment,

Institute of Medical and Veterinary Science (Miscellaneous) Amendment,

Supply.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

Regulations under the following Acts—
- Associations Incorporation Act 1985—Fees
- Bills of Sale Act 1886—Fees
- Births, Deaths and Marriages Registration Act 1996—Fees
- Business Names Act 1996—Fees
- Community Titles Act 1996—Fees
- Co-operatives Act 1997—Fees
- Coroners Act 2003—Fees
- Cremation Act 2000—Fees
- Criminal Law(Sentencing) Act 1988—Fees
- Dangerous Substances Act 1979—Fees
- District Court Act 1991—Fees
- Domestic Violence Act 1994—Foreign Domestic Violence Restraining Orders
- Employment Agents Registration Act 1993—Fees
- Environment, Resources and Development Court Act 1993—Fees
- Explosives Act 1936—
  - Fees
  - Schedule 3 Fees
- Fair Work Act 1994—Fees
- Fees Regulation Act 1927—
  - Fees
  - Public Trustee Fees
  - Schedule Fees
- Firearms Act 1977—Fees
- Freedom of Information Act 1991—Fees
- Harbors and Navigation Act 1993—Fees
- Land Tax Act 1936—Fees
- Magistrates Court Act 1991—Fees
- Mines and Works Inspection Act 1920—Fees
- Mining Act 1971—Fees
- Motor Vehicles Act 1959—
  - Drug Driving
  - Fees
  - Schedule 6 Fees
- Occupational Health, Safety and Welfare Act 1986—
  - Fees
  - Schedule 8 Fees
- Opal Mining Act 1995—Fees
- Partnership Act 1891—Fees
- Passenger Transport Act 1994—Fees
- Petroleum Act 2000—Fees
- Petroleum Products Regulation Act 1995—Fees
- Public Trustee Act 1995—Fees
- Real Property Act 1886—
  - Fees
  - Schedule 1 Fees
- Registration of Deeds Act 1935—Fees
- Roads(Opening and Closing) Act 1991—Fees
- Road Traffic Act 1961—
  - Drug Driving
  - Fees
  - Inspection Fees
  - Permit Fees
- Second-Hand Vehicle Dealers Act 1995—Fees
- Security and Investigation Agents Act 1995—Fees
- Sewerage Act 1929—Fees
- Sexual Reassignment Act 1988—Fees
- Sheriff's Act 1978—Fees
- State Records Act 1997—Fees
- Strata Titles Act 1988—Fees
- Summary Offences Act 1953—Fees
- Summary Procedure Act 1921—Foreign Restraining Orders
- Supreme Court Act 1935—Fees
- Valuation of Land Act 1971—Fees
- Waterworks Act 1932—Fees
- Worker's Liens Act 1893—Fees
- Youth Court Act 1993—Fees

Rules under Acts—
- Legal Practitioners' Act—Erratum

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

Regulation under the following Act—
- Development Act 1993—Burnside Excavation

By the Minister for Emergency Services (Hon. C. Zollo)—

Regulations under the following Acts—
- Adoption Act 1988—Fees
- Aquaculture Act 2001—Fees
- Authorised Betting Operations Act 2000—Fees
- Chicken Meat Industry Act 2003—Fees
- Fire and Emergency Services Act 2005—Fees
- Fisheries Act 1982—
  - Definition of Net
  - Fees
  - Miscellaneous Fees
- Gaming Machines Act 1992—Fees
- Housing Improvement Act 1940—Fees
- Livestock Act 1997—Fees
- Lottery and Gaming Act 1936—Fees
- Primary Produce(Food Safety Schemes) Act 2004—Meat Industry

By the Minister for Environment and Conservation (Hon. G.E. Gago)—

Dental Board of South Australia—Report, 2004-05

Regulations under the following Acts—
- Ambulance Services Act 1992—Fees
- Botanic Gardens and State Herbarium Act 1978—Fees
- Building Work Contractors Act 1995—Fees
- Conveyancers Act 1994—Fees
- Crown Lands Act 1929—Fees
- Environment Protection Act 1993—
  - Fees
  - Schedule 3 Fees
- Heritage Places Act 1993—Fees
- Historic Shipwrecks Act 1981—Fees
- Land Agents Act 1994—Fees
- Liquor Licensing Act 1997—
  - Fees
  - Hallett Cove
- Local Government Act 1999—Fees
- National Parks and Wildlife Act 1972—
  - Fees
  - Schedule 1 Fees
- Native Vegetation Act 1991—Fees
- Natural Resources Managements Act 2004—
  - Fees
  - Financial Year
  - Rateable Land Divided by NRM Boundary
  - Schedule 4 Fees
- Pastoral Land Management and Conservation Act 1989—Fees
- Plumbers, Gas Fitters and Electricians Act 1995—Fees
- Private Parking Areas Act 1986—Fees
- Public and Environmental Health Act 1987—
  - Fees
  - Schedule 2 Fees
- Radiation Protection and Control Act 1982—Fees

Second-hand Vehicle Dealers Act 1995—Fees
South Australian Health Commission Act 1976—
Fees
Medicare Fees
Schedule 3 Fees
Trade Measurement Administration Act 1993—Fees
Travel Agents Act 1986—Fees

By the Minister for Mental Health and Substance Abuse (Hon. G.E. Gago)—

Regulations under the following Acts—
Controlled Substances Act 1984—
Fees
Schedule 1 Fees.

SOUTH AUSTRALIAN STRATEGIC PLAN

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a ministerial statement from the Premier today on the results of the KPMG Competitive Alternatives 2006 study.

DRUG DRIVING

The Hon. CARMEL ZOLLO (Minister for Road Safety): I lay on the table a copy of a ministerial statement in relation to drug driving which clarifies several points related to the ministerial statement made on 8 June by the Premier and me in relation to drug driving.

QUESTION TIME

DRUG DRIVING

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Road Safety a question on the subject of road safety issues.

Leave granted.

The Hon. R.I. LUCAS: I note that we have only just been presented with a ministerial statement. The normal practice is to read that statement to the council, but we will have a look at that. The explanation for my question relates to some statements made by the minister and other representatives of the government in recent days about the controversy in respect of the government's drug-driving legislation.

Members interjecting:

The PRESIDENT: The Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: There is some degree of sensitivity from the government on this particular issue.

Members interjecting:

The Hon. R.I. LUCAS: Interjecting out of order, Mr President.

The PRESIDENT: Yes, they are out of order.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I was temporarily diverted by the government. As I said, my question is about the controversy over the past few days relating to the government's drug-driving legislation and the attempted explanations from various government ministers concerning the drug-driving legislation which went through parliament late last year. In the most recent example involving the issue of whether or not all forms of ecstasy would be included as prescribed drugs under the drug-driving legislation, minister Zollo, the Minister for Road Safety, yesterday made a number of statements to the media indicating and claiming that the government's legislation was modelled on Victorian legislation. For example, on FiveAA yesterday morning the minister said:

> . . . we are targeting the two drugs which we find in the system of people post-mortem. . . this is legislation which has been tried and tested in other states. It's a model that is now, we believe, other jurisdictions have got it right, it's the model that we've taken from Victoria. . .

I want to quote to the council statements made by the Victorian Labor Minister for Transport when speaking to the second reading of the Road Safety (Drugs) Bill 2006. Mr Peter Batchelor said in *Hansard* on 1 March:

> The devices used in roadside drug testing also detect MDMA, or 'ecstasy', which is a popular drug, particularly in the 'rave' scene. MDMA is considered by scientific experts to impair driving ability. The number of drivers killed in road crashes testing positive to this drug tripled between 2002 and 2004. Moreover, MDMA is illegal in Australia, and there are no legitimate reasons for a driver to have traces of MDMA in his or her saliva or blood. This bill adds MDMA to the list of prescribed illicit drugs for which a driver may be prosecuted if detected by roadside testing devices.

Further in his second reading contribution, the Labor Minister for Transport in Victoria noted that the Victorian Labor government had had to act quickly because:

> during the trial period—

and that trial has only been over the past 12 to 18 months—

> statistics revealed a sharp increase in the number of drivers killed in road crashes who tested positive to MDMA, or ecstasy, as it is more commonly known.

So my questions to the Minister for Road Safety are as follows—

The Hon. P. Holloway: Would you tell us first what you said in October last year when the legislation was introduced?

The Hon. R.I. LUCAS: Look, you can try to protect the minister if you want to. You can stand up and answer the questions for her if you want to.

The Hon. P. Holloway: No, I am asking you.

The Hon. R.I. LUCAS: If you would like me to come and sit on that side of the chamber, I am very happy to do so.

The Hon. P. Holloway: I am sure you would like to, but you had a go at that and you stuffed it up.

The Hon. R.I. LUCAS: If you want to ask me questions I am very happy to—

The Hon. Carmel Zollo: We know you want to sit on this side of the chamber.

The Hon. R.I. LUCAS: —if you cannot answer the questions.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I was temporarily diverted again, Mr President. My questions to the Minister for Road Safety are as follows:

1. Does the minister accept, when she made her statements yesterday about the Victorian legislation, that she was either ignorant of what had occurred in Victoria or she deliberately misled journalists and members of the South Australian public in relation to the drug-driving legislation?

2. Does she now agree with the statements made by the Victorian Labor Minister for Transport when he said that the Victorian Labor government had had to act quickly because during the trial period statistics revealed a sharp increase in the number of drivers killed in road crashes who tested positive to MDMA, or ecstasy, as it is more commonly known?

3. Will the minister accept that she and the Rann government have made a mess of the drug-driving legislation and will now follow the lead of the Victorian Labor government

to ensure that all forms of ecstasy, including the pure form MDMA, will be listed as a prescribed drug under the drug-driving legislation in South Australia?

The Hon. CARMEL ZOLLO (Minister for Road Safety): What confected indignation we have from the opposition! Let us put some facts on the table. Our legislation (and we are only the second jurisdiction in Australia to introduce such legislation) was modelled on the first Victorian model. Yes, it was.

My understanding is that this legislation was introduced in October last year. The legislation was passed in this council with the support of members opposite. It was passed with the opposition's support. The honourable member is correct: we have targeted the two illegal drugs that were found post-mortem on those people involved in road crashes. Obviously, the two illegal drugs are THC (better known as cannabis) and methylamphetamine, which is an ingredient found in street ecstasy; and that is the reason why those two drugs were chosen.

Let us also remember that, for 12 months, this is a trial piece of legislation; and, within its boundaries, the act includes a trigger for a review. We need to remember that. The advice was that, in its pure form, MDMA (and we are talking about ecstasy in its pure form) is not readily available; and, if my recollection serves me correctly, in the past five years one person (post-mortem) in South Australia had consumed it. This is what the legislation is about. It is trial legislation. If the police come to us and say, 'We believe you should be including this', of course we would take that on board, and we will include it. We have just passed legislation, and it will commence—

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: And you supported it. Victoria had its trial legislation. It now has come back—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: Victoria has said, 'We find now that we want to include MDMA'. The police will come back to us and say, either, yes or no; and we will take that on board and we will amend our legislation as part of that review.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: That is conjecture on your part.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: That is just nonsense on your part, and you know it.

The Hon. R.I. Lucas: How many deaths do you want? You are the government.

The PRESIDENT: The Hon. Mr Lucas will come to order.

The Hon. CARMEL ZOLLO: We would have welcomed the input of the opposition at the time if it had thought of it or if it had taken any notice.

The Hon. R.I. Lucas: It took you two years to introduce it.

The Hon. CARMEL ZOLLO: And South Australia is the second jurisdiction in Australia to introduce this very valuable piece of legislation. Let us be quite clear that this is road safety legislation; it is not a society debate about drug taking. This is about getting people who take those two identified illegal drugs off our roads in South Australia.

The Hon. R.I. LUCAS: As a supplementary question: is the minister refusing to answer the question as to whether or not she agrees with the view of the Victorian government that it has learnt that road deaths have increased significantly from users of MDMA, and that it has had to change its legislation after the first 12 months?

The Hon. CARMEL ZOLLO: I am not sure whether the honourable member just does not listen. We may well need to change our legislation after the first 12 months. This is a trial piece of legislation in South Australia. If we need to, of course we will change the legislation.

The Hon. R.I. LUCAS: As a supplementary question arising from the minister's answer and relevant to it: how many road deaths will it take as a result of people driving with MDMA (the pure form of ecstasy) before the minister, the Premier and the government decide to change the legislation, just as the Victorian government already has as a result of its experience in its 12-month trial period? How many deaths?

