LEGISLATIVE COUNCIL

Wednesday 1 November 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.19 p.m. and read prayers.

DISTRICT COUNCIL REPORTS

The PRESIDENT: I lay upon the table the 2005-06 reports of the District Council of Peterborough, District Council of Renmark Paringa and District Council of Tumby Bay pursuant to section 136(6) of the Local Government Act 1999.

BUSHFIRE PREVENTION AND MITIGATION REVIEW

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. CARMEL ZOLLO: Following Project Phoenix (the South Australian Country Fire Service internal review of the fires of January 2005) and the independent review of the Wangary fire by Dr Bob Smith, I authorised the CFS to begin the process of review of bushfire prevention and mitigation arrangements in South Australia. The review will make specific recommendations for legislative review and other actions by government.

The current bushfire prevention and mitigation framework in South Australia has been in place since the 1983 Ash Wednesday bushfires. South Australians can be confident that government at all levels will take all opportunities to learn important lessons and prepare for any future emergencies of this scale. Vital to this is the utilisation of available resources, teamwork and leadership, and the strengthening of links between the CFS and local communities.

The review reference group will deliver a series of recommendations to me by 30 April 2007. It is intended that any legislative change required will be undertaken at the time of the two-yearly review of the Fire and Emergency Services Act 2005. I have approved terms of reference and membership of a review reference group. A preliminary meeting, chaired by Mr Vincent Monterola, Chairman of the SAFECOM board, was convened on 26 October 2006 to commence the establishment of the review reference group. This group will consist of 11 members representing a range of stakeholder organisations, including local government, the SA Farmers Federation, the Volunteer Fire Brigades Association, Forest Owners Conference, Forestry SA, the Department for Environment and Heritage and the Department of Water, Land and Biodiversity Conservation.

The review will be conducted in two stages. The first stage will involve the development of an issues paper to explore the efficacy of the current arrangements and mechanisms for bushfire prevention and mitigation activities, and to explore options to deliver enhanced bushfire prevention activities, taking into account the experiences of other states to strengthen bushfire protection, incorporating new developments. The second stage of the review will be to undertake extensive community consultation on options raised in the issues paper.

The review reference group will consider the development of a code of practice for bushfire safety. This would need to cover issues including the class of land ownership and the categories of activity affected. The review will also recommend options for auditing and reporting on the effectiveness and efficiency of fire prevention and mitigation activities and, importantly, will consider options that ensure that the investment in bushfire prevention and mitigation activity is appropriate.

The review reference group will consult widely, with the intention that South Australia will have a bushfire prevention and mitigation framework that reflects: best practice; engages and involves those who have a stake in community safety; improves the bushfire safety of the community; and minimises damage to those things that are valued by the community.

Since Project Phoenix and the Bob Smith report, significant work to identify shortfalls in our prevention and mitigation framework has been undertaken to better prepare and equip the CFS such as:

- the development and implementation of the 'Fire Farm Unit' guidelines and fire awareness;
- the provision of additional firefighting aircraft to the lower Eyre Peninsula;
- the development and implementation of the CFS bushfire information and bushfire warning system;
- expansion of community education programs;
- the establishment of level 3 incident management teams;
- the installation of new safety features on appliances;
- purchase and use of new personal protective clothing for volunteers; and
- the upgrade of the CFS State Coordination Centre and the development of the Bushfire Intelligence Cell.

The state government has supported the work of the CFS to better prepare for bushfire by providing an additional $373 000 over two years to expand its community education program. One new full-time and two new part-time positions were created to allow the CFS to deliver the program to more communities throughout South Australia, especially those in high risk bushfire areas; and $810 000 has also been allocated over two years to enable the CFS to expand its community awareness media campaign significantly, including metropolitan and regional newspaper, TV and radio advertisements.

The extra government funding also allows the CFS to conduct 300 additional fire safety presentations to community groups, especially in the Yorke and Eyre peninsulas, South-East, Riverland, Mid North, Barossa and Clare valleys, and Kangaroo Island regions. An extra 20 community fire safety groups were established in these regions.

All these actions will be built on by this review process and implementation of the new recommendations. The devastating Wangary fire affected so many lives on Eyre Peninsula and around the state, and the government is committed to a fully transparent process so that all South Australians can be better prepared for future bushfires. We want to draw together all the good work, information and lessons learned from the tragic events to ensure that South Australia has the most effective bushfire mitigation arrangements. As minister, I am pleased to advise the chamber of this new important review of the current bushfire prevention and mitigation provisions in South Australia, the outcome of which will result in significant improvements in bushfire prevention and mitigation for all South Australians.

Mr President, attached to this ministerial statement is a full list of the terms of reference and background information from the two reports to which I alluded in the ministerial statement.

CIGARETTES, FRUIT-FLAVOURED

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I seek leave to make a ministerial statement on fruit-flavoured cigarettes.

Leave granted.

The Hon. G.E. GAGO: Given the average age group of the members in the gallery today, it is apt that I am pleased to inform the chamber that as of today fruit, sweet or confectionery-flavoured cigarettes can no longer be sold in South Australia. South Australia has today become the first state in Australia to legislate to ban the sale of fruit-flavoured cigarettes. It is my opinion that fruit and confectionery-flavoured cigarettes were designed to attract young people into smoking. With flavours such as strawberry, green apple, chocolate and melon, these cigarettes clearly will not appeal to a 50-year old male smoker. They attract young people, particularly teenage girls and children.

Some of the packets are designed to glow at discos, and I am delighted that this parliament has supported stopping this sort of insidious marketing. Sweet flavours and pastel coloured packaging do not make these 'fruity' cigarettes any less deadly because, as we know, there is no such thing as a safe cigarette. While the market for these products in South Australia has been small, there was always the potential for it to grow and significantly increase the numbers of young people smoking. For instance, the flavoured cigarette market in the United States is extensive. In South Australia, this has been a case of nipping a very clever ploy in the bud.

Another clever marketing ploy has been the introduction of 'limited edition' split cigarette packages which allow the company to use the extra advertising space and which could encourage children to buy them and split them between two people. I have written asking the federal government to ban this type of marketing nationally. I am also looking at this type of marketing and how we can ban it under South Australian legislation or regulation as it might appear. Also, I will shortly introduce legislation to ban smoking in cars where children under the age of 16 are passengers and to force retailers to display horrifying images of the effects of smoking. The fact is that 1 500 South Australians die each year from tobacco smoking, which is the single biggest cause of premature death in South Australia. The Rann government will continue to apply innovative measures to prevent young people from taking up smoking.

QUESTION TIME

TRAFFIC INFRINGEMENT NOTICES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Police a question about traffic infringement notices.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware that, for some time, there have been complaints about the accuracy of speed cameras, red-light cameras and expiation notices that arise as a result. During the estimates committees, Deputy Commissioner White (or, as he was then, Acting Commissioner John White) indicated that, for the current financial year (2006-07), police estimate that expiation notices will be issued to the value of $127 million. Deputy Commissioner White (or SAPOL) estimated that, whilst $127 million worth of notices would be issued, only $76.3 million would comprise expiated returns during the current financial year.

According to police, for a number of reasons, some $51 million of expiation notices would not be collected during this financial year. In terms of a breakdown of that, Deputy Commissioner White indicated that, for mobile speed cameras, uncollected expiation notices would comprise $10.5 million; uncollected expiation notices for fixed-speed cameras, $13.4 million; and uncollected expiation notices for red-light cameras, $6.8 million. Clearly, for whatever reason (or, perhaps, a number of reasons), many traffic infringement notices are either inaccurate, have been issued in error or, for some other reason, not predicted to be able to be collected by SAPOL during the current financial year. There may well be (I do not know) some carryover into the following financial year in relation to some that might be issued towards the end of the financial year. My questions are:

1. Will the Minister for Police obtain from SAPOL a similar breakdown for the financial years 2005-06 and 2004-05?

2. What are the reasons for the significant level of uncollected expiation notices estimated by SAPOL for this year—that is, $51 million; and, in particular, is there concern about the accuracy of speed cameras (both mobile and fixed) and red-light cameras if there is such a significant level of uncollected expiation notices?

3. What options exist for SAPOL in relation to reducing the currently estimated level of $51 million worth of expiation notices which will be issued but which will ultimately not be collected by the system?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): The Acting Police Commissioner appeared during estimates with me on that occasion; and, as we put on notice during estimates, many things have impacted on the level of expiation revenue collected in recent years, including impacts anticipated to occur during 2006-07. These include changes in driver behaviour—which is not necessarily (I hope) such a bad thing—following the introduction of the 50 km/h speed limit on 1 March 2003.

Other impacts include the introduction of additional fixed red-light speed cameras; increased fuel costs; fewer vehicles on roads; and following the introduction of demerit points for camera-detected offences. Regarding deployment of additional red-light fixed speed cameras, as I said, some of that has been offset by delays due to deployment because of problems with equipment which were fully picked up by the provider from Germany. The provision of loan cameras to December 2006 has resulted in additional cameras being available for deployment. As to the exact figures, in particular those past numbers, I thought we had put them on the record. I do not have a copy of the *Hansard* here with me, but I will undertake to bring back a response.

MENTAL HEALTH BEDS

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question on the subject of acute mental health bed numbers.

Leave granted.

The Hon. J.M.A. LENSINK: On the ABC Drive program of 16 October, the minister made the following statement:

> . . . we've got adequate acute bed numbers and we're committed to retaining those numbers. . . we're committed to the current levels

of acute mental health beds, what we need to do more work on though is providing community-based services.

In that same week, the opposition received advice from within the mental health sector that there was a waiting list for acute admission to Royal Adelaide Hospital beds of some 20 people and, at the Queen Elizabeth Hospital, some 10 people were on the waiting list. Will the minister stand by her statement that we have adequate acute bed numbers?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her question. Indeed, as I mentioned yesterday, demands on our inpatient services ebb and flow. There are seasonal and other fluctuations throughout the year, and this is quite usual. The shortage that the member refers to—and, in fact, she is at least right on this occasion: there was a shortage recently—was due to the school holiday period and a problem with staffing. So it was really about adequate staffing numbers rather than the number of beds.

In relation to the radio program that I spoke on, I was referring to the average acute bed numbers that this state has. I am very proud to say—and I have said it in this chamber before—that South Australia has, on a national average, quite a high number of acute beds. We are higher than the national average, and I think we have one of the highest number—or proportion per head of population, of course—of acute beds in this state. As I said on that program, South Australia is well placed in terms of our acute bed numbers at present and, as I have stated previously, the area that is a challenge for us is finding other levels of service intervention, particularly at the sub-acute and community-based level of service. As I have said in this place before, we are working very hard on a strategy and a reform agenda to reconfigure the types of services that we provide for mental health consumers in this state.

The Hon. J.M.A. LENSINK: As a supplementary question, will the minister confirm whether the high demand that the government and hospitals have experienced in relation to this particular blip—as she alleges it is—has prompted the government to seek to utilise private sector acute beds in facilities such as the Adelaide Clinic and, if so, how many of those beds has the government had to purchase?

The Hon. G.E. GAGO: I do not have the details of that with me today. I am happy to take the question on notice and bring the answer back to the chamber.

CONTAINER DEPOSIT LEGISLATION

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about container deposit legislation.

Leave granted.

The Hon. D.W. RIDGWAY: As we all know, South Australia has a successful container deposit legislation scheme in place. In fact, it has now been there for some 30 years. Incidentally, at the time it passed through the upper house with the support of Liberal Ren DeGaris. South Australia is probably one of the cleanest states. As someone who has spent a vast part of my time on the South Australian/Victorian border, I notice that the difference between the pollution and litter on one side of the border and the other is quite marked. Recently, the Premier, with much fanfare, announced a review and some draft legislation, which is out for consultation, in which the deposit may be increased from 5 cents to 10 cents or 20 cents. Given that we have the cleanest state in Australia, and that some of the non deposit bottles, such as wine bottles, have return rates that are even higher than containers with deposits on them, my questions are:

1. How will doubling or quadrupling the deposit help reduce litter in the litter stream?

2. What is the government doing to address the most insidious problem we have—cigarette butts?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his questions. The container deposit legislation within the Environment Protection Act uses a refund model to encourage recycling and the reuse of container materials. It is not only about helping to promote recycling but also about reducing litter and the number of beverage containers that go into landfill. Issues such as the import of containers bought interstate and returned in South Australia for deposit, and, obviously, providing equitable regulation of all industry participants, has also been raised with the EPA. Of course, we have taken this opportunity to also have a look at those aspects of the legislation; so, we are not just looking at simply the deposit refund aspect.

Amendments to the beverage container provisions of the act are being drafted to make them clearer, more transparent and to improve the regulation of the container deposit legislation (CDL) system. The draft CDL bill proposes changes aimed at addressing the number of systemic issues to improve the efficiency (for all stakeholders) of the current beverage container refund system and to provide for future improvements. The main purpose of the draft bill is to promote the equitable regulation of all relevant stakeholders. Thus, the bill requires that the collectors receive an approval to operate, as is currently the practice for collection depots.

I am also aware that the adequacy of the refund amount is and has been for some time of great public interest. In fact, if I recall, when the Hon. David Ridgway was a member of the ERD Committee—and my memory may not serve me; it may have been just before his membership on the ERD Committee—the committee looked at landfill and other matters dealing with waste disposal. In fact, that committee recommended looking at increasing the amount of deposit refund. As I said, he may have joined the committee just after that committee handed down that particular report.

A deposit of more than 5 cents is being considered. As we know, the deposit was put in place over 30 years ago; it is worth approximately 20 cents today. We know that had a huge influence on reducing the amount of containers in our litter stream, and it has also helped promote recycling. Currently, compared with other states, South Australia has three quarters less refundable containers in its litter stream.

We are very keen to make sure that we do not lose the impetus. Clearly, the value of 5¢ has significantly decreased through the effects of inflation. We want to ensure that this scheme maintains its integrity and is able to continue to act as a driver to decrease litter and increase the impetus on recycling. We know that Western Australia is following our example, and it is currently looking at introducing similar legislation and investigating what might be a suitable amount to use as a refund. So, it is timely that, amongst other things, South Australia looks to review the amount we use as a refund and, as I have mentioned, we are looking at a range of different reforms.

In terms of cigarette butts, through Zero Waste SA, KESAB has put in place a number of schemes to assist in promoting the awareness of South Australians. I know that

national initiatives, incentives and promotional programs have also been put in place to make people aware of the problem of cigarette butts in our litter stream. Obviously, we will continue with those really important initiatives.

The Hon. D.W. RIDGWAY: As a supplementary question, in doubling or quadrupling the deposit, how will the government stop the cross-border benefit (and I will not call it fraud) of people buying beverage containers in Victoria and claiming the deposit from South Australians?

The Hon. G.E. GAGO: I thank the member for his question. In terms of completing my answer to the first question, I just wanted to say—

Members interjecting:

The Hon. G.E. GAGO: Don't worry; I'll answer all his questions. There is plenty of time. The other issue is that this is only going out for consultation. At this point in time, this is a discussion paper, and we are simply putting it out to see what people's points of view are on this issue. Nothing has been finalised as yet. The issue of rorting across borders is of concern to us; we have raised it in our draft discussion paper, and we are looking at putting in place a system to prevent it. It has been reported that, on occasion, truckloads of these containers, which have been bought interstate, have come over the border and the deposits sought from our depots. Again, we are looking at making sure that that rorting does not continue.

PLANNING AND DEVELOPMENT FUND

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Planning and Development Fund.

Leave granted.

The Hon. B.V. FINNIGAN: The 14 to 20 October edition of *The Independent Weekly* newspaper carries a letter to the editor suggesting that the state government's Open Space Fund has a balance of up to $50 million and that these funds could be used to buy the Cheltenham Racecourse. Can the minister confirm whether this claim is accurate?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the honourable member for his question and his interest in fact rather than fiction. The correspondent's claim in the letter published by *The Independent Weekly* is, in a word, rubbish. The balance of the Planning and Development Fund is nowhere near the $50 million suggested by the letter writer. I can inform all honourable members that the balance of the fund as at 30 June this year was $11.4 million, with the approved revenue and expenditure budget to the fund this financial year being $10.09 million.

For those unaware, the fund is used in an equitable manner by the government to deliver strategic open space and public space projects throughout the state. I am fully aware that the debate over the future of the Cheltenham Racecourse has been passionate on both sides of the argument. However, it is disappointing that those seeking to express their views about the matter do not check their facts before firing off letters to the newspaper or before they make calls to radio talkback programs. Nonsense, such as that included in this particular correspondent's letter, does nothing to further the debate.

The Premier recently announced that the state government now has a requirement of 20 hectares (or more than 40 per cent of the Cheltenham site) to be set aside for open space in any residential development. This percentage is way above the normal requirement, which is 12.5 per cent to be set aside as open space, and will contribute very positively to the open space needs of western suburbs residents, with new wetlands, parklands and pathways.

The Hon. D.W. RIDGWAY: I have a supplementary question: what percentage of that 40 per cent, or 20 hectares, will be used for aquifer storage and recovery, as promoted by the Premier, when it was announced?

The Hon. P. HOLLOWAY: I said the 20 hectares, or 40 per cent, will be used for a combination of—

The Hon. D.W. Ridgway: Yes, but what percentage?

The Hon. P. HOLLOWAY: If you want the exact percentage—

The Hon. D.W. Ridgway: Because it is not public open space.

The Hon. P. HOLLOWAY: It will be public open space.

The Hon. D.W. Ridgway: You cannot walk your dog on wetlands.

The Hon. P. HOLLOWAY: You can certainly walk around it and it can add to the ambience of the area, but there will be a very significant land-based as well as water-based area and 20 hectares—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It is nice to see some passion about the debate, but the 20 hectares to be set aside at Cheltenham is a heck of a lot more than the Liberal Party was going to set aside at Lochiel Park. This government has looked after that area as well. It has set aside something like 80 per cent of that area as well—

Members interjecting:

The Hon. P. HOLLOWAY: Lochiel Park. There is a huge area at Lochiel Park, as well, that the Liberal government was going to build on. In fact, before the last election, it was the opposition spokesperson for racing (who is no longer in this place) who was advocating the sale of Cheltenham Racecourse. We know how much would have been provided for open space in that circumstance—zero.

This government will be providing 20 hectares, which is 40 per cent of the entire area—a huge area—and that will be available, as I said, for a combination of wetlands, parklands, walkways, and the like. If the honourable member wants to get the exact figure, when the planning is finally done, that—

The Hon. D.W. Ridgway: So you do not have an exact figure?

The Hon. P. HOLLOWAY: Well, what we are requiring is 20 hectares—a huge amount—to be set aside. The process now undertaken is, once you decide on that, you do your planning and, when that is available, when the PA is done, the honourable member will be able to work it out. He will be able to get his calculator out, get his ruler out, and measure the exact percentage. What we can say unequivocally is that the area of land set aside for the western suburbs (20 hectares) will make a huge contribution to open space in that area, which is very much required.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: No, it will not include the railway. It will be open space for the public to use for their recreation. Although you cannot walk a dog on a lake, you can walk around it, and there are other recreational activities that you can participate in with wetlands. If you ask members of the public in any suburb that has wetlands (and a lot of

them in Adelaide now do) whether they would rather have the space as bare ground or wetlands, I think most of them will choose wetlands every time.

The Hon. M. PARNELL: I have a supplementary question. Given that the 40 per cent open space will not actually cost the government anything, because it is not government land, how much of the $11.1 million that is available for purchasing open space will be used to purchase additional open space at Cheltenham?

The Hon. P. HOLLOWAY: The government made clear in that statement that there would be a $5 million contribution by the government. We expected that the Charles Sturt council would also make a contribution towards the extra provision of that space. It has been made clear that there will be a government contribution in relation to that.

SALT INTERCEPTION SCHEMES

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about salt interception schemes.

Leave granted.

The Hon. M. PARNELL: Salt interception schemes are currently in place to reduce salinity levels in the Murray. The schemes involve the interception of saline ground water before it flows into the Murray. They are proving to be a successful intervention. The method for treating this salty water is to dump it in unlined valleys and naturally occurring depressions in the surrounding farmland where some evaporates and the rest seeps underground.

An environmental impact statement in the late 1980s predicted that around 70 per cent of saline water would seep down safely into the aquifer and not move into surrounding areas and cause problems. However, there are now clear indications of soil salinisation up to three kilometres from the Stockyard Plain Basin. There is also evidence of native vegetation stress and there are measured rising saline water tables in surrounding farmland. Farmers and irrigators in this area are (justifiably) very concerned.

A large number of sinkholes and underground river systems in the area have been shown to be able to transport water very rapidly across substantial distances. Recently, water being piped into the Stockyard Plain Basin was found to be flowing into such a sinkhole before the water even reached the intended disposal site. This hole was blocked with concrete but other holes are likely to open up at any time.

In other states, disposal basins have been properly constructed, including the use of plastic lining. I understand there has also been successful litigation against unlined salt basins in Victoria. My question for the minister is: will the government now ensure lining with appropriate plastic or other material all basins used in current (and future) South Australian salt interception schemes in order to protect high biodiversity value mallee forest and neighbouring irrigation and farmland from degradation and ruin caused by rising saline water tables?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the member for his important question. I understand that he is referring to the salt interception schemes that are related to the River Murray. In that regard, I will refer these questions to the minister responsible for these matters (Hon. Karlene Maywald) in another place, and bring back a response.

ROADSIDE MEMORIALS

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Road Safety a question relating to roadside memorials.

Leave granted.

The Hon. S.G. WADE: In Estimates Committee A on 24 October Mr Hamilton-Smith asked the minister a question with respect to roadside memorials. The minister advised the committee of the government's roadside crash markers on rural roads and the Local Government Association's current consultation on a uniform statewide policy for the location of roadside memorials. I ask the minister: what is the current budget and 2005-06 targets for the roadside crash markers program; and, given that 22 500 kilometres (that is nearly 25 per cent) of roads in South Australia are state government-maintained roads, what is the state government's policy on the location and maintenance of roadside memorials; and does the minister consider that such memorials support the road safety message?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member. I am unable to provide him with statistics as to the roadside markers or the exact budget for that. I placed on record during the estimates that I appreciate that people do grieve in different ways when they suffer the loss of a loved one. The department's policy is not to openly encourage roadside memorials because, unfortunately, people stopping to view them can distract others and this could cause further road trauma. Nonetheless, we work with local government in ensuring that, if roadside memorials are placed, they are situated sufficiently back from the kerbing to ensure that they do not distract people.

Our policy since 1999 has been to assist—and we will continue to assist—local community road safety groups, local councils and service clubs with the installation of roadside crash markers on rural roads. The markers, which consist of guideposts, have been painted red or black, as the honourable member would know, and mark locations where fatal or serious crashes have occurred within the previous five years. We do not have any intention of having such a scheme in urban areas, if the honourable member is interested, because of difficulties with restricted space and the potential for creating a roadside hazard.

Again on the issue of roadside memorials (as opposed to crash markers, which are the steel posts and something quite different), the department's view is that it is primarily a local government issue as they often have the care, control and management of the verge or footpath. I know that the Local Government Association is currently finalising a uniform state-wide policy for the location of roadside memorials which will address the appropriate placement, form and duration of the memorials. It will also balance the sensitivities of the broader community and members of emergency services organisations, who do not all support the memorials, with those of the families and friends of the victims and, of course, those in the road safety community who do support the memorials.

The department has had input into the LGA process to ensure that memorials do not themselves create a hazard because of their size or placement location, or through people who visit them placing themselves in danger on the roadside. As I said, I do not have the exact cost of the markers with me, but I undertake to bring back that advice for the honourable member.

SCHOOLS, BUILT HERITAGE

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the state's built heritage.

Leave granted.

The Hon. R.P. WORTLEY: I understand that the Department for Environment and Heritage introduced the annual Schools Heritage Competition in 2003 as an initiative to improve South Australian students' understanding of the diversity and significance of our state's built heritage. As the minister and the chamber are well aware, some of the state's most significant heritage buildings are, in fact, school buildings. Will the minister inform the council of the progress of this initiative, and advise how it is raising the profile of the state's heritage and improving young students' appreciation of South Australia's history?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question, and am pleased to inform the council that yesterday South Australian schools were again recognised for preparing projects about their local heritage. The theme for this year, 'Heritage Connections—links with our Past', encouraged children to prepare projects exploring personal and community ties to the state's built heritage. This is an important initiative. As you know, school buildings are some of the state's most important heritage buildings and they are often a common bond in the community—especially small rural communities where many generations may have passed through the doors of a particular local school.

The competition was again widely embraced this year, with 34 classes from 23 schools around the state taking part. These included schools from Curramulka, Keith, Loxton, Wallaroo and Kangaroo Island, reflecting the relevance and appeal of this year's theme for rural communities. Each year the challenge for students is to deliver a heritage message to a target audience using information communications technologies. The quality of entries has again been impressive, demonstrating a wide range of high-tech communication abilities among students.

The winners were announced at a presentation ceremony at the state heritage-listed Sunnybrae Farm at Regency Park in Adelaide yesterday. Prizes were awarded in four age group categories, as well as the newly established 'Teaching Heritage' category. The success of this year's event demonstrates the growing importance of built heritage, and I would like to congratulate all the students who entered the competition as well as their teachers and families for supporting their work. I would particularly like to congratulate the year 1 and 2 classes at Coromandel Valley Primary School, who took out the inaugural Teaching Heritage award.

However, it is not just the winners who have made a contribution to this program and to our appreciation of our heritage. I will mention some of the fantastic entries from this year's competition. The winning school for the years 4/5 category was Mundalla Primary for its 'Clues to the Past' presentation, which I am told was very impressive indeed. In the year 6/7 category, North Haven Schools put together an iMovie on the Royal Adelaide Show and showgrounds, which I am told was clearly the most outstanding entry in that category, and I think it demonstrates a wonderful link between our history and the use of modern media. In the reception to year 3 category, Mintaro Farrell Flat Primary used an impressive combination of PowerPoint and quilting to bring together 'Patches of the Past and Present' to take out the most outstanding entry in its field. It is this sort of creativity and passion for local history that we should be embracing more in our schools, and that is exactly what the Heritage Connections program helps to do.

DRIVING OFFENCES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Police questions about the expiation of certain driving offences.

Leave granted.

The Hon. A.L. EVANS: *The Advertiser* of 24 October 2006 raised concerns regarding a shortage of magistrates at the Port Adelaide Magistrates Court. In one case mentioned, magistrate Rosanne McInnes apparently was able to allocate only three days to a three-week trial. Our office has compiled statistics over seven recent weeks which show that 18.9 per cent (or almost one in five) of cases dealt with in the Port Adelaide Magistrates Court relate to offences of driving an unregistered and uninsured motor vehicle. On 15 August, that figure peaked with a whopping 44.2 per cent of files at the Port Adelaide Magistrates Court dealing with one or both of these offences.

New South Wales, Queensland, the ACT and the Northern Territory expiate—that is, an on-the-spot fine—for the offences of driving an unregistered and uninsured motor vehicle, while Victoria and even New Zealand expiate for driving an unregistered vehicle. In a recent 12-month period, Queensland expiated over 57 000 of these offences, saving court time and police resources. Often these offences are caused by genuine people who have simply forgotten to renew their car registration on time. Under the current system, these drivers are often obliged to take a day off from work to go to court, and significant police and court resources are used in prosecuting them. My questions are:

1. What would the minister calculate to be the cost saving to the courts, the police and drivers if these offences were to be expiated?