The Hon. CARMEL ZOLLO: It is unfortunate that the leader has just discovered road safety and has become very emotive. We are learning from another state. That is what it is about. Our legislation has not yet commenced. It is trial legislation for South Australia. Okay? We will start on 1 July.

Our research tells us that one of the two most common drugs is street ecstasy, That is what people are purchasing, unfortunately, and we learnt that post-mortem. The most common drug is cannabis, and the other is methyl-amphetamine, which is contained in street ecstasy. They are the two prescribed drugs that we have targeted in this trial. If we learn that MDMA in South Australia also contributes to deaths, then of course we will change it. This is a trial period. This is what it is about.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: This is a trial period. This is what it is about.

The Hon. R.I. LUCAS: Sir, I have a supplementary question arising out of the answer. To clarify the minister's answer, is she saying that someone has to die in South Australia before she and the Premier will listen to the lessons of Victoria and change the legislation and include MDMA or the pure form of ecstasy under the drug driving laws in South Australia?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: You are a disgrace, the lot of you. You should resign.

The PRESIDENT: Order!

The Hon. SANDRA KANCK: I have a supplementary question arising from one of the answers. Can the minister indicate how long after consuming cannabis or methyl-amphetamine a person will test positive at a roadside test, and will this period of time be influenced by the strength of the drug consumed?

The Hon. CARMEL ZOLLO: I will obviously answer the honourable member's question, but I refer members to a web site that I launched during the break. It relates to road safety in South Australia and it is called 'Stop.Think'. All the information on drug driving is available on that web site. The active component that is tested is detected for up to five hours after smoking cannabis. The THC in cannabis use can make

it difficult to judge distances and react to signals and sounds on the road and, of course, it was found to be the major drug that people consume. Also, when users combine cannabis with alcohol (as they often do, regrettably), the hazards of driving can be even more severe than the use of the drug alone. Honourable members, of course, would also be aware that alcohol, whilst not an illegal drug, per se, is the first thing to be detected.

In relation to methylamphetamine, we can tell people that it creates an increased crash risk, particularly in relation to heavy vehicle drivers. This is all on the web site. The presence of methylamphetamine can be detected for up to 25 hours after use. Studies show that the risk of being killed on the road for heavy vehicle drivers who use methylamphetamine is the same as for drivers who have a blood alcohol level of .15 per cent BAC. I recommend that honourable members have a look at that web site, which contains all the information not only on this campaign and the legislation but also all other advertising that the government undertakes throughout the year. Again, methylamphetamine is the second most commonly used illegal drug. It is the drug that is used on the streets and it is the drug that, regrettably, is the second most common. Pure MDMA is apparently quite rare in South Australia. That is the advice that we received from the experts—

The Hon. R.I. Lucas: It won't be after your legislation.

The Hon. CARMEL ZOLLO: The member must know a particular set of people. The member and perhaps the shadow minister for transport must know the caffelatte set, because that is what we are told: this is the drug that people use. I am always happy to take advice.

The Hon. SANDRA KANCK: Sir, I have a supplementary question. In relation to those figures, is the level of use measurable through a saliva test, or is the minister talking about a blood test result?

The Hon. CARMEL ZOLLO: I am very happy to again take honourable members through what is on the web site. With respect to random drug testing, which commences on 1 July, when people are pulled over, they are tested for alcohol. It is important that I place that on the record, because there was some misinformation in both the newspaper and the electronic media, that people who are pulled over and who test between 0 and .08 per cent with respect to blood alcohol level will be drug tested. I need to put that on the record, because apparently there was some misinformation. Drivers are pulled over; they are tested for alcohol and then, while still in their car, they take a saliva test on the tongue for drugs. I understand that takes about five minutes. If that test is positive, they then accompany the police to the van to undergo a body fluid test. That is then sent off for forensic testing, and any action that is taken will arise from that.

The Hon. NICK XENOPHON: I have a supplementary question. Based on the Victorian experience, if MDMA is not included as a prescribed substance for drug testing, will the minister advise approximately what percentage or how many drug drivers will escape prosecution under the government's current legislative framework?

The Hon. CARMEL ZOLLO: As I explained to the honourable member who asked the first question, in South Australia only one person in the past five years has tested positive for pure MDMA, and that was post-mortem—that is how we found it. We are here to learn; this is a trial. We are the second jurisdiction in Australia to introduce drug testing.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: It was modelled on the first Victorian legislation. Victoria has just finished its first trial—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: If the police come to us—

Members interjecting:

The Hon. CARMEL ZOLLO: I would like to finish, Mr President. If the police come to us and say that they want pure ecstasy to be part of our testing regime, of course we will take that advice—that is what we are here for.

The Hon. NICK XENOPHON: Will the minister take urgent advice from her Victorian ministerial counterpart as to how many people have slipped through the net in the absence of the proposed changes in Victoria with respect to MDMA testing?

The Hon. CARMEL ZOLLO: This is not Victoria. We have undertaken that, when we commence our drug testing regime, we will exchange the results with Victoria. We will share our information and, if we find that we need to introduce this, we will do so.

The Hon. SANDRA KANCK: Regarding the one example that the minister has given of a person who had pure MDMA in their system, was that the cause of that person's death; and, if so, was it the primary, secondary or tertiary cause of death?

The Hon. CARMEL ZOLLO: I am not able to provide that detail, but I will try to find that out for the honourable member. One would assume that impairment would have been a contributing factor to the crash, but I will try to find that out for the honourable member.

The Hon. J.M.A. LENSINK: Can the minister advise the council of how many people in the past five years (other than those who had accidents as a result of their own ingestion of MDMA) might have killed someone else as a result of having MDMA in their system?

The Hon. CARMEL ZOLLO: Members opposite are becoming clowns. That is a difficult—

Members interjecting:

The Hon. CARMEL ZOLLO: Mr President, I will take advice on that question.

The Hon. R.I. LUCAS: Given that the minister has said that she is sharing data with Victoria, will she speak urgently with the Victorian Minister for Transport to understand why the Victorian government decided to change its legislation and why it believed its old legislation was inadequate?

The PRESIDENT: Order! I think the minister has already answered that question.

The Hon. CARMEL ZOLLO: I believe I have already answered that question.

The Hon. D.G.E. HOOD: The minister has indicated that the legislation will provide for a South Australian trial. Will she indicate the specific events that might trigger a change in the legislation at the end of the trial?

The Hon. CARMEL ZOLLO: I can refer the honourable member to the second reading explanation made in this chamber. This is legislation that is being heavily monitored, for good reason. It may well be that we need to make those changes and we will take advice from the police, who are at

the operations end. Depending on what they have to say to us, we obviously and probably will, I suspect, take those recommendations on board and make those changes, absolutely.

The Hon. A.M. BRESSINGTON: By way of supplementary question, will the minister concede that the message being sent out between now and the end of the trial may be sending a clear message to partygoers and ravegoers—or those using MDMA or ecstasy—that it is safe to drive because they will not be detected or prosecuted for having that substance in their system?

The PRESIDENT: I think the minister has answered that.

The Hon. CARMEL ZOLLO: I am very disappointed that this issue has been raised.

The Hon. J.M.A. Lensink: You are all very naughty people.

The Hon. CARMEL ZOLLO: Yes, well you do behave like grade 5 children. I am very disappointed. For the first time in this state, the second state in Australia to do so, we are undertaking a trial in relation to testing for drug driving, and there was no mention of any dissent. I wish I could find it. I wish I could find it now, but the shadow minister in the other place—

The Hon. R.I. Lucas: They would have to write it in block for you.

The Hon. CARMEL ZOLLO: I was looking for the *Hansard* record from the other place, wherein I think the member for Mawson at the time said how much he welcomed this legislation. He probably thought that people would come out and bag it, but he welcomed it so much, as did the member for Schubert and the Hon. Caroline Schaefer. They said how good it was for us to introduce this legislation, rather than continuing to bag it. Here we are, the second jurisdiction in Australia, introducing legislation to pick up the two most common illegal drugs that people use in South Australia and members opposite are simply throwing spanners in the works at the last minute.

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the minister a question about drug and alcohol testing of motorists.

Leave granted.

The Hon. T.J. STEPHENS: The Assistant Commissioner of Police, Mr Grant Stevens, confirmed on radio this morning the opposition's concerns that police do not intend to test for drug use in cases where drivers return a breathalyser reading of .08 or higher. My questions to the minister are:

1. Why does this government believe that drivers who return a random breath test result of .08 or higher should not subsequently be tested and penalised for drug use?

2. Does the minister agree that members of the public have a right to know how many of the most dangerous offenders are out there—those who are over the alcohol limit of .08 and who have ingested quantities of illegal drugs, which is truly a lethal mix—endangering lives on our roads?

The Hon. CARMEL ZOLLO: Not only do I thank the honourable member for his question, but I welcome it. We need to place squarely on the record that those people under .08 will be drug tested. The question, which I am about to answer, related to those who test .08 and above. The decision made by the police at the operational level was that they would not continue with the drug testing. I have been advised today—and I am happy to read into the *Hansard* record a minute from the Commissioner of Police, who has decided differently now—that it was an operational decision. Advice—

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: Are you accusing me of lying?

The Hon. R.I. Lucas: Yes.

The Hon. CARMEL ZOLLO: On a point of order, Mr President, I ask him to withdraw that. He accused me of lying. I ask him to withdraw it.

The PRESIDENT: What did the honourable member say? If the honourable member has accused the minister of lying, the honourable member should withdraw, but I did not hear.

The Hon. CARMEL ZOLLO: Thank you, Mr President.

Members interjecting:

The Hon. D.W. Ridgway: I can't hear, Mr President.

The PRESIDENT: No wonder.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: Mr President, I won't bother with him. I think that the honourable member is just here to entertain himself when he behaves that way. This is a minute from the Commissioner of Police re roadside drug testing:

> Advice is provided regarding comments made on ABC Radio by the State opposition in relation to the process of dealing with drivers who test positive to alcohol with a reading of 0.08 or more and the decision not to drug test these drivers.
>
> The South Australia Police (SAPOL) policy regarding this practice has been reviewed and, as a result, all drivers subject to testing procedures conducted by the Driver Drug Testing Group will be screened for cannabis and methylamphetamine. This includes persons who test positive to alcohol with a reading of 0.08 or more.

I welcome the Police Commissioner's decision. It continues:

> The normal investigation, adjudication and prosecution process will be applied in all cases where a positive result for alcohol, cannabis and/or methylamphetamine is recorded.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens has a supplementary question.

The Hon. T.J. STEPHENS: Given that there has been a backflip on this issue, will the minister make sure that those statistics are now distributed widely at the end of the 12-month period in regard to the review?

The Hon. CARMEL ZOLLO: Again, I thank the honourable member for his question because it allows me again to place on record that, yes, we will. This is a trial. This is about our receiving information from as many sources as possible to see whether we need to change the legislation. Yes, we will share information with Victoria as well. Our statistics might be different from those in Victoria. This is about South Australia and the drug trial we will be having in the next 12 months. I can say to the Hon. Terry Stephens that we need to bring back a report to this parliament within that 12 months. We need to table a report on the floor of this council, bringing in all the information we find on drug testing in South Australia. In the meantime, I am sure that the opposition will congratulate the government of this state—the second jurisdiction in Australia to bring in drug testing for our drivers.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer or relevant to it. What discussions, if any, were conducted between any Rann government minister or ministerial adviser and either the Police Commis-

sioner or any senior police officer concerning drug-driving legislation as it relates to this changed decision of the police in the last 24 hours?

The Hon. CARMEL ZOLLO: None that I know of.

RIVERSIDE TASK FORCE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Riverside task force.

Leave granted.

The Hon. D.W. RIDGWAY: In the last sitting week, the minister announced the appointment of a task force. He stated:

> Key industry bodies such as the Master Builders Association and the Housing Industry Association and industry participants such as truss nail plate manufacturers have recently supported the establishment of a ministerial task force and consider that it would be appropriate for it to be chaired by a member of my ministerial office who is an accredited building surveyor.

He went on to say:

> I have therefore established an eight-person task force in order to develop or review appropriate systems and procedures related to the design, approval, manufacture, handling, installation and inspection of trusses.

Regulation 103 of the regulations to the Development Act provides:

> (1) Pursuant to section 16(1) of the Act, the Advisory Committee must—

and I repeat 'must'—

> establish the following committees, with criteria for membership determined by the Minister:
>
> (a) the Building Advisory Committee to report to the Advisory Committee on—
>
> (i) matters relating to administration of the Act in respect to the design, constructions and maintenance of buildings; and
>
> (ii) the adequacy and application of the Building Rules; and
>
> (iii) such other matters determined by the Minister or referred to the committee by the Advisory Committee;

I am advised that the Building Advisory Committee (which, incidentally, has not been reconstituted since the election) formed a subcommittee to investigate the Riverside accident and, in particular, the trusses, but unfortunately that committee has not been reconstituted by the minister.

The minister also said, in response to a question from the Hon. Mr Finnigan, that a member of his ministerial office is an accredited building surveyor. I have been advised today by the Australian Institute of Building Surveyors SA chapter's office that the ministerial adviser is accredited as an assistant building surveyor and not a building surveyor as stated by Mr Holloway in the extract of *Hansard* that I had.

Just for interest, the qualifications for a building surveyor are somebody who has an accreditation as a building surveyor issued by an approved building industry accreditation authority and at least eight years' experience in the practice of architecture, civil engineering in respect of buildings or building surveying, after obtaining a graduate qualification in architecture, or a graduate qualification in civil engineering, or accreditation as a building surveyor issued by an approved building industry accreditation authority, or a certificate of registration as a building surveyor issued by the Local Government Qualifications Committee.

An assistant building surveyor is somebody who can give advice only on buildings that do not exceed three storeys or do not have a floor area of more than 2 000 square metres. My questions to the minister are:

1. Will he concede that he is in breach of the act by not reappointing the Building Advisory Committee?

2. Why is the subcommittee of the Building Advisory committee not appropriate?

3. Will he also concede that he misled the parliament when he referred to his ministerial adviser as an accredited building surveyor when, in fact, he is only an assistant building surveyor with a significantly lower level of qualifications?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I answered the question in relation to the Building Advisory Committee when the honourable member himself asked that question a week or so ago, and I indicated to him that under the Development Act changes it was proposed that that committee would be replaced. The honourable member really, in his question, totally misses the point. The Riverside building collapse, of course, was the result of the failure of trusses. A member of my staff is chairing this committee because of his experience in the area. It is a technical committee looking specifically at issues in relation to trusses. That is exactly what the Coroner drew our attention to as a result of his report into the tragic accident at Riverside.

The member of my staff is admirably qualified to chair that committee because it is a technical committee. As a result of the work that is done, one would hope that we would soon get the appropriate changes to practices in relation to the design of trusses—a very specific area.

The Hon. D.W. RIDGWAY: Why did you advise this chamber that your ministerial adviser was a building surveyor and not an assistant building surveyor?

The Hon. P. HOLLOWAY: The honourable member can go into all sorts of technicalities, but he misses the point. What we are looking at here is a committee that looks specifically-

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The honourable member has as much credibility as a vegetarian shark. He is a member of the party which, when it was in government, said that it was not going to sell ETSA and then, of course, it did. We are talking about a committee that is looking into a very technical area, which is the design and strength of trusses. As I said, my colleague—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The honourable member can haggle all he likes over whether he is an assistant or a surveyor, but the important thing is that this government has established a committee, a very well-qualified committee, represented and supported by the appropriate industry, to look into issues related to trusses.

INTERNET CHAT ROOMS

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police a question about internet chat rooms.

Leave granted.

The Hon. B.V. FINNIGAN: The internet is an amazing adventure.

Members interjecting:

The Hon. B.V. FINNIGAN: Unlike Mr Gore, I do not claim to have invented it. It is a useful tool that offers

opportunities for learning, finding information, fun and games, contacting friends by email, and chatting to others with similar interests. However, the internet—

Members interjecting:

The PRESIDENT: Order! I think it is time we started testing for raspberry cordial.

The Hon. B.V. FINNIGAN: I am happy to start again if the minister has not heard the question. The internet is, however, an adult environment, with few limits on what is placed on it and where the information may not always be reliable. As such, it can be a dangerous place for children to play. Can the minister advise what South Australia Police are doing to warn children of the dangers of online chat rooms?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his very important question. Child predators on the internet, and in particular those who trawl internet chat rooms, continue to be of concern to governments and law enforcement agencies around Australia. It is an unfortunate fact that children may encounter people online who are not who they say they are. Last week, more than 250 primary school students from nine different schools across the state participated in a joint South Australia Police and Australian Communications and Media Authority online safety activity known as Cybersmart Detectives.

Cybersmart Detectives is an innovative online game that teaches children key internet safety messages, particularly how to chat safely. The school-based activity acknowledges the important role schools play in teaching young people about the dangers, as well as the benefits, of the internet. The participating schools included Charles Campbell Secondary College, Christies Beach Primary, Grange Primary, Loreto College Junior School, School of the Air, St Ignatius Junior School, Stradbroke Primary, Tyndale Christian School, Walford Anglican School for Girls and Townsend House supporting the visually impaired.

The Cybersmart Detectives activity was initially developed by UK-based child advocacy agency Childnet International and, until 2005, operated under the name of Net Detectives. The activity is now independently operated by Engage Live. The Australian Communications and Media Authority, under an agreement with Engage Live, has adapted the activity for use in Australian schools under the Cybersmart Detectives name.

Aimed at young people in the upper primary school age range (a group identified as most at risk), Cybersmart Detectives uses the internet itself to teach young people key internet safety messages, especially those related to the use of internet chat rooms. Children working online, through a chat-based interface, play the role of a deputy principal concerned about the welfare of a new student called Sarah, who may be being bullied by someone she has met in an internet chat room. Guided by a series of clues which are released online, children work collaboratively to solve the mystery of what is worrying Sarah, and why. Experts and teachers respond in real time to the questions and theories posed by the students and guide the teams through each of the clues given from an online control room. As the scenario unfolds, the children discuss the risks of certain online and offline behaviours and ways of managing those risks. The key messages of the Cybersmart Detectives initiative are:

- parents should monitor their children's use of the internet, particularly chat rooms;
- children should never give out personal information when they are chatting online;
- if children want to meet face-to-face someone they have chatted with, they should always take a parent with them; and
- children should be aware that in the online environment people may not be who they say they are.

Internet chat is very popular with children and teenagers and, along with instant messaging, SMS and email, is often used to make and stay in touch with friends, plan social activities and even do homework.

Also participating in the program are students of the School of the Air. These students, located at remote locations (including students from areas such as Eyre and Yorke Peninsulas, the Flinders and Gawler Ranges and other remote areas), will be brought together into teams in virtual rooms where they will discuss the issues and formulate questions for the online experts using webcams and customised software.

Also participating are visually-impaired students with the assistance of Cando4Kids—Townsend House, a charitable organisation supporting children with sensory impairments. Each team will have a sighted facilitator who will assist the students in reading material on the screen. The program, Cybersmart Detectives, is run by the Child Exploitation Section of South Australia Police. The main objective of the program is to give children important advice that will help them to surf the internet safely and to recognise the danger signs in chat rooms.

The Child Exploitation Section also targets and investigates the persistent, systematic or predatory sexual abuse or exploitation of children while providing a central and identifiable focal point for local, interstate and international inquiries related to predatory child exploitation. Other responsibilities of the Child Exploitation Section include the investigation of:

- suspected paedophile activities;
- groups known or suspected to be involved in organised activity related to paedophilia;
- organised child prostitution;
- persons who use their professional or voluntary involvement in child care, support, welfare, sport or other bodies for purposes related to child exploitation or for their own prurient interests;
- serial sex offences against children;
- reported sex offences of a predatory nature against children;
- offences under the commonwealth Crimes (Child Sex Tourism) Act; and
- the production of child pornography in South Australia.

I congratulate South Australia Police on this extremely important initiative and its continued promotion of internet safety messages, especially those related to the use of internet chat rooms.

SHINE SA

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question about SHine SA.

Leave granted.

The Hon. A.L. EVANS: The state government is planning to give a $5.75 million building and land package to the non-government sexual health body SHine SA. Other options available to the organisation were a $600 000 upgrade of its current establishment and the lease of a new purpose-built facility at a cost of $360 000 per year. The Public Works

Committee has clearly not supported the government's decision after examining crown law advice and financial information it received in relation to the matter. My questions to the minister are:

1. Will he advise the council why the state government intends to give a $5.75 million building and land package to SHine SA given that its Chief Executive Officer conceded that its occupation of the premises would be minor?

2. What solutions were considered to address the concerns with public transport access to the current Kensington site?

3. Does he concur with the SHine SA Chief Executive Officer that an upgrade of the Kensington site and a 130 per cent increase in funding is inferior to the construction of the proposed facility at Woodville?

4. Are abortion and needle exchange facilities proposed for SHine SA's new facility?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to SHine SA. I will refer his questions to the relevant minister in the other place and ensure that he receives a response.

ALCOHOL CONSUMPTION

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about alcohol misuse.

Leave granted.

The Hon. I.K. HUNTER: Drug and alcohol misuse raises significant concerns for our community. Alcohol misuse, unfortunately, is a part of many people's lives and the costs are not only to the user's health but also to their social networks and families. The point is often made that alcohol is one of the leading causes of hospitalisation in our community, and I am aware of an increased concern in the community about binge drinking. Often overlooked are the serious and negative impacts for the family and friends of the drinker. Will the minister please inform the council what initiatives are being put in place to help educate the community on the dangers of alcohol misuse?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his question and for his ongoing interest in these important matters. Indeed, the concerns about the effects of alcohol in our community are significant. Drug and alcohol abuse and addiction have a huge social and economic cost in our community, such as through the delivery of health care, police services and, of course, across a wide range of community services. Family members and friends suffer through the tragedy of watching damage to the physical and psychological health of their loved ones. Our community suffers the consequences of crime-driven addiction. Children of parents with addiction can suffer long-term emotional damage, and our economic losses in relation to the full productivity of many citizens through drugs and alcohol impairment are quite profound.

The government is taking the issue of substance abuse very seriously. On Sunday, I launched the beginning of Drug Action Week for 2006 at the Family Matters Forum for Drug and Alcohol Users (I was very pleased to see three other members of this council, the Hons Lensink, Bressington and Xenophon, at this forum, and I commend them for their attendance). Drug Action Week is an annual event that highlights the diversity and complexity of alcohol and other drug issues in South Australia. The South Australian Network of Drug and Alcohol Services (SANDAS), with support from Drug and Alcohol Services South Australia (DASSA), undertakes the planning and coordination of the week's events, and I would like to thank them for this year's program.

This year's themes include a focus on harm minimisation and prevention. As part of this theme, the South Australian government has launched a campaign focused on alcohol misuse, which is called the Alcohol—Go Easy campaign. Alcohol is the most widely consumed drug in South Australia. It is, indeed, a legal substance that should be used in a responsible way in our homes and licensed venues across the state but, obviously for some, alcohol can become a substance of dependence. Responsible drinking of alcohol is not the problem, but it is important that we recognise that the way we drink clearly impacts on those around us.

One measure that this government has undertaken has been to run a series of print and poster advertisements that highlight the impact of alcohol misuse on the community. This campaign is not only about drink driving: there are other alcohol-related problems and behaviours, such as verbal and physical violence and property damage, which impact on us all. It is estimated that each year about 41 000 South Australians are physically abused by people affected by alcohol. Obviously, this can impact significantly on police and hospital services, and it is preventable. That is the very heart of the Alcohol—Go Easy campaign and is just one measure that this government is undertaking to address a serious community problem and, as I said, a problem that is preventable.

Whilst alcohol has many positive social uses and values, it is also a drug which can ruin friendships and employment and which can have serious, and even fatal, health effects and can quite literally tear families apart. Each week, over 86 000 South Australians drink at levels that put them at risk—that is, five or more standard drinks for women and seven or more standard drinks for men in a single session. On Sunday, the Alcohol—Go Easy campaign commenced in South Australia to coincide with Drug Action Week. This campaign seeks to reduce community tolerance of drunkenness and to increase community action in addressing this issue. Whether someone is an employer, a parent, working in the health service or simply hosting a party, this campaign shows that a range of strategies can be employed to reduce the incidence of alcohol abuse in our community.

CHILDREN OF PRISONERS AND OFFENDERS PROGRAM

The Hon. M.C. PARNELL: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Children of Prisoners and Offenders Program.

Leave granted.

The Hon. M.C. PARNELL: Offenders Aid and Rehabilitation Services SA (commonly known as OARS) is a non-government community organisation that provides a wide range of services for people involved in, affected by or at risk of being drawn into the criminal justice system. We all benefit from its work to reduce crime and its impact on society. A year ago, a new program called the Children of Prisoners and Offenders Program was established to provide support directly to the children of prisoners and offenders. Through no fault of their own, these children face a range of unique and complex issues arising out of the incarceration of

their parents, including stigma, isolation and the breakdown of family stability. As a result, children with incarcerated mothers and fathers are at a very high risk of developing a range of emotional and behavioural problems.