2. Does the minister agree that stretched police prosecution and court resources could be better used in prosecuting more serious matters such as drug offending?

3. Has the minister looked into, or will he agree to look into, the benefits of expiating these types of offences to bring South Australia into line with other states such as New South Wales, Queensland, the ACT and the Northern Territory?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. The question of expiation notices and their treatment is probably more a matter for the Attorney-General, and I will certainly refer those questions to him so that he can provide the information on what figures the government has available and whether, in fact, there is a need to consider changes to the way these offences are handled. It is my understanding that, if people persist in driving an unregistered vehicle, obviously, at some point, the police will need to intervene to enforce that.

Of course, some publicity has been given recently to situations in the United Kingdom where cars are actually impounded and, indeed, this government has proposals for dealing with people who persist in driving unregistered vehicles—and, unfortunately, people do—one of which is to use wheel clamping until people pay their fines. In the United Kingdom, if the value of the vehicle is less than that, they actually crush the vehicle so that it cannot be used again. Persistent offenders are an issue. I think the honourable member is suggesting that, in fact, some of these cases may

be first offenders, and I think that is a matter, really, that is worthy of consideration by the Attorney, and I will make sure that question is referred to him and that he gives consideration to that fact.

TERRORISM

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Police a question about terrorism.

Leave granted.

The Hon. R.D. LAWSON: Last November, when the government was seeking community support for its then newly introduced terrorism laws, the Attorney-General appeared on ABC breakfast radio and said:

> . . . there are people in the Muslim community. . . small number, even here in South Australia, who condone what Osama Bin Laden does.

Matthew Abraham interposed, as follows:

> [We understand]. . . that [the]. . . Government [has] concerns about one particular mosque, is that correct?

The Attorney answered, 'Yes there is.' He would not identify the mosque. To Abraham's question, 'But you're concerned about what is preached there?', the answer was as follows:

> Yes. . . correct. . . members of the Muslim community with whom I mix in my social life tell me that the Wahabist doctrine is preached by people in more than one of the Muslim communities here in South Australia and they are alarmed, so alarmed by what a small number of people are saying in the Muslim community that they draw it to my attention.

The Attorney went on to say:

> [He was]. . . only talking about a tiny number of people. . . the Muslim Australians I know are very good Australians and good citizens.

A sentiment with which all of us would agree. He then went on to say:

> . . . they also know, perhaps better than other Australians, the risk of these doctrines being preached and young men acting on them. . .

At 16 minutes past 11 on that evening, the Attorney-General went on to the Bob Francis show to enlighten his listeners. He said as follows:

> . . . Wahabi doctrine is a particular puritanical iconoclastic form of Islam.

He went on to say:

> . . . they don't like the west, they don't like western values. . .

He then went on to say:

> . . . what we can say is that Osama bin Laden was raised in the Wahabi tradition and many of the people in al-Qaeda have come through the Wahabi denomination of Islam. . . it's well worth keeping an eye on.

My questions are:

1. Is the minister able to confirm whether the Attorney-General reported this serious matter to the South Australian police?

2. Irrespective of whether the Attorney-General made a formal report, did the police themselves interview Mr Atkinson and pursue these serious allegations?

3. If the police did not pursue these allegations from the state's first law officer, is it fair to assume that they take as much notice of his utterances as the rest of South Australia?

The PRESIDENT: Order! There is a matter of opinion in the honourable member's question.

An honourable member interjecting:

The Hon. P. HOLLOWAY (Minister for Police): Yes, I think it is an interesting point. My colleague points out that it has taken some time for the shadow attorney to raise this matter. It seems to me, from the comments the honourable member made, that the Attorney was not making any specific comments in relation to particular individuals. He was making general comment about some sections of the community. In relation to specific investigations by police into matters of terrorism, I know it is the practice of the police—and it is a practice I fully support—that they do not make comment in relation to such matters—and nor should they. I would suggest that it is a long bow for members opposite to be suggesting that some general comments that were made by the Attorney should be treated in the light of specific allegations.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The Leader of the Opposition is quite correct: Mr Mick Kelty did make some comments the other day, and I think his comments were very balanced in relation to how the media in general should deal with these matters.

GEOTHERMAL ENERGY

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the hot rocks energy MOU between Heathgate Resources and Petratherm Limited.

Leave granted.

The Hon. I.K. HUNTER: South Australia is said to have some of the hottest rocks in the world, outside of active volcanoes. The potential of the state's geothermal resources to generate clean and green electricity in the future is now being explored by a number of companies, with 90 per cent of Australia's current geothermal exploration activity in South Australia. Will the minister provide information about a hot rocks agreement signed today by Heathgate Resources and Petratherm Limited?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his continuing interest in renewable energy resources. There has been a lot of recent interest in renewable energy resources from over Canberra way, but the honourable member has had a continuing interest. South Australia's geothermal energy resources are starting to add to the excitement being generated by the record-breaking levels of mineral and petroleum exploration under way in this state. We have a number of geological regions with hot rocks potentially suitable for geothermal electricity generation, including the Otway Basin in the South-East, the Eromanga Basin in the far north and in the region known as the South Australian Heat Flow Anomaly, covering the Flinders Ranges.

The hot rocks are more than three kilometres below the surface and covered with insulating sediment that retains the heat. To extract the heat, water is pumped down bore holes, where it is heated by the rocks and returned to the surface where it can be used to drive steam turbines. It is estimated that each cubic kilometre of hot rocks at 200° Centigrade—and some of our rocks are a lot hotter than that—has the potential to produce approximately 10 megawatts of electricity each year for around 20 years.

Earlier today, a memorandum of understanding on the future energy needs of South Australia's Beverley uranium mine was signed, highlighting the huge potential of hot rocks as a legitimate future source of renewable energy. Beverley's operator, Heathgate Resources Pty Limited, and geothermal

energy developer Petratherm have entered the memorandum of understanding, which will see the companies explore the potential for the future supply to the mine of electricity generated by Petratherm's hot rocks sources.

If that deal becomes a reality, Heathgate could become a world leader in powering and operating a uranium mine from a renewable and emission-free energy source. As I mentioned earlier, our hot rocks resources are starting to capture the imagination of local, interstate and even international explorers. Eleven companies have now applied for 96 geothermal exploration licences, covering more than 46 000 square kilometres of the state. That represents 90 per cent of all the geothermal activity under way or proposed throughout this country. South Australia's geothermal resources are world class and have the potential to become a significant part of Australia's portfolio of secure, environmentally sustainable and competitively-priced energy supplies.

These resources are also fundamentally aligned with the South Australian Strategic Plan target of a 60 per cent reduction in greenhouse gases by 2050. A vibrant and innovative geothermal sector in South Australia could complement other renewable energy initiatives implemented by the Rann government, such as wind and solar power, to achieve our greenhouse gas reduction targets. The state's geothermal resources and our supportive investment framework are encouraging more companies to explore in South Australia, with more than $500 million in geothermal investment forecast for the period 2002-2012. Along with Petratherm, the company involved in today's MOU, other companies, including Geodynamics, Scopenergy, Greenrock and Eden have either proven a geothermal resource or are undertaking drilling programs. I congratulate both Heathgate Resources and Petratherm for their initiative, and the government looks forward to seeing the future results of the memorandum of understanding.

DRUGS, SECURITY INDUSTRY

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Police questions relating to drug testing in the security industry.

Leave granted.

The Hon. A.M. BRESSINGTON: South Australia has 8 000 registered security officers, yet only 102 persons have been drug tested over a period of about 11 months. Of those 102 who have been tested, one in five returned a positive result for drugs, including morphine and cannabis. As I said, the drug testing began about 11 months ago and only two of the 21 security officers who tested positive have lost their licence and another two were cleared on medical grounds. This means that we have at least 17 bouncers who are known to use illegal drugs still working in the industry, as well as those who have not yet been tested. A further three security officers have had their licence revoked for failing to submit to a drug test.

The Premier stated openly and publicly that he intended to clean up the industry but we now find, according to those statistics, that it would seem that about 20 per cent of security guards could be on drugs, and many of these people have the responsibility of crowd control in nightclubs and other venues frequented by members of the public. According to the statistics, 19 bouncers have also had their licence revoked for failing to submit fingerprints to police. More than 250 have surrendered their licence voluntarily and 320 have failed to renew their licence since these laws were introduced. These statistics are revealing in themselves and show just how predominant drug use is in this particular industry.

As I stated, the government has had 11 months to assess these statistics and there is ample evidence to suggest that this aspect of the security business requires some form of regular drug testing. My questions to the minister are:

1. What has prevented the government from conducting more extensive drug testing of security guards, given that as many as one in five have already failed drug tests and are working under the influence of drugs?

2. Does the government now intend to step up drug testing in this industry to rid it of drugs?

3. What time frame can the government give to guarantee further drug testing in this particular industry, and how many will be tested in the next 12 months?

4. Given that, of the 21 persons who tested positive, two were cleared on medical grounds, what action was taken in relation to the other 17 who proved positive?

The Hon. P. HOLLOWAY (Minister for Police): I have read the article that appeared in the local media several weeks ago about reforms aimed at the security industry and that only 100 of the 8 000 licensed security agents have been drug tested since the introduction of those changes back in December 2005. I think it needs to be pointed out that within the security industry a vast number of licensed agents are not regularly active, and even fewer are regularly working in the capacity of crowd controller or bouncer. To date, South Australia Police have, quite properly, concentrated their efforts on that core group of regular crowd controllers. This component of the industry has been, and continues to be, the subject of most concern and commentary when addressing issues of assaults at nightclubs and other licensed premises, drug use, and infiltration by organised crime.

I am advised that SAPOL's policing of the security agents/crowd controller industry has not simply relied on drug testing. There has been a focus on a multi-faceted approach as provided by the December 2005 amendments to the Security and Investigation Agents Act through, in addition to drug testing:

- alcohol testing (828 tests have been conducted to date);
- the use of criminal intelligence provisions of the Security and Investigation Agents Act, which has been successful in removing several from the industry;
- ongoing fingerprinting and probity checking of existing licence holders, which is due to be completed in December 2007, I am advised;
- compliance audits under the Security and Investigation Agents Act and the Liquor Licensing Act to ensure that venues fully comply with all their obligations; and
- 24-hour monitoring of licensees coming under police notice.

I am advised that this approach has resulted in the following since December 2005 (these figures are supplied by OCBA): security agents suspended on being charged with a criminal offence, 49; security licences cancelled for failing to be fingerprinted, 10; licences surrendered, 258; and licences not renewed, 320. These figures represent a further 637 security agents who have been removed from the industry above the number removed just as a result of drug testing.

The current statistics for drug tests undertaken by SAPOL through the licensing enforcement branch since December 2005 are as follows:

- tests conducted, 109;
- positive screening test, 23;
- positive analysis result received, 18;

- negative analysis result received, two;
- awaiting analysis result, three;
- failed to attend, six; and
- failed to comply with request, two.

This represents licensees who have been or are in the process of being referred to OCBA for consideration of suspension or cancellation, with a further three awaiting the results of analysis by the State Forensic Science Centre. The results received so far indicate that cannabis and amphetamine make up around two-thirds of the drugs detected. It is anticipated that as SAPOL continues its operations in this area the full impact of the legislative change will become clearer. The total number of licence holders who either voluntarily leave the industry or are removed as a result of adverse probity or criminal intelligence will not be known until the screening process is completed in December 2007.

The approach being taken by SAPOL, in partnership with OCBA, is placing the security industry under a far greater level of scrutiny than has ever existed in the past. I remind members that the government introduced these national first laws to tackle crowd controller violence and organised crime associated with the security and hospitality industries. Police have told the government that about 80 per cent of crowd controller firms have links to outlaw motorcycle gangs. The government is concerned about the influence of these bikie gangs within the crowd control industry, and this is why we have set out to create specific laws to help combat them. Crowd controllers will also be subject to comprehensive background and identity checks, possible psychological assessments and refresher training. I also remind members that other reforms introduced by the government include:

- compulsory licence suspension for crowd controllers charged with certain offences (such as assault, drug or firearms matters);
- power to suspend the licence of any security agent (by the Commissioner for Consumer Affairs) if charged with certain offences;
- automatic cancellation of a security agent's licence if convicted;
- fingerprinting of security agents;
- random alcohol and drug testing of crowd controllers;
- authority to require a psychological assessment of crowd controllers;
- power to require crowd controllers to undertake specific refresher training; and
- licensed premises can no longer use ushers or greeters unless they are licensed crowd controllers.

In summary, while there has been drug testing of crowd controllers, a number of other actions have been taken which have significantly weeded out the undesirable element from this industry. As a result of the increased police focus on the industry, a number of those people have not renewed their licence or have refused to take tests and, consequently, their licence has been surrendered. The fact that over 600 security agents have been removed as a result of measures other than drug testing is an indication that these programs are working.

The Hon. NICK XENOPHON: I have a supplementary question. What is the time frame from the time a crowd controller either fails a drug test or refuses to have a drug test for action to be taken for that person to be out of the industry or lose their licence? Will the minister indicate the time frame to date and the preferred time frame in terms of action being taken?

The Hon. P. HOLLOWAY: Obviously, that is not entirely within the province of SAPOL. The licensing goes through OCBA. I will see what information is available since that legislation was introduced less than 12 months ago (in December 2005), but the fact that we have weeded out that significant number shows that any delays are not significant. If I can get further information for the honourable member in relation to how long the processing of information takes, I will provide it to the honourable member.

METROPOLITAN FIRE SERVICE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Metropolitan Fire Service.

Leave granted.

The Hon. J.S.L. DAWKINS: On 21 September, while answering a question from me about MFS district officers, the minister claimed that a court case in relation to a commander position had been withdrawn. My understanding is that the court case that was withdrawn related to a station officer promotion order of merit that had been produced some three years ago. Will the minister confirm to the council that the court case relating to the commander position was not withdrawn but upheld, as stated in my question on 30 August?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I am not certain what exactly the honourable member is referring to, quite frankly. Which commander position is he referring to?

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: We have quite a few commanders in the Metropolitan Fire Service. I really am not certain as to what the member is referring to.

The Hon. J.S.L. Dawkins: The minister told this council that the commander position court case had been withdrawn, and that is not the case.

The Hon. CARMEL ZOLLO: That was my advice. If it is anything different, I will bring back a response for the member.

MATTERS OF INTEREST

FLINDERS UNIVERSITY

The Hon. B.V. FINNIGAN: I rise today to congratulate the Flinders University of South Australia on its 40th anniversary, which is being observed this year. I must acknowledge that I am not a graduate of Flinders University—I do not have that honour—but some of my best friends are Flinders graduates and alumni and, indeed, I possess a Flinders University cap, which was given to me by a Flinders student to remind me of how keenly I feel the want of a Flinders education.

In 1960, the then premier of South Australia, Sir Thomas Playford (happy memory), set aside 150 hectares of land for the University of Adelaide in the then suburb of Burford, and the planning continued throughout the early 1960s. In 1965, when the ALP took power, it decided to establish a bit of healthy competition for the University of Adelaide and established a new university with the name of Flinders University of South Australia. In 1966 (on St Patrick's Day,

17 March), a bill was passed by the South Australian parliament to create the university, and it was opened by Her Majesty Queen Elizabeth, the Queen Mother, on 25 March that year.

Flinders University has come a long way since then. Student enrolments have increased from 400 in 1966 to over 15 000 today, and the university has over 600 academic staff and 900 general staff. There are four faculties, 20 departments and a number of other research institutes and centres, and the university offers 53 bachelor degrees and a number of other graduate qualifications. I congratulate Flinders University on how far it has come in that period of time and how successful it has been. However, I wish to raise my concerns over the risk to university life and the ongoing future of universities caused by the Howard government's introduction of voluntary student unionism.

The compulsory student union fees were used to fund a number of on site services, including social groups, sporting teams and events and some maintenance costs. I think the use of the term 'student union' was a bit of a misnomer, in the sense that it was more a form of student government and, like other forms of government, students paid a levy for the services provided and they had certain democratic rights in return to determine who controlled that money and how it was spent. Indeed, I know a lot of people who held student leadership positions at Flinders University and did a very good job of doing so. I think student unions were very much about representative democracy for students in student life.

I do not necessarily agree with everything that student unions did, and I do not imagine that all students would have done so. However, as a student, I had the ability to participate in deciding who controlled that money and who was elected to the leadership positions within the university student body, in the same way that all South Australians have the right to elect or not to elect us and, indeed, their local and federal governments.

The Vice-Chancellor of Flinders University, Professor Anne Edwards, noted that the introduction of VSU was going to be a problem common for all universities across the country, including South Australia, regardless of their size and their financial situation. The three South Australian universities, like all other universities, will suffer a very serious reduction in the quality of experience provided. Professor Edwards went on to say that Flinders' unique position as the only university with its main campus outside the city made accessible services on campus even more important. However, that has all been placed under threat by the introduction of voluntary student unionism.

I draw members' attention to some comments made by Murray Challacombe (who is a member of the Young Nationals) when speaking on the ABC on 4 July this year. He said:

> I personally think that VSU is a good thing and that you shouldn't be forced to join the student union, but there should still be a small service fee as such to keep the basic services on campus, so the student newspaper should be able to be kept running, or the student radio station and the welfare services.

I would have to ask: what did Murray Challacombe or his confreres think that the money was being spent on exactly if it was not in fact providing services such as the student newspaper, the radio station, the welfare services and all the other things that student unions used to do?

The Hon. T.J. Stephens interjecting:

The Hon. B.V. FINNIGAN: It is very much a fundamental part of student life. My honourable colleague says, 'Funding Labor Party campaigns'. I can assure the honourable member that, when I attended university Labor was in federal government, and they spent an awful lot of time opposing what the government was doing. However, I do congratulate Flinders University on its 40th anniversary.

PORT STANVAC

The Hon. T.J. STEPHENS: I rise today on an issue of great public interest and that is the future of Mobil's Port Stanvac refinery site. All members would be aware that when Mobil mothballed the refinery in 2003, the Treasurer (Hon. Kevin Foley) struck a sweetheart deal with the company to allow Mobil a further six years to decide what it wanted to do with the site. Effectively, Treasurer Foley said, 'Over to you Mobil. You can reopen it or clean it all up to sell the land, and here is six long years to think about it. We hope it is enough time for you to make your decision.' We are all aware that, if the decision taken is for the site to remain closed, Mobil has another 13 years from now—until 2019—to ensure that the site is properly prepared for sale.

Recently we have all become aware that Mobil has indicated that it cannot guarantee the necessary remediation work will be completed in 13 years, if the company does in fact decide to leave the site closed. Meanwhile, this eyesore at Port Stanvac sits there collecting dust and there is no guarantee that it will not still be there in 2019. Even a local Labor MP is asking for at least something to be done. The member for Mawson went on radio yesterday suggesting that the smokestack be pulled down and the storage tanks be painted green to camouflage the site. What really irks me though is that this government, which purports to be open and accountable, has shown that it is exactly the opposite.

My Liberal colleagues and other members of parliament have long been calling for the details of the deal between the government and Mobil to be released to the public. The residents of the south and the people of South Australia are entitled to know what is going on down there. Members might have read the editorial of today's *Advertiser* which reads:

> And the SA public has a right to know the full details of what has been a commercially confidential agreement between Mobil and the government.

It is now abundantly clear that the opposition and other members are not just continuing to press the government for their own entertainment. Clearly the public demands to know what secret deal has been cooked up between Premier Rann, Treasurer Foley and Mobil.

The controversy surrounding this issue will not go away and for a Premier, who apparently reads public opinion very well, he should be listening to the people. He should be reading what has been written in the papers and listening to what is being discussed on talkback radio and come clean on the deal with Mobil. The communities surrounding the refinery deserve to be told whether this site will reopen as a refinery or, if this is not to be the case, then how long the clean-up will take and what the land will be used for. Premier Rann and Treasurer Foley must have a fair idea what will happen with this site, and it is frustrating that they refuse to share the details with the rest of South Australia and explain why one of the city's best industrial sites remains unused.

At a public meeting organised by the federal Liberal member of parliament, Kym Richardson, in July, around 100 local residents attended to find out what the future held for the site. It was clear to see that all they wanted were some

basic answers on something that impacts their daily lives, but months later they continue to wait. Many of these people are asking why the land cannot be freed up to create new businesses and jobs in their local area—an area that sorely needs more job opportunities for its people. I also heard leading independent wholesaler, Andy Fisher, commenting on radio yesterday that to turn the site into a deep sea or import terminal would generate a variety of activity for the state and, in particular, the south. There is a great deal of merit in opening up the site for continued industrial use. It is my view and the view of many others that this will be the best option to generate jobs in the south.

Another view is held by many people in the south. Several people who attended the public meeting questioned whether the site could be freed up as open space. As *The Advertiser* put it today, the area is probably one of the most desirable open spaces in Adelaide. Only recently, the South Australian Jockey Club was given a raw deal at Cheltenham by a government that wanted to preserve more open space for the people. This government recently backflipped on the residents of the western suburbs by demanding that 40 per cent of the sale of Cheltenham be left for open space.

Here we have a massive area of land. If Mobil was directed to make up its mind sooner rather than later and if it decided that it would not continue to refine on the site it could be freed up as open space for the southern community. The site has a number of potential uses. I urge the Premier and the Treasurer to listen to the community, to end the secrecy once and for all and tell us what the hell is going on.

Time expired.

DIABETES

The Hon. R.P. WORTLEY: Today I would like to discuss a disease that is affecting our children and 15 000 South Australians. It is a disease that is affecting more Australians than ever before, and it is the leading cause of adult blindness, amputation and kidney failure and it will increase by four times the likelihood of death from heart disease. Every day this disease will affect two more Australians, and their lives and the lives of the people closest to them will change forever. Type 1 diabetes is often misunderstood and misinterpreted as type 2 diabetes, which is commonly caused by lack of exercise and poor diet.

Type 1 diabetes—also known as juvenile diabetes—occurs through no fault of the sufferer and holds the potential for damaging complications. I repeat: this is through no fault of the sufferer. Unfortunately, Australia has one of the highest incidence of type 1 diabetes in the world, and it is increasing every year. The number of sufferers of type 1 diabetes has almost doubled over the past five years. Currently, around 145 000 Australians live with this chronic disease. The physical and emotional toll of type 1 diabetes is of high concern, especially when the emotional roller-coaster is affecting our children.

Type 1 diabetes is one of the most common serious diseases amongst children, with around one in every 700 children suffering from the disease. Juvenile diabetes generally begins between the ages of five and 12, hence its name. One of the great ironies of type 1 diabetes is that people with the disease look healthy and fit and, as a result, its seriousness is often underestimated. A lifetime of insulin injections and blood tests become a fact of life for the sufferers. Not only do they endure 14 500 injections and more than 20 000 finger-prick blood tests in just 10 years, but thousands of adults and children must face the long-term effects of the disease.

I will quote the words of eight year old Connor Dickinson from Queensland. His comments about the horrendous prospect of type 1 diabetes at such a young age are quite disturbing. Connor says:

> I have needles every day and it hurts. I am scared to lose my eyesight or having bad kidneys. I want to be like my friends.

Connor has every right to be scared. People who suffer from diabetes are more likely to endure complications later in life, such as kidney damage, damage to the eyes, poor blood circulation resulting in limb amputation, heart disease and strokes. It disheartens me to think what is in store for these unfortunate children. Thankfully, giving them a chance for a normal life is closer than ever before thanks to the Juvenile Diabetes Research Foundation (JDRF). Medical research provides the only hope for a cure, and the JDRF is leading the way. Its latest advances in research have reached a unique level in finding a cure; it just needs to move its findings from the laboratory to the patient.

To create a greater awareness of type 1 diabetes and to increase funding, the JDRF created Kids in the House, which has been successfully run in Canberra and Brisbane and internationally in the US and Canada. Kids in the House allows members of parliament to understand what sufferers, parents and siblings face on a daily basis by providing members of parliament with a personal account of their experience of living with the impact of diabetes. I welcome the request of Mike Wilson, Chief Executive Officer of the Juvenile Diabetes Research Foundation, to conduct Kids in the House in the South Australian Parliament. I believe Kids in the House will increase awareness of this important issue of type 1 diabetes in South Australia.

Type 1 diabetes is estimated to cost the Australian community in excess of $6 billion a year. Finding a cure will not only help work towards giving these brave children who suffer from diabetes the long and healthy life they deserve but will also save the nation billions of dollars in medical care. Finding a cure will give children the chance to live a life without needles, a life without the fear of falling into a coma, and a life where they can attend birthday parties and play sport when they choose.

If we work together we can help make 13-year-old Samar Glass's dream a reality. She says, 'I wake up a diabetic, I go to school a diabetic and I come home a diabetic but, with your help, and everyone else's, maybe one day I will wake up a normal girl, go to school a normal girl, come home a normal girl, and even go to bed a normal girl.'

INTERNATIONAL HORSE TRIALS

The Hon. CAROLINE SCHAEFER: Next Saturday we will see the 10th Adelaide International Horse Trials celebrated in the Adelaide Parklands. This international event first began in Gawler in 1954. The inaugural Adelaide Horse Trials were staged at Victoria Park (in the east parklands) in November 1977, at CC1 3-star level. It was upgraded the following year to the highest possible level of CC1 4-star in 1999, making it one of only four such events in the world and the only such event to be held in the southern hemisphere. The other events are at Badminton and Burghley in the United Kingdom—no doubt, members will have seen those events on television on numerous occasions—and Lexington in the United States of America. However, the Adelaide Horse Trials are unique in that, similar to our car race, they

are the only such events held in the centre of a CBD and the only event anywhere in the world that brings such world-class competition into the heart of a city.

Sadly, this 2006 event may be the last that South Australia holds. It may, indeed, be the last that the southern hemisphere holds—unless another state is prepared to take up this challenge—not because it is badly run or because not enough people attend it (in fact, some 50 000 people attend the International Horse Trials every year), but because our government, in its mean-spiritedness, has decided that it will no longer fund or sponsor this event.

In 2003 this government threatened to cease running and funding the horse trials, however, after extensive lobbying, an agreement was reached and there was the inception of the Adelaide Horse Trials Management Inc. for a three-year period. This is a not-for-profit organisation which has a volunteer board and two paid staff who run the event. This is very much a community event with over 300 volunteers working to make it happen, many of whom come from interstate to take part and to see that this truly international event is held in Australia.

The funding agreement at the time was $300 000 per year, provided that the terms of the agreement were met. The organising committee sincerely believes it has met all conditions: namely, the successful staging of the event for the past two years. The event costs around $70 000 a year to stage and the shortfall is made up by the Adelaide City Council. There are some 28 sponsors of this event, but the committee does not believe that it can make up the $300 000 shortfall which is being left to it by this mean-spirited government.

This is the only Olympic-graded event in Australia and, indeed, in the southern hemisphere. Each year, around 100 riders from all parts of Australia, New Zealand, Malaysia, Thailand and the United Kingdom compete, with between 20 and 50 competing at four-star level. This is the cornerstone of the Australian equestrian calendar and the most important Olympic selection event. Australia and New Zealand will be without an Olympic standard qualifier in the lead up to Beijing if this event is cancelled, and it will be an absolute disaster for the Australian Olympic preparations. We have won three gold medals previously, yet this government, which can fund a guitar festival for $2 million, cannot find $300 000 for an Olympic standard event. I ask that the government review its priorities as a matter of urgency.