Many of these problems arise from unresolved grief—a reaction to grief that is entirely understandable—but, if this grief is not managed appropriately, it can perpetuate the cycle of crime. Research indicates that children of incarcerated parents are six times more likely than their peers to get involved in crime. The Children of Prisoners and Offenders Program is directly aimed at short-circuiting this destructive cycle. Initial funds for the program were sourced from a Telstra grant to employ a worker for three days a week. This was topped up by OARS to ensure that a child and family therapist could work full-time. However, this three-day a week funding runs out in September, with OARS being unable to top up the remaining two days beyond July.

As is the case with many grant programs, the Telstra grant provides seed funding only. Alternatives must be found to ensure that this vital and effective program continues. In particular, OARS is very keen not to lose the expertise and experience of the child and family therapist employed on the program. To prevent this, OARS is seeking bridge funding from July until alternative sources of funding can be found. My questions to the minister are:

1. Will the government consider providing bridge funding for OARS to ensure that the expertise of the child and family therapist employed on this innovative program is not lost while alternative funding sources can be found?

2. Will the government consider funding the Children of Prisoners and Offenders Program in the medium to long term so that inter-generational causes of crime can continue to be tackled by early and effective intervention?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I am aware of this program, which was funded by the commonwealth for a trial period. Regrettably, that funding has not been continued. Any future decisions in relation to the funding of programs will be subject to budget considerations and cabinet decisions, but I can advise the honourable member that a project relating to the children of prisoners has been in formation for several years at the request of the Justice Cabinet Committee. The Justice Cabinet Committee instructed the Department of Justice to research the needs of the children of prisoners in South Australia. I would like to place on the record this government's appreciation of the involvement of OARS and its assistance in that project—it certainly did some very good work.

I understand that two surveys have been conducted: a parents in prison survey, which was administered by the Department of Justice; and a carers survey, which OARS administered. I am not sure whether the honourable member attended the information evening run by OARS a few months ago and at which a paper was presented. What we learned was predictable, and the honourable member would be very much aware of the many challenges that the children of prisoners face. The Justice Cabinet Committee received the report in November 2005 and endorsed the implementation phase of the children of prisoners project for which the committee is responsible. The project has been embedded in a number of justice led initiatives as part of the government's child protection reform agenda (Keeping Them Safe).

The Department for Correctional Services has made amendments to the pre-sentence report guidelines so that the author is now directed to consider and reflect on the impact of imprisonment on any children and to include that in the pre-sentence report. A selection of Adelaide Women's Prison staff have received mandatory notification training, which included information about the new amendments to the Child Protection Act, including the notion of a child safe environment. Various questions were asked about challenging but essential issues for staff to have an opportunity to consider.

'Train the trainer' sessions will be run at the Adelaide Women's and Children's Hospital, and 12 corrections staff will be trained in how to conduct the Fatherhood Support Program. These 12 staff members will then deliver the program at designated custodial sites as part of the department's suite of core programs. I can also advise the honourable member that the Department for Correctional Services is in the process of negotiating with the commonwealth Department of Families, Community Services and Indigenous Affairs with the aim of conducting training in the Fatherhood Support Program.

Also, a prisoner parent handbook, which incorporates information about making visits enjoyable for children, understanding how to play with your children during visits and how to parent from prison, is currently being produced, and once completed the handbook will be distributed to all South Australian prisons. A visitors handbook, which includes tips for families and care givers, will soon be available in all prison visitor waiting areas. The content will include information about children visiting individuals in prison. We are also refurbishing the Adelaide Women's Prison's visiting and children's areas, which are to receive an upgrade—that is happening right now. It will include the refurbishment of outdoor areas and the purchase and replacement of children's furniture, air-conditioning and educational toys. Work has commenced and should be completed by the end of August this year.

I appreciate the honourable member's question because as a government we must ensure that, whilst custodial environments may be within their realm of experience, it should not be their fate. I place on the record my appreciation of OARS' assistance and commitment to the children of prisoners. Any funding application will form part of budget considerations.

RAILWAY CROSSINGS

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about railway crossings.

Leave granted.

The Hon. S.G. WADE: In response to a question on 5 June from the Hon. Mr Dawkins in relation to the Salisbury railway crossing, the minister referred to the state level crossing state strategy advisory committee. She also indicated that her department is undertaking a risk assessment of all level crossings using the Australasian level crossing assessment model. The minister advised the council that $2.6 million has been allocated in 2005-06 for the level crossing strategy. The minister's department has identified that 13 level crossings are to be upgraded under the 2005-06 program; however, none of the 13 are level crossings in rural South Australia. My questions are:

1. Will the minister assure the council that risks at country level crossings are receiving appropriate attention?

2. In particular, will she advise what proportion of the crossings assessed during the past four years were beyond the Adelaide metropolitan area?

3. Given that rural crossings are less likely to be in places where secondary lighting illuminates passing trains, will the government act to upgrade safety standards on trains to ensure visibility at night through such measures as additional lighting and visibility aids?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his question. I will need to get some advice in relation to some of the questions he has asked. It was my understanding that all level crossings were having a risk assessment undertaken, but I will clarify that and bring back a response for the honourable member.

METROPOLITAN FIRE SERVICE

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about new developments in the provision of personal safety equipment for firefighters in the South Australian Metropolitan Fire Service.

Leave granted.

The Hon. R.P. WORTLEY: As members would be aware, firefighting can be a dangerous activity. Will the minister advise whether the provision of any additional or new safety equipment to ensure firefighter safety is planned in the near future?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question, in which I am sure all members are interested. Last Friday 16 June I was again able to meet the firefighters at MFS headquarters in Wakefield Street to watch a very impressive demonstration of the capabilities of new breathing apparatus (or BA, as it is called). BA provides respiratory protection to firefighters in dangerous atmospheres, whether at fires or in hazardous materials incidents. The government is committed to ensuring that the safety of our firefighters is not compromised. The MFS will shortly receive 350 replacement self-contained BA sets at a cost of $1 million. They will replace the existing BA sets that are 15 years old.

Ninety per cent of MFS operational staff in both metropolitan and regional stations were involved in an extensive evaluation process over several months, trialing equipment from various suppliers. The sets that were eventually selected are equipped with leading edge technology that will monitor and transmit to a computer tablet external to the hazardous area (telemetry) details such as firefighter air consumption, air cylinder capacity and time remaining to exit the building. The system is also able to receive and transmit evacuation and distress alarms between a firefighter and the external monitor and will generally allow better communication with the incident controller and safety officer. This new technology will greatly enhance firefighter safety. The MFS is the first fire service in Australia and one of only a few throughout the world to utilise this technology. Other fire services in Australia are monitoring the evaluation and implementation program in South Australia. Again, South Australia is leading the way.

Twenty new BA sets were delivered this month for training purposes (which has been taking place since early last month), and the remainder are to be delivered this month. Their full implementation will commence once training of all metropolitan operational firefighters has been undertaken, and this is expected to take approximately 16 weeks. The new BA equipment will be used on duty after completion of any modifications that need to be made to metropolitan fire appliances. These new BA sets will be introduced to regional MFS stations after firefighters receive training at a date to be finalised. The new BA, coupled with the recently purchased upgraded personal protective equipment, will ensure that South Australian firefighters continue to enjoy the highest standard of protective equipment available.

NATURAL RESOURCES MANAGEMENT (TRANSFER OF WATER LICENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 317.)

The Hon. G.E. GAGO (Minister for Environment and Conservation): I will make a few concluding remarks. Originally, the government proposed to amend the NRM Act to support the donation of water to the environment in line with our commitment to improving the health of the River Murray. As my colleagues will appreciate, the River Murray is under serious threat from the long-term impacts of progressively reduced river flows due to the overallocation of water to consumptive use and land management practices. Any further decline in the health of the river will have serious ramifications on the ecology of the river and the communities and businesses that depend on the river for long-term survival.

A healthy River Murray is essential to secure the long-term environmental sustainability of the river system and its associated economic and social benefits. Improving the environmental flows in the River Murray is an objective that is supported by the three intergovernment agreements: the Living Murray initiative of the Murray-Darling Basin Ministerial Council and the First Step decision of 2004; the national water initiative; and the intergovernmental agreement to address water over allocation in achieving environmental objectives in the Murray-Darling Basin (both entered into in June 2004). In addition to the commitment the government has made to help in the recovery of 500 gigalitres for the environment by 2009, it has identified the voluntary donation of water and another potentially significant additional opportunity for improving environmental flows for both significant ecological assets, such as Chowilla, the Coorong and the Lower Lakes, as well as other priority ecological assets.

A number of groups and individuals have indicated that there is significant willingness within the community to contribute water allocations by donation to specific environmental watering projects. However, the government presently provides no special assistance to encourage voluntary donation to either private or public environmental watering projects. It was therefore considered desirable to encourage the donation of water for environmental watering processes, provided that the environmental watering programs contributed to the objectives of South Australia's environmental flow strategy.

It is proposed that donations be encouraged by removing or reducing certain government taxes and charges. I note the support provided to this initiative in the forum by the Hon. Sandra Kanck and the Hon. David Ridgway. The government is now proposing to take things a step further by removing all

stamp duty from water licence transfers in South Australia. As my colleagues may be aware, South Australia is one of the few states to impose stamp duty on water licence transfers. As we move towards an environment where permanent trade of water between states increases, South Australia could be potentially disadvantaged. By moving now to remove stamp duty on water licences we will remove this impost on trade and ensure that South Australia is not disadvantaged.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): I advise the committee that after the minister has moved her amendment, I will ask the Hon. Mr Ridgway to move his amendment because his amendment comes part-way through the minister's amendment.

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

Page 2, lines 14 to 24—
Delete subsection (9) and substitute:

(9) Despite the provisions of the Stamp Duties Act 1923, the transfer of a licence, or of the whole or part of the water allocation of a licence, is not chargeable with duty under that Act.

This amendment simply seeks to remove stamp duty from all water licence transfers.

The ACTING CHAIRMAN: It is appropriate that the Hon. Mr Ridgway now move his amendment.

The Hon. D.W. RIDGWAY: I move:

Page 2—
After line 19—
Insert:
(ab) falls within the ambit of subsection (10); or
After line 24—
Insert:

(10) A transfer of a licence, or of the whole or part of the water allocation of a licence, falls within the ambit of this subsection if—

(a) the Commissioner of State Taxation is satisfied that the transfer is made in connection with the transfer of an interest in land that is exempt from stamp duty under section 71CC of the Stamp Duties Act 1923; and

(b) the parties with respect to both transfers are the same.

First, I would like to reiterate the opposition's position on this bill. In our second reading contribution we indicated that we would move an amendment to remove stamp duty from interfamily and intergenerational farming family transfers to enable more young people to stay on the land. This was a mechanism to keep farming families on the land, especially in irrigation areas where often the irrigation licence (especially in the Riverland) was a very important and sometimes expensive component of a farmer's stock and plant and would be integral to the viability of that property. I am aware, though, that, now with this amendment the government has introduced, I shortly will no longer need to move my amendment because this removes all stamp duty from all water transactions.

I would like to ask a couple of questions, if that is appropriate. This now will allow speculators, and I remember being at a meeting in Murray Bridge where a gentleman indicated he had bought a couple of dairy farms purely because he thought the value of water would go up. He was not planning on irrigating or returning the water to an environmental cause: he wished merely to make money out of speculating on the price of water. I assume that this amendment will exempt those particular people from paying stamp duty.

The Hon. G.E. GAGO: We are just bringing South Australia on par with other states. We are doing this so that there is no impediment to trade in South Australia, bringing us into line with the National Water Initiative and other states so there can be no suggestion that we are, in fact, impeding trade. Whilst the removal of stamp duty is the removal of an impediment, it is not significant enough to promote speculation.

The Hon. D.W. RIDGWAY: In relation to the Living Murray project, I suspect this legislation will have some impact on the 13 gigalitres that has been recently announced by the Minister for the River Murray, and I think the Minister for Environment and Conservation attended a meeting in Melbourne where that was discussed. Could we have some advice on exactly where the 13 gigalitres will come from?

The Hon. G.E. GAGO: Ten gigalitres will come from the SA Water licence, and it currently pays no stamp duty, and three gigalitres will come from the water already held by the Minister for the River Murray.

The ACTING CHAIRMAN: The Hon. Mr Ridgway has the call and will be assisted by a lack of conversation in his vicinity.

The Hon. D.W. RIDGWAY: I have another question, but I think it would be appropriate to declare that I have an interest in this legislation because I am selling my farm and a very small water licence to my brother. Unfortunately, I expect settlement—

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. D.W. RIDGWAY: Unfortunately, settlement is due to be this coming Friday, so my brother will not benefit, I believe, from the change in legislation. In relation to the 10 gigalitres held by SA Water, has the minister any advice about exactly where that 10 gigalitres has come from and over what time SA Water has accumulated it?

The Hon. G.E. GAGO: I understand that most of that water was accrued by the purchase of licences from dairy farmers along the River Murray, and I have been informed that those purchases began in late 2003.

The Hon. D.W. RIDGWAY: In regard to the remaining three gigalitres of water held by the Minister for the River Murray, my understanding is that water was saved from the Loxton rehabilitation project. Can the minister confirm that?

The Hon. G.E. GAGO: That is correct.

The Hon. G.E. Gago's amendment carried; clause as amended passed.

Schedule.

The Hon. G.E. GAGO: I move to insert the following schedule:

1—Transitional provision

The amendment made to the Natural Resources Management Act 2004 by this act applies with respect to the transfer of a water licence, or of the whole or part of the water allocation of a water licence, effected by an instrument executed after the commencement of this act.

This amendment merely executes a commencement date for this act.

The Hon. D.W. RIDGWAY: In a ministerial statement, the Minister for the River Murray indicated that up to 13 gigalitres would be returned to the river, and almost immediately. Is it or is it not 13 gigalitres? Will that happen this financial year and, if not, when?

The Hon. G.E. GAGO: As part of its commitment to the Living Murray water initiative, South Australia has agreed to contribute 35 gigalitres by 2009. This 13 gigalitres is our first instalment towards that 35 gigalitres, and it will be made this financial year.

The Hon. D.W. RIDGWAY: Is that definitely 13 gigalitres and not a figure somewhere close to 13 gigalitres?

The Hon. G.E. GAGO: It is 13 gigalitres.

The Hon. D.W. RIDGWAY: In her ministerial statement, the minister spoke about the water being returned to the Murray River. Will the minister advise the committee where the water has been if it is coming back or being returned to the Murray River?

The Hon. G.E. GAGO: This water has been committed to other purposes under licence. It is simply making that water available for the purposes of environmental flow. Basically, it is water that stays within the Murray River; but, under a licence arrangement, it can be used for other purposes under various licences, whether they be irrigator licences or other licences. It simply means that those parties with these licences have committed those licensed flows for the purpose of environmental flows.

The Hon. D.W. RIDGWAY: Since 2003 (when the SA Water licences were purchased) for what purpose has that water been used, and for what purpose has the water from the Loxton rehabilitation project been used since it was recovered?

The Hon. G.E. GAGO: I understand that, in respect of SA Water, some of its accumulated flows have at times been leased back to irrigators. I have been advised that part of the 4.8 gigalitres may have been leased for consumptive purposes. However, I am not absolutely sure about that, so I will have to check the facts on those issues and get back to the member.

The Hon. D.W. RIDGWAY: On a point of clarification, the minister mentioned earlier that we had 10 gigalitres from SA Water and 3 gigalitres from the minister's reserve. I am interested to know where the 4.88 gigalitres comes from.

The Hon. G.E. GAGO: The figure to which I referred was 4.8 gigalitres, and that was the amount that was assessed as the volume of water that was saved when Loxton was converted from leaky open channels to closed pipelines.

The Hon. D.W. RIDGWAY: I am confused. The minister previously said that 10 gigalitres was from SA Water and 3 gigalitres from the Minister for the River Murray, but now we have 4.8 gigalitres. The numbers do not add up.

The Hon. G.E. GAGO: The minister holds 4.8 gigalitres, of which 3 gigalitres will be contributed towards the Living Murray—environmental flows.

The Hon. D.W. RIDGWAY: In my initial briefing the departmental officer said that, if water was transferred for a period of five years or less to an environmental licence (or any transfer, I think), it was exempt from stamp duty, so we needed this legislation to amend the Stamp Duties Act to allow transfers for a period greater than five years to be exempt from stamp duty. That is my recollection of the advice that I was given. Is the water from SA Water and the minister's allocation going permanently (and I accept that they do not pay stamp duty) to environmental flows, or is it just being transferred for a period and then potentially being leased back to irrigators or used for some other purpose?

The Hon. G.E. GAGO: I do not believe that that question is relevant to this clause. I do not understand the relevance of the question to this clause.

The Hon. D.W. RIDGWAY: I am questioning the minister about the 13 gigalitres. Is it being permanently transferred to an environmental licence, or is it just being temporarily transferred? Does SA Water still own it? My understanding is that, if I as a private landowner decided to donate some water to an environmental licence for a period of 10 years, this legislation would mean that I would not pay stamp duty on it, but after 10 years I could resume it.

I am advised that it may take 10 years for irrigators in the Riverland to take out all their orange trees and replant with another crop and that they may have a 10 per cent requirement of their allocation in the first year and a 15 per cent requirement in year two, and so on. They may not need their full allocation for 10 or 12 years, so they would be able to transfer the balance free of stamp duty. My question is: will the 10 gigalitres that SA Water has transferred stay permanently within the environmental licence or is it there at the whim of SA Water or the minister?

The Hon. G.E. GAGO: The 10 plus three gigalitres will remain under the ownership of the Minister for the River Murray. She will then make that available to the Living Murray to be managed by the Murray-Darling Basin Commission. This is part of the first step in the 500 gigalitre commitment, of which South Australia is committed to contribute 35 gigalitres.

The Hon. D.W. RIDGWAY: This is a very hypothetical question, but, assuming that we achieve our target of 1 500 or 2 000 gigalitres of water which is to remain in the river for environmental outcomes, will that water then be made available at the minister's discretion for use for other purposes?

The Hon. G.E. GAGO: South Australia has given that commitment. As I stated, this water is actually owned by the Minister for the River Murray, but we have entered into an agreement with the Living Murray. It is part of that first step, and then there will be the second step, etc. That commitment has been given by South Australia.

The Hon. D.W. RIDGWAY: So, the ownership of that 10 gigalitres will be transferred from SA Water to the Minister for the River Murray, even though the legislation allows for transfers for periods of greater than five years to be exempt from stamp duty? The ownership has now changed; is that correct?

The Hon. G.E. GAGO: I am informed that it is in the process of being changed now.

The Hon. D.W. RIDGWAY: What financial consideration has been given to SA Water for the change of ownership of that water?

The Hon. G.E. GAGO: Those negotiations are currently taking place. The price will be mutually agreed to by both ministers.

Schedule inserted.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

TOBACCO PRODUCTS REGULATION (PROHIBITED TOBACCO PRODUCTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 319.)

The Hon. J.M.A. LENSINK: I rise to indicate opposition support for this bill. It is something of a 'no brainer', so it should not take us long to proceed through it. This provision endeavours to close a loophole in an effort to prevent cigarette manufacturers from targeting young people. A lot of the efforts in discouraging smoking have been targeted at young people because we wish to deter them from taking up smoking and having it become an ingrained habit, which is hard to break. It is acknowledged in many areas of public health that the sooner we can prevent people from taking up dangerous habits the better.

The types of cigarette in question specifically target young women because of the way they are marketed. The bill seeks to proscribe, and hence ban, a class of tobacco products on the basis that it is specifically marketed to appeal to young people, young women in particular. This matter first came to the attention of health authorities in 2005. Flavoured cigarettes can be compared to the pre-mix spirits that have become so popular among young people and have been described as a bit of a niche product. The flavours have been outlined by the minister in this council. I am advised that the tar and nicotine content and price point are comparable to other cigarettes on the market and the packaging is often in pastel colours with specific names, which the minister has outlined. I place on record my thanks to the department for its briefing and for bringing along some of the products so that I could see them for myself.

These cigarettes are not widely available as yet in South Australia, but we would like to close the door before they are. I am advised that the product has already been banned in the ACT. Similar products are fairly widely available in the United States and Asia, which have much broader tobacco product markets than has Australia. The department has advised me that the ban is quite specific and will not affect other products that have been available for some time, such as menthol or herbal cigarettes.

On the matter of point of sale, which initially came up in relation to the last set of laws that passed the parliament in 2004, from memory, I note in particular the press release of the then minister for health (Hon. Lea Stevens) on 12 October 2004, in which she said that the government had decided not to proceed with regulating point of sale display of tobacco products in that bill. That was the bill we debated in relation to bans in workplaces, in particular in pubs and clubs. I am told that the national talks at which this issue was to be progressed have not yielded the results that had been hoped. Given that we are coming up to the two-year anniversary, I urge the government to progress that matter as soon as possible.

I make no reflection on this minister, who is always very prompt in providing briefings, but the opposition will seek that the government continue the practice of providing the parliament with a full week prior to progressing any piece of legislation to enable us to make all the appropriate checks with other stakeholders and to consider any legislation in full. I presume that will be an important measure also for the Independent and minor parties. In this case we have not followed a number of conventions, but I signal to the government that it is important, particularly as we get to a heavy session, that we have legislation provided to us well on time so that we can have adequate time to consult. In particular, I thank the AMA, which replied that it had been consulted and was supportive of this measure in general. If we have the appropriate amount of time, we can check with all the different organisations that have an interest in the relevant bill. With those comments, I commend the bill to the council.

The Hon. A.M. BRESSINGTON: I rise to commend the efforts of this government in trying to dissuade our youth from taking up the smoking of tobacco. I only hope that the government will be as diligent in its efforts in relation to the uptake of illicit drugs. It would seem that both tobacco and alcohol companies are targeting our children to drink and smoke their products, yet these companies continually deny that they are in fact doing just that.

The antismoking campaign group from Melbourne, Quit, has accused the cigarette manufacturer Philip Morris of trying to win popularity among young people through dubious marketing devices. Anne Jones, the Chief Executive Officer of Action on Smoking and Health Australia, said that it was not surprising that the sales promotions of tobacco companies target youth with their cigarette advertising campaigns and packaging.

Among the 30 million pages of the tobacco industry's internal documents posted on the web (thanks to the ruling of the Minnesota court in 1994), several documents indicate that the tobacco industry has long held an interest in young people who use illicit drugs. In 1983, a Philip Morris memo notes:

> It almost looks as though stimulants and cigarettes are interchangeable to these kids (a notion that has some intuitive validity).

Ms Jones also cites a document from British American Tobacco that describes the results of brainstorming sessions by marketers in as early as the 1980s. It states:

> We therefore have to compete to increase our market share using every trick that we know.

At the beginning of the 1950s, research was published showing a statistical link between smoking and lung cancer. At the same time, the tobacco industry's own research began to find carcinogens in smoke and began to confirm the relationship between smoking and cancer. This posed a serious problem for the industry—whether to admit to the health problems and try to find marketable solutions or basically deny everything. In the face of mounting damning evidence against their product, the companies responded by creating doubt and controversy surrounding the health risks. Many of the internal documents on the web site reveal that the industry was trying to look responsible in public but in private was trying to convince the public that smoking was not harmful. Despite decades of evidence to the contrary, and millions of deaths caused by tobacco, the industry still largely maintains that the case against the cigarette is unproved. This is a situation identical to that we are now seeing with cannabis. An actor promoting RJ Reynolds' products asks an RJR executive why he does not smoke. He is told (and once again I apologise for the language):

> We don't smoke that shit. We just sell it. We just reserve the right to smoke for the young, the poor, the black and the stupid.

This is outlined again by the packaging of the cigarettes, which is made to appeal to our youth and indoctrinate them into a culture of smoking tobacco. The health and wellbeing of the people of this state must be our first concern. I support the amendments to prohibit tobacco products that have a particular appeal to our youth. I commend the bill to the council.

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): There being no other speakers, I

conclude by thanking all honourable members who have contributed to this important debate. It is an important initiative. We are all aware of how important it is to help prevent the adverse effects of smoking. We are all also well aware that the data shows that, the earlier a person commences smoking, the longer they smoke and the more difficult it is for them to give it up. So, it is most important that we target strategies towards preventing or deterring our young people from taking up the habit of smoking, and this is one such strategy. I look forward to the bill passing the committee stage.

Bill read a second time and taken through its remaining stages.

GROUNDWATER (BORDER AGREEMENT) (AMENDING AGREEMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 242.)

The Hon. SANDRA KANCK: The use of groundwater is an issue that I believe will become more and more urgent in this state as time goes on. The bill deals with a relatively narrow strip of land that crosses the South Australian/Victorian border in the South-East of the state. Access to that water is very important for primary producers on both sides of the border, but it is a resource that is reducing. When I visited the area last year with the Environment, Resources and Development Committee, I know that some of those close to the border were not very happy about the way the water was being used on the Victorian side.