EATING DISORDERS ASSOCIATION OF SOUTH AUSTRALIA

The Hon. A.L. EVANS: I would like to speak about the Eating Disorders Association of South Australia. Mr Acting President, I would like to make you aware of an organisation that silently helps many every day: the Eating Disorders Association of South Australia. The illness that the organisation deals with is one of secrecy and shame, so few people admit to their suffering. Most people with eating disorders go to great lengths to hide the distress they are going through. Eating disorders touch not only the person suffering from the illness but also the family unit as a whole. EDAsa estimates that 2 per cent to 3 per cent of adolescent and adult females suffers from anorexia and bulimia. The figures are rising. Some 2 300 young people experiencing body image issues and eating disorders contacted the group for help in 2005-06; this is up from 18 000 in 2004-05.

While statistics like this are helpful in understanding the magnitude of the problem, they may only be the tip of the iceberg. Many sufferers go unidentified and unnoticed. Therefore, eating disorders are not given the attention and resources needed to adequately decrease their incidence. With this in mind, EDAsa is doing all it can with the resources it is given to raise awareness in the community, as well as improving prevention, increasing early intervention and promoting recovery and rehabilitation from eating disorders.

EDAsa was founded by a group of concerned parents in 1983 who identified a gap in services and an inability to obtain accurate information about eating disorders and treatment options. Since then, it has grown and developed into the association it is today, with one full-time worker, one part-time information support worker, and a support group facilitator (15 hours per fortnight) to oversee the Persons with an Eating Disorder Support Group. Currently, there is also a support group specifically for family and loved ones of individuals experiencing an eating disorder. This is facilitated by volunteers. The organisation currently has more than 20 active volunteers assisting with a variety of projects, activities, general office duties, answering phone calls, and providing support and advice for clients, and it has a network of over 200 active members.

EDAsa has been and is currently facilitating trials of various projects aimed at identifying the causes of eating disorders and successful methods of treatment. Because eating disorders are both physically and psychologically debilitating, it is difficult to address the isolation, secrecy and overwhelming uncertainty about how to overcome this illness. This means that the projects being trialled are instrumental in providing awareness and relief for anyone experiencing an eating disorder. EDAsa is well aware of the difficulties and subsequent needs faced by health professionals in identifying and managing eating disorders. General practitioners are often the first port of call. This can present GPs with a variety of issues, including how to best approach the problem, the requirement for an adequate assessment, making a diagnosis and knowing when and where to refer the person or family for further help.

EDAsa includes in its mission statement that it is dedicated to educating the community and providing a variety of resources for both lay people and professionals alike. It would like to work more extensively with GPs and health professionals to offer resources addressing early detection assessment, management and appropriate referral of people with eating disorders. EDAsa has recently been active within the school community, educating students, staff and families on the nature, risks, prevention, treatment options of body image and eating disorders, through initial presentation. It also offers ongoing support and follow-up.

EDAsa is a not-for-profit community organisation and currently receives funding from the Mental Health Unit, a division of the South Australian Department of Health. However, donations from the community, special grants, bequests and charitable trust grants help the organisation to expand its projects and programs in the community.

Time expired.

CONSTITUTION, 150th ANNIVERSARY

The Hon. S.G. WADE: Last Tuesday, 24 October, South Australia quietly marked a constitutional milestone: the 150th anniversary of South Australia's first constitution. On this day in 1856, the official dispatch from London giving royal

assent to South Australia's Constitution Act (and an affirmation of the Electoral Act) arrived in Port Adelaide aboard the steamer the *White Swan*. The act was the product of vigorous debate in the colony. The key elements were actively debated in the elections and proceedings of the 1851 and 1855 Legislative Councils. Our founding fathers were daring and progressive innovators, not mere passive recipients of British democratic traditions. In fact, it has been suggested that the constitution they produced was probably the most democratic constitution in existence anywhere in the world at the time.

I would like to highlight some distinctive elements of the act. First, the act provided for male adult suffrage, making South Australia the first Australian colony, and one of the first in the world, to introduce male adult suffrage for parliamentary elections. All British subjects over 21 not serving a sentence of crime had the right to vote for the House of Assembly. Secondly, the act provided for a fully elected bicameral parliament. Conservative elements had been concerned that the young colony did not have the capacity to maintain an effective upper house. When the colony insisted on an upper house, before the 1855 election, Governor Young persuaded the Legislative Council to approve a constitution that provided for an upper house of life nominees. However, the public responded with a petition of about 5 000 signatures asserting that an elected upper house was earnestly desired by the colonists of South Australia. As a result, Young's constitution was abandoned and the final constitution of 1856 included a fully elected upper house.

Thirdly, the constitution provided for electoral districts based on population. Property holders had sought that property interests should be protected by basing electoral districts on wealth. The colony chose the democratic route. Under the act, the House of Assembly was elected from equal electoral districts based on population. Further, South Australia led the way in electoral reform by being the first Australian colony to remove plural voting in upper and lower house elections, instead adopting the 'one man one vote' principle.

Fourthly, the Electoral Act provided for secret ballot. South Australia became the second Australian colony to adopt the secret ballot that had been adopted just two weeks earlier in Victoria. But South Australia implemented this reform in a distinctive way: rather than having to write names on a piece of paper, voters were presented with a ballot paper pre-printed with the names of candidates. They then marked their ballot paper in secrecy before depositing it in a locked box. Prior to the introduction of the secret vote, ballot boxes were not used and a person's vote was recorded next to his name in a polling book. The South Australian approach has been adopted across Australia and throughout the world.

The replacement of open voting by secret ballot made for 'perfect order and decorum', to use the words of the time, and enabled the voting to be conducted in a quiet and orderly fashion, in stark contrast with the elections of 1851 and 1855, which were riotous affairs accompanied by brass bands, flag waving and sometimes violent crowds. The quality of the constitutional craftsmanship of our founding fathers is shown by the fact that the key elements of the constitution proclaimed in 1856 remain as the central pillars of our system of government. Members of the House of Assembly still represent equal electoral districts by population. The secret ballot is still the centrepiece of our balloting. We still maintain full adult suffrage based on the principle of one vote one value.

As we enter this sesquicentenary year, Premier Rann is threatening an element of this constitutional framework for which our forebears fought hard—the bicameral parliament. Our founding fathers fought a condescending governor to insist on an upper house and an elected upper house. Today, my party and I are more than ready to fight an arrogant Premier to preserve that heritage. As we celebrate 150 years of pioneering democracy we need to be willing to finetune our constitution so that it suits an evolving democracy, but I see no need to change the foundations of our progressive democracy.

GEOTHERMAL ENERGY

The Hon. I.K. HUNTER: I rise today to speak about geothermal energy in South Australia. On Monday this week we saw the most comprehensive review of the economic effects of climate change ever undertaken. The shock waves caused by the release of the UK government commissioned Stern Review have reverberated through Canberra this week but our Prime Minister, sadly, still remains a climate change sceptic.

I did not have time to examine the Stern Review in detail but, suffice to say, its warnings are dire and its prescriptions not easy. The review reaches the inescapable conclusion that global warming is a real and present danger and we must act now to dramatically reduce our carbon emissions and our reliance on fossil fuels as a source of energy. Sir Nicholas Stern, who headed up the review, does not mince words about the threats we now face, but even he sees some hope. He says:

> There is still time to avoid the worst impacts of climate change, if we act now and act internationally. Governments, businesses and individuals all need to work together to respond to the challenge. Strong, deliberate policy choices by governments are essential to motivate change. But the task is urgent. Delaying action, even by a decade or two, will take us into dangerous territory. We must not let this window of opportunity close.

I have spoken before about the prospects for geothermal energy in South Australia and I would like to expand on those themes today and, in so doing, congratulate the state government and the private sector for recognising that so-called hot rock technology has real potential.

I was particularly pleased to hear the minister's comments earlier about the government's commitment to the greenhouse reduction targets laid out in the State Strategic Plan. South Australia has several geological regions with hot rocks which are potentially suitable for geothermal electricity generation. Much of this lies within an area known as the South Australian heat flow anomaly, where deep hot rocks, from about 3.5 kilometres underground, are covered with insulating sediment that retains the heat.

More geothermal exploration is conducted in South Australia than elsewhere in Australia, with 90 per cent of exploration licences issued here, covering more than 45 000 square kilometres of the state. This government has good environmental credentials in the area of renewable energy. It has led the way in the licensing of geothermal exploration and development. It will also play a leading roe in the development of the COAG Climate Change Group's road map for geothermal energy use.

Geothermal energy is renewable and geothermal electricity produces no greenhouse gas emissions. Each cubic kilometre of rock, at 200 degrees Celsius, has the potential to produce about 10 megawatts of electricity per year, over 20 years. Geothermally-generated electricity is likely to be

available at all times of the day, thus representing a potential source of reliable base load electricity. As electricity generation accounts for about one-third of our greenhouse gas emissions, geothermal energy has the potential (if commercialised) to make a significant contribution to greenhouse gas abatement and renewable energy targets. There are, at present, several companies with advanced geothermal projects in South Australia, including Geodynamics, Petratherm, Scopenergy and Green Rock Energy.

The so-called hot rocks technology differs from traditional geothermal energy production in that the source of the heat is not volcanic but radiogenic—that is, it is produced by the radioactive decay of minerals within granite. South Australia's particular geological layout creates the perfect environment for these rocks to become superheated, and they can reach temperatures of over 200 degrees Celsius. Water is injected into fractures in the rock at very high pressure, creating many tiny fissures for water to pass through. The superheated water is then returned to the surface where it drives a turbine, subsequently cools, and is then sent back down an injection well.

If the development of these technologies were coupled with a comprehensive carbon trading scheme—supported by the findings of the Stern review and supported by the Premier and other chief ministers in Australia—the need for a new balance in the overall fuel mix would make geothermal energy a viable option indeed. There are, of course, obstacles to the adoption of hot rocks as a widespread source of base load energy, not the least of which is the fact that most of the exploration is occurring far from established transmission lines. We should not let such obstacles stand in our way.

There is also the potential that these costs could be shared between various geothermal projects or shared with the large mineral developments that are also proposed in the north of the state, which would benefit from the geothermal electricity supply. As minister Holloway has outlined, the memorandum of understanding between Petratherm and Heathgate Resources, which operate the Beverley uranium mine, is a positive step in this direction. In the wake of the Stern review, British Prime Minister Tony Blair was unequivocal, saying:

> We are heading towards catastrophic tipping points in our climate unless we act.

We have an opportunity to lead the world here in South Australia and I am glad that our government intends to do so.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

The Hon. B.V. FINNIGAN: I move:

That the annual report of the committee, 2005-06, be noted.

Yesterday I tabled the 11th annual report of the Statutory Authorities Review Committee 2005-06, which provides a summary of the committee's activities for 2005-06. The committee has been industrious throughout the year, meeting on 26 occasions and continuing its inquiries into a number of statutory authorities. It anticipates tabling a number of reports before the end of 2006.

Following the state election in March this year, the Legislative Council elected a new group of committee members, two of whom had served on the committee in the previous parliament. It is an honour for me to have been appointed to the committee by the council and, further, to have been elected presiding member by the members of the committee. In particular, I extend our thanks to you, Mr President, as the former presiding member of the committee. Your work in that capacity was exemplary and, on behalf of the committee members, I extend our thanks to you. I also extend our thanks to the Hon. Caroline Schaefer and the Hon. Andrew Evans for their service on the committee in the last parliament.

Following the election, the newly constituted committee resolved to continue its inquiries into the Medical Board of South Australia and the Independent Gambling Authority. This work has been the focus of the committee's activities since May 2006. Following the publication of the interim report into the Medical Board of South Australia earlier this year, it is hoped the committee will issue its final report by the end of the year, or shortly thereafter. As members would know, that report gained considerable interest and made a number of recommendations. I have certainly enjoyed working with the other members towards finalising the report of our inquiry into the Medical Board and I will look forward to that happening and to the recommendations being agreed upon.

The committee recently resolved to undertake an inquiry into the Land Management Corporation, particularly regarding the acquisition and release of land programs and the effect that they have on land prices and housing affordability within the state.

As presiding member of the Statutory Authorities Review Committee, I thank the members for their contribution to the work of the committee in the short time we have served together, and I look forward to working with them all into the future. I also place on the record the committee's thanks to our secretariat—the secretary, Mr Hickery; the research officer, Ms Cassidy; and the administrative assistant, Ms Gray—for their efforts behind the scenes and in preparing reports and aiding the work of the committee. They have done a splendid job and I look forward to working with them and with the other members into the future on the activities of the committee. I again thank the members of the Statutory Authorities Review Committee, particularly those members who served in the previous parliament, and I look forward to tabling future inquiry reports and our next annual report next year.

The Hon. T.J. STEPHENS: I rise to support the motion of the Hon. Bernard Finnigan. On behalf of the Hon. Michelle Lensink, another committee member, I would like to support the comments the Hon. Bernard Finnigan has made about the committee and its work. I am pleased to say that, since my appointment, it has been a very robust committee. I would also like to thank previous members of the Statutory Authorities Review Committee, who include, of course, yourself, Mr President, as a previous presiding member, the Hon. Caroline Schaefer and the Hon. Andrew Evans. I would also like to welcome the new members to the committee: our new chair, the Hon. Bernard Finnigan; the Hon. Ian Hunter; and the Hon. Michelle Lensink. Of course, the Hon. Nick Xenophon and I have the privilege of continuing as members.

An honourable member interjecting:

The Hon. T.J. STEPHENS: Veterans of the committee, that's right. It would be remiss of me not to take this opportunity to thank the hard-working staff of the Statutory Authorities Review Committee: Mr Gareth Hickery, Ms Jenny Cassidy and Ms Cynthia Gray. They provide

unlimited support, and certainly give us the resources we need to produce what I think have been some robust reports and (as you would know, Mr President) some quite gutsy recommendations recently. With those few words I support the motion and, on behalf of the Hon. Michelle Lensink, I wish the committee well in its future deliberations.

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

Members interjecting:

The PRESIDENT: Order!

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (AGGRAVATED OFFENCE) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

The issue of occupational health and safety has been debated in this parliament on a number of occasions—most recently last year, as I recollect, in the context of SafeWork SA legislation introduced by the government. At that time I introduced an amendment to section 59 of the act—aggravated offence. The aggravated offence provision of the current legislation states in section 59(1):

> Where a person contravenes a provision of part 3—
>
> (a) knowing that the contravention was likely to endanger seriously the health or safety of another; and
>
> (b) being recklessly indifferent as to whether the health or safety of another was so endangered,
>
> the person is guilty of an aggravated offence and liable upon conviction to a monetary penalty not exceeding double the monetary penalty that would otherwise apply under part 3 for that offence or imprisonment for a term not exceeding 5 years or both.

This section has been in force for some 20 years but there has never been a prosecution under this section. The reason for that, whether the lawyer acts for a worker or an employer, is that the burden of proving both limbs of the subsection is virtually impossible. Basically, you need to prove that there was not only reckless indifference to the health or safety of a person in the workplace but also that you knew about it but did nothing. So, short of a confession by an employer in relation to a serious industrial accident, I cannot imagine a situation in which a prosecution could take place without a great deal of difficulty. That is why the Crown has not pursued this, I believe, in the past 20 years, and I think it shows a glaring inadequacy in the legislation.

I note that the standing committee on occupational health and safety is looking at the issue of penalties with respect to workplace accidents. I believe it will have a lot of useful work to do, and I am a member of that committee. My contribution today is shorter than I thought it would be because, yesterday, the acting industrial relations minister, the Hon. John Hill, announced that new workplace safety laws would carry gaol terms for employers. The government would be acting on union backed recommendations to introduce reckless endangerment laws rather than harsher industrial manslaughter legislation. I do not resile from my position with respect to industrial manslaughter laws. This amendment in this bill deals with what I consider to be a glaring anomaly in the current legislative framework, namely, the sheer inadequacy of the aggravated offences provision to secure a prosecution, let alone a conviction, where, on the face of it, there appears to have been some very serious conduct on the part of some employers who have not done the right thing with respect to workplace safety.

I also made an undertaking to introduce this legislation sooner rather than later to the organisation VOID which stands for Voice of Industrial Death and which is headed up by Andrea Madeley, who lost her beloved 18 year old son, Danny, in a horrific workplace accident just over two years ago. I will not comment more in relation to that case, because one of the parties is still before the courts and my understanding is that it may take a number of months before it is resolved. Suffice to say the trauma that Ms Madeley has gone through is understandable, and I commend her passion and that of those who have worked with her in this new organisation to highlight the inadequacies of current laws and the need for greater emphasis on workplace safety.

I note that the acting minister, the Hon. Mr Hill, said yesterday that the government has gone through a process of consultation with the unions, industry and the victims. I note the Hon. Mr Hill's comment to *The Australian* when asked about my campaigning on this, when he said:

> Nick Xenophon can say what he likes, we've gone through a process of consultation with the unions, industry, the people who are victims. . . and the advice we had is this is the better way to go.

I respect that albeit slightly churlish remark. My office has spoken to Ms Madeley today, and my understanding is that her key group of victims has not been consulted, but I am confident that they will be in the course of the legislation that will be introduced in the near future.

Essentially, this bill arises out of an undertaking I have given to victims of industrial accidents and their family members who have lost a loved one through an industrial accident. We have had 18 deaths in the workplace this year—that is 18 deaths too many. That is not to include, Mr President—and I know your particular interest in this—those who have died as a result of industrial diseases such as asbestosis and mesothelioma, the deadliest of the asbestos lung cancers, where it is estimated that there could be a death rate of up to 150 people or more in the state per year in coming years as asbestos deaths peak. I am convinced that, if we had tougher legislation a generation ago, the James Hardies of this world would not have been marketing asbestos products in the way that they were, when I believe a cold, calculated decision was made for their bottom line to continue to peddle this deadly substance (asbestos) in the absence of penalties that would have led to a gaol term for those responsible for making such a decision.

This bill is essentially about changing the wording ever so slightly with respect to section 59 and, most importantly, instead of saying that both elements are required, to change it to require either element. So, if the employer knew that the contravention was likely to seriously endanger the health or safety of another or if the employer had been recklessly indifferent as to whether the health or safety of another was seriously endangered, then the aggravated offence provision would apply. An example of where this could apply, in a very practical sense, is the incident in relation to the claw ride at the Royal Adelaide Show. There is a suggestion that this particular ride was not operating properly earlier in the afternoon and, subsequently, several hours later, there was an accident, and it was very fortunate that people were not seriously injured.

In that sort of situation, I would imagine that the proposed amended section 59 would apply in the sense that they knew

there was a danger there and that, if there was a link between that malfunctioning earlier in the day to what occurred that evening, where an injury occurred, that would trigger an aggravated offence provision. That is the sort of situation where it would work, and in other industrial processes—and, of course, for an asbestos-type product, where there was knowledge that a product was potentially dangerous and it was still being marketed and the workforce was still being subjected to its effects.

I believe there has been an increased awareness about workplace safety, not just because of the terrible tragedies—the 18 deaths too many—in our workplaces this year but also I believe SafeWork SA has been much more active, both in terms of its inspectorate and in highlighting workplace safety. I note that a former ABC journalist, Peter Adams, now works at SafeWork SA, and I think he, along with others, has been responsible for highlighting issues of workplace safety and has done an exemplary job in doing so. My plea to the government is that it brings on the legislation it has foreshadowed. People such as Andrea Madeley and many others who have lost a loved one through an industrial accident deserve nothing less.

I look forward to substantial reforms in this area. However, in the meantime, here is a practical way in which we can amend the legislation to make section 59 work once and for all. If there has not been a prosecution in 20 years, I think that gives you a pretty good indication that this section in the act is not working. Simply removing 'and' and replacing it with 'or' and some minor rewording will give this sanction real teeth. I commend the bill to the council.

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

ROAD TRAFFIC (PREVIOUS CONVICTIONS) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

Honourable members would be aware of a decision in our courts earlier this week with respect to a penalty in the matter of Samuel David Roediger, who was charged with a number of driving offences as a result of an horrific accident that occurred on 15 January last year on Eyre Peninsula. In that accident, it has been shown that the defendant in the case was driving well over the legal limit (some 2½ times the legal limit) and that his vehicle struck head on a vehicle being driven by Matthew Clemow, who was a journalist with the *Sunday Mail* and now works as a government employee. Leisha Petrys, a journalist with the *Sunday Mail*, was also in the car.

Mr Clemow, fortunately, was not seriously injured, in that I believe he was saved by an air bag. Ms Petrys was not so lucky and sustained horrific injuries, spending almost two months in hospital and a year in rehabilitation. It is a tribute to her, her family and her husband and the support she received that she has made such a significant recovery and is now working overseas as a journalist. However, in that accident, in considering the appropriate penalty, the court was not able to look at the previous drink-driving offences of Roediger because they were outside the five-year time limit prescribed by the act for them to be considered to be a second and subsequent offence. The current legislative framework is such that if, for the purpose of penalty, you have committed an offence more than five years after a previous offence, you are treated as though it is a first offence. I believe that is an anomaly that needs to be reformed.

There is no criticism on my part of Judge Gordon Barrett, the District Court judge who heard this matter, who gave the defendant a $1 500 fine on Monday of this week, because he was constrained by the legislation. The five-year time limit means that, whatever the driving history beyond that time, it cannot be taken into account. This bill seeks to remove that constraint on the courts. Another way of putting it is that the courts at the moment have legislatively imposed blinkers on them in that they cannot consider what occurred beyond that five-year period, and that should be changed.

Yesterday afternoon, I was contacted by Leisha Petrys after she heard that I was proposing this legislation. I had several discussions with her and she indicated her full support. She felt that the justice system did not work in her case: that this person, who had not learnt his lesson previously, was able to get away with such a minor penalty, given the horrific consequences on Ms Petrys. As she said on Radio 5AA this morning, her parents were told to expect the worst when she was air-lifted to the Royal Adelaide Hospital from Eyre Peninsula. Members can understand why Ms Petrys feels absolutely aggrieved in terms of how the system works. She made very clear to the media and to me that her complaint was not with judge Barrett but with the way the legislation is structured.

In terms of research that I have had carried out in relation to this—and I am grateful to the Parliamentary Library research services—the time limits that apply in other states are as follows. In New South Wales, Queensland and the ACT there is a five-year time limit just as in South Australia. In Victoria it is 10 years, in Western Australia it is 20 years and in the Northern Territory there does not appear to be any limit. The Tasmanian position is unclear. As I understand, there have been some legislative amendments in relation to that. So, we are at the very low end of what I consider to be an artificial cut-off time with respect to prior offences.

When we look at the offences that this bill contemplates, we are dealing with excessive speed in section 45A and with reckless and dangerous driving in section 46. By way of comparison, the bill would ensure that, if it is a subsequent offence, there is a licence disqualification of not less than three years. With driving under the influence, under section 47, the subsequent offence goes from a fine of $700 minimum to not less than $1 500 with imprisonment of not more than three months for a first offence, not more than six months for a second offence; and with a licence disqualification for a first offence of not less than 12 months and, for a subsequent offence, not less than three years. This bill also relates to section 47B, driving while having a prescribed concentration of alcohol in the blood, and driving with a prescribed drug in oral fluid or blood under section 47BA.

Also, section 47E relates to the police requiring an alcotest or breath analysis, and a breach of that. Section 47EAA deals with drug screening tests, oral fluid analysis and blood tests; and section 47I deals with compulsory blood tests. Also, with respect to recurrent offences, this bill proposes to lengthen the period from three years to five years in terms of a person being eligible for a referral to an assessment clinic for drug and alcohol addiction because, if this bill is passed or supported in a substantial form, we will need to address that,

otherwise people will fall through the cracks in terms of the three or five year period that the bill contemplates.

So, I believe that if you have committed an offence that relates to being dangerous on our roads—reckless and dangerous, driving under the influence or driving with a prescribed concentration of alcohol with respect to excessive speed and all these matters that relate to the safety of other road users—there should not be a cut-off time. Other members might have another view, that we have a lesser period rather than being unlimited, or a period of 10 or 20 years. That is for the council to decide.

I urge honourable members to look at this from the viewpoint that the primary consideration is the safety of other road users. I believe it is an anomaly. The case involving Leisha Petrys, who sustained horrific injuries, indicates a pressing need for reform, and I urge honourable members to look at this matter and pass this bill and, in doing so, support reform as a matter of some urgency because, currently, the five year time limit sends the wrong signal to those who have a bad history on our roads.

Let us remember that we are talking about circumstances where people have been caught for an offence. You do not need any great power of deductive logic to work out that those who have been caught may have done the same thing on many other occasions but have not been caught. Let us send the strongest possible message to those who are habitual offenders with respect to changing this law once and for all. The five year time limit needs to be scrapped as a matter of some urgency. I commend the bill to the council.

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

BRADKEN FOUNDRY

The Hon. NICK XENOPHON: I move:

1. That this council notes—
   (a) The Environment Protection Authority (EPA) draft report of July 2006 entitled 'Stage One: Kilburn/Gepps Cross Area Study: Review of the Environmental Issues and Ambient Air Quality';
   (b) The EPA report of September 2006 entitled 'Reporting to the Community: Industry Environmental Improvement Project in the Kilburn and Gepps Cross Area';
   (c) The concerns of residents in the Kilburn area over air quality and associated health concerns, including the impact of the operation of the Bradken foundry at Kilburn on air quality and health of local residents; and
   (d) The granting of major project status for a development application for a proposed expansion of the Bradken foundry.
2. That this council calls on the Minister for Environment and Conservation to—
   (a) Require the EPA, as a matter of urgency, to undertake further environmental monitoring of the air quality of Kilburn, particularly in the vicinity of the Bradken foundry, and to publicly disclose all such monitoring results;
   (b) Request that the Minister for Health conduct an urgent health audit of Kilburn residents (including a comparative study) living in the vicinity of the Bradken foundry to determine any link between emissions from the Bradken foundry and health effects on residents; and
   (c) Request that the Minister for Urban Development and Planning defer any further consideration of the Bradken foundry expansion application until the further EPA monitoring and the health audit referred to have taken place and have been the subject of community consultation.

Along with a number of other members of parliament, both state and federal, I have been involved in this issue as a result of pleas from the residents of Kilburn with respect to their concerns about the Bradken foundry. I note that the Hon. Mark Parnell also has attended meetings with community members in the Kilburn area who are concerned about the impact of the foundry, as has the member for Enfield (John Rau) in whose electorate the foundry is located. His concerns with respect to the proposed foundry expansion and the existing impact of the foundry on local residents are well documented. Also, the federal member for Adelaide, Kate Ellis, has been outspoken on this issue and her concerns have been documented, and I will address those in due course.

I will speak to the motion in the order in which it has been set out. It states:

> That this council notes. . . the draft report of July 2006 entitled, 'Stage One: Kilburn/Gepps Cross Area Study: Review of the Environmental Issues and Ambient Air Quality [as well as] the EPA report of September 2006 entitled, 'Reporting to the Community: Industry Environmental Improvement Project in the Kilburn and Gepps Cross Area'.

It is important to refer to both reports because the draft report contains much more detail in terms of its impact on residents; and some fundamental questions need to be asked as to why the final report released to the community does not appear to contain what I consider to be very relevant important information for residents. That is why I endorse the comments of the federal member for Adelaide, Kate Ellis, who in her media releases quite deliberately uses the word 'whitewash'. This is something about which members should be concerned.