This bill ratifies an agreement that has already been signed off by the two relevant states, and legislation was passed in the Victorian parliament last year. It allows for the setting up of a review committee which will be able to determine total water allocations for each NRM region. The committee will also be able to provide information to the two states about the uptake of water from forestry, which is certainly something I welcome, especially when one sees the number of blue gum forests, for instance, in the South-East. Having that situation monitored, I think, is quite crucial for groundwater in this state. There will also be quarterly sampling of bores and testing every six years and, I understand, more frequently than that if it is needed.

In some ways this is a bill about good news and bad news. It is not a joke, however. I think the bad news about this agreement is that it envisages that these groundwater resources will decrease over time, but the good news is that the committee will be able to set a bottom line for this. Also, in that good news/bad news sphere, we have the bad news that the agreement envisages increased salinity in the groundwater, but the good news is that there will be an upper limit set for the increased salinity levels in each aquifer.

The argument we have been given in favour of this bill is that it will allow these groundwater resources to be used more sustainably. I guess we should be grateful for small mercies. I have a habit of supporting legislation that I say is better than a kick in the head, and this is one such piece of legislation. If we are going to allow groundwater resource levels to decrease, and to allow salinity levels to increase, I hardly call that sustainable but, given that we will be able to set limits in both respects, it is better than nothing. For that reason the Democrats will be supporting this bill.

The Hon. R.P. WORTLEY secured the adjournment of the debate.

WATER EFFICIENCY LABELLING AND STANDARDS BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 397.)

The Hon. M.C. PARNELL: I rise briefly to support this bill. The Greens are always happy to support water conservation measures and, in fact, anything that will take pressure off our limited water resources and, in particular, the water resources of the River Murray. Having said that, I note with interest the comments of the Hon. Sandra Kanck in her speech, where she made (quite correctly) the point that you could, in fact, take Adelaide completely out of the system; you could completely cut Adelaide off from the River Murray and you still would not meet the targets that are required to save the River Murray.

Having said that, that is not a reason for not supporting the bill, because what this bill does is to look at individual appliances and the type of information that we, as consumers, have in deciding which appliances to purchase. The bill is a very good first step because the provision of information to consumers is more likely than less likely to result in a decision to buy a more efficient product where comparable products of the same price are available. People will choose the more efficient one if it is the same price as the less efficient one.

The key feature of this bill which is important is that, I think, it represents a coordinated national approach in that we are dealing with industries that cross state boundaries. We do not have intrastate domestic manufacturers who deal exclusively with one state. All of the products proposed to come within the ambit of this labelling system are either made for a national market or imported from overseas for a national market. It is also important that this legislation has the support of manufacturers, importers and the plumbing industry.

Another aspect that will help determine the success of this bill is the extent to which the labelling scheme (and the philosophy behind it) is adequately communicated, not just to consumers through a star rating label but also to those who put the devices and the equipment into our homes—plumbers and builders. Often they are the ones who make the choices on behalf of consumers. Educating those people will be fundamental to the success of this legislation, and I look forward to seeing the implementation of training schemes.

I note that there is a website associated with this scheme. I have had a look at it and, I should say, it is one of the better government websites. It is at www.waterrating.gov.au and there is a wealth of information about this scheme and how it will work. In many ways, one disappointing aspect of this scheme is that we are going to be looking to people to make decisions based on philosophical judgments about wanting to conserve water, rather than economic judgments.

I have recently been in the market for some of the appliances to be covered by this rating system and I did some calculations. If you take, for example, dishwashers (the most efficient versus the least efficient), the actual dollar saving is about $5 a year in water, because water is so cheap. Of course, where you can make better savings is with the energy to heat the water for appliances that use hot water. But, really, we are not appealing to people's hip pocket; we are appealing

to people to make the right moral decision to use an appliance that is more efficient rather than one that is less efficient, when we have the choice.

I look forward to the next stage of this national scheme. It is a start to make labels mandatory, as an information device for consumers. The next step will be, as a community—hopefully at a national level—to prohibit the most wasteful and the least efficient appliances. We have done it in other areas: we have done it in terms of water restrictions; we are told what type of devices we can and cannot use with electric storage hot water services, and we have been told we are not going to use them; and as a society we have decided that rainwater tanks should be attached to every house. I think the next step beyond this labelling scheme will be to actually mandate the types of products that can be sold in this country and to make sure that only the most efficient items are on our shelves and available for us to purchase. The Greens are happy to support this legislation.

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to indicate that we also support this legislation. As outlined by the Hon. Mr Mark Parnell, this is part of a national approach and scheme of water rating. It is the Liberal Party's view that it is an important step in the right direction. It will certainly educate consumers about appliances and devices—showers, clothes washing machines, dishwashers, toilets, urinals, taps over basins and ablution troughs, and kitchen sinks or laundry tubs, so it includes all of the domestic water consumption products without bringing in garden watering and sprinklers. So, the opposition supports it.

The blue star rating system looks appealing and very easy for consumers to understand. It is the opposition's understanding that it comes at a small cost. The manufacturers or importers of products have a registration of about $1 500, I am told, per product or family of products. So, I assume that, if a manufacturer has a range of washing machines, they do not have to register each washing machine but only the range of washing machines; but, if it is a washing machine and toilet, for example, they are different groups of product and registration will have to be paid on both those products. My understanding is that the registration is for five years and will have to be renewed after five years, and the commonwealth will regulate that legislation.

It is interesting that the Hon. Mark Parnell talked about the fact that the saving in respect of water would be only $5 a year. I have been advised that, as this water rating blue star system has been in place in other states, more people are buying front loading washing machines, so the volume of sales is getting greater and the price of the machines is coming down, so maybe there are some benefits in machines coming down in price because of greater consumption.

At this point the scheme is voluntary. The old scheme, which will be phased out by 2008, is a little bit cumbersome and unwieldy. My understanding is that there will be a $10 000 per year contribution from South Australia towards the scheme. The Department for Environment and Heritage, the EPA, SA Water and the Department of Water, Land and Biodiversity Conservation have agreed to equally share the costs, as well as any shortfall in the budget that may be experienced. I will explore that point during the committee stage.

In 2006, the New South Wales Department of Energy, Utilities and Sustainability released the final report that assesses the introduction of minimum water efficiency standards for products registered under the WELS scheme. The national WELS Advisory Committee is considering this report, and Mr Bart van der Wel from the Department of Water, Land and Biodiversity Conservation is South Australia's representative on that committee. I wonder whether there is an update on that report.

As from 1 July, a range of products will be required under this scheme to show that efficiency label and will have to have paid the $1 500 registration and be registered under the scheme. The Liberal opposition welcomes and supports the move.

The Hon. R.P. WORTLEY: Australia has a proud history of supplying the world with many rich resources, but our most precious and vital resource is under threat. With our growing population, water shortage and the long-term security of our water supply is an increasing concern for our cities and urban areas. Although we live in the driest state in the driest inhabited continent in the world, we are a thirsty country. We are one of the highest water users in the world, with an average daily domestic water use of 350 litres per person. In 1997, it is estimated that we used a staggering 65 per cent more water than in 1985. Over 60 per cent of our state consists of desert land, which is why I stand today to support the introduction of Water Efficiency Labelling and Standards in South Australia, known as the WELS scheme.

The new water efficiency labels will replace the water conservation AAAAA rating label, which currently appears on some household appliances on a voluntary basis and which has limited the coverage of the existing program, with few suppliers choosing to label their products. Those who have tended to label their products have, for obvious reasons, labelled only their better performing products. The new scheme would prevent this happening, with the introduction of mandatory labelling.

The new WELS scheme is a joint initiative to reduce water consumption between all state and territory governments in cooperation with the commonwealth government. This scheme will become mandatory from 1 July this year and will replace the existing labelling system. Due to limitations on commonwealth conditional powers, South Australia needs to create this legislation to complete the commonwealth act, as New South Wales, Victoria, the ACT and Tasmania have done already. The new labelling will display 1 to 6 stars, with more stars meaning the product is more water efficient. Some products may be labelled with a zero star rating, which indicates that the product is not water efficient and does not meet basic performance requires.

The WELS labels will, hopefully, influence buyers' decisions to purchase a product that is water efficient. By simply choosing a more water efficient product, the Australian community will save more than $600 million by 2021 through reduced water and energy bills. From July, labels will appear on all showers intended for normal bathing, toilets, urinals, taps, household washing machines and dishwashers. These products have been chosen because they contribute significantly to the large amounts of water used in Australian households. For example, an old style single flush toilet may use up to 12 litres per flush. The new water efficiency standard will create an average flush capacity of 5.5 litres. It is estimated that this will save about 55 litres per person per day.

Water efficient washing machines may save up to 25 600 megalitres of water per year nationally by 2016. This would be enough to fill 12 500 Olympic swimming pools per

year. By simply choosing more efficient products, the commonwealth government predicts that, once the scheme is in place, South Australia would conserve approximately 1 140 megalitres of water by the year 2011. This is an encouraging prospect for our dry state. While the scheme has not been designed to endorse particular products and companies, it may prompt and encourage business to adopt more water-efficient technologies to stay competitive under the new laws, thus creating a larger range of water-efficient products for the buyer to select from and contribute to the estimated reduction of 570 tonnes of greenhouse gas emissions annually over the next 18 years.

The WELS schemes will help to address the issue of high domestic water consumption by providing nationally consistent water efficiency information to consumers at point of purchase in order to conserve and protect urban water resources. This will be enforced by using the Victorian act as a model for corresponding bills in all other states and territories to ensure national consistency, which will benefit both the industry and administrators of the legislation. This will regulate WELS products to help guarantee a level playing field for the industry.

By using water-efficient products householders will be able to save money through reduced water and energy bills. This will help reduce the effects of greenhouse gas emissions. By 2021 the amount of energy saved each year will be the equivalent of taking around 150 000 cars off Australian roads. I believe this bill will have only a positive effect in South Australia by encouraging consumers to purchase water-efficient products, thereby reducing our water consumption. The passing of this legislation will reinforce the message that the South Australian parliament is taking the necessary actions to conserve water and to protect our unique landscape.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank all members for their contributions. It is an important initiative. The voluntary labelling code was a good first step, but this legislation will attempt to make labelling mandatory for certain products named in the scheme. This strategy is one of many the government has in relation to improving the management of our precious resource, water. I look forward to the support of members during committee.

Bill read a second time.

In committee.

The CHAIRMAN: As this legislation mirrors commonwealth legislation, any applicable clauses are included, whilst additional clauses have been added which apply to South Australia. Therefore, I will call the clauses as they appear subsequently in the bill.

Clause 1.

The Hon. D.W. RIDGWAY: I understand that the costs will be shared equally by the Department for Environment and Heritage, the EPA, SA Water and DWLBC. The briefing I received mentioned that any shortfall in the budget would be accommodated. What is the likelihood of that and what amount would be involved?

The Hon. G.E. GAGO: The shortfalls could potentially occur if the commonwealth wanted to expand part of the system, for example, the marketing component. That could potentially create a shortfall for the states. The commonwealth would negotiate with the states before expanding the program in such a way that would create financial burdens on the states. That would be done through the Water Labelling Advisory Committee of which South Australia is a member. In fact, each state is a member of that committee. Any expansion would need to be approved by that committee.

The Hon. D.W. RIDGWAY: In the briefing I received, I was informed that a report was being prepared by the New South Wales department into setting minimum efficiency standards and that it is currently being assessed by the advisory committee. Is there any update on that report and minimum water efficiency standards?

The Hon. G.E. GAGO: I have been advised that there are, in fact, two reports. However, I think the honourable member is talking about the report that proposes expanding the scope.

The Hon. D.W. RIDGWAY: No, it is the report that deals with minimum water efficiency standards for registered products.

The Hon. G.E. GAGO: That report is still being considered.

The Hon. D.W. RIDGWAY: In the briefing I received, it was indicated that July 2005 was the start of compulsory registration for manufacturers but that many suppliers were still to submit their products for registration. How many products are outstanding, in the sense of being registered and ready for this efficiency labelling scheme?

The Hon. G.E. GAGO: That is a question that only the commonwealth can answer, given that registration is with the commonwealth. However, I have been informed that manufacturers have been slow in putting forward their applications for registration, and I understand that the commonwealth is working overtime at the moment to process those applications.