First, the draft report is some 35 pages long, with a number of appendices. It contains a considerable degree of detail about air monitoring and failures of the air monitoring that took place. The final report is some 16 pages long and there are notable omissions. The Minister for Environment and Conservation, when questioned on this issue on 28 September this year, indicated that it was her understanding that both reports were publicly available. My understanding is that the draft report only became available as a consequence of an FOI request and that it would not have seen the light of day without that. Again, this is something on which the minister could comment, but my real concern is that the draft report would not have seen the light of day.

What is the difference between the two reports and some of the information contained therein? I will touch on that briefly. In relation to the issue of PM10 monitoring, I will refer to what the federal member for Adelaide said in her media release of 28 September 2006. She and her officers trawled through 3 440 documents obtained via freedom of information laws with respect to the proposal for the Bradken foundry to undergo a significant expansion.

The concern of residents has always been that, if we have health and environmental concerns with the current foundry, how on earth can we have a proposed expansion of the foundry to give it major project status and to virtually triple the output of the foundry, bearing in mind all the concerns associated with that? How can we go forward when we need to deal with the existing problems that residents have faced for a number of years? I have been there on several occasions on days which I have been told are not too bad, but I could smell a very distinct acrid odour in the air, and all the evidence points to its coming from the Bradken foundry.

In her media release of 28 September Ms Kate Ellis talked about the differences between the draft report and the actual report, and I list the dot points contained in her media release as follows:

- The draft EPA conclusion that there is a 'high risk' that national environmental standards will be breached at Kilburn—

this is not in the final report.

- Any specific references to the local foundry—Bradken—

apart from the end of the final report, I understand.

- Any references to the series of errors and 'laboratory mistakes' that occurred during the monitoring—

I will talk about that later.

- The serious health consequences of breaching national standards for small particle emissions—

the so-called PM10s.

- The strong odour in the area, which had been described previously by the EPA as 'hedonic' and 'foul', and had determined Bradken to be one of the main contributors to that odour problem.

These are matters which were raised in draft reports in earlier information but which were not in the final report. I do not think that is good enough.

The reasons given by the Minister for Environment and Conservation were (and I want to quote her fairly), in part, as follows:

> That scientific report was then redrafted into plain English to make the information more accessible to the general public. That was circulated at the meeting last night—

this is the meeting on 27 September—

> and was released quite recently.

I do not read it as being a plain English redrafting when those sorts of details are taken out. So, with respect to the minister, unless I am missing something fundamental here, if those sorts of details are taken out, I believe that that goes beyond making it accessible in plain English. I do not underestimate the commonsense and intelligence of the residents of that area to analyse material, to look at research material and the testing results, and to make up their own mind in relation to that.

There was a bungled process, in that there is no mention in the final report of the fact that PM10 monitoring data was lost for a period of four days over 16, 17, 18 and 19 August at Kilburn, which is vital, given that we have four days in which the standards have already been breached. One of the key findings in this report is that there were four days where the PM10 (the particulate standards) were breached. The national standard indicates that it should not be more than five times. Five times and over is a breach, and there is a reason for that, because of the very serious health concerns that can arise out of those breaches. Once you go over this level, there is a real concern of increased health risks and carcinogenic concerns—and I think the Hon. Mark Parnell has looked into this in his previous life as an environmental lawyer. This is not a trivial matter.

The monitoring was over a period of some three months, and there were four breaches over that period. To me, using simple arithmetic, that indicates that, in all likelihood, it would have been breached, but a conclusion was reached that it was only four times over a much lesser period than the five times per year. The following are some of the other things that were changed in the report. The draft report stated:

> Short term continuous monitoring identified a high risk of the National Environment Protection (ambient air quality) Measure PM10 goal being exceeded in the. . . area. If continuous monitoring was carried out for a 12-month period and this trend were to continue it is highly likely that PM10 recordings will exceed the NEPM goal of not more than five events above the NEPM standard for PM10 per annum.

Those last few words, starting with 'highly likely', appear to have been deleted from the final report. Why is that? The following two paragraphs in the preliminary report, which reveal the extent of the problem relative to the other residential areas, were omitted:

> During the Kilburn monitoring period using continuous data collection there were four events that exceeded the NEPM Standard at Kilburn and no events at Netley or Kensington. These events above the NEPM Standard were localised around the Kilburn area with Kilburn dust loadings being between 47 per cent and 269 per cent more than the Netley dust loadings on the same days.

The document further states:

> Regional events affecting the entire Adelaide air shed were present at (Kilburn) however the average PM10 dust level measured at Kilburn was 35 per cent greater than Netley and—

and this was deleted, as I understand it, from the final report—

> 101 per cent greater than Kensington for the same period.

Further details were omitted from the final report and, again, it is directly linked back to the emissions. The quote to which I have referred that was in the draft report was as follows:

> Dust levels appear to be higher in Kilburn and Gepps Cross when the wind is from a north-west to north-easterly direction. Hence it would be expected that the source/s of PM10 arise from a site/s residing in this direction from the monitoring sites.

The sentence beginning 'Hence it would be expected' was removed from the final report. Bradken is directly north of the monitoring area. These are questions that need to be answered. The minister said that this goes beyond planning.

The residents have legitimate concerns. I commend the residents for expressing their concerns, raising this issue, lobbying hard and speaking out. In particular, I commend Emmanuel Psaila who is one of the community leaders who has been fighting on this particular issue. What was shown to the public in terms of a final report does not correlate at all with what was in the draft report. There is also the issue of the major project status which has been granted. The concern of residents is that they will not have the same capacity to object as if it were an ordinary application—and I will defer to the Hon. Mark Parnell and his expertise in relation to that. I believe that the concerns raised by residents in the Kilburn area about air quality and associated health concerns are legitimate.

I have spoken to many residents who are concerned about issues of asthma, respiratory problems and feeling ill. That is why this motion calls on the Minister for Environment and Conservation. I make it clear that this motion does not condemn the minister. This is about doing the right thing by the people of Kilburn. It would have been easy to move a motion condemning the minister, or whatever, but that is not my intention. That is not what the residents of Kilburn who have been affected by the Bradken Foundry for so many years want. They want their concerns to be looked at appropriately and thoroughly. They do not accept the botched testing procedures and there being only three months or so of testing when there have been four breaches, especially when the national guidelines say that it should not be exceeded five times in a year.

They want the EPA to undertake further environmental monitoring of the air quality of Kilburn, particularly in the vicinity of the Bradken Foundry; to publicly disclose all such monitoring results; and, further, to request that the Minister for Health undertake an urgent health audit of Kilburn residents, including a comparative study which obviously would be conducted in an area where there is not that level

of pollution and the PM10 levels are much lower and which would take into account like for like in terms of various demographic, social and economic factors. Let us see how these people have been affected as a result of these emissions, emissions that go beyond national standards. They also want the minister to request that the Minister for Urban Development and Planning defer any further consideration of the Bradken Foundry expansion application until further EPA monitoring takes place and there has been a health audit.

These people deserve better. They feel that they have been marginalised; they feel that they have been ignored. I commend the member for Enfield, John Rau, for expressing his concerns on behalf of residents and the federal member for Adelaide, Kate Ellis, for being so outspoken and doing the hard yards in raising these issues. State and federal Labor members in this area have raised their concerns on behalf of their constituents. I just hope that this government heeds those concerns in the way that these residents deserve. This has been going on for too long. I have indicated that the process appears to have been flawed and botched for whatever reason. On that basis, we should go back to the drawing board and give these people what they deserve in terms of appropriate monitoring.

Let us have a health audit for that area, given the impact of these high PM10 levels of pollution and emissions. I refer to appendix 5 'Health effects of respirable particles' from the National Environment Protection Council and prepared by Dr Johnathan Streeton. Some of the matters that need to be taken into account include:

- increases in total mortality ('all causes'), as well as in mortality from respiratory or cardiac disease, of the order of 1 per cent for every 10 microns per square metre increase in PM10 levels,
- increases in hospital admissions for respiratory, and (probably) cardiac conditions,
- increases in hospital casualty and medical surgery visits for asthma and other respiratory conditions,
- increases in functional limitation as indicated by restricted activity days or, in the case of children, by increased frequency or absence from school,
- increases in the daily prevalence of respiratory symptoms, and
- small decreases in the level of pulmonary function in healthy children, and in adults with obstructive airways disease.

These matters cannot be ignored. That is why it is so important that the minister heeds the concerns of residents, the Labor member for Enfield and the federal Labor member for Adelaide and takes decisive action in relation to this proposal and what these residents are now experiencing as a result, it appears, of the Bradken emissions.

The Hon. M. PARNELL: I rise to support this motion, and I congratulate the Hon. Nick Xenophon for bringing it before the council. The residents of Kilburn deserve the support of this council and all its members in their quest, which is not an unreasonable or unfair quest. All they are asking for is the right to live in a clean and healthy environment—an environment that does not make them sick, and an environment that does not lead them to live in locked houses where they cannot open their windows or doors. I know that the residents of Kilburn have been talking with the residents of Torrensville, the residents of North Plympton and even the residents of Whyalla—the people who have fought these types of battles before.

It is great that these community groups are getting together because lessons can be learned from the way in which we have mishandled these issues in the past. The EPA often refers to these matters as 'legacy issues'. The EPA says, 'Look, it's unfortunate that the foundry is in the residential area. It is not our fault; it goes back decades. We just have to make the best of that situation.' I am not satisfied with that answer, and I do not think that this government or previous governments have been satisfied either, which is why we have established places in which these dirty industries can locate.

We have a cast metals precinct at Wingfield, which is designed to be away from where it will have an adverse impact on local residents. To put this Kilburn issue in context, I will talk very briefly about the impact of foundries in general on local communities. My first involvement was on behalf of the residents of Torrensville, who were fighting against pollution from the Hensley foundry—Mason and Cox, I think it was called originally. That issue was resolved satisfactorily only when that industry moved. Clearly, it was going to be an inappropriate land use in its location. In fact, I had some sympathy with the foundry which was concerned about the nearby old Hallett Brickworks' site, which was vacant land and earmarked for housing.

The foundry said, 'If we allow that residential site to develop, that's where the complaints will come from.' Sure enough, the development went ahead and that was where the complaints came from. It is not often that I have a lot of sympathy with industry in these cases, but I had sympathy for it in that instance—it knew what was coming; it knew the interface between residential and industrial land, particularly in relation to foundries. Anyway, that was resolved by the foundry moving. We then had the case of Castalloy at North Plympton. That matter has occupied a great deal of time over the past couple of years. It was mentioned on many occasions in this place and it featured strongly in the newspapers.

It might have also been the number one hot-spot location of complaints to the EPA. When one talks to the residents who fought that foundry battle one finds that they were mucked around year after year by broken promises on the part of industry and broken promises on the part of government. I got involved at the stage of the dispute going to court. I spent two years representing the Western Suburbs Residents Environmental Association in its reasonable quest for a clean and decent living environment. Again, that matter was eventually resolved. However, it was not resolved by the foundry moving. It was resolved as a result of a couple of things.

First of all, the company went belly-up, because companies that manage their environmental performance badly often manage their economic performance badly. The new people who came into that place removed one of the smelliest parts of the operation. Also, the court case was settled, and it was settled by the EPA, the company and the residents agreeing on a plan that would reduce the smell and the noise over a reasonable period of time. Even though the residents of North Plympton had the patience of saints, they were still prepared to wait another year or so for those changes to come into effect. If members look at the EPA's website, I am sure they will find the photo of the smiling people signing the heads of agreement that ended the court action and, hopefully, will end the problems at North Plympton.

Just last weekend I received an email from a resident of North Plympton, a member of the community who was most active. He said:

> It is now 3 months past the date of compliance and we are still subjected to issues of high concentrations of odour beyond the stated thresholds.

By which he means: beyond the amount that we had all agreed and put in the court settlement documents. The resident continues:

> This situation continues to be unsatisfactory, and given the history of this site, and the lack of due diligence of the EPA in the past, it seems that history is bound to repeat.

The clear message from the people of Bradken is that you can get promises, but you trust those promises at your peril. The Hon. Nick Xenophon referred to the promise, that is, that we are going to treble the output of this smelly foundry and, in the process, we will clean it up so you will hardly know we are there. The residents of Kilburn are not stupid. They have seen what has happened elsewhere. They have seen where promises have been broken. It is counter-intuitive to them, as it should be to all of us, that the likely outcome of a trebling of production with existing environmental problems, is that that trebling is actually going to make things better.

The Hon. Nick Xenophon: Bradken's going to be clean.

The Hon. M. PARNELL: Bradken is going to be clean, as the Hon. Nick Xenophon says—cleaner. They do not believe it at Kilburn and I do not blame them for doubting those assurances. I will refer briefly to an article I was faxed very recently. It comes from today's *Standard Messenger* under the headline 'Council loses faith in environment watchdog'. The first couple of sentences state:

> Port Adelaide Enfield Council has lost confidence in the state's environmental watchdog and demanded that the State Government detail how it will fix local air pollution. The council at its October 17 meeting unanimously passed a vote of no confidence in the Environment Protection Authority (EPA), claiming it is under-resourced and cannot address air pollution issues adequately.

The article continues:

> The move follows air quality tests near Adelaide Brighton Cement, at Birkenhead, and the Bradken Foundry, at Kilburn, which revealed nearby residents were exposed regularly to pollutants that exceed National Environment Protection Council (NEPC) standards.

They are the standards that the Hon. Nick Xenophon referred to: standards of exposure to PM10—or particulate matter of size 10 microns or less. I will repeat the figures: four exceedances in three months. To put that into some sort of context—and this is not at all to devalue the experience at Bradken—in the past month, the residents of Whyalla got their entire year's quota of dust (their whole five exceedances) in eight days. No-one in the medical profession doubts that that is a serious risk to health. The risk is there to the Bradken residents also.

The motion that I support calls on the EPA to undertake further environmental monitoring. It is clear that environmental monitoring—pollution monitoring—is absolutely critical to be able to, first of all, identify the problem and its source and, secondly, identify the risks that are involved. Clearly, not enough resources are being put into the EPA to assist it with its monitoring. It has always been a difficult one, and I come back to that *Standard Messenger* article: is it the EPA's fault? There are three possible reasons when things go wrong in the pollution area when it comes to an independent regulator such as the EPA: first, the law is no good; secondly, the EPA does not have the resources; and, thirdly, the EPA does not have the political will to tackle these issues. Those are the three main reasons that are usually posited.

I do not think that it is a question of the law being inadequate. The EPA has considerable powers under its legislation. It has the power to require companies to monitor their pollution. So, when you talk about the toothless tiger, my analysis is that, in the dental department, the EPA is actually relatively well-endowed. What it lacks, of course, is ears, eyes, noses and limbs—

The Hon. S.G. Wade: Legs.

The Hon. M. PARNELL: —and legs to get about, but, in the dental department, it is doing well. That is the legal issue. Is it to do with resources? Yes, it is. I was helping the residents of Whyalla to get a monitoring machine to measure not just the PM10 (dust particles of 10 microns or less) but PM2.5—even smaller particles of pollution. I use the word 'dust', but we are not just talking about naturally occurring dust; in fact, it is any particulate—it can come from diesel exhaust or industrial pollution. We could not get the PM2.5 monitors at Whyalla because the EPA did not have them, or did not have sufficient numbers of them, and the EPA has competing priorities.

There are also timber mills at Mount Gambier with particulate pollution issues. There is Adelaide-Brighton; there is Bradken. There are all these places calling out for monitoring machines to be located, but the EPA does not have them. The community, I think quite reasonably, does not always trust the company's own monitoring. It wants the independent watchdog—the EPA—to do its own monitoring. People feel more confident with that, although I think that confidence has been shattered somewhat—the Hon. Nick Xenophon referred to this—when the wording of the reports of their monitoring changes between draft and final. The phrase 'watchdog' is often applied to the EPA. Someone said the other day that 'watch puppy' is probably a more appropriate description.

The laws are not necessarily bad; the resources are certainly bad. In fact, further on the subject of resources, members might know that currently the EPA is undergoing a review of its licence fee structure. It is having a look at how to integrate a more polluter-pays system, and it will work out a different formula for charging pollution licence fees. Those licence fees are a big part of the budget that the EPA uses. However, the problem, of course, is that the government said to the EPA, 'You can tinker with your licence fees provided you do not raise any more money. We are happy for you to have some industries paying a bit less and others paying a little bit more, but the government has put a cap on the EPA's ability to raise money for things such as monitoring through licence fees.' I think that is not the way it should go. The EPA should have been given an open brief to actually come up with a licensing regime which makes polluters pay and provides resources to the EPA for things such as monitoring.

The monitoring situation at Bradken can certainly be improved. We have to make sure that there are a number of different types of monitoring. It is very important to have monitoring on the boundary of the site. It is also important to have monitoring at the closest sensitive receptors—which means not that far from the boundary of the site: we are talking about houses across the road, basically, in Bradken's case—and it is important to have background monitors. Having background monitoring is crucial to being able to rule out extraneous factors.

That is how it has worked in Whyalla. Whyalla has had monitoring stations around the steelworks, and they have had other monitoring stations well away in parks. You will find that the pollution levels at the monitoring stations near the steelworks are through the roof and that the park monitoring station is very quiet. This rules out the excuse that companies often give that there were extraneous factors, such as a dust storm which came out of the desert, or something like that.

However, one difficulty in a situation such as Bradken's is that, clearly, it is not the only show in town. It is not like Whyalla, where you can pinpoint exactly where the pollution is coming from because it is the biggest and pretty well the only show in town. There are other industries around, and they are often used as an excuse. When people complain about a particular industry, those in government say, 'But we can't be sure that that's where the smell came from, or where the pollution came from. It might have been from the factory behind.' Inherent in this motion is the concept that we need to do the monitoring better.

The regime for pollution control in this state is largely complaint driven. This is not ideal, but the reality is that that is how it works. The EPA has the ability to identify who is complaining, what they are complaining about, where they live and what their symptoms are. It can superimpose that map over wind direction maps and work out where the pollution is coming from. So, it is important for it to do both ambient and site monitoring.

The health survey called for in the motion is a very important part but, again, it will be crucial that it is done properly. I mentioned before the Castalloy foundry pollution dispute that went for many years. A health study was commissioned in that case, and it attracted a fair bit of criticism from the community, who did not believe that the right questions were asked or that the survey was formulated very well. Even given those complaints, I think that the results give a good snapshot of what it is like to live near a foundry such as Bradken.

For example, the results of the survey showed that 49 per cent of residents (nearly half) reported the pollution as a 'distinct annoyance' or 'unbearably serious'. So, nearly half of those surveyed have it at the top level of complaint. Again, these figures relate to Castalloy, but it is a similar case in terms of the type of pollution: 31 per cent of people said that the smell prevented them from getting to sleep; 48 per cent complained that their sleep had been disturbed by noise; and 44 per cent complained that their general amenity of life was adversely affected. I think that, from the people who have come to me and from those who have spoken to the Hon. Nick Xenophon, that sort of survey will come up with those sorts of results.

However, we have to be a bit more serious than just asking people whether they have sore throats and runny noses and how often they go to the doctor. There are serious health concerns which require more in-depth surveys and which look at medical records. Of course, there are difficulties with these types of surveys. What we found in the Whyalla situation was that, even though the pollution levels were high enough that every study done anywhere in the world showed that there was a risk to health at that level of pollution, unless you can walk into a hospital, point to the person in bed No. 54 and say, 'That person is affected by that pollution,' it is very difficult to get governments to take it seriously. I think that questions need to be asked in relation to respiratory statistics, which would be held by local GPs. We have to look at hospital data as well and not say that it is too hard and that we cannot try to do these surveys.

The third aspect of this motion calls on the Minister for Urban Development and Planning to defer further consideration of the Bradken expansion until the monitoring and the health studies have been done. The declaration of the Bradken foundry expansion as a major project was much criticised in the community, and members would recall a full-page article in *The Independent Weekly* a couple of months ago that criticised the government for using the major project status. The criticism was largely related to the fact that, were it not for that status, the type of development that was proposed would have been processed by the local council as a category 3 application, which meant that people would have had a right to comment and also a right to go to the umpire. They would have had the right to go to the Environment, Resources and Development Court to say why they believed that the trebling of production at a foundry in a residential area was not a good idea.

I know that the minister has stated in this place (and elsewhere) that he often sees himself as between a rock and a hard place because people like me criticise him when he does not call some projects in as major projects—and I stand by that; I certainly criticise the government for not calling in Penola—and that other people criticise the government when it does. But I think it is quite unreasonable for the minister to then say, 'Well, I can't win.' The issue here is the misuse of major project status and, in particular, misusing it when you know that there is a body of criticism out there and you are determined not to allow local people to have the right to go to the umpire.

In conclusion, I think that the residents of Kilburn are right to be sceptical of the major project status. I think they are right to be alarmed that a trebling of output of this existing pollution problem is somehow going to reduce the problem. I urge all members of parliament to attend the next meeting of residents, on 18 November, to hear first-hand from people about what the issues are and what those residents have experienced. Having said that, I will say that it is great to have industry in South Australia, and it is great to have an industry that wants to expand—that is terrific. What we have to do is make sure that the industry is properly located and is given assistance to expand into appropriate areas.

I say that what the minister for planning should have done, when calling this in as a major project, is to have used that opportunity to say to Bradken, 'I am calling this in as a major project and I am saying no, and I am saying no now.' That is something that the minister has the right to do under major project declaration. So, I think we can use the opportunity of this motion—and I urge the government to take it on board—to encourage industries like Bradken to expand but in more appropriate locations. I commend the motion to the council.

The Hon. I.K. HUNTER secured the adjournment of the debate.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 768.)

The Hon. S.G. WADE: I rise to contribute to the debate on the second reading of the bill tabled by the Hon. Michelle Lensink. The bill proposes to amend the De Facto Relationship Act 1996, the Family Relationships Act 1975, and various other acts to extend rights and duties to certain domestic relationships. This bill has a long history and, if I might say, a mixed parentage. In October 2000 the South Australian Labor Party adopted as policy a commitment to remove discrimination in state legislation against a range of sexual minorities—that was six years ago. In 2002 the Labor Party went to the election with this commitment as policy. In

2004 the original form of this bill was introduced by the Rann Labor government. In spite of opposition from the government the bill was referred to the Social Development Committee by this council, with the support of all Liberal and Independent members.

The government re-introduced the bill to the Legislative Council in an amended form. The Legislative Council passed the legislation with further amendment, but the bill was not progressed by the ALP, even though the House of Assembly had nearly two clear sitting weeks to deal with the legislation, and in spite of the expectation that the assembly would have supported the legislation. The Labor platform for the 2006 election stated:

> Labor values the diversity of family structures and relationships that exist in South Australia today. We will continue to support full equality in law for LGBTI relationships and family structures.

We had the election and the government was returned. During the election the Labor Party promised that:

> A Rann Labor Government will reintroduce our bill to remove discrimination against same-sex couples in the next session of parliament.

That did not happen. The behaviour of the government on this issue demeans politics. For six years now the ALP has promised to act. Its persistent failure to progress this legislation mocks its promise and shows its commitment to address these crucial issues is hollow. Whether or not this parliament in the end supports the legislation, those who voted for the ALP on the basis of the promise and those who may be affected by the bill have the right to have the issue determined one way or the other. In this context it took three non-government members of this chamber to take action in fulfilment of the government's promise.

The bill is primarily about extending rights and responsibilities which currently apply to married couples and those in heterosexual de facto relationships, to couples in homosexual de facto relationships and domestic co-dependent relationships. The bill deals with a broad range of issues, from general property rights, to rights as next of kin, to conflicts of interest, to family responsibilities. In moving the bill the Hon. Michelle Lensink indicated that the detail of the bill needs further work. I am supporting the second reading because I support the thrust of the legislation and am willing to consider amendments to improve the legislation in committee. I would like to outline the broad grounds on which I support the second reading of this bill.

I support the bill because it removes unjustifiable discrimination. Opposite-sex partnerships are legally recognised in South Australia by three classes of relationship: marriage, de facto status or as putative spouses. Same-sex relationships are not recognised in South Australia. These relationships lack the legal rights, benefits or obligations possessed by opposite-sex partnerships. In this respect the law is discriminatory. Laws often discriminate. The question is not whether discrimination exists but, rather, whether the discrimination is justifiable in the public interest. I consider that general discrimination against same-sex couples is not justified. All other things being equal, society benefits from long-term commitments to mutual supportive relationships. Such relationships tend to enhance quality of life, emotional, financial and psychological wellbeing—not merely dependence but interdependence develops. Support that might otherwise have to come from society generally is provided by the couple, one to the other. Society should recognise and support this interdependence.

Further, in terms of public interest, I believe the state should not discriminate between citizens in areas beyond its appropriate domain. As a Liberal I consider sexual relations between consenting adults in private as being beyond the appropriate regulation of the state. Homosexual activity is a legitimate choice in a pluralist society. Given that this state decriminalised homosexual acts around 30 years ago, I consider that it is not appropriate for detriments to be imposed on same-sex couples as a matter of consistency. Some people may oppose this bill because they do not accept the original legalisation of homosexual acts. If that is their position then they should seek to have the law changed to recriminalise homosexual acts. I would not support such a move.

The bill, as I read it, affords no special benefits to same-sex couples—it seeks to remove detriments which currently exist in the law, and even remove some relative benefits enjoyed by same-sex couples. The bill does not promote same-sex couples but simply seeks to provide fair treatment to them. Secondly, I support the bill because it imposes responsibilities and detriments. I also consider that removing discrimination in state law is necessary to impose comparable responsibilities on same-sex couples as are borne by opposite-sex couples, and to remove some benefits held by same-sex couples. Some laws provide protection to others: for example, under the Domestic Violence Act 1994, a same-sex partner could seek a restraining order against family members.

Some of these laws confer responsibilities: for example, under this bill the law will for the first time recognise same-sex partnerships as relevant interests under conflict of interest provisions. Some of the laws confer benefits: for example, under the First Home Owners Grant Act 2000, a person whose same-sex partner owns a home or has had a grant in the past can nonetheless claim the first home owner's grant. In terms of benefits, responsibilities and protections to others I think that it is appropriate that same-sex couples be put on the same footing as opposite-sex couples.

Thirdly, I support the bill in recognising domestic co-dependents. In the course of the work of the Social Development Committee the committee was made aware of another group of South Australians who are disadvantaged under current law: that is, domestic co-dependents, cohabiting co-dependent people who are not in a sexual relationship. I am delighted that the Hon. Ms Lensink's bill provides more equitable arrangements for this group of persons.

I acknowledge the work for justice in the area done by the Hon. Andrew Evans and the former member for Hartley, Mr Joe Scalzi—my long-term friend and a good Liberal. I will not dwell on this element because I expect that this aspect of the legislation will not be controversial. However, I take this opportunity to record my appreciation of the positive impact that the care and commitment of domestic co-dependents has had on the health of our society.

Fourth, I support this bill on the grounds of realism. The law needs to reflect the reality of the social environment in which it operates and to seek to promote justice within that milieu. In his second reading speech on the De Facto Relationships Bill 1996 the then attorney-general, Trevor Griffin, said:

> Given the number of couples who do not marry, the government considers that the law should provide a fair and equitable system to resolve property disputes that may arise when a de facto relationship ends. This is not a judgment about the morality of de facto relationships. It is a recognition that there are de facto relationships and that

partners presently do not have easy access to the courts to resolve disputes about property. . .

Similarly, in this bill the council should avoid moral judgments and rather seek to provide fairness and equity in the reality of our contemporary society.