The Hon. D.W. RIDGWAY: In a report by the National Water Commission, which was released earlier this year, the Commissioner was critical of South Australia for not introducing this legislation sooner. As we know, it was part of a national agreement, and Victoria and New South Wales introduced their legislation last year. Why did the government not move at pretty much the same rate as the other states and introduce this legislation last year?

The Hon. G.E. GAGO: I am informed that the bill and the cabinet submission were prepared for the minister for environment and heritage in November 2005. The then minister for environment (Hon. John Hill) advised that it was not a priority at that time, and it was deferred until after the election. The bill was delayed until after the 2006 election due to the need to clarify a clause with the WELS commonwealth legal advisers. As soon as we could verify that the commonwealth clause was consistent with the state clause, proceedings were implemented to introduce the bill.

Clause passed.

Clauses 2 to 4 passed.

Clauses 7 and 8 passed.

Clauses 10 to 12 passed.

Clauses 16, 20, 22 to 39B and 41 to 63 passed.

Clause 65.

The CHAIRMAN: This is a money bill, and I point out to the committee that, this clause being a money clause printed in erased type, standing order 298 provides that no question shall be put in committee upon any such clause, and the message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

Clauses 66 to 73 and 75 to 77 passed.

Schedule and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

CITY OF ADELAIDE (REPRESENTATION REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 355.)

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to indicate our support for this bill. The government introduced this bill basically to postpone the City of Adelaide elections for a maximum of 12 months to allow a review to be undertaken into the city's governance. The review is to consider, amongst other things, which system of representation would be most effective for the City of Adelaide (one ward, multi-ward, combined ward, or city-wide) and the specific number of councillors.

In 1998 the City of Adelaide Act was amended by the previous Liberal government. Prior to that amendment, there were eight ward councillors and what could be called four city-wide aldermen; however, there were concerns at that time that there were levels of parochialism within the system and it was considered that a one-ward structure where all councillors represented the whole city would provide more effective representation for residents and businesses. Unfortunately, there are some concerns from some members of the constituency within the City of Adelaide council district that the one-ward system has caused more problems than it has addressed and that, in particular, no-one really takes ownership of or responsibility for any part of a particular council issue.

It is my understanding that these concerns have been brought forward by—and that pressure for change has come from—a section of the constituency made up predominantly of residents of the North Adelaide area and the north-eastern and south-eastern parts of the city. Those concerns were brought forward when an approach was made to the city council and a motion put forward to postpone the elections this year to allow a full and comprehensive review of the structure.

When we debated and amended the development panels bill, the Liberal Party was happy to listen to local government and to take into consideration a number of its concerns, so we are prepared to support this bill. It is interesting to note that the City of Charles Sturt rushed through a review of its ward boundaries last year, so there are varying views on how this bill could have been approached; however, the Liberal Party supports it.

The bill outlines the scope and process of the review. Importantly, it also requires close scrutiny and for the city council to work closely with the electoral commissioner because, if the bill passes and the council institutes its review, if it does not satisfy the requirements of the electoral commissioner the whole process will have to be worked through again.

The bill allows for elections to take place no later than November next year. Since the introduction of four-year terms, the last council elections were held three years ago, and there will be another election in November to allow for a four-year term until 2010. In this situation, it is almost the reverse. The Adelaide City Council was given a four-year term to start with and it will be given a further three years to bring it into line with 2010. The Adelaide City Council elections will then be in sync with the rest of the state.

In closing, I make the point that the Liberal candidate for the seat of Adelaide supported the postponement of the elections and the review at the time of the March election, and that was our party position at that time. It is of interest to note that in *Hansard* (1998) when the City of Adelaide Bill was debated the then Liberal government supported the retention of the wards system. However, this was defeated, with the member for Chaffey (Hon. Karlene Maywald), the member for Mount Gambier (Hon. Rory McEwen) and the then member for Colton (Steve Condous) voting with the Labor Party. With those few words, the Liberal Party supports the bill.

The Hon. J.M.A. LENSINK: I wish to make a brief contribution in favour of this bill. I think it is important to address some misinformation within the community. Certain sectors of the community have tried to paint this as the City of Adelaide looking after its own interests. In fact, there has been a moratorium on elected members discussing the matter of wards. As the Hon. David Ridgway stated during his contribution in favour of this bill, this issue was raised during the election by our candidate for the seat of Adelaide, Diana Carroll, who was assiduous in raising issues of concern to a number of people, in particular, the South-Eastern City Residents Association and the North Adelaide Society, who had expressed their support for the reintroduction of wards.

It is interesting to note that, in the current representation of the City of Adelaide, North Adelaide has done relatively well with a number of councillors coming from that area. However, I think it is important to put on the record that the city council has been precluded from even discussing this issue and for that reason has been unable to institute a review before this time. I also put on the record that the North Adelaide Society had a particularly strong interest in the Le Cornu site, which has reared its head again in the media. The Liberal Party gave its complete support to not allowing that proposal to receive major development status because it is clearly in breach of Adelaide City Council's own PAR. I commend the bill to the council.

The Hon. NICK XENOPHON: I indicate my support for the second reading of the bill. I believe that the Hon. David Ridgway well summed up its provisions and what it seeks to do. Adelaide City Council is in a unique position. It is not an ordinary council in that, if you accept the view that because it involves the commercial heart of the state, it is in a unique position in relation to other councils, and that has been reflected in the way this bill seeks to give it an extension of time in which to have the next local government election for the City of Adelaide, given the review that has been proposed. I note that the greatest delay that can take place is some 12 months before the City of Adelaide has to have an election. It would be useful in committee to have some indication from the minister as to what the likely time frame will be. Is it hoped that, with the consultation process envisaged, an election could be possible by June or July next year?

I also note that there are provisions for reporting in terms of the consultation process in the existing legislation. Obviously that will have to apply here. I would be grateful if the government can indicate whether there will be any reporting back to the parliament or any other reporting mechanism in the review process, the consultation and the reporting process. There is obviously provision for reports to be made public, but will there be any overview of that process

by the council through any reporting mechanism in the parliament, for instance, through a ministerial statement, in order to keep this and the other place informed of the whole process?

With those few comments, I indicate my support for the second reading of the bill, but I seek further details in relation to the likely time frames involved with respect to a likely election date for the City of Adelaide. Some are concerned that a delay for an election is giving cause for concern for some in the community in the City of Adelaide. However, I understand the need for a review and the need for reconsidering the whole issue of wards or a whole of council approach in terms of representatives being elected. I indicate my support and look forward to the government's response on the few matters I have raised.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank members for their contribution to the debate. This bill is about allowing the City of Adelaide to postpone its election process so that a review can take place. We note that the bill expresses no view whatsoever about the review structure and what it should or should not look like. The bill expresses no view whatsoever about the ward structure or lack of it. Clearly, this is a matter for the review process itself. A number of questions were raised in the second reading. I would hope that members allow me to address them in committee. I thank members for their contribution and look forward to the debate in committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. NICK XENOPHON: One of the government's advisers kindly approached me a minute ago and indicated that all is going well and that there could be an election as soon as July. If everything does not go strictly according to plan, November is as likely a date. That seems to answer my question, unless the minister wants to add to it.

The Hon. G.E. GAGO: That is satisfactory.

The Hon. NICK XENOPHON: I understand that there is a process of review, reporting and the like. Is there any plan for the minister to advise the house of that process, or will any advice be given back to the house in terms of an overview of that process by way of a ministerial statement or other mechanism of reporting to the house?

The Hon. G.E. GAGO: The short answer is no. The process is complete with a notice in the *Gazette*. To this date it has not been thought necessary to introduce any other reporting mechanisms.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

SUPERANNUATION (ADMINISTERED SCHEMES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 372.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to speak on behalf of Liberal members and indicate our support for the second reading of the bill before the council. In broad part, the bill seeks to establish a framework to allow other superannuation schemes to be managed by Super SA (South Australian Superannuation Board). It also allows the funds ultimately to be managed by the body known as Funds SA (Superannuation Funds Management Corporation of South Australia). The framework the parliament is being asked to support indicates that, first, the schemes would have to make decisions by themselves; that is, their trustees, who currently control the schemes, would have to make a decision to hand over responsibility to the South Australian Superannuation Board.

I will raise a series of questions and seek a response from the minister, when he closes the second reading debate or in the committee stage, with respect to confirmation that the government, through its ministers or cabinet, is unable to direct any of these boards or trustees to make particular decisions; that is, they would be independent decisions. That is my understanding and advice, but I would like confirmation in parliamentary debate that they will be independent decisions taken by the trustees on behalf of the members of their superannuation scheme and that, having made those decisions, this bill proposes a framework to allow the Super SA Board and Funds SA to manage these schemes.

Although there is not much detail in either the second reading explanation or in the debate in another place, from my advice and briefing from government officers (and I thank them for that) I understand that there are examples of a number of regulations under APRA and other national regulatory regimes that impose significant costs on all superannuation schemes. If you are a very big superannuation scheme, you have the capacity to absorb and spread those costs; clearly, the smaller the scheme the less the capacity for that to occur. So, in the government's view, there is some capacity for reducing overheads and administrative costs for some of the smaller schemes if they decide to join the overall framework provided by Super SA. In theory, the opposition supports this and has no specific concerns about this principle. For that reason, we support the second reading of the legislation.

One of the issues on which we seek a response from the minister and will explore during committee relates to the types of schemes that might be transferred. In the briefings I have had, and certainly from the debate in another place, the first scheme (which is evidently rearing on its hind legs and is ready to go) is the South Australian Ambulance Service superannuation scheme. The intention is to try to do that on 1 July this year. We have been advised that the trustees and the appropriate union have supported this change. We understand that the scheme that relates to the Metropolitan Fire Service is a possibility on 1 July next year.

However, that is not as far advanced; I am not yet aware of the views specifically of the union representing Metropolitan Fire Service officers or, indeed, the views of the trustees. We understand that, at least, it is being explored; nevertheless, it could not be achieved in the time frame before 1 July this year. Super SA can absorb the administrative complexity of adding only one reasonably sized scheme at a time, which I understand, and that is, in the first instance, going to be the South Australian Ambulance Service Superannuation Scheme. Issues regarding other schemes can be done further down the track.

The drafting of the bill does talk about enabling superannuation schemes that are wholly or substantially funded by money provided by the South Australian government. On the surface at least, that does cover a significant number of potential operations—that is, there are very many associations and organisations that are wholly or substantially funded by

money provided by the South Australian government. Wholly, obviously, would be a smaller subset, but there would be literally thousands and thousands of organisations that are substantially funded by money from the South Australian government. One only has to look at the services sector to realise that any number of those organisations are substantially funded by money from the South Australian government.

However, I am told (and logic supports this, I accept) that the vast majority of those smaller organisations—let us take those operating in the services sector—do not have superannuation schemes of their own, managed by their own trustees. They are potentially members of industry sector superannuation schemes. There are other provisions of this legislation which would make it virtually impossible for any of those schemes, one would imagine—if it is a national scheme—to choose to avail themselves of the opportunity of the Super SA board scheme, even if they wanted to.

So the advice I have received from government officers is that that is, I guess, the protection in that respect. I think we probably accept that ambulance officers and the MFS are government, or quasi government organisations, but there are many other organisations which are not government, which are substantially funded by state governments, or they are NGOs (non-government organisations) which rely substantially for their work on significant funding from the state government of the day. As I said, my understanding is that, for the reasons I have outlined and I will not repeat, they would not be caught up in this particular scheme at all.

I was advised by the government of one other smaller organisation that might be a third possible scheme to contemplate coming into this particular structure. My question is to the government: has it now conducted a search to find which superannuation schemes, should their trustees so decide, would be able to avail themselves of this particular scheme?

I must admit I was a little concerned when I read a story in the *Financial Review* of 13 June. I invite the minister to respond to some of the claims made in that article by Mr Brendan Swift, under the heading 'Plan under way to supersize Funds SA'. It was obviously based on an interview with the Treasurer, Mr Foley, because the Treasurer is liberally quoted throughout the *Financial Review* article. There are a number of issues canvassed in that article. I am just wondering whether or not there has been some confusing of the legislation that went through previously in this parliament and this particular legislation. However, the article does state:

> South Australia's state-owned funds management firm, Funds SA, could be styled along similar lines to the Queensland Investment Corporation under a scheme being considered by the state government. The $9.5 billion Funds SA could receive billions of dollars from other state government-run bodies and superannuation funds after the completion of a review into the merits of the plan. Legislation that would allow other state government super funds to be administered by Funds SA is before parliament.