I would like to make some comments on the separation of church and state and the place of marriage in our society. I believe we should celebrate and jealously guard the separation of church and state. For its part, the Christian community should not seek to have the Christian moral code codified in the laws of this state. We live in a pluralist society where people have the right to choose how they live. On the other hand, the state and this parliament should respect the church and its freedom to maintain its moral code within its faith communities and to participate fully in the marketplace of ideas, expounding to the community what it believes is the right way to live. The passage of this bill will not impede the mission of the church to proclaim its own view of moral order.

In this context I would dissociate myself from the comments made by the Hon. Sandra Kanck, one of the sponsors of this bill, who attacked religious belief in her second reading speech. The Hon. Sandra Kanck argued that some of the most irrational representations she had received on this issue were from, to use her words, 'so-called Christians'. In this context she quoted a correspondent who wrote to the Premier, saying:

> You are only in power today because God has allowed it and you will remain in power until he decides otherwise. In line with that, you and your government will be held accountable to God for your and their decisions.

The Hon. Ms Kanck asserted that this statement reflects 'the most incredible arrogance and paternalism'. She may regard it as arrogant and paternalistic, but it is a legitimate and not uncommon religious perspective. She clearly does not share the religious presuppositions of the correspondent, but pluralism in a liberal democracy does not require unanimity on a non-religious world view: it does require mutual tolerance and respect.

Ms Kanck went on to selectively quote from scripture to try to lampoon those she called opponents of equality who selectively use parts of the Bible to justify what she regards as vilification. She then favourably quotes the philosopher John Locke who said, in a 1689 letter concerning toleration, that:

> No private person has any right in any manner to prejudice another person in his civil enjoyments because he is of another church or religion.

Interestingly, her quote from Locke is itself selective. John Locke was not a proponent of toleration as the Hon. Ms Kanck presents it. Locke considered that toleration should be limited to religious people and should not be extended to atheists. In the same letter from which the Hon. Ms Kanck quotes, Locke states:

> Lastly, those are not at all to be tolerated who deny the being of a God. Promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all;

As the Hon. Sandra Kanck seeks to use inconvenient texts 300 years old, perhaps she should be more tolerant of those seeking to use texts more than 3 000 years old.

As this debate progresses I would urge participants to refrain from attacks on religious beliefs per se. Views informed by religious presuppositions have a legitimate place in the marketplace of ideas. This chamber should be informed by that marketplace as it legislates for this state, but it is not the role of this chamber to engage in theological conflicts, to try to resolve fundamentally different world views, or to legislate a moral code dependent on any one of these world views.

I turn now to the institution of marriage. I am a supporter of the institution of marriage as a building block of our society and our community. The Social Development Committee noted that the original bill—and, by association, this bill—does not and cannot alter the legal rights of married people, as they are a matter of commonwealth law. Under state law, de facto and married couples already have equal status regarding the vast majority of legal entitlements and duties. Some see the law's according of entitlements and responsibilities to de facto couples as undermining marriage. Given that same-sex couples cannot access marriage, I think there is potency in the argument that granting them access to the entitlements and responsibilities accorded to couples does not undermine marriage and, in my view, this bill does not undermine the institution of marriage.

I understand that South Australia is the only state that has not yet removed discrimination against same-sex couples in state law. I note that, in spite of a strong Liberal commitment to the institution of marriage and the Howard Liberal government's active opposition to the ACT civil unions legislation, the commonwealth has not acted against these state laws. I take it that the commonwealth is also of the view that the laws do not undermine marriage. In fact, I note that the commonwealth is reportedly looking at similar reforms of its own.

The Australian of 21 October 2006 reports that 'John Howard has pledged to tackle legal discrimination against gays and lesbians.' Areas said to be part of the review include: access to the Medicare safety net; the couples' rate threshold for the Pharmaceutical Benefits Scheme; migration law; tax; social security; and superannuation. This is not a change in approach for the Howard government. In a paper dated January 2006, former Democrat Senator Brian Greig states:

> The Howard government has done more to legally recognise same-sex relationships in the past 13 months than previous Labor governments did in 13 years. Under Howard, same-sex couples have limited rights to superannuation death benefits, are recognised in passport application processes and beneficial definitions in anti-terror laws, while those in the military now have equal rights to relocation and accommodation expenses and access to defence force home loan grants. None of this was forthcoming under Hawke or Keating despite lobbying on some of these issues. Labor moved some modest reforms during its reign of government but it was timid.

Timid—a good word to describe this Labor government, too. Same-sex couples have waited for six years for this government to fulfil its promises, but still they wait.

In conclusion, I would like to turn briefly to the future. One of the sponsors of this bill, the Hon. Mark Parnell, indicated that for him the bill was the first instalment in a wider agenda for reform, including marriage, parental rights and equal access for lesbian, gay, bisexual, transgender and intersex people to adoption, fostering, artificial insemination, sperm donation programs and in vitro fertilisation procedures. I will not enter these debates at this stage. Suffice to say that I do not think that all differences in the way different situations are treated by law represent unjustifiable discrimination. I support the second reading of the bill and I look forward to the committee stage.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (RETAIL DISPLAY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 761.)

The Hon. D.G.E. HOOD: I rise to indicate Family First's support for the second reading of this bill. This bill seeks to amend the Tobacco Products Regulation Act to ban the display of cigarette advertising at retail outlets and, as it turns out, to regulate the placement of cigarette vending machines. Family First supports a tough stance on smoking, particularly the promotion of smoking, as it does with respect to illicit drug use and unregulated alcohol use.

In the smoking arena, there is one form of advertising we do like, and that is the type which, according to today's *Advertiser*, quoting the Hon. Chris Pyne, the Parliamentary Secretary for Health and Ageing and also the member for Sturt, has resulted in a doubling of calls to the Quitline. I refer to the graphic colour ads on cigarette packs that we have seen in the chamber today. It says something about the human condition (and I think this is a tendency in all of us regarding our particular vices) that, despite the consequences being clearly in front of us (as is the case with the cigarette packaging), some people choose to continue to ignore the warnings and continue their habit and therefore the harm to themselves. Parliament has rightly said to tobacco smokers that the damage to themselves and the community means that governments must actively discourage smoking, and Family First certainly supports that perspective.

The bill removes tobacco advertising at the point of sale. In his second reading speech, the Hon. Nick Xenophon has quoted several leaders in the health industry, noting their view that 'Adult smokers. . . already know which cigarettes they want to buy before entering the shop,' and we suspect that that is always the case. I see no need for tobacco advertising at the point of sale, as I believe that people who go up to the counter to buy cigarettes know exactly what they are looking for and, indeed, what brand, etc. The only likely reason to differentiate would be price, and the Hon. Mr Xenophon has outlined that issue in his second reading speech. Indeed, as I recall, the Hon. Mr Xenophon was a little rushed in his second reading speech on that day.

The Hon. Nick Xenophon: What's new?

The Hon. D.G.E. HOOD: That's right. So, perhaps he meant to mention some of the specifics of that but time did not permit. Upon inspection of the bill, I note that a price list can be produced upon request to a prospective cigarette purchaser at the retail outlet. As I have said, this helps the customer to decide to buy based on the prices before them. If a person was committed to one brand but sees that another brand is cheaper, they might buy that brand—and Family First thinks this is a fair approach. The price list is to be accompanied by the 'albatross around the neck', being the warning of the dangers on the packet itself.

One concern I have about the burden placed upon retail outlets in this bill is the impact upon South Australian families operating or employed by Smokemart or similar chains. I have in mind not only the retail premises in shopping centres and those that have tobacco-related products as their primary merchandise but also the drive-throughs we see, for instance, on Anzac Highway at Kurralta Park. The Telstra *White Pages* records some 34 Smokemart outlets in metropolitan Adelaide alone, Proprietors of stores such as Smokemart have gone to great expense to establish premises that would likely become white elephants if this law were enacted. I am not for a minute defending stores whose primary purpose is to sell tobacco products, but we are Family First and our conscience tells us that, if we pass this bill, a significant burden will fall upon those families connected with these businesses.

We will closely watch the government's response on this issue, and we call upon it to consider exit packages for these kinds of businesses in order to provide them with some sort of compensation should their businesses suffer considerably from this proposed law, as we expect they will. No doubt, there will be a significant cost involved, but it is better that we stop their growth sooner rather than later. I place on record our concern, and I will return to that issue at the conclusion of my speech.

I note that the honourable member's bill also regulates the placement of tobacco vending machines. Under this bill, they will appear only in prescribed locations at gaming venues if they are coin operated, or anywhere else in a licensed venue so long as they are token operated, that is, non-coin operated. These machines will also be accompanied by the requisite 'albatross around the neck', if I can use that expression again, that is, the sign showing the dangers of smoking, which Family First certainly supports.

It appears that the Quit message is getting through worldwide, with the USA and even European countries starting to see a decline in the number of people choosing to smoke. Therefore, it seems there is a positive result around the world. Even China, with its massively growing economy, although very late in the take-up, seems to be heading in the right direction as well. In Australia, the figures are such that, on a graph, it is possible to estimate when we will have zero levels of smoking. No doubt, we will never achieve such a figure, unless cigarettes are completely outlawed.

I believe that the Hon. Sandra Kanck has raised a legitimate point that, if we do get to that level, the development of a black market for cigarettes may arise in that situation. Also, whilst pushing a zero policy as the ultimate goal may be a little ambitious, pushing it towards that level is beneficial to the health of individuals and to the future of our community and state. As of 1 October this year, due to the passing of a deadline under the commonwealth Tobacco Advertising Prohibition Act 1992, gone are the days when Formula One drivers zipped about our TV screens with certain cigarette brands plastered all over their vehicles, and long gone are the cigarette company sponsorships of the one-day cricket series and other major sports events.

Indeed, recently we have seen Pura milk become the sponsor of the Sheffield Shield, which is obviously a healthy development and replaces what was tobacco advertising in the past. Family First receives no donations from the tobacco industry and never will. We have no qualms at all about the further eroding of the market for tobacco smoking in this state. I have placed on record Family First's concern about the impact on families of the conceivable closure of smokemart drive-throughs and other retail outlets of a similar nature. If the government is willing to go the distance with this bill, we think that there will be a financial cost. From our perspective, however, the community benefit far outweighs that cost.

Just like the sporting advertisement ban, which took some six years to come into full effect, and given the likely dent in

the government's budget from this reform, perhaps there ought to be a transition period in so far as it relates to outlets dedicated exclusively to tobacco sales. By comparison, supermarkets and the like will not suffer greatly, and I see no need for a long lead period for them. I will be guided by other members and will consider the phasing-in in the committee stage but, in principle, Family First supports this bill and its second reading.

The Hon. I.K. HUNTER secured the adjournment of the debate.

UNITED NATIONS POPULATION REPORT

Adjourned debate on motion of Hon. I.K. Hunter:

That the Legislative Council of South Australia—

1. recognises that—
   - (a) a report from the United Nations Population Fund (UNFPA) State of the World Population 2006-a Passage to Hope: Women and International Migration-was released on 6 September 2006;
   - (b) women constitute almost half of all international migrants worldwide-95 million or 49.6 per cent;
   - (c) in 2005, roughly half the world's 12.7 million refugees were women;
   - (d) for many women, migration opens doors to a new world of greater equality and relief from oppression and discrimination that limit freedom and stunt potential;
   - (e) in 2005 remittances by migrants to their country of origin were an estimated US$232 billion, larger than official development assistance (ODA) and the second largest source of funding for developing countries after foreign direct investment (FDI);
   - (f) migrant women send a higher proportion of their earnings than men to families back home;
   - (g) migrant women often contribute to their home communities on their return, for instance through improved child health and lower mortality rates, however;
   - (h) the massive outflow of nurses, midwives and doctors from poorer to wealthier countries is creating health care crises in many of the poorer countries, exacerbated by massive health care needs such as very high rates of infectious disease;
   - (i) the intention to emigrate is especially high among health workers living in regions hardest hit by HIV/AIDS;
   - (j) the rising demand for health care workers in richer countries because of their ageing populations will continue to pull such workers away from poorer countries;
   - (k) millions of female migrants face hazards ranging from the enslavement of trafficking to exploitation as domestic workers;
   - (l) the International Labour Organisation (ILO) estimates that 2.45 million trafficking victims are toiling in exploitative conditions world wide;
   - (m) policies often discriminate against women and bar them from migrating legally, forcing them to work in sectors which render them more vulnerable to exploitation and abuse;
   - (n) domestic workers, because of the private nature of their work, may be put in gross jeopardy through being assaulted; raped; overworked; denied pay, rest days, privacy and access to medical services; verbally or psychologically abused; or having their passports withheld;
   - (o) when armed conflict erupts, armed militias often target women and girls for rape, leaving many to contend with unwanted pregnancies, HIV infection and reproductive illnesses and injury;
   - (p) at any given time, 25 per cent of refugee women of child-bearing age are pregnant;
   - (q) for refugees fleeing conflict, certain groups of women such as those who head households, ex-combatants, the elderly, disabled, widows, young mothers and unaccompanied adolescent girls, are more vulnerable and require special protection and support;
   - (r) people should not be compelled to migrate because of inequality, insecurity, exclusion and limited opportunities in their home countries;
   - (s) human rights of all migrants, including women, must be respected.
2. encourages—
   - (a) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse;
   - (b) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

(Continued from 27 September. Page 769.)

The Hon. A.L. EVANS: I support this motion. At one stage or another, each of us in this place was either a migrant to South Australia or had relatives who migrated here. My mother was Australian and my father was English, but I was born in India, where I lived for the first 11 years of my life. So, similar to a migrant, I remember coming to Australia as a child, with a sense of unfamiliarity and wonder. The Kaurna people first came to this area millennia ago, by all accounts. The first European migrants to South Australia left England early in 1836. A first group landed on Kangaroo Island in July and a second group settled at Glenelg, where Governor Hindmarsh proclaimed the Colony of South Australia on 28 December of that year.

There was another significant wave of migrants between 1947 and 1951, when we welcomed nearly 170 000 refugees and displaced persons. It is not easy being a migrant, and the report makes clear that it is even harder for migrant women. Starting from scratch in a new country often results in more severe hardship and heartbreak than they could ever have imagined. For many, there are still racism, language difficulties and difficulties in properly accessing health services, which is something that the report looks into at some length. Racism against Moslem immigrants is particularly fierce at the moment, but we see in our recent immigrants a pioneering spirit that breaks through, and the immigrant communities often become a backbone of our society.

These days, I cannot imagine South Australia without our wonderful range of Italian restaurants, the Greek festival and so forth, which we would not have now except for our migrant heritage. One issue particularly highlighted in the report, and which was canvassed by the Hon. Ian Hunter, relates to the HIV problem and sexually transmitted diseases. The report says that these diseases are rapidly on the increase amongst migrant women. This quote in particular is eye-opening, from page 17 of the report:

> . . . in Australia, more than half of all HIV infections attributed to heterosexual intercourse between 2000 and 2004 were diagnosed in people [who had come] from either a high prevalence country or whose partners were from a high prevalence country.

It goes to show how important it is to ensure that our migrant women—and men, for that matter—have adequate health resources allocated to them and are given appropriate information on how to access the resources. Something that comes to mind would be to link up migrants with doctors or a health clinic to 'touch base' when they first come to South Australia. But I will leave these logistics for the Minister for Health.

The motion before the council today is very warm and fuzzy. It seeks to encourage the government to keep vulnerable migrant women in mind in the future. That is pretty much what it asks. I am sure that the government already keeps migrant women in mind, and I note that the Premier said a few months ago that he wanted to advertise South Australia abroad as a great place for migrants to come to. However, this motion is perhaps a timely reminder to keep the needs of our vulnerable women migrants foremost in our minds. Family First recently went out on a limb federally in support of refugees, and we were glad to do so. Family First acknowledges the immensely positive and enriching contributions migrants and refugees have made to the development of our nation. We recognise that well-managed and compassionate intakes of new migrants and refugees, committed to our nation and constitution, will continue to have a positive impact upon our society's growth and prosperity.

Any discussion of the plight of women refugees and migrants would be lacking without reference to the many asylum seekers who still wait for long periods of time in Australia's detention centres. The claims by asylum seekers should be determined as quickly as possible, because Australia's detention centres are not the best places for our migrant women to be living. To keep these issues in the spotlight, I support the motion.

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

ROAD TRAFFIC (NOTICES OF LICENCE DISQUALIFICATION OR SUSPENSION) AMENDMENT BILL

The Hon. CARMEL ZOLLO (Minister for Road Safety) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. CARMEL ZOLLO: I move:

That this bill be now read a second time.

The Road Traffic (Notices of Licence Disqualification or Suspension) Amendment Bill addresses the consequences of the Supreme Court's decisions in the cases of Police v Conway and Police v Parker on 26 June 2006; and makes other amendments aimed at clarifying and improving the relevant provisions of the Road Traffic Act 1961. In the cases of Conway and Parker the Supreme Court found that the notices of immediate licence disqualification for driving with a blood alcohol content of .08 or more were invalid because they did not correctly describe the offence for which the drivers were being disqualified.

The notices contained, in a footnote, an incorrect reference to section 47B(2) of the Road Traffic Act 1961 instead of section 47B(1). The government rectified the error in the notice by amending schedule 1AAA of the Road Traffic (Miscellaneous) Regulations 1999 on 27 June 2006. Police stopped issuing immediate licence disqualification notices for a number of weeks until they were able to distribute newly printed amended notices throughout the state. SAPOL wrote to all drivers who had received, and were still subject to, an immediate licence disqualification for any reason to explain how they were affected.

The Crown Solicitor advised the government that the major impact of the notices being declared invalid was that any period of disqualification already served under an invalid notice could not automatically be taken into account to reduce the period of disqualification imposed by a magistrate when the matter was heard in court. It would involve a matter of sentencing discretion by the magistrate and, as a matter of law, the magistrate could not reduce the disqualification below the mandatory minimum period of disqualification.

Because of this unfair outcome, and in the interests of ensuring that defendants are treated justly, the government has introduced this bill to ensure that notices issued up to the date of the court's decision are held to be valid. At the same time as it deals with the validity of the immediate disqualification notices, the bill addresses matters related to these provisions that were decided or discussed by the Supreme Court in its decision, or that were raised with the Attorney-General from within the magistracy, or that have been suggested by the Crown Solicitor in advising the government on the effects of the decision.

The bill makes notices that the Supreme Court held to be invalid valid until the time of the court's decision and, as a matter of caution, confirms that immediate disqualification notices for all offences and the regulations which create them are held to be valid. This is done purely to ensure that immediate disqualification schemes for both excessive speed and drink driving achieve what the government and parliament intended when the amendments were passed in 2005. This bill will not detrimentally affect anyone's rights; rather, it will restore them so that any time served under a disqualification will be able to be taken into account, as the drivers expected when they served the time.

The bill is aimed at clarifying the operation of the immediate loss of licence provisions for excessive speed and drink driving, and ensuring that the opportunity to challenge past and future notices is minimised. The proposed amendments deal with the matters detailed below:

- First, through the introduction of new subsections 45B(11) and (12) and 47IAA(15) and (16), the bill ensures that the regulations prescribing the form of immediate suspension or disqualification notices and all notices issued under them are taken to be and always have been valid. This will minimise the possibility of an appeal against the validity of a suspension or disqualification for the other offences listed on the same notice (refusal or failure to submit to an alcohol breath or blood test and excessive speeding) and resolve any confusion arising from the Supreme Court's decision.
- Through the introduction of new subsections 47IAA(17) and (18), the bill specifically ensures that particular notices that were held to be invalid (for offences of blood alcohol content of .08 and above) are taken to have been valid until the date of the court order (the date from which disqualified drivers could properly have begun to drive again) and the offences are taken to be properly described as category 2 and 3 offences.
- The bill amends section 45B(8) and (9) and section 47IAA(10) and (11) by adding into the phrase 'exercise of powers' the words 'or the purported exercise' to ensure the Crown and police officers acting in good faith are protected from claims of compensation where an action may be held to be invalid through some deficiency in process; for example, a notice may be held to be invalid for reasons other than the Supreme Court's decision in Conway and Parker.
- Sections 45B(7) and 47IAA(9) of the act currently specify that a period of suspension or disqualification will be counted as part of the court-imposed disqualification. The bill clarifies the manner in which the court must take this period into account by amending these sections to specify

that the court must take into account the time served under an immediate suspension or disqualification and may therefore impose a period of disqualification that is less than the mandatory minimum period of disqualification set in relation to the relevant offences. Without this, the mandatory minimum period of disqualification cannot be reduced or mitigated, or substituted by any other penalty or sentence.

At the same time, the bill requires that the court must impose a disqualification period that is not less than the difference between the mandatory minimum for the offence for which they have been convicted and whatever period they have served under the immediate suspension or disqualification. This ensures that the driver will serve a total period of disqualification or suspension at least equal to the mandatory minimum for the offence.

The bill provides further amendments to subsections 45B(7) and 47IAA(9) to clarify the operation of those subsections and to ensure that drivers who have completed the period of immediate suspension or disqualification before the matter comes to court are treated in the same way as drivers whose hearing comes on while they are still serving their immediate disqualification. A person who is sentenced before the immediate disqualification ends will almost always receive some additional court-imposed period of disqualification that also operates to cancel the person's licence and which will trigger the requirements of the Motor Vehicles Act 1959 in relation to a person obtaining a licence after a period of disqualification. The bill therefore ensures the same consequences apply to those who have completed the period of immediate suspension or disqualification before the court hearing.

To do otherwise would be unjust and would encourage defendants to postpone hearings until the period of immediate suspension or disqualification ended so that they could avoid returning to driving on a probationary or lesser provisional licence or learner's permit.

- Following the Supreme Court's decision that reference in the legislation to 'evidence' in support of an appeal against immediate suspension or disqualification does not mean evidence on oath, the bill clarifies the original policy intention by requiring that evidence be given by the appellant orally on oath. In recognition that the appeal is not intended to be a mini-hearing where the evidence can be tested, the bill also specifies that the prosecution is not entitled to cross-examine the applicant.
- In response to the Supreme Court's comments that the legislation does not require the police to lay charges, the bill requires police to make a decision about whether to charge a driver; to do so within a reasonable time; and to notify the driver of the decision as soon as possible. If the driver is notified that charges are not to be laid, the period of immediate suspension or disqualification ends. However, failure by the police to do any of these things will not prevent the police laying charges at a later date. The amendment provides a legislative framework for the current operational practice. Requiring police to lay charges does not affect a driver's right to appeal the suspension or disqualification immediately.
- In connection with this new duty, the bill provides an additional ground of appeal against an immediate suspension or disqualification, which is that the police have not laid charges and that they have had a reasonable time in the circumstances to make a decision.
- To improve the administration of section 47IAA, the opportunity is taken to simplify the arrangement before allowing police to postpone the commencement of an immediate suspension or disqualification by not more than 48 hours and, if appropriate, upon conditions. The bill amends this provision by specifying only that any postponement will be for a period of 48 hours (with no conditions applying).
- The bill also makes a consequential amendment to section 47J (which concerns recurrent drink drive offenders who apply for an end to a court-imposed disqualification resulting from an assessment that they are drunk or alcohol dependent). The amendment sets a minimum of six months that must elapse before an application can be made (equal to the shortest period of immediate licence suspension or disqualification) and requires the court to consider the mandatory minimum disqualification period for the offence and the effect, if any, of sections 45B(7) and 47IAA (as amended by the bill) in determining the period that must elapse.

In conclusion, this bill has been made necessary by unintended consequences of the Supreme Court's decision on drivers who have served a period of immediate suspension or disqualification for category 2 and 3 offences. The opportunity has been taken, however, also to try to clarify the provisions as much as possible. The bill contains amendments that will remedy the issues raised by the Supreme Court's decision; endeavour to make clear to a future court considering these provisions the definite intention of parliament to remove from the road as quickly as possible drivers who offend against the specified sections; and improve the general operation of the sections. I commend the bill to the council. I seek leave to have the remainder of the bill and the explanation of the clauses inserted in *Hansard* without my reading them.

Leave granted.

The *Road Traffic (Notices of Licence Disqualification or Suspension) Amendment Bill* addresses the consequences of the Supreme Court's decision in the cases of *Police v Conway* and *Police v Parker* on 26 June 2006 and makes other amendments aimed at clarifying and improving the relevant provisions of the *Road Traffic Act 1961*.

In the cases of Conway and Parker, the Supreme Court found that the notices of immediate licence disqualification for driving with a blood alcohol content of 0.08 or more were invalid because they did not correctly describe the offence for which the drivers were being disqualified. The notices contained, in a footnote, an incorrect reference to section 47B(2) of the *Road Traffic Act 1961*, instead of section 47B(1).

The Government rectified the error in the notice by amending Schedule 1AAA of the *Road Traffic (Miscellaneous) Regulations 1999* on 27 June 2006. Police stopped issuing immediate licence disqualification notices for a number of weeks until they were able to distribute newly-printed amended notices throughout the State.

SAPOL wrote to all drivers who had received, and were still subject to, an immediate licence disqualification for any reason to explain how they were affected.

The Crown Solicitor advised the Government that the major impact of the notices being declared invalid was that any period of disqualification already served under an invalid notice could not automatically be taken into account to reduce the period of disqualification imposed by a magistrate when the matter was heard in court. It would be a matter of sentencing discretion by the magistrate, and as a matter of law, the magistrate could not reduce the disqualification below the mandatory minimum period of disqualification.

Because of this unfair outcome and in the interests of ensuring that defendants are treated justly, the Government has introduced this Bill to ensure that notices issued up to the date of the Court's decision are held to be valid.

At the same time as dealing with the matter of validity of the immediate disqualification notices, the Bill addresses matters related

to these provisions that were decided or discussed by the Supreme Court in its decision, or raised with the Attorney-General from within the magistracy, or have been suggested by the Crown Solicitor in advising the Government on the effects of the decision.

The Bill makes notices that the Supreme Court held to be invalid, valid to the time of the Court's decision, and as a matter of caution, confirms that immediate disqualification notices for all offences, and the regulations which create them, are held to be valid. This is done purely to ensure that the immediate disqualification schemes for both excessive speed and drink driving achieve what the Government and Parliament intended when the amendments were passed in 2005.

This Bill will not detrimentally affect anyone's rights, but rather it will restore them so that any time served under a disqualification will be able to be taken into account, as the drivers expected when they served the time.

The Bill is aimed at clarifying the operation of the immediate loss of licence provisions for excessive speed and drink driving, and ensuring that the opportunity to challenge past and future notices is minimized. The proposed amendments deal with the matters detailed below.

- Through the introduction of new subsections 45B(11) and (12) and 47IAA(15) and (16), the Bill ensures that the regulations prescribing the form of immediate suspension or disqualification notices and all notices issued under them are taken to be and always have been valid. This will minimise the possibility of an appeal against the validity of a suspension or disqualification for the other offences listed on the same notice (refusal or failure to submit to an alcohol breath or blood test and excessive speeding) and resolve any confusion arising from the Supreme Court's decision.
- Through the introduction of new subsections 47IAA(17) and (18), the Bill specifically ensures that particular notices that were held to be invalid (for offences of blood alcohol content of 0.08 and above) are taken to have been valid until the date of the court order (the date from which disqualified drivers could properly have begun to drive again) and the offences are taken to be properly described as Category 2 and 3 offences.
- The Bill amends section 45B(8) and (9) and section 47IAA(10) and (11) by adding into the phrase "exercise of powers" the words "or the purported exercise" to ensure the Crown and police officers acting in good faith are protected from claims of compensation where an action may be held to be invalid through some deficiency in process, for example a notice may be held to be invalid for reasons other than the Supreme Court's decision in *Conway* and *Parker*.
- Sections 45B(7) and 47IAA(9) of the Act currently specify that a period of suspension or disqualification will be counted as part of the court-imposed disqualification. The Bill clarifies the manner in which the court must take this period into account by amending these sections to specify that the court must take into account the time served under an immediate suspension or disqualification and may therefore impose a period of disqualification that is less than the mandatory minimum period of disqualification set in relation to the relevant offences. Without this, the mandatory minimum period of disqualification cannot be reduced or mitigated, or substituted by any other penalty or sentence.

At the same time, the Bill requires that the court must impose a disqualification period that is not less than the difference between the mandatory minimum for the offence for which they have been convicted and whatever period they have served under the immediate suspension or disqualification. This ensures that the driver will serve a total period of disqualification or suspension at least equal to the mandatory minimum for the offence.

The Bill provides further amendments to subsections 45B(7) and 47IAA(9) to clarify the operation of those subsections and to ensure that drivers who have completed the period of immediate suspension or disqualification before the matter comes to court are treated in the same way as drivers whose hearing comes on while they are still serving their immediate disqualification.

A person who is sentenced before the immediate disqualification ends will almost always receive some additional court-imposed period of disqualification that also operates to cancel the person's licence and which will trigger the requirements of the *Motor Vehicles Act 1959* in relation to a person obtaining a licence after a period of disqualification. The Bill therefore ensures the same consequences apply to those who have completed the period of immediate suspension or disqualification before the court hearing.

To do otherwise would be unjust and would encourage defendants to postpone hearings until the period of immediate suspension or disqualification ended so that they could avoid returning to driving on a probationary or lesser provisional licence or learner's permit.

- Following the Supreme Court's decision that reference in the legislation to "evidence" in support of an appeal against the immediate suspension or disqualification does not mean evidence on oath, the Bill clarifies the original policy intention by requiring that evidence be given by the appellant orally on oath. In recognition that the appeal is not intended to be a mini-hearing where the evidence can be tested, the Bill also specifies that the prosecution is not entitled to cross-examine the applicant.
- In response to the Supreme Court's comments that the legislation does not require the police to lay charges, the Bill requires police to make a decision about whether to charge a driver; to do so within a reasonable time; and to notify the driver of the decision as soon as possible. If the driver is notified that charges are not to be laid, the period of immediate suspension or disqualification ends. However, failure by the police to do any of these things will not prevent the police laying charges at a later date. The amendment provides a legislative framework for the current operational practice. Requiring police to lay charges does not affect a driver's right to appeal the suspension or disqualification immediately.
- In connection with this new duty, the Bill provides an additional ground of appeal against an immediate suspension or disqualification, which is that the police have not laid charges and that they have had a reasonable time in the circumstances to make a decision.
- To improve the administration of section 47IAA, the opportunity is taken to simplify the arrangement for allowing police to postpone the commencement of an immediate suspension or disqualification by not more than 48 hours, and if appropriate upon conditions. The Bill amends this provision by specifying only that any postponement will be for a period of 48 hours (with no conditions applying).
- The Bill also makes a consequential amendment to section 47J (which concerns recurrent drink drive offenders who apply for an end to a court-imposed disqualification resulting from an assessment that they are drug or alcohol dependent). The amendment sets a minimum of six months that must elapse before an application can be made (equal to the shortest period of immediate licence suspension or disqualification) and requires the court to consider the mandatory minimum disqualification period for the offence and the effect, if any, of sections 45B(7) and 47IAA(9) (as amended by the Bill) in determining the period that must elapse.

In conclusion, this Bill has been made necessary by unintended consequences of the Supreme Court's decision on drivers who have served a period of immediate suspension or disqualification for Category 2 and 3 offences. The opportunity has been taken, however, to also try and clarify the provisions as much as possible.

The Bill contains amendments that will remedy the issues raised by the Supreme Court's decision; endeavour to make clear to a future Court considering these provisions the definite intention of Parliament to remove from the road as quickly as possible drivers who offend against the specified sections; and improve the general operation of the sections.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

3—Amendment of section 45B—Power of police to impose licence disqualification or suspension

This clause amends section 45B of the Act—

- to clarify the manner in which a period of licence suspension or disqualification is to be taken into account on conviction of an offence and the orders that should be made by the court on conviction;
- to ensure that the liability provisions in the section apply to powers purportedly exercised under the section;
- to put beyond doubt the validity of notices already given under the provision.

Section 45B(7) is deleted and a new version substituted which goes into more detail in relation to the orders to be made by a court on convicting a person who has already been disqualified, or had his or her licence suspended, by a notice under the section. The proposed provision is expressed to apply to both the offence in relation to which the notice was given or another offence arising out of the same course of conduct because it would be possible, for example, for a person to be given a notice under section 45B for an excessive speed offence (and to commence a period of licence suspension or disqualification under that notice) and then for the police to subsequently become aware of other information that renders the conduct more serious, causing the police to withdraw the expiation notice for excessive speed and instead charge the person with driving in a manner dangerous, or perhaps to charge the person with excessive speed and illegal use of a motor vehicle. The provision would therefore require the court to take into account the period of licence suspension or disqualification under the notice even though the person, in the end, was convicted of some other offence as a result of the incident.

The provision requires that all convicted persons have some period of disqualification ordered by the court (although the period could be quite short if that is appropriate taking into account the length of the period that has applied to the convicted person under the notice) and if a convicted person is the holder of a licence, the disqualification will operate to cancel the licence. This will ensure the proper application of the various provisions of the *Motor Vehicles Act 1959*, and of corresponding interstate legislation, that refer to a person applying for a licence after a court ordered period of disqualification.

Section 45B(8) and (9) are amended to ensure they apply in relation to a purported exercise of powers under the section.

New subsections (11) and (12) are proposed to be inserted to declare the validity of regulations made before commencement of the measure prescribing the form of notices under the section and the validity of any notices given in that prescribed form and in the circumstances specified by subsection (1).

4—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

This clause proposes amendments to section 47IAA consistent with the amendments discussed above in relation to section 45B and in addition—

- inserts a new provision about the laying of charges against a person given a notice under the section;
- amends the provisions relating to postponement of the period of licence suspension or disqualification under a notice;
- makes special provision in relation to the particular types of notices invalidated by the Supreme Court on 26 June 2006 in Police v Conway and Police v Parker [2006] SASC 186.

Proposed new subsection (7a) requires the Commissioner of Police to ensure that, where a person has been given a notice under the section, a decision is made within a reasonable time as to the charges to be laid and, if a decision is made that the person is not to be charged with any offence to which the section applies, that the person is notified of that decision. A consequential amendment is made to subsection (12)(b) to provide that the period of licence suspension or disqualification under the notice ends on the person being so notified. Proposed new subsection (7b) ensures that the laying of charges against a person will not be prevented by failure to comply with subsection (7a), or the making of a decision or notification of a decision referred to in that subsection. Similarly, proposed new subsection (7c) ensures that the operation of a notice is not affected by a failure to comply with subsection (7a) (unless an order is made by the court under proposed new section 47IAB(2)(a)(ii), discussed below, in relation to the notice).

A small amendment is made to subsection (8) to make it clear that the offence charged must still be one arising out of the same course of conduct for that provision to apply.

The amendments to section 47IAA(12)(a) and (14), and the deletion of subsection (13), simplify police procedures in giving notices by ensuring that, when postponement of the period of disqualification or suspension is to occur, it will always be by a period of 48 (rather than the current "not more than 48 hours") and will not be subject to conditions.

In relation to the notices declared invalid by the Supreme Court, proposed subsection (17) provides that—

- notices alleging a blood alcohol concentration of 0.08—0.149 will be taken to have alleged commission of a category 2 offence and notices alleging a blood alcohol concentration of or above 0.15 will be taken to have alleged commission of a category 3 offence; and
- the relevant period under such a notice (ie the period of licence suspension or disqualification) will be taken to have ended on 26 June 2006 (unless it had ended before that date in accordance with subsection (12)).

5—Amendment of section 47IAB—Application to Court to have disqualification or suspension lifted

Section 47IAB is proposed to be amended—

- to require an applicant to give oral evidence on oath; and
- to add a new ground for an application (in proposed subsection (2)(a)(ii)) where the court is satisfied that the applicant has not been charged with any offence to which section 47IAA applies and the prosecution authorities have had a reasonable time, in the circumstances, within which to make a decision as to the laying of charges; and
- to specify that counsel representing the Commissioner of Police at the hearing is only entitled to make submissions to the court as to the application and are not entitled to cross-examine the applicant.

6—Amendment of section 47J—Recurrent offenders

This clause consequentially amends section 47J to ensure that the section works with proposed new sections 45B(7) and 47IAA(9). Under the amendment, a court ordering that a person be disqualified until further order is given a discretion in setting the period before which the person subject to the disqualification cannot apply for revocation of the disqualification, provided that the period cannot be less than 6 months and the court must take into account the minimum period of disqualification applicable to the relevant offence and any effect of section 45B(7) or 47IAA(9) on that period.

Schedule 1—Transitional provision

The Schedule ensures that the other amendments proposed in the measure will apply in relation to a notice given before commencement of the measure (but not so as to affect any proceedings determined before commencement).

The Hon. R.I. LUCAS secured the adjournment of the debate.

[Sitting suspended from 6.03 to 7.48 p.m.]

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PERIOD OF SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 818.)

The Hon. G.E. GAGO (Minister for Environment and Conservation): In summing up, I would like to thank all members for their valuable contribution to the debate on this bill. I was interested and pleased to hear the comments of other members regarding this bill, in particular the speech of the Hon. David Ridgway, and I was pleased to receive his clear vote of support for the bill. This is an area in which a range of very passionate views are held—and I think the debate was excellent.

The Upper South East Dryland Salinity and Flood Management (Extension of Period of Scheme) Amendment Bill 2006 seeks to extend the scheme being implemented under the Upper South East Dryland Salinity and Flood Management Act 2002 for a three-year period, and to provide for ongoing rights with respect to compensation to ensure that

all provisions continue in the short term to enable completion of the drainage work.

I will take this opportunity to briefly address some key issues that have been raised. It is inevitable that, with such complex landscape problems, stakeholders will establish divergent and often passionately held views, and that diversity of views was reflected in the second reading debate. The USE program is an integrated scheme incorporating environmental and engineering subprograms. It is designed to respond to the regional salinity and flooding problem whilst at the same time provide for the conservation and enhancement of biodiversity assets across the landscape, with particular focus on the delivery of environmental flows to regional wetlands.

This multi-pronged initiative includes major programs for drainage of saline groundwater and mitigation of prolonged flooding; management of environmental flows to key wetland systems; conservation of remnant vegetation and re-vegetation for biodiversity and recharge control purposes; and improving agronomy practices and the saltland environment. I can only stress that this is about the management of environmental flows, which are a key to the wetlands. Without this extension, the water to the wetlands will not be able to proceed. It is quite a linchpin part of the strategy to actually return freshwater to the wetlands.

The Hon. Sandra Kanck has questioned the scientific validity of the program, and I can advise that the program has been developed on the basis of extensive research and broad and ongoing consultation with relevant scientific experts and regional landholders with a long history of experience in this landscape. The clear and consistent advice from these sources is that the regional salinity and flooding problems require a multi-dimensional approach to address the existing salinity threat and the risk of expansion of this threat, and that drainage is a fundamental component of the solution underpinning the future success of integrated agronomic, vegetation, protection and enhancement and other land management endeavours.

The CSIRO land and ground water specialists who have modelled ground water processes in the new scheme have indicated that 90 per cent—and I stress 90 per cent—of the area in the region would need to be covered with deep-rooted vegetation, both native and pasture, to manage the recharge from annual rainfall effectively without recourse to drainage. This was considered to be an unattainable target, and it was therefore considered that a complementary engineering solution would be necessary to redress the imbalance, namely, a surface and ground water scheme to assist with discharging water and salt from the region.

A complex and critical balance of flood management, salinity mitigation and environmental conservation criteria is used to develop the solutions for the next catchment, and extensive consultation is carried out with the affected landholders. For example, the planning and design cycle employed by the Upper South-East program is a comprehensive and transparent process which progresses through issues scoping, options assessment, concept development and detailed design cycles. Each of these cycles involves detailed, sequential consultation with the technical panel, relevant landholders, the program's independent environmental management advisory group and the program board before management options are presented to me, as minister, for final approval.

Both the Hon. Sandra Kanck and the Hon. Mark Parnell have called for an independent review of the program to date. I point out that the program is based on the Comprehensive Environmental Impact Study 1993 and subsequent 1994 Management Plan, and was approved in accordance with the Environmental Protection (Impact of Proposals) Act 1974 preceding the current Environmental Protection and Biodiversity Conservation Act 1999. It was supported by both the South Australian and Australian governments under a national action plan for the salinity and water quality, based upon a detailed project proposal assessment.

In addition, the program is recognised under the South-East Regional National Resource Management Plan and Investment Strategy prepared by the South-East NRM board and is defined and delivered under the umbrella of the current Upper South-East Dryland Salinity and Flood Management Act, with me, as Minister for Environment and Conservation, holding executive authority.

I can advise that the program already has in place an extensive governance framework and is subject to a number of continuous review mechanisms. For example, the Upper South-East Program Board provides strategic policy and business management direction to the program and comprises representatives from key stakeholder bodies, including the relevant regional authorities, the Conservation Council of SA, regional landholders and the South Australian and Australian governments.

The board is advised by the Environmental Management Advisory Group (EMAG), which is an independent advisory committee with the role of providing advice to the board in relation to meeting its environmental due diligence requirements. The Environmental Management Advisory Group provides its advice to the board independent of the program management team and comprises representatives from the CSIRO, university-based specialist academics, the Conservation Council, regional landholders and state government agencies, including the Department for Environment and Heritage.

The program board reports quarterly and annually to two state parliamentary committees: the Public Works Committee and the Environment, Resources and Development Committee. In addition, the program also reports to two Australian government ministers (through the NAP Joint Steering Committee) and to the South-East Regional Natural Resources Management Board. It is hardly a bureaucrats' conspiracy. I believe that it is clear that this program has been and continues to be subject to comprehensive and independent scrutiny at every phase of its development and implementation.

The Hon. Sandra Kanck highlighted some of the various concerns raised by landholders, particularly concerns about the impact of drainage on adjacent wetlands along the Didicoolum and Bald Hill drain alignments. I can advise that ensuring positive environmental outcomes is a key objective of the program and, as Minister for Environment and Conservation, I am very concerned to ensure that any on-ground works do not have adverse impacts on wetlands and watercourses. I also recognise that, although the majority of landholders support the need for the drainage scheme, some individuals have expressed great concern.

As a result, the program undertakes considerable technical assessment and extensive consultation involving landholders, the scientific community and the Environmental Management Advisory Group. The final design of any on-ground works takes into account a broad base of knowledge and differing views and balances the need for improved productivity and environmental benefit. The drains that are being constructed

under this phase of the program are smart drains; that is, they are constructed with built-in flexibility and can be managed adaptively, not only to drain saline groundwater out of the landscape but also to include floodways and flow control structures to allow for the provision of fresh surface water flows to key wetland systems in the watercourse across the region.

The best available scientific information, which is being continually added to by the program, is used to guide the design and management of this scheme. It also involves a series of weirs, which help avoid the depletion of lowering groundwater to unreasonable levels. In the case of the Didicoolum Drain, for example, the landholders' views and environmental considerations were very much taken into account in the design. These included changes to the original alignment and design profile, to manage any potential impact on the adjacent wetlands, and the inclusion of an adjustable water-depth control weir, to optimise the growing time for the adjacent pastures. A significant additional ecological benefit relating to the Didicoolum scheme will be the reinstatement of natural environmental flows to the Willalooka Wetlands and the securing of this 275-hectare wetland system under a permanent management agreement with the cooperation of landowners.

In the case of the Bald Hill Drain, the consultation process highlighted the critical importance of improving the availability of environmental flows into the valuable adjacent West Avenue watercourses as part of any engineering works. It is essentially agreed that the single most beneficial action to protect and enhance the health of the wetlands in the West Avenue watercourse is to reinstate historical, natural fresh water flows from the Lower South-East. As a result, I can assure members that the Bald Hill Drain proposal remains dependent—and I stress 'dependent'—on the parallel development of a system to bring fresh environmental flows from the Lower South-East to key wetland systems in the Upper South-East, including the West Avenue watercourse.

This commitment was made by my predecessor and I remain committed to this principle. This option is currently being pursued and the program has, therefore, allocated additional time to undertake necessary feasibility studies and environmental impact assessments. This, of course, has resulted in extended delivery time frames necessitating the extension of the act.

With regard to concerns raised by members on the implications of climate change, I can assure them that the program staff are taking climate change very seriously. They have and will continue to undertake a review of the most up-to-date scientific information and perspective available to determine what the potential implications of climate change might be for the Upper South-East region and the program.

I am advised that the science clearly indicates that, whilst we are currently experiencing an extremely dry period, this is consistent with long-term historical wet and dry climatic cycles, based on more than 100 years of rainfall records. The Hon. David Ridgway referred to this natural cycle of events in his speech, as well. In addition, modelling undertaken by the CSIRO has indicated that both very wet periods and dry periods will continue as part of a natural climate variability, and a continuing long-term rising trend in watertables in the Upper South-East is expected. The program will continue to monitor this issue and to respond to any new information to ensure the best environmental and production outcomes.

Ongoing monitoring of salt content in drainage water confirms that the groundwater drains are highly effective at removing saline groundwater from the landscape. It has been confirmed that approximately 250 000 tonnes of salt is being removed each year. This equates to enough salt to fill AAMI Stadium to three times the height of the goalpost every year. This quantity of salt is greater than the total amount of salt intercepted each year by all existing and currently planned salt interception schemes on the River Murray in South Australia combined.

To date, 210 kilometres of the 410 kilometres of drains to be constructed under phase 3 of the program have been completed. Under normal seasonal conditions the dryland salinity and flood mitigation benefits provided by these completed drains will translate to a potential uplift in gross margin returns at the farm gate of approximately $10 million per annum.

The passage of the Upper South East Dryland, Salinity and Flood Management (Extension of Period Scheme) Amendment Bill 2006 is critical to the success of this significant regional innovation. The act, which the bill seeks to extend by three years, underpins the integrity of delivery of the $49.3 million Upper South-East program. This legislation provides the capacity for integrated program management, including: the vestment of a works corridor with the minister, and the powers to develop the drains and floodway stream necessary to mitigate the threat of salinity and extensive flooding; the management of water resources, particularly drainage and environmental flows within the region, through the development and operation of the engineering scheme; the powers to manage indiscriminate and unlawful private development of drains and other earthworks; the capacity to establish management agreements to secure environmental assets across the region under protective covenant; and the provision for compensation to any landholder who can demonstrate a loss to land value as a result of the drainage scheme.

The risks associated with a failure to pass this bill and thereby extend the Upper South East Dryland Salinity and Flood Management Act 2002 would include: a regional scale program with hundreds of kilometres and many millions of dollars worth of capital infrastructure being left incomplete and, in some circumstances, inoperable; the potential for unravelling of the contractual and funding arrangements between the state and the Australian governments under the National Action Plan for Salinity and Water Quality, which may leave the state to foot the bill for any gap in funding; a disaffected and angry landholder body who have made funding contributions to a scheme which would not be completed; a bad prognosis for the region, with the continuing threat of salinity and flooding to agricultural production, the threat of increasing salinity and an inability—I stress this—to improve environmental flows to key wetland systems; and the loss of opportunity to secure valuable biodiversity assets into a conservation covenant. It would be a disgrace if we did not have the opportunity to fulfil those very important conservation values.

In 2006 the Australian Senate committee undertook an inquiry into the extent and economic impact of salinity to the environment and other values examined by the Upper South-East program, and it concluded that the Upper South-East Dryland Salinity and Flood Management Program demonstrates the enormous difficulties that decision makers face in balancing competing interests and achieving economic and environmental outcomes. It also highlights both the importance and the challenge of bringing all community stakeholders to the table.

The extension of the act will allow for necessary consultation and technical investigations to continue, and for the completion of on-ground works to improve the management of land for primary production, whilst also protecting wetlands and native vegetation from degradation. I look forward to the committee stage.

The council divided on the second reading:

AYES (16)

Dawkins, J. S. L.	Evans, A. L.
Finnigan, B. V.	Gago, G. E. (teller)
Gazzola, J. M.	Hood, D.
Hunter, I.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Ridgway, D. W.	Schaefer, C. V.
Stephens, T. J.	Wortley, R.
Xenophon, N.	Zollo, C.

NOES (3)

Bressington, A.	Kanck, S. M. (teller)
Parnell, M.	

Majority of 13 for the ayes.

Second reading thus carried.

Bill read a second time.

BAKEWELL BRIDGE

Adjourned debate on motion of Hon. M.C. Parnell:

That the Legislative Council calls on the state government to ensure the Bakewell Bridge redevelopment has equitable disability access and appropriate provision for pedestrians and cyclists by the inclusion of a decent off-road pathway on the northern side of the proposed underpass.

(Continued from 30 August. Page 553.)

The Hon. D.W. RIDGWAY: I rise on behalf of the Liberal opposition to speak to the motion of the Hon. Mark Parnell. It is interesting to note that the motion was moved by the honourable member on Wednesday 30 August; on the same day, in the House of Assembly, the Liberal Party's shadow minister for transport, Martin Hamilton-Smith, also moved a minority report from the Public Works Committee on the issue, and I would like to quote parts of that report tonight.

This is a very important infrastructure project, one of four or five that the government proposed prior to the election and pinned its hat on as delivering quality outcomes to South Australia, so it is rather interesting that the minority report reveals that evidence given to the Public Works Committee was that the minister neither sought briefings on the project, nor were any given. The committee was told in evidence that it was totally negligible.

The project has gone massively over budget as a result of poorly conceived and executed planning as well as a lack of leadership and effective management from successive ministers—in particular, minister Conlon. The government has had four years to get its own management systems in place and has failed. The Public Works Committee is yet to discern what knowledge Dr Horne, former CEO of the Department for Transport, Energy and Infrastructure, has of the matter—in fact, it would have liked to call him as a witness. He goes on to say the following:

There are corresponding suggestions from community groups that were sent to the Public Works Committee about this development but did not find their way to committee members.

It is interesting that the member for Waite, Martin Hamilton-Smith, said on the same day as the Hon. Mark Parnell that the residents raised a number of concerns, that they lodged them with the committee, but that those concerns were never given to the committee members. He continues:

I will look into that, because it may be right and it may be wrong. They claim it to be so, and I will raise that within the committee. But, in particular, at the 18 August meeting the CEO of DTEI gave commitments that 11 changes, I think, would be looked at—and this was after the Public Works Committee made its deliberations and completed its report. So, we are still working on changes to the development. I understand the northern pathway could cost anything up to $3 million to $4 million and there could be a considerable sum involved in the other 11 changes.

Mr Hamilton-Smith called on the government to listen carefully to the Thebarton Residents Association, the Bicycle Institute of South Australia, the Physical Disability Council and others who have lobbied for further changes to the development. Mr Hamilton-Smith continues:

These are all matters that have come up since the Public Works Committee completed its work.

Again, it is interesting to note that this information was provided to the committee but it was not raised until after the committee had done its work. Mr Hamilton-Smith continues:

It is an indication yet again of how sloppy this entire project has been and how it should have come to the committee earlier and been dealt with more expeditiously and thoroughly. There are all sorts of things that still need doing at the site. They include: new access at the underpass areas; new access routes for the disabled; new arrangements for bicyclists and, again, the disabled near the railway underpass, north of the road underpass, and east of the underpass. There is a huge list of things that have not been addressed. So, the opposition's view is that this has been a disaster from start to finish, the cost has blown out, and the project has been mismanaged. We still have not got it right. We still have community groups pleading with the government to make further changes, even after the Public Works Committee has made its report.

We are only agreeing to the report with the minority report attached. . . We made our statements clear in that minority report and we draw them to the attention of the house and ask that they be carefully read. We bring to the attention of the house and the public that there were subsequent meetings with the residents, community groups—

some of whom are here in the gallery tonight—

and the government seeking yet further changes. We call on the government to give those changes careful consideration. We would rather see it done right—it will be there for 100 years—rather than, to avoid further embarrassment, have the government to push these community groups aside and not listen to them for fear of having to admit that it got it wrong yet again.

On a number of occasions, this government has got its consultation wrong. We heard the Minister for Environment and Conservation admit yesterday that the consultation process with the Belair National Park had gone astray, and they have had to back down on the redevelopment there. Of course, this is an indication that the Minister for Transport has not ever been able to admit that he has been wrong, back down and come to the table with these important issues raised by community groups.

I refer to a letter from the Hon. Patrick Conlon, Minister for Transport, addressed to Mr Sam Powrie, Chair of the Bicycle Institute of South Australia. He refers to the second option as follows:

The second option is to leave the underpass width as currently proposed and re-allocate the use of the space within. This would require narrowing on-road bike lanes, traffic lanes and/or the southern access path. A number of different ways of doing this have been considered and in each case several safety trade-offs are associated as well as increased project costs in excess of $1.5 million.

This is a government that has seen this project blow out by some $10 million or $11 million, and still it has not satisfied

the needs of the community groups in the western suburbs. It is all for people from the western suburbs to come into the city. I find it quite bizarre that this government which, unfortunately, from our perspective, holds nearly all of the western suburbs' seats has neglected the wishes and concerns of those people. The minister continues:

> For the reasons outlined above I am unable to support either of the options that would enable the inclusion of a northern access path within the underpass. Thank you again for your letters and for your interest and input into the Bakewell Underpass project.

In other words, thank you very much, not interested and goodbye.

The Bakewell Bridge development has seen a massive cost blow-out from $30 million to $41 million. It seems this piece of infrastructure is about 80 years old. It has reached its life span, and I think we all agree that it needs to be redeveloped. What we are going to see is a piece of infrastructure that will be there for another 80 to 100 years. Now is the opportunity for this government to get it right to cater for the needs of the entire community, not just a few, because, if we do not get it right now, the community will live with the mistakes for the next 80 to 100 years.

This is not only an important road for western suburb motorists but it is also the quickest route to get from the north of the city to the southern suburbs without cutting through the city. So, it is an important connecting route. It may be the case for the motorists, but we can see from the Hon. Mark Parnell's motion that it will not be the case for cyclists and other vulnerable road users. We will see them at risk trying to get through this particular underpass. It is like a lot of this government's infrastructure projects: it has been cobbled together at a moment's notice.

The opposition's advice leaked from the Department for Transport, Energy and Infrastructure is that the reason most of the government's projects have blown out is that they were thought of at the last minute and no proper planning or proper corporate governance was in place to ensure that those projects were properly funded or properly planned. They seem to be ill-conceived and have failed to consider the future impacts, and, unfortunately, wear the consequences of those hasty decisions.

To give members an idea of the lack of planning, I also note that there are only two lanes each way in the tunnel that is proposed under Port Road, Grange Road and the railway line to Outer Harbor. The Department of Transport's own documents say that the traffic flows will grow by some 6 per cent per annum. If you compound 6 per cent growth in traffic flow (and we are talking about a bit of infrastructure that will be there for 80 to 100 years), we have a road with two lanes each way that is satisfactory for today's flow, yet I think that in about 60 years that traffic flow would have quadrupled. So, how on earth will two lanes each way cope with traffic flow in 60 years? This government has a total lack of understanding and vision for the future.