I repeat, that is in the present tense, as of 13 June, so it clearly refers to this bill, in the context of this particular article. It does refer to an amendment being passed last year allowing Funds SA to manage other non-super state government funds, so it refers to the previous debate but it leads with this current legislation. It quotes the Treasurer as saying:

> The government and the agencies are still considering whether to take up this opportunity and no decision has been made yet. A review has also been completed and the government is considering the review at the moment.

It then states:

> The $1.7 billion South Australian Motor Accident Commission and the $970 million WorkCover Corporation South Australia are understood to have been included in the government's review.

It is clear from that that the Treasurer has discussed with the *Financial Review* journalist the possibility of the Motor Accident Commission and WorkCover Corporation having its funds managed by Funds SA. But, as I said, my understanding of that is that it was essentially in relation to legislation from last year. If that is a misunderstanding from my viewpoint and that, in some way, the legislation we have before us further enables those particular decisions, then I seek guidance from the government as to whether or not that is the case.

My recollection of the last debate was that the opposition's position had been to support it in principle but that we sought to include an amendment in the legislation which would at least allow parliament to disallow a particular decision of, say, WorkCover or the Motor Accident Commission, or some other body if that was to occur. I admit that, in the time before the second reading debate this afternoon, I have not had a chance to refresh my memory about that debate so, if that amendment was not eventually passed and accepted by the government, I stand corrected but, obviously, before we get to the committee stage later this week I will refresh my memory and explore this issue further in the committee stage. The article in the *Financial Review*, after discussing the Motor Accident Commission and WorkCover, goes on to say:

> On Wednesday, Mr Foley told Parliament that the $77 million South Australian Ambulance Service Scheme had already indicated it wanted to transfer its administrative and trustee functions to Funds SA due to the spiralling costs and increasing regulatory burden of running a stand-alone fund.

Mr Foley is quoted as saying:

> It is likely that trustees responsible for other schemes will consider taking similar action.

The article continues:

> Other major state-run super schemes not run by Funds SA include the $1 billion Local Super SA-NT, the $415 million Electricity Industry Super Scheme and the $177 million SA Metropolitan Fire Service Superannuation Fund.

It then concludes:

> Funds SA is still [looking] for a chief executive after the departure of Rick Harper in June last year.

One of the concerns I have expressed about this government is its inability to make decisions about important public sector appointments. We have seen the delays in the appointment of chief executives of the education, health and justice departments and, to have a situation where for almost 12 months Funds SA (which is this body which is potentially going to rival the Queensland Investment Corporation) evidently will be without a permanent chief executive, is a matter of concern to the opposition, and one would hope that that could be resolved sooner rather than later.

The question I raise is whether this particular story, sourced wholly or partly from the Treasurer, is actually correct because, in the discussions I had with government advisers when I asked about other schemes, as I said, the Metropolitan Fire Service was certainly mentioned but the third scheme that was mentioned to me was a relatively small organisation working in the services sector, and the notion of the $1 billion Local Super SA-NT scheme certainly was not canvassed with me. I am also interested in the $415 million Electricity Industry Super Scheme.

So I think it is important for members to get from the government and its advisers an indication of the potential schemes which might be incorporated under the ambit of Super SA if this legislation was passed this week. That certainly would be important to the opposition and, I hope, to Independent members as well. As I said, we would also want a response, or perhaps clarification, concerning the Treasurer's comments as reported in the *Financial Review* of 13 June.

Most of the protections and provisions in the legislation will receive general support from the opposition during the committee stage. There is, however, one particular provision which has been the subject of intense lobbying by an important organisation concerned with superannuation, that is, SA Superannuants, which is the organisation which represents the interests of people receiving or eligible to receive a life-time pension payable under the Superannuation Act 1988, and it has 1 500 financial members. A number of representatives of that organisation (such as Mr Ray Hickman, Mr Clive Brooks and Mr Vic Potticary) have been assiduous and relentless in lobbying on behalf of superannuants to ensure that any changes in legislation are not to the detriment of superannuants in South Australia. They have expressed very significant concerns about a particular clause in the bill which amends section 56 of the act, and I will read in part from their correspondence not only to me but, as I understand it, to the government and a number of other members as well. They state:

> In the second reading speech for the bill we read:
> 'The bill also provides for some minor technical amendments to be made to the Superannuation Act. In particular, some amendments are being made to the provisions of section 56 of the act, which was intended to give the SA Superannuation Board the power to resolve any doubt or difficulty that arises in the application of the act to particular circumstances. There have been difficulties for the board in using section 56 as originally intended, as the Crown Solicitor has advised the provision does not give the board any powers to deal with a matter in a manner that may cause conflict with an express provision of the act. The proposed amendments to section 56 will address the current technical and legal issues associated with the current provision.'

Then the letter from SA Superannuants continues:

> We put it to you that section 56 was never intended to allow the board to 'act in a manner that may cause conflict with an express provision of the act'. This makes us concerned that an amendment of section 56 will give the board of Super SA the power to override important provisions of the Superannuation Act 1988. In our opinion this would be inappropriate, unnecessary and hazardous for both members and for the board. We believe that the proposed change, if implemented, will, at best, be a burden for the board and will, at worst, be the means by which the board can be forced to take external direction (from government) when that direction is in conflict with a specific provision of the Superannuation Act 1988. We see the proposed amendments to section 56 as constituting a danger to the proper administration of the Superannuation Act 1988.

The organisation raises some other concerns and states that section 56 in this legislation is virtually identical to similar sections in the Police Superannuation Act 1990 and the Southern States Superannuation Act 1994. I guess the point it is making is that, if there is a problem with this provision of the bill, why is there not a problem with exactly the same provisions in the Police Superannuation Bill and also the Southern States Superannuation Act? There may well be relatively simple and acceptable explanations from the government.

I thank the government's officers. I am aware of some responses the government's experts have provided to the minister's office on this matter, but I think it is important that those answers—and answers to other questions that might be put during committee—are put on the public record given that SA Superannuants has raised this issue with all members. On this issue and one other issue, we will reserve our position as to whether or not we seek to move amendments, subject to the government's responses to the concerns of SA Superannuants and the answers to the questions that I have placed on the record earlier in relation to which organisations might be included in the structure of the scheme.

I am also seeking an assurance that a minister or the government could in no way direct a particular scheme against the wishes of the trustees to involve themselves in a scheme. As I said, my understanding is that that issue is covered by the legislation. I am seeking only confirmation of that. Certainly, at this stage, I am not suggesting anything otherwise. I am just raising that question and seeking confirmation. Some other provisions of the clauses of the bill are more appropriately dealt with during committee. I understand that the government's wish is to try to get this legislation through either this week or next week. Certainly, it must be done before 30 June.

As members are probably aware, this chamber is being asked to consider other urgent legislation before 30 June, which might mean that the Legislative Council has to sit next week. Certainly, we will have the sittings this week and, if we require it and given that the House of Assembly is sitting next week, we do have the capacity to sit next week in the interests of the people of South Australia in terms of dealing with this legislation, as well as the urgent legislation the government gave notice of today in relation to the Mullighan royal commission.

From the opposition's viewpoint, we will do all that we can to expedite proper and appropriate consideration of the legislation. We support the second reading. There are just those issues that we believe need some clarification. As I said, if those issues are suitably resolved, we will not be moving amendments. If there is any remaining concern, we would need to take advice from parliamentary counsel to draft some appropriate amendments to resolve those concerns in this bill.

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

STATUTES AMENDMENT (ROAD TRANSPORT COMPLIANCE AND ENFORCEMENT) BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 388.)

The Hon. D.G.E. HOOD: I support the second reading of this bill, which seeks to amend the road traffic and motor vehicle acts with flow-on changes to the Summary Offences Act to improve compliance with road transport laws in this state. I begin by noting the national model nature of this reform and the government's decision to adopt not only the essential components but also those components deemed by the federal committee on these issues as merely desirable, and I commend the government for doing so. Also, I note that this bill is intended to be something of a forerunner to broader reform.

This bill deals with overloading future reforms. If this reform goes well, apparently it will extend to other road transport issues, such as driving hours and the like, for which I also commend the government. Family First acknowledges

the great number of South Australian families who are supported by employment in the trucking industry. One aspect we very much like about this bill is the shifting of responsibility from the truckies to a shared responsibility with those who put pressure on them to break the law.

Personally, I would prefer to see the greater share of responsibility fall on those who put pressure on the truckies, but I can only trust that the relevant enforcing departments and then the courts will acknowledge the commercial reality and lay the blame precisely where it belongs. I think, for instance, of our driving laws that are broken by truckies due to pressure from third parties; and, sadly, sometimes by their own unscrupulous employers. This act does not deal with driving hours, but I put on the record my desire to see the law go a little easier on truckies who, whether or not we like it, are breaking the law on occasion because of pressures that are put upon them higher up the chain of responsibility in order for them to meet their responsibilities to their families.

It is a difficult situation for them. It saddens me to hear of truckies losing their licence, for example, and therefore their jobs for offences that are not entirely their own fault—in fact, in many cases, only very slightly their fault. I do hope this reform cleans up the trucking industry by pushing out the cowboy bosses and others who ruin families by pushing truckies to break the law. Family First acknowledges the employment provided by the transport industry and the support that is provided thereby to their families. I admire trucking families, as often one spouse is away a lot of the time, leaving the other spouse at home with the children. I admire and commend those marriages and partnerships that stick it out in this difficult working environment.

I am grateful to see the level of regulation which exists and which is enhanced by this bill, because we also support all families who use the roads and the families of truck drivers on the roads. Road accidents are traumatic. The government needs to put resources into enforcing the law so that, in this instance, overloading is not occurring on our roads. I appreciate that, in some areas of the trucking industry, this is a culture shift, but I understand that it is a culture shift that the majority of the industry is willing to make.

My office has consulted with Steve Shearer of the South Australian Road Transport Association. We understand from him that his constituents are satisfied with the present shape of this bill, except perhaps one amendment that may come from members opposite. The support of his constituents is a happy coincidence, and I put on the record that I see no need, from our perspective, to change what the bill currently contains. I know that the Leader of the Government in this place has foreshadowed a desire to see the bill pass this sitting week, and Family First would also like this to occur, if possible.

We discussed with Mr Shearer how codes of practice as proposed in the bill might work. I think that the way in which the government has gone about encouraging codes of practice is sensible. If a truckie is loading at a particular location, he might be overloaded on the first trip, but he and his colleagues adjust for subsequent trips to get it right. This practice can be embodied in a code of practice and, thereby, form the basis of a defence to ensure fairness if the first truckie from a particular location is overloaded and caught in that state by Transport SA inspectors or SA Police officers. I can only hope that the seriousness of the penalties and the new shared liability aspects will encourage not only the trucking industry but also those who load goods onto trucks to abide by the law in all cases. I encourage the government to police effectively and monitor closely the practical impact of this bill.

The Hon. G. Gunn in the other place proposed a great number of amendments to this bill which, as I understand it, were largely concerned with curtailing potential abuse of the broad powers that this bill confers upon police and Transport SA inspectors. I read the government's response to this as being largely that we must have faith in our public servants. I recall that perhaps the minister was open-minded to reviewing the operation of the legislation. I foreshadow my view that it ought to be embodied in this bill, with the broad powers it has, that there will be a review of the implementation of this legislation within two years of its coming into effect. I am aware that, to some extent, an internal review will be conducted, as this bill is a forerunner to broader reforms. Nonetheless, I believe that a legislative public review process is necessary to give aggrieved constituents, in particular, the opportunity to make representations to the review committee about any abuse of civil liberties or otherwise.

I want to briefly raise a related annoyance of mine. On occasions on country highways I have been overtaken, or pressured on the road, by a truck which, upon passing me, has shown a 100 km/h speed limited sign on the back. I have on those occasions been travelling at or close to the 110 km/h speed limit. I am clearly not the only one to have had this experience. Part 2A of the Motor Vehicles Act regulates the speed limit of heavy vehicles and, on 7 June last year, the New South Wales Legislative Council introduced a bill to prosecute those who somehow get around the speed limit device on their vehicle. I am here making an anecdotal observation that perhaps this law needs to be better policed. Family First supports this bill, but we will be attentive to members opposite as regards any reasonable proposed amendments to this legislation in the committee stage.

The Hon. R.P. WORTLEY secured the adjournment of the debate.

STATUTES AMENDMENT (DISPOSAL OF HUMAN REMAINS) BILL

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

CRIMINAL LAW CONSOLIDATION (THROWING OBJECTS AT MOVING VEHICLES) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

ADJOURNMENT

At 5.35 p.m. the council adjourned until Wednesday 21 June at 2.15 p.m.