In the opposition's view, the government has the opportunity still to put in access routes for the disabled and the cyclists. It is a cop-out for the government to say that it cannot afford the $1.5 million minister Conlon spoke of, when we consider how important cycling is to South Australia. Even the Attorney-General, one of the Premier's closest allies in the government, is an avid cyclist. The member for Norwood, Vinnie Ciccarello, is an avid cyclist, and the Hon. Mark Parnell is a very keen cyclist. One of the things we hang our hat on in South Australia is that we have the Tour Down Under, which is one of the premier cycling events in the world, yet we are not catering for cyclists in a proper and adequate way with the Bakewell Bridge. It just seems crazy.

The government has also failed to adequately consult with stakeholders. In Mr Parnell's contribution, he revealed that the Pedestrian Council of Australia was not even consulted on the design. Again, this is a government that has failed to consult. We see time and again that the government is found short in its consultation process. As I have said, we saw it again yesterday with the redevelopment of the Belair National Park. We saw it with the reclassification of parks, which was done over the election period. So, while everyone had their eye off the ball, the government went out and consulted when no-one was watching what was going on. The government is absolutely inadequate in its consultation process.

The Hon. Mark Parnell's motion reflects the views of the opposition. The Bakewell Bridge is potentially unsafe, and community concerns have been unheeded by the Minister for Transport. The shadow minister for transport (the member for Waite) has been present at nearly all of the meetings, along with the Hon. Mark Parnell. The Liberal Party has very much a team approach, and Martin Hamilton-Smith is our transport and infrastructure spokesman. He has been at most of those meetings and has very adequately represented us there, and he has also conveyed the wishes and concerns of members of the community to the opposition in the Liberal Party party room. He has attended many of the meetings held by the Thebarton Residents Association and the Bicycle Institute of South Australia.

The Liberal Party welcomes Mark Parnell's motion. We support his views on the flawed design of the Bakewell Bridge redevelopment, and we look forward to the government re-consulting and making the bridge accessible to all. We support the motion.

The Hon. NICK XENOPHON: I support the motion and commend the Hon. Mark Parnell for bringing it forward, and I agree with the sentiments expressed by the Hon. David Ridgway. I have been contacted by residents, as have the Hon. Mr Parnell and the member for Waite, in relation to their concerns about the Bakewell Bridge redevelopment. These are reasonable concerns: they are concerns that need to be heeded. They have not been heeded by the government, and that simply beggars belief, for the reasons that I will outline shortly. On behalf of the Bakewell Underpass Community Coalition, I wrote to the Minister for Transport (Hon. Patrick Conlon) on 26 September 2006, outlining some of the concerns of the Bakewell Underpass Community Coalition. Its members wanted an urgent response in respect of matters raised by the group in a meeting on 18 August with the chief executive of the department.

My letter also referred to a letter from Mr Sam Powrie, chair of the Bicycle Institute of South Australia, dated 3 September 2006. The concern of the coalition at that stage was that it needed details of the current design and working plans of the project, particularly with respect to pedestrian and bicycle access, as well as pedestrian access to the ovals on the northern side of Henley Beach Road/Glover Avenue in the vicinity of the underpass; and details of parking for vehicles on Glover Avenue for weekend sporting activities. The coalition also asked that the minister provide the report of the Independent Road Safety Audit, together with the report in relation to the disability discrimination assessment order. My understanding is that these reports ought to be

provided, as well as the working plans in relation to this underpass.

This is a significant infrastructure project of the order of $41 million yet, to date, it appears that the safety audit and the disability discrimination audit have not been provided to these community groups that have a very clear and legitimate interest in finding out what has occurred. One of the reasons why this group went to an independent road safety engineer was its absolute frustration with the government's not providing these fundamental pieces of information. The Bakewell Underpass Community Coalition obtained a report from Dr Asko Vilenius, an engineer who has significant experience with respect to road safety issues. I understand that he worked for the Road Accident Research Unit a number of years ago and also provides independent reports with respect to road accidents and road accident reconstructions.

The executive summary of that report, which is some 2½ weeks old, identifies a number of significant problems with the current design of the underpass and the lack of northern pedestrian and cyclist access. Dr Vilenius says:

> The narrowness of the bicycle paths will become a major danger zone whenever there is a broken-down vehicle in the bicycle lane. This forces the bicycle riders onto the adjacent traffic lanes in an area where visibility is compromised by strong shading by the overhead bridge structure. The same problem will arise during heavy rain, as the bike lane appears to be the lowest point on the roadway. In rain, the visibility will be further reduced.

He goes on to say that the provision of two shared paths would reduce the risk of head-on bicycle-to-bicycle or pedestrian collisions significantly. He also says that the sheer concrete wall adjacent to the relatively narrow proposed bike lane is likely to aggravate aerodynamic buffeting felt by bicycle riders from large vehicles such as buses travelling at 60 km/h, thus increasing the likelihood of sideswipe collisions. He makes a number of other points, effectively saying that the current design is in many respects unsafe. I believe that it is a reasonable conclusion to make from Dr Vilenius' report that the current design is an accident waiting to happen.

Dr Vilenius also makes the point that the cost of a young person suffering a debilitating traffic injury is easily measured in the millions of dollars and that the lifetime cost of care of a seriously brain-injured person often exceeds $5 million. We are talking about catastrophic injuries. I hope that there will never be a catastrophic injury in that vicinity, but my concern is this: if these are the views of an eminent road safety expert, an engineer who specialises in accident reconstructions and providing reports for our courts, then we cannot afford to ignore that report.

The fact that this report exists and that it has warned us of significant risks with respect to safety and other concerns, is something the government should not ignore. When we consider the big picture, that the cost of building the northern access for pedestrians could be anywhere between $1.5 million, I think as indicated by Mr Ridgway, and up to $4 million, in the scheme of things, for a piece of infrastructure that will be up for 80 or 100 years, this seems to me to make a lot of sense. It is a false economy not to do the right thing in terms of pedestrian and cyclist access. We should consider that there will be schools nearby and kids will need to zigzag across to go to sporting ovals, and there will be some kids who will be tempted to take the short cut, and that cannot be safe.

It beggars belief that this government wants to reduce greenhouse gases (and I commend it for that and I commend the Premier for pointing out the importance of reducing greenhouse gases and being environmentally friendly), yet it is doing something that is very unfriendly to cyclists and pedestrians in the way it has designed the Bakewell Bridge. If we are serious about long-term strategies for greenhouse gases and reducing pollution and encouraging people to walk and cycle to work, this design in its current form is not the way to go.

So, I believe that the motion of the Hon. Mr Parnell deserves to be supported. I urge the government to reconsider its current position in relation to this. I urge it to engage with the local community—those who have a direct concern about the impact of this bridge on safety issues, pedestrians, school kids in the area and cyclists. The fact is the government has not done its homework on this. Listen to the experts and those who are concerned about this, and bear in mind that spending a bit of extra money now is a good, long-term investment in our future and safety. I cannot believe the government has ignored those concerns.

I urge the government to reconsider its position. I also urge the government to release the road safety audit and the disability discrimination audit. The community has waited too long for that information. Where are those reports? Have they been prepared? If they have not been prepared they should have been and, if they have been prepared, why have the people of South Australia not seen them? I urge honourable members to support this motion.

The Hon. CARMEL ZOLLO (Minister for Road Safety): I had the opportunity a few weeks ago to place on the record some comments in relation to this motion in response to a supplementary question, I think, during question time. The Bakewell Bridge was 80 years old and had reached the end of its economic life. The bridge provided poor access for pedestrians, people with a disability and cyclists. The new underpass structure will provide:

- on-road cycle lanes to cater for north-south movements along James Congdon Drive/East Terrace;
- a wide, off-road pedestrian and recreational cyclist shared access path through the underpass (along the southern side, catering for two-way use), with safe access for all users, including those with a disability, from all areas around the underpass (this path will have gentle grades, be well lit and separated from general traffic by a 2.5 metre high wall); and
- substantially improved connectivity for on-road and off-road cyclists and pedestrians to various existing and future paths around the area, including through the Parklands.

I am advised by the Department for Transport, Energy and Infrastructure that, rather than severely limiting bicycle, pedestrian and disabled access, the current design will significantly improve access for these users. Rather than failing to consult, community members in the western area were invited to comment on the design of the underpass at three stages throughout the process of getting to the preliminary design.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: More than 800 inputs were provided and the design was developed with these inputs in mind. The preliminary design for the Bakewell Underpass replaces all pedestrian and cyclist facilities currently available on or around the Bakewell Bridge. The

new underpass will have 1.8 metre wide on-road cycle lanes. The original scheme was for 1.5 metres, but this was increased to 1.8 metres following consultation with cycling groups. It will have recreational cyclist access to and from the Parklands and the city via a wide three metre shared path along the southern side of the underpass. The underpass will have flatter pedestrian grades and improved pedestrian and recreational cyclist separation from traffic as a result of using a raised path through the underpass. It will have upgraded lighting. The underpass enables disability compliance and access for recreational cyclists without the need for lifts.

The option of adding a northern access path through the underpass was considered early in the planning process for the project—and has been reviewed. Adding a northern access path equated to a minor improved level of direct access for those pedestrians and recreational cyclists who wish to travel from the north-western quadrant of the underpass area to the north-eastern quadrant. With this in mind, the ways in which a northern access path could be included in the project scope were considered. The first option was to widen the underpass to include the additional path. However, the widening of the structure could not be accommodated without the removal of the bus and drop-off lane adjacent to Temple Christian College. It was suggested that this facility could be relocated to East Terrace. However, this approach would take school students from an environment with approximately 1 000 vehicles per day at low speeds to a main arterial road carrying 25 000 vehicles per day, and, accordingly, could not be supported for safety reasons.

It was also suggested that the safety concern could be addressed by reconstructing East Terrace further to the east. This could be done at a substantial cost, but it still may not address all safety issues. This approach would also require the removal of a large car parking area that currently exists east of East Terrace, which would add further impacts to the proposal. It is not considered the benefits resulting from a northern access path justify any potential loss in safety for students of Temple Christian College. As Minister for Road Safety, I would like to think that all members in this chamber would agree with me.

The second option is to leave the underpass width as currently proposed and relocate the use of the space within. This would require narrowing on-road bike lanes, traffic lanes and/or the southern access path. A number of different ways of doing this were considered and in each case safety trade-offs were associated as well as increased project costs.

The Hon. D.W. Ridgway interjecting:

The Hon. CARMEL ZOLLO: I cannot change the facts, no matter how much you want to laugh. In each case the safety trade-offs and additional costs are not considered to justify the inclusion of a northern access path. For the reasons outlined, this government is unable to support either of the options that would enable the inclusion of a northern access path within the underpass. The new Bakewell Bridge will cater for all users.

The Hon. SANDRA KANCK: I have to say that was an extraordinarily disappointing speech from the minister.

The Hon. D.W. Ridgway interjecting:

The Hon. SANDRA KANCK: Lack of vision and lacklustre—lacking a lot!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: Very inspiring. As members know, the process of construction on the Bakewell Bridge redevelopment has now begun. What is concerning for the Democrats in all this is that there is a huge emphasis on the car. It is implicit in the design, and it demonstrates that this is a government that does not understand the sort of future that we face. It is a design that assumes that, in 20 years, we will all be driving cars in similar numbers as today. In fact, the Hon. David Ridgway suggested that the department of transport's own figures suggest a 6 per cent annual increase, I think he said, in car use. I believe the likelihood is that, because of climate change and peak oil, there will be a decrease within 20 years.

What is disturbing about what has happened in this process is that the government has continued to ignore so many people: the Thebarton Residents Association, the Bicycle Institute and the Physical Disability Council of South Australia, which formed the Bakewell Underpass Community Coalition. That group was joined by others, such as the Royal Australasian College of Surgeons and the Pedestrian Council of Australia. So, one would think that the government might be willing to listen to a little bit of expert knowledge. However, 'push on regardless' appears to have been the government's motto. I think that attitude is another example of this government's growing arrogance.

All the evidence is that we are facing declining reserves of oil, rising oil prices (despite the little bit of a market glitch at the moment) and climate change, all of which will impinge on this project and its value in the future. Add to this the knowledge of an ageing population, and it becomes very difficult to understand why the government remains so opposed to making some relatively minor changes that would provide a northern pathway for pedestrians and cyclists. Given the ageing population and the levels of disability that go with that, I wonder whether the government is prepared for an action to be taken under the federal Disability Discrimination Act, which could force this project back to the drawing board. Why not take sensible action and incorporate the needed facilities for people who have disabilities right at the beginning?

The Hon. Carmel Zollo: It does.

The Hon. SANDRA KANCK: It does not have that northern pathway. There is no doubt in my mind—and, obviously, the minister has not worked it out herself—that there are serious concerns about disability access. Elderly people trying to mix it across four lanes of traffic will not do particularly well, might I suggest, and neither will students, older people with disabilities or people on gophers. The lack of flexibility by the government on this issue is really inexplicable, particularly when it would cost only another $3 million or $4 million extra. The existing bridge is 80 years old, so we expect that any structure we put in its place will probably last for that long. We should not rush into it. We should recognise what we might need in 20, 40, 60 or 80 years' time and plan for that. But, sadly—

An honourable member: They are not interested.

The Hon. SANDRA KANCK: —exactly—this government is not interested in the long-term future: it only looks as far as the next election. Unfortunately, government short-sightedness, intransigence and arrogance have put any chance of having a proper bridge, or underpass, that really works out of the reach of the people of Thebarton. I support the motion.

The Hon. M. PARNELL: I thank honourable members for their contribution: the Hons David Ridgway, Nick

Xenophon, Sandra Kanck and Carmel Zollo for the government. I would also like to acknowledge and thank the whips for their accommodation with respect to our being able to debate this matter and also for allowing members of the community to participate in the debate and to see how we do things here. The motion, as I drafted it, seemed so straightforward and so obvious that I was surprised that it has not been universally supported. As other members have said, we are talking about a major piece of infrastructure that will last a long time—maybe 80 years, maybe 100 years—and the climate that we have in that time—the social climate, the economic climate and the climate in terms of global warming—will be very different from what we are experiencing now.

It seems to me to be plainly obvious that we need to cater for a transport infrastructure which envisages a future where the car does not necessarily rule, a future where petrol prices are certain to increase more than decrease and where international regimes are in place for reducing our carbon emissions. Therefore, it seems that any piece of transport infrastructure must cater for all modes of transport, in particular, those non-polluting modes that are certain to be the preferred modes in the future. We are talking largely about cycling and walking. The issue of disability access has been raised by a number of speakers, and I think it is still unresolved. I have not seen the reports relating to the impact on those with disabilities of having to cross this structure using ramps and perhaps stairs.

I will acknowledge that the government has made some modifications as a result of community concerns. As I understood it, some of the ramps have been redesigned. I think some of the slopes have been altered, and it has been suggested that it is not too great an inconvenience now to traverse from the northern side to the southern side in order to get through the underpass and then back to the northern side. That may well be the case for fit, young, able-bodied people but, at the public meetings which I have attended, people in wheelchairs or even people on their own pins but who are frail (elderly perhaps) have said, 'Look, an extra 50 metres or 100 metres walk is a big deal for us. We should not have to do this. There should be a footpath on both sides that gives us access.'

We do not want to lose sight of the fact that this underpass is located on the fringe of the CBD. If there is any location where people have the capacity to live and to work in town and not need a motor car, this is that type of location. I acknowledge that the government has tweaked the plans—1.5-metre bike lanes became 1.8-metre bike lanes. However, I notice that the RAA has called for two metre bike lanes, and so even that organisation's calls have not been listened to by government.

I do not accept that getting this project right is too hard or too expensive. It is certainly not too hard. Being able to put a shared cycle footpath on that northern side does require a rejigging of the plans. We have been told that the Temple College drop-off zone will be affected. I think that can be relocated. I also make the point that the estimate I have been given is that only about 10 per cent of those students are dropped off by car, anyway, and that is not every day of the year: it is only school days.

I do not think that the government has done this balancing act right. I think it should have paid attention to the long-term nature of this infrastructure. The community groups that have rallied for improvements to this design need to be acknowledged. They are: the Bakewell Underpass Community Coalition and its constituent groups; the Bicycle Institute of South Australia, which I have been proud to mention in this place and which I think was the first community group I joined when I arrived in South Australia (then called the Cyclist Protection Association)—maybe it is time to bring that name back because we are talking about the protection of vulnerable road users—the Thebarton Residents Association, representing all those people who live within walking, cycling, wheel-chairing or gophering distance of this facility—they are the ones who will be using it; they are the ones who will be missing out on that path on the northern side—and the Physical Disability Council as well, which has lent its name to the Bakewell Underpass Community Coalition.

I do not mind when government gets things wrong. The government got it wrong with the design of the Belair National Park, but it did the right thing: it acknowledged that the community had valid concerns and that going back to the drawing board was the right thing to do. It needs to take the same approach to this piece of infrastructure, even though it will cop some criticism. No doubt the Hon. David Ridgway and his colleagues have done their job well in criticising budget blow-outs. I do not mind if this blows out. I really do not mind. It is spread over such a long period of time.

As the Hon. Nick Xenophon pointed out, the cost of tragedy and suffering to people with brain injuries makes the few million dollars to get this project right absolutely insignificant in the global scheme of things. Again, I thank the members who have spoken and I urge all members to support this motion.

Motion carried.

RESIDENTIAL PARKS BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 820.)

The Hon. D.G.E. HOOD: I begin the Family First contribution to this bill today by acknowledging the significant number of South Australian families, individuals and especially some elderly people who live in the caravan and tourist parks across our state. Those parks are not everyone's cup of tea, but for some of us the lifestyle of being a permanent resident in a caravan park certainly has its attractions. The fact that, to date, we do not afford sufficient rights to people who live in these circumstances is arguably symbolic of our indifference to that lifestyle; but, gladly, this bill will see that change.

I was surprised to hear that, as at 2001, only 7 500 South Australians lived in this way, which is far less than 1 per cent of our population. As I said, that was surprising to me; I thought that it would be more. Given the figures quoted by the Hon. Ann Bressington recently that the number of aged people living in this way is only about 3 000, perhaps the figures are a little rubbery. Also, I express our gratitude to Mr Denis Crisp, the ministerial adviser, for his briefing to our office concerning this matter. It was very helpful. Certainly, it helped us understand this issue as we were forming our position.

This bill has been the subject of public consultation, and it has been some five to six years in the making. The bill replicates various rights and responsibilities incumbent on landlords and tenants enshrined in the Residential Tenancies Act. However, other additional matters that are specific to the operation of caravan parks are also included in this bill.

Living in the close confines of a caravan park can have its problems, and I am mindful of the need to protect families and individuals from violent or anti-social tenants, and to ensure that if a tenant needs to be evicted for that behaviour they can be and that it can be done promptly.

This bill, thankfully (for the violent circumstances, anyway), avoids the farcical eviction scenario that we have with the Residential Tenancies Tribunal. Indeed, the member for Stuart in the other place made some observations similar to my understanding of the workings of that tribunal. I note that the member for Schubert in the other place shares these concerns; and, most certainly, Family First wants to make it clear that families should not have to put up with anti-social behaviour by neighbours in the close confines of a caravan park or similar situation under any circumstances or at any time.

Indeed, Family First calls upon the minister to keep a close track on the use of the special power of removal (that is, this power is special in that the Residential Tenancies Tribunal does not have that power). To our mind, if exercise of this power works well and is not abused it could be extended to other anti-social behaviour so that park owners and managers are not faced with a less optimal 'three-strike' system for serious anti-social behaviour.

The matters raised by the member for Taylor in the other place are concerning allegations about misconduct by some park operators. Basically, they pertain to the abuse of power and, in effect, the vacuum of law in this arena that allowed it to happen. This bill creates rights for members to organise in committees and not be intimidated from doing so by park owners and managers. I will speak more about that later when I cover the concerns of some specific elderly people who have approached Family First about this bill. The types of park rules prescribed in this bill mean that park owners cannot impose other rules which, in effect, parliament is deeming to be unfair categories of rules.

I rely upon the member for Taylor's experience in these matters. I do hope that this bill will be effective in stamping out unacceptable behaviour by park owners. Family First supports the amendment passed in the other place whereby not only are rights of protection of tenancy for up to 12 months extended to people who have leases of less than 12 months but under the amendment these will now also extend to people with leases of 12 months and over. That is a reasonable amendment.

On 31 October in this place, the Hon. Ann Bressington protested that this was lazy legislation and it did not protect residents of lifestyle villages. We have received submissions from, I suspect, the same people as the Hon. Ms Bressington. I put on record not only the appreciation of Family First for the contribution by residents but I also applaud these generally elderly people for their activism. The Hon. Ms Bressington is absolutely correct in saying that our elderly people are, at times, disadvantaged and in need of our vigilant protection. As our senior citizens, they deserve nothing less. Indeed, senior citizens in these residential parks ought to get some form of legal assistance, or a visit from the minister's staff perhaps (or someone representing her department), to ensure that their voice is adequately heard.

The submissions that we have received indicate that some elderly people have been exploited. It would seem to us that their redress is through the courts against park owners who, for instance, might have advertised a park as being a 'retirement village' when in fact, at law, it is not. If proven, that is misleading and deceptive conduct punishable in a court of law. Elderly people are, in my experience, overwhelmed by forms and procedures in courts in some cases, hence our call to the minister is to help these people get appropriate advice, or to intervene and take up the cause on their behalf.

I accept what the minister's office has told Family First and I indicate our support for the bill. The minister's office advises that this bill adds to—and does not subtract from—residents' rights, and we agree. I have drafted a letter to the minister's office asking that the minister contact residential park residents and offer support and help them to avail themselves of their new rights under this act. In Family First's view, elderly residents can use their new rights by participating in resident representative bodies to ensure that they are not exploited. Democracy will be in action in these residential parks, but we think that the minister is obliged to offer assistance to the disadvantaged who will not be able to take up those democratic rights unless they get some help.

I therefore conclude by saying that Family First supports this bill and, again, we call on the minister to help residents take up their rights under this bill and, in particular, we call upon the minister to assist elderly residents who might have been exploited or tricked into buying what will now be a residential park and not, as they thought it to be, a retirement village. As I said, I indicate Family First's support for this bill.

The Hon. I.K. HUNTER secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 824.)

The Hon. T.J. STEPHENS: The inventor Thomas Edison once made the wise comment that opportunity is missed by most people because it is dressed in overalls and looks like work. When I reflect on this latest Rann-Foley budget, I cannot help but think how these words ring true. This is a budget of missed opportunities because the Rann government has not had the courage, nor has it worked hard enough, to make the bold decisions that will deliver real results for South Australians.

The signs last March—just in case members missed them—said 'Mike Rann gets results'. The only result we have seen thus far from this second-term government (and from its fifth budget) is more money for the government's coffers. It is the highest taxing government in the state's history. It is not interested in tax reform and it is not interested in grabbing hold of great opportunities for this state.

One area upon which I would like to focus today in response to this budget is the value of young people to this state. It saddens me again and again to see young people leaving South Australia to chase better opportunities inter-state and overseas. This budget has done nothing to start addressing this really sad situation. When I speak with young people about buying a house in South Australia, it saddens me to think that there is no offer of a reduction in stamp duty for first home buyers. The affordability of housing in South Australia can and should be a key factor in keeping our young people here. Where is the good news in this budget for young people looking to buy their first home? It is nowhere to be found.

Jobs growth is vital for our young people, and it is also an area in which this budget has failed them. Youth unemploy-

ment is still very high, and the government has increased TAFE fees instead of trying to attract more young people to study at TAFE and get a start in their career. This government has done nothing to encourage small business to employ more young people. As a former small businessperson, I must admit that I feel lucky that part of my life is behind me now that this government is at the wheel. Treasurer Foley has previously admitted that we need to reduce taxes on small business in this state to remain competitive, but what has he done about it? We have the highest payroll tax regime in the whole of Australia at 5.5 per cent and our payroll tax threshold continues to be the lowest at $504 000. A tax to employ people is a disgrace. At the end of this term of government, South Australian businesses will be paying close to $1 billion a year in payroll tax instead of employing more young people.

Families have also received no joy from this budget. The emergency services levy, the River Murray levy and the natural resource management levy all remain in place, yet there has been no reduction in land tax with collections set to increase to $342 million in 2006-07. Families are also affected by high stamp duty, and there is no tax relief on the horizon. Families will also be the big losers when the Education Works Strategy closes 17 schools and kindergartens, and that is at the very least. Call me crazy, but I just cannot see how a government that calls itself pro-education and promises more teachers and better schools can close 17 schools while avoiding job losses for teachers and support staff. I congratulate the spin doctors—calling those closures super schools certainly has hoodwinked most of South Australia.

Rural South Australia has missed out in this budget. Over $3 billion will be spent on health this year, yet just $1 million has been allocated to regional health for new capital works. Country people need better roads. We have a road maintenance backlog of $200 million, but a measly $3.4 million has been committed statewide to address this significant problem faced by rural South Australia. Rural communities are doing it tough, and they face up to one of the worst droughts on record. Labor always forgets the bush, and this budget shows that it has done it again with further cuts to funding for agriculture and wine, and the State Food Plan has been reduced yet again.

Not so long ago, South Australian food producers were leading the way with the support of the former state Liberal government; now the industry is struggling. This government and, indeed, this budget have been of no assistance to our once incredibly healthy primary industries. Certainly, the drought is having a major impact, but talk about kicking someone when they are down! As far as the state government's recent $4 million assistance package is concerned—what a joke! With the amount of revenue that this government collects, this level of assistance is mean-spirited and simply not good enough. I read today that the Victorian government's relief package—this is a Victorian Labor government—for farmers is $110 million more than what Premier Rann and Treasurer Foley have offered. It is just a disgrace when this government is swimming in money.

The Rann government has the unenviable title of being the highest taxing government in the history of South Australia, while it collects an extra $2.7 billion more to spend every year than the former Liberal state government. I will repeat that figure—$2.7 billion—and what do we see for it? Members opposite would have heard my colleagues and I report this figure often of late, but I really hope that, just because we have mentioned it often, the gloss does not wear off. It is a massive figure. It is an absolutely gigantic amount of cash, and what have the people of South Australia got in this budget considering all the extra money that is available? Not much; not very much at all, I can tell you.

Of course, this extra $2.7 billion has helped towards vitally important projects, such as the tramline extension, which will wreak havoc on city traffic and be of absolutely no use to the majority South Australians. It will pay the salaries of fat cats in the Public Service, and members will recall the Treasurer (Kevin Foley) saying years ago that they would receive a very vigorous tap on the shoulder—ho, ho! It will cover the millions of dollars required to be wasted on opening bridges at Port Adelaide, and it will take care of the $2 million needed to host a guitar festival in Adelaide. It will also take care of $1.4 million to run the Thinkers in Residence program. Perhaps Premier Rann's next thinker in residence should be someone who can tell the Treasurer how to effectively and responsibly spend his government's extra $2.7 billion that is coming in each and every year. But there is no need for this, as my colleagues and I are happy to tell Mr Foley, the Treasurer, free of charge.

Premier Rann and Treasurer Foley need to work harder at creating exciting opportunities for this state. Now that the Premier's failed bid for the ALP national presidency is over, he needs to knuckle down with his Treasurer to get the state moving forward, instead of appearing only for the good news stories. This budget was a flop from the same old Labor that took over from a Liberal Party that had fixed up the disgraceful mess left behind by Labor, only for Labor to mess it all up again while trying its level best to put a positive spin on things.

We need only to look at the missed opportunities in this latest budget and at the huge cost blow-outs in infrastructure projects, and in WorkCover's unfunded liability, to see the pattern forming again. This government is all talk and no action. It is high time that it did something bold and exciting for the people of South Australia, instead of hanging its hat on a tramline extension or claiming federal government projects as its own.

The Hon. I.K. HUNTER: Mr Acting President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. R.I. LUCAS (Leader of the Opposition): As the Leader of the Opposition (the Hon. Iain Evans) outlined in his excellent contribution in the House of Assembly a week or two ago, this is a budget of broken promises and missed opportunities. For those avid readers of *Hansard* or members who are generally looking for an assessment of the budget, other than that from the government, I would commend the contribution from the Hon. Iain Evans; it is a comprehensive and detailed critique of the missed opportunities, as I said, of this budget.

In my contribution I do not intend to address all of the issues that Iain Evans has, on behalf of the Liberal Party, in his formal response to the Appropriation Bill. I do, however, want to address a handful of issues, perhaps in a little greater detail than the Hon. Mr Evans was able to in his comprehensive contribution. Then, as has been my practice in recent years, I will place on notice, in the second reading, some questions to the government, given that we will have some time before the passage of the Appropriation Bill, for those responses to be provided by the minister in his response to the second reading.

As members know, this council has, on occasions in the past, had the capacity during the committee stage to question ministers, with advice from various senior departmental advisers. In recent years we have used the device of placing questions on notice during the second reading, and the government has provided responses generally to those questions. Certainly, at this stage, that is the opposition's intention in relation to consideration of the Appropriation Bill.

As one looks at this budget, I think it is interesting to note the state of South Australia's finances, and the state of South Australia's economy, that there are certainly three very big issues that are impacting on our finances and on our state economy, both in the recent past and certainly into the foreseeable future. I refer, in particular, to the GST deal, or the intergovernmental financial agreement that was entered into between the states and the federal government in 2000-01, the significant task of debt reduction, in the Auditor-General's terms, $11 billion or so of debt that was inherited by the Liberal administration in 1993-94, and the debt reduction program through privatisation and asset sales, such as ETSA and others.

The third issue is a decision that was taken many years ago, with the assistance of a lone and brave Labor legislative councillor, the Hon. Norm Foster. The decision I refer to, of course, was in respect of Roxby Downs. Whilst that decision was taken 24 or 25 years ago, the importance of that decision, both after the past 24 or 25 years and, more importantly, as we look at the economic future of the state, I think is evident for all to see.

I refer to those three big decisions, if I can put it that way. Of course, there are probably a number of others as well. I do not want to indicate that these are the only ones, but these are certainly three of the big ones that had an impact. The one consistent theme of those three issues is that all of them were trenchantly opposed by now Premier Rann and now Deputy Premier Kevin Foley, and the Labor Party at the particular time. The GST deal was described by Premier Rann as a 'lemon' and a deal that dudded the states.

The debt reduction program was attacked and opposed by both Mr Rann and Mr Foley. Roxby Downs was opposed by Labor, and the charge was led by now Premier Rann. As has been outlined by myself and others over the years—I will not go through the detail—the Premier was not just a fellow traveller in a party that was opposing the Roxby Downs mine at the time, he actually helped lead the charge within the Labor Party, within the community, to stop uranium mining, and Roxby Downs in particular.

The irony is not lost on those of us here in this chamber that the three big deals that Labor trenchantly opposed all through the years, and Mr Rann and Mr Foley opposed all through the years, are the three big deals which have left our state's finances in the healthy position they are in now; in the case of Roxby Downs, both the obvious impact in terms of royalty payments in the future for our state's finances and the critical fillip it has been and will be to the state's economic future.

When one looks at the automatic response from the Premier and the Deputy Premier to any concerns ever raised about the decline of manufacturing with Mitsubishi and Electrolux—I will not go through the list—inevitably the government resorts to,'Yes, but we have Roxby Downs' and 'Yes, but we have the destroyer contract', a contract that was given to the state by the federal government, and an important contract indeed it is to the state's economic future.

During the estimates committees, Deputy Premier Foley was asked whether or not he would now recant and admit that their opposition to the GST deal and their opposition to debt reduction had perhaps been misplaced, and acknowledge the strength of the state's balance sheet as a result of those two financial decisions that were taken. They were not popular decisions: the GST deal was enormously unpopular at the time and is still unpopular with some. The debt restructure, in particular the difficult decision in relation to ETSA, was enormously unpopular at the time, and it is still unpopular with a number of members of the community. As I said, even when given the opportunity to indicate that perhaps the GST deal was not a lemon, in terms of its impact on the state, the Deputy Premier's ego would not allow even that concession at this stage.

That is the background to the state's economy, as it is at the moment. I do not want to go into comprehensive detail in terms of the state's performance and finances in that respect—that has been done and will be done during other debates. If I can collapse all of that together to look at our state's budget and finances, I guess it is best summarised by the one statement; that is, this year this government will have $2.7 billion more to spend than was the case in the last year of the last Liberal Government (2001-2002). In the space of just five years our budget has grown from just over $8 billion to about $11 billion. So $2.7 billion in five years—that is a statement of fact.

I think the question is, for those of us interested in what governments do and how we meet the ever-expanding and never-decreasing needs of the community: what on earth has been done with and what has happened to the $2.7 billion per year? I think that is the question that members during the Appropriation Bill debate, even if they do not address it in their speeches, need to at least contemplate. Those within the government benches ought to be thinking amongst themselves, 'Well, what on earth have we done with this $2.7 billion?'

The Hon. R.D. Lawson interjecting:

The Hon. R.I. LUCAS: As my colleague says, they haven't spent it, they have squandered it. Certainly, we see waste and wrong priorities as the reason much of the $2.7 billion has not translated into tangible improvements in the quality and output of services—whether that be in education, health or law and order.

As I said, that is a question government backbenchers ought to be asking of themselves and increasingly, in a second term, asking of their ministers. Having been in government I know that those first four years are a period of relief and excitement, of not knowing what goes on. Inevitably treasuries, treasurers and strong personalities within governments and government parties hold sway but, hopefully, in the second term the rest of the parliamentary party and the other ministers catch up with the fact that what they were being told is not necessarily accurate—or indeed is inaccurate—in terms of the state's finances.

Members and ministers of the government ought to be asking their Treasurer why inevitably every year, when revenue is estimated, there is almost $600 million more collected—on average just under $600 million more revenue has been collected in each of the last four years under this government. In part that is due to the buoyancy of the state's property market and to property taxes, but it is also because of the strength of the GST, the national economy and the state economy. It has also been because of inadequate revenue projections by the Treasurer and Treasury. If you are missing

by $600 million a year, on average, for four years in a row one would hope that at some stage someone would say, 'Hold on; what is going wrong? Can't we get a little closer to the revenue projections?' and then make judgments in terms of spending priorities.

I refer members to the excellent contribution from the Leader of the Opposition, Iain Evans, and I want to mention two areas. Anyone who runs a business knows that a huge part of your cost base is the number of people you employ, the wages you pay them and the controls you have in terms of managing that important part of your budget. Total employee expenses for the business of running the state are something in the vicinity of 50 or 60 per cent.

We have the ability to go back and look at the last four budgets, and if members look at the start of the budget period and then look at what actually happened, in terms of public sector numbers, those four budgets predicted an increase of 1 135 full-time equivalent public servants. What actually happened was that there was an increase of 8 885 full-time equivalents, or an unbudgeted blow-out of 7 750 full-time equivalent Public Service positions. Even on a very conservative assessment, you are talking about an unbudgeted blow-out of between $500 million and $550 million a year in additional employee expenses—and that is just through unbudgeted increases in the number of public servants.

I have to give this government credit where it is due—whatever the story or mantra is they will stick to it. The mantra is, 'Well, it has all been doctors, teachers and police.' As we have demonstrated on a number of occasions through Commissioner for Public Employment figures, budget figures and FOI documents that have been released, out of the increase of almost 9 000 full-time equivalents perhaps 1 500 to 2 000 (and that is being very generous) full-time equivalent positions are teachers, doctors, nurses and police. Certainly, there have been increases in police numbers, perhaps 200 to 300. There has been a big increase in the number of nurses—we acknowledge that, although there are conflicts with the number the government claims—and that would be the biggest component. The increase in the number of doctors is smaller and not significant at 9 000.

In terms of teacher numbers, the government always talks about 100 extra junior primary teachers, but it does not talk about the fact that fewer teachers are being employed overall now than there were five years ago because we have had such a huge decline in the number of students in government schools. Using the standard formula of one teacher per 20 or 25 students—whatever it happens to be—inevitably, with fewer students, the formula turns out fewer teachers. When one looks at it, one will see that of the 9 000 or so increase in full-time equivalents, there would be no more than probably about 1 500 to 2 000 maximum full-time equivalent doctors, teachers, nurses and police. The rest are in occupations other than those four which are always quoted by the Premier, the Deputy Premier and government ministers.

The other issue in relation to employee expenses—if you run a business you would know this—is that it is not just a matter of the number of employees you have. As I have suggested before, if you were a chief financial officer or its equivalent in a major corporate body in Australia and with four budgets in a row you went to the board or the CEO and reported that you had budgeted for 1 000 yet you ended up with a lazy 8 000 full-time equivalents extra, I suspect you would not have lasted four years and that you would not be coming back on Monday with that sort of unbudgeted increase in your numbers.

The other aspect is that of unbudgeted wage cost increases. It is hard to nail that down. We have asked questions on this before, but I seek leave to have inserted in *Hansard* a purely statistical table in relation to budgeted wage cost increases.

Leave granted.

	Budgeted Wage Cost Increases (%)	Actual Wage Cost Increases (%)
2002-03	2.9	7.9
2003-04	4.7	10.5
2004-05	3.2	8.9
2005-06	4.2	8.8

The Hon. R.I. LUCAS: This statistical table looks at budgeted wage cost increases. At the start of each budget year, it looks at how much money has been spent on employee expenses in the previous year and what is budgeted for the coming year, then you can compare those figures with what was actually spent—a simple calculation. Businesses would do this calculation in terms of monitoring their performance and, in the business of running the state, you should do the same thing.

In the last financial year for which we have figures (2005-06), the budgeted total wage cost increase, or employee expenses increase, was 4.2 per cent. In actual performance, it was 8.8 per cent—double the employee expenses. In the previous year, the budget was 3.2 per cent and the performance was 8.9 per cent—almost three times more. In the previous year (2003-04), it was 4.7 per cent (budgeted) and the actual performance was 10.5 per cent—just more than double. In the previous year (2002-03) the budget was 2.9 per cent and the actual performance was 7.9 per cent—again, more than double.

As I have said, the total employee expenses issue takes into account both the unbudgeted increase in the number of bodies that you have within the public sector and, also, the greater than budgeted wage settlements that you enter into. Again, this is an indication of a government that has been able to produce on one of the three measures, to which I will refer later (namely, surpluses) because, irrespective of the waste and wrong priorities, they have been drowning in money that has been pouring in through the revenue side of the budget. It did not matter how much money they threw in how many different directions because, in the end, so much money was coming through the revenue door that it always outweighed the amount of additional money, or unbudgeted spending, that was going on.

This is not the way you would like to run a business for those in the chamber who have had that experience. Certainly, it is a high-risk strategy. You are taking a punt, that, irrespective of your cost side, every year you are going to be drowning in additional money. As I have said, in the past four years, the Treasurer has been a bit like the bloke who has won X-Lotto four years in a row. Each year he gets an extra $600 million through the revenue side of the budget, so he has not had to worry about what is going on in the spending side. The Treasurer has won X-Lotto four years in a row, but that sort of financial management strategy has some significant and serious weaknesses if that is to continue.

One other issue I want to touch on is largely an issue for members of parliament and probably of interest to a limited number of members of the media. The Appropriation Bill is one of the few opportunities where one can, with some detail, rebut claims that have been made by the other side of the political fence. On this occasion, I want to take the opportuni-

ty to at least place on the public record our position in relation to the Goebbels-type strategy of the government, the Premier and the Deputy Premier that, if you make a claim often enough, it becomes accepted not only by members but also by the media, the community and others. The claim that is being made all the time in budget speeches and elsewhere is that this government produced five surpluses in a row and five balanced budgets and that the former government produced only deficits, could not balance a budget, and could not run the state's finances at all. I will not continue; I am sure everyone is familiar with the rhetoric. I will seek leave in a moment to again incorporate some purely statistical tables. However, the first point I want to make is that, clearly, the Liberal Party's position is that the claims by the government that the former Liberal government had never produced balanced budgets is palpably wrong and demonstrably wrong, as indeed I will show.

The Commission of Audit, established in 1993-94 after Labor's State Bank scandal, recommended at that time that budget reporting should be for what it termed the non-commercial sector. I highlight that the current budget in South Australia is structured on a sector that is called the general government sector. One of the problems with the general government sector in South Australia is that it does not include some critical agencies in South Australia. It does not include the Housing Trust, TransAdelaide or the Passenger Transport Board, and it does not include some agencies such as the Land Management Corporation and the Adelaide Convention Centre.

To all intents and purposes, agencies such as the Housing Trust, the Passenger Transport Board and TransAdelaide are commonly accepted as being part of the budget sector in most state governments. It is the business of what the state is about: the transport system and the housing system, together with education and health. But, because of the structure in South Australia, those agencies and their finances are not included in the budget documents and definitions under the general government sector. So, when we are talking about whether or not we have a balanced general government sector, we do not include the financial performance of a significant number of those agencies.

In some other states, the equivalent organisations are included within the general government sector because of the way in which they are structured. For those reasons, the Commission of Audit recommended that the public sector devise a new concept or sector called the non-commercial sector. That was to include the Housing Trust and these transport agencies in addition to the general government sector, and that was, in essence, from their recommendation, a better description of the budget sector in South Australia. The Liberal administration of 1993-94 accepted that, and the budgets during the Liberal years of 1993 through to 2001-02 included the non-commercial sector and, towards the end of that period, because of national requirements, also reported, not in as great detail, the general government sector as well.

The other thing that the Commission of Audit highlighted was that there was an annual budget deficit of more than $300 million in 1993-94. In fact, it was $300 million heading towards $350 million at that time. Another thing to note is that, during those years, the reporting in this and most other states was on a cash basis. There are two general ways of reporting budget positions: one is cash and one accrual. The commonwealth government still reports its headline figure as the cash figure. When one sees an X million dollars surplus in the commonwealth budget, that is a cash position, not an accrual position. It is only the states that have adopted the notion that the true and accurate way of reporting budgets is through the accrual position. The commonwealth has persisted with reporting its headline rate on a cash basis.

As a former treasurer, I have to say that I saw the arguments for cash but I also saw the persuasive arguments for reporting on an accrual basis. Certainly, towards the end years of the Liberal administration, we were moving from cash towards accrual and our fiscal target was, in the medium term, to deliver not only cash surpluses but also accrual surpluses. The point I make is that, while the states have made those judgments, the commonwealth government has continued to report on a cash basis. This notion that the only way of reporting budget positions is accrual is clearly not supported by the federal Treasurer or, indeed, by federal treasurers who have gone before him. I seek leave to have incorporated into *Hansard* without my reading it a table, which is purely statistical, headed Liberal Government Non-commercial Sector Underlying (Cash) Results, for the period 1993-04 to 2001-02.

Leave granted.

Liberal government non-commercial sector underlying (cash) results—surplus/(deficit)
—Adjusted for SAFA/SAAMC 2001-02

Source: Budget documents $'millions	1993-94	1994-95	1005-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02
Results	(301)	(239)	(101)	(57)	48	(55)	(25)	21	292

The Hon. R.I. LUCAS: This table shows that the former (Liberal) government cleaned up the financial mess that had been left after the Labor Party's State Bank scandal of the early 1990s and, as I said, inherited deficits on a cash basis in the non-commercial sector of $300 million, $230 million, and reduced those over a period of three to four years to, essentially, a series of balanced budgets. They were either very small surpluses or very small deficits over that period. We currently have a budget of the order of $11 billion. I do not have the figures with me as to what the budget size was at that time, but I assume it was of the order of $6 billion or $7 billion. The budget surpluses and deficits during that period were either $40 million, $50 million or $20 million. To all intents and purposes, essentially balanced budgets were being reported through the last four or five years of the Liberal administration.

In the last year, 2001-02, the tables that I produced have taken into account a point that I have referred to before but will refer to again, which was an accounting fiddle that Treasurer Foley engaged in in reporting finally on the 2001-02 year. If that fiddle is adjusted for, there was a very strong surplus cash figure in the non-commercial sector of $292 million that the Labor government inherited. If we look at three of the last five years, the surpluses were not very strong and, in two of those years, there were very small deficits of $25 million, $55 million. They either balanced or were in surplus position, if you take the four or five-year result. That is the way that budgets were reported in that time.

Towards the end of that period, there was also accrual reporting in the general government sector, and I will return

to that in a moment. That is now the measure being used by this government in terms of how the budget performs. But certainly all the claims that have been made that the former government did not balance its budget, could not produce surpluses or had five deficits, are demonstrably wrong. The point I need to make, because the next table adjusts for it (and this was a point the former New South Wales Auditor-General, Tony Harris, identified in *The Financial Review*), is that when the Rann government assumed the Treasury benches it engaged in an accounting fiddle to make the 2001-02 result look worse and the 2002-03 result look better—that is, to make the last budget for the Liberal government look bad (black hole-shock, horror! etc.) and the first budget of the Labor administration look correspondingly better. There were two articles in *The Financial Review* which blew the whistle on this. One was headed 'Accounting fiddle paints rosy picture', and there was another article by Tony Harris (as I said, a former New South Wales Auditor-General) on 12 July 2002, and he stated:

> He [Foley] shifted nearly $300 million of dividends from the government's remnant bank and finance corporation from his rivals' 2001-02 budget into his 2002-03 budget.

So this accounting fiddle was a decision in the 2001-02 budget that we had taken to transfer budgeted dividends of $270 million from the South Australian Government Financing Authority (SAFA) and the South Australian Asset Management Corporation (SAAMC). The accounting fiddle that Tony Harris and the others at *The Financial Review* identified was that Mr Foley deferred taking the $270 million into the budget in 2001-02 to try to paint the picture of the black hole and took those into his first budget of 2002-03. So, that is picked up in the adjusted figures for 2001-02 and also for 2002-03 in that table, and I now seek leave to have inserted in *Hansard* a purely statistical table headed 'General Government Sector Results' from 1998-99 to 2009-10 (estimated).

Leave granted.

General government sector results—Adjusted for SAFA/SAAMC 2001-02
Source: Budget documents

$ millions	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04
Net operating balance surplus/(Deficit)	-287	-330	-297	96	178	385
Net Lending/(Borrowing)	-306	-471	-399	146	144	424
Cash surplus/(Deficit)		-239	-108	220	388	522

General government sector results—Adjusted for SAFA/SAAMC 2001-02
Source: Budget documents

$ millions	2004-05	2005-06 (est.)	2006-07 (est.)	2007-08 (est.)	2008-09 (est.)	2009-10 (est.)
Net operating balance surplus/(Deficit)	224	147	91	162	188	208
Net Lending/(Borrowing)	119	88	-118	-230	-206	-223
Cash surplus/(Deficit)	193	145	-75	-176	-187	-220

The Hon. R.I. LUCAS: This table looks at the general government sector and, as I said, the weakness of the general government sector, although we now use it, is that it does not include the Housing Trust, TransAdelaide, Passenger Transport Board and a wide range of other agencies. But, nevertheless, acknowledging those figures, this particular table looks at three measures of the performance surplus or deficit in the general government sector. One is the cash position which, as I said, is the position the federal government still uses and the former government used essentially for much of its period, albeit for the non-commercial sector. The second position is what the current Treasurer described as the one true measure of a budget's health, and that was something called the net lending or borrowing position, which is an accrual accounting concept. The third position, which is another accrual accounting concept, is the net operating balance (surplus or deficit).

Certainly in the general government sector during that period in 1998-99, 1999-2000 and 2000-01, all of those measures of the budget aggregates showed reasonable sized deficits of either $100 million, $200 million, $300 million and, in one case, $400 million. The point I make is that during that period the cash position for the non-commercial sector was showing essentially a balanced budget or small surpluses, yet in the general government sector it was showing significant deficits. Again, one of the reasons for that is the number of agencies that are not included in the general government sector.

The point that I make is that the budget that was left to the incoming administration in 2001-02 demonstrates surplus positions on all of those measures—the cash measure of $220 million, the net operating surplus of $96 million and the net lending position of $146 million—if the accounting fiddle that I referred to earlier is taken into account in relation to 2001-02. The budget left to the incoming administration had delivered cash positions, cash surpluses in the non-commercial sector of either balanced or slight surpluses for its past four or five years, and even the general government sector—which was not the main reporting device during the early years—eventually by 2001-02 through dint of hard work had delivered surplus positions on all those measures.

The table shows that with the advent of the GST—and as the former treasurer I knew—the election to win was the 2002 election because the debt reduction had occurred, the GST deal had been done and the benefits would flow through over the coming years. Without tracing the history of 2002, the reality is that the Rann government assumed the Treasury benches and it was in the position to enjoy the benefits of the GST deal and the intergovernmental agreement. During the period of 2001-02 to 2004-05 there are healthy surpluses on all three measures of the budget position, whether it is cash, net operating balance or net lending/borrowing position.

For the reasons I have identified earlier, in terms of lax financial management, unbudgeted increases in employee numbers and wage costs, when one looks at this measure, which is the government's measure now in the general government sector for the next four years and which is outlined in this budget—and I refer members to the table for the past four years; the first seven or eight are largely an argument in relation to the past performance of both this government and the former government—the critical issue in relation to this budget is the performance over the next four years. If one looks at the cash position, which is what the federal government reports on and what the former government was essentially reporting on, we are reporting cash deficits for each year for the next four years, ranging from $75 million through to $220 million in 2009-10—deficits of somewhere between $600 million and $700 million in cash terms over the four years.

If one turns to the one true measure (as identified by the Treasurer in 2002-03) of a budget's health—and that is what is called the net lending or borrowing position, or the accrual accounting concept to which I referred earlier—that is in significant deficit for each of the next four years from $118 million through to $223 million in 2009-10—deficits of somewhere between $700 million and $800 million over that four-year period.

It is for those reasons that the Treasurer changed the definition of what is a surplus budget or a deficit budget. If he had stuck with the definition used in the government's first four years, he would be reporting four deficit budgets over the next four years—$118 million up to $223 million in 2009-10. The simple trick or device the Treasurer has used is to say, 'We will now use a different definition of whether or not the budget is in surplus or deficit. Instead of the net lending position, we will now refer to the net operating balance and that demonstrates surpluses of between $91 million and $200 million over the next four years.'

In summary, that table shows that, of the three measures of the budget position, two of them demonstrate deficits for each year in the next four years. Only one of them—the one now being used by the government—demonstrates a surplus position. In summarising that situation, what the Treasurer has done, and seeks to do, when he claims that the former government never balanced a budget is use his definition of the budget sector; that is, he uses the general government sector rather than what the former government used—which was the non-commercial sector. He chooses to exclude important agencies such as TransAdelaide, the Passenger Transport Board, the Housing Trust and others. He also changes the definition, depending on the four-year term, of what the budget surplus or deficit is; that is, in the first four years it was a net lending position, and for the next four years it will be the net operating balance. He then interprets the last four years of the Liberal administration within his own construct.

As I said, the Appropriation Bill is probably the only opportunity to rebut in detail the claims made by the Premier and the Treasurer that the former government could not balance a budget and could not produce surpluses. For that small group of *Hansard* readers and others, that, in detail, is the Liberal Party's position and also the position of the former Liberal government.

I now want to refer to the Labor election costings document prior to the election. In 2002, just 36 hours before the election, the now Treasurer produced the costings document for the 2002 election. We indicated on that occasion that it was not worth the paper it was written on and that there were significant errors. As I have highlighted before, the now Treasurer and others have threatened legal action against media outlets, and so on, in relation to some of those claims.

However, I now want to refer members to an acknowledgment by the Treasurer during the estimates committees. On 30 July 2002, he acknowledged that a key part of that document was wrong. The Treasurer and his advisers had assumed that running down Treasury's cash reserves by $7 million would help the budget bottom line (that was their argument), which was, of course, not the case. During the estimates committees, under questioning, the Treasurer was forced to acknowledge that that was an error in the Labor costings at that time.

There were other errors and broken promises, but I want to now concentrate on the 2006 equivalent document. I again note this was released just 36 hours before the election. On this occasion, the Labor government could not find anyone, either accounting company or adviser, who was able or prepared to sign off on the accuracy of the costings document. When one looks at the document, I am not surprised that it was unable to find anyone who was prepared to put their name to signing off on this document. We said at the time that it was not worth the paper it was written on. One of the tragedies of politics in South Australia is that the media outlets, two days before the election, are not too keen on becoming involved in a detailed consideration of the accuracy of claims being made on both sides. If one side happens to say, 'Yes, but on this occasion what this lot is saying is palpably and demonstrably wrong', the degree of cynicism in the media is such that they are not prepared to closely consider those arguments.

Again, for the sake of the record, we said at the time that the savings and the costings were not worth the paper they were written on, and I now want to highlight in a little detail the accuracy of the statement we made at the time. Hopefully, when one comes to 2010, if the Treasurer is still the Treasurer, there might be someone in the media prepared to take a close look at the claims made by Labor in costings documents. I seek leave to incorporate in *Hansard* a page headed 'Labor Election Costings', which is a table of the proposed savings to fund the Labor promises.

Leave granted.

Labor Election Costings

	2006-07	2007-08	2008-09	2009-10
Mid year budget review	9 000 000	77 000 000	58 000 000	106 000 000
Proposed saving strategies				
2% efficiency dividend across non-service delivery areas of government	32 340 000	33 148 500	33 977 213	34 826 643
Freeze for one year the indexation on government supplies	19 156 000	19 156 000	19 156 000	19 156 000
Energy savings across government	7 000 000	7 175 000	7 354 375	7 538 234

Labor Election Costings				
	2006-07	2007-08	2008-09	2009-10
Consolidation of government accommodation (saving of 5% p.a.)	4 750 000	4 750 000	4 750 000	4 750 000
IT savings across government as a result of new tendering process	30 000 000	30 000 000	30 000 000	30 000 000
Proposed total savings	93 246 000	94 229 500	95 237 588	96 270 878
Labor Party election promises	-75 926 000	-101 906 000	-118 006 000	-142 166 000
Doctors' wages agreement	-13 100 000	-18 300 000	-20 100 000	-21 700 000
Total election promises	-89 026 000	-120 206 000	-138 106 000	-163 866 000
Net operating balance budget surplus	13 220 000	51 023 500	15 131 588	38 404 878

The Hon. R.I. LUCAS: This document purports to show in broad terms savings of a bit over $90 million a year to fund the Labor election promises. One of the biggest ones is a line which says, 'IT savings across government as a result of new tendering processes'. It says that there will be savings of $30 million per year (or $120 million over four years) for the IT savings across government. As we know (I think for some three years or so), the old EDS contract has been tendered out—these refer to the new IT tendering processes—and the government is claiming there will be significant savings from 2006-07 from that particular re-tendering. Some of us do not believe that the government has any prospect of making savings of some $30 million a year from the new IT tendering processes that it has entered into, and we said so both at the time and just prior to the election.

I refer members to the estimates committees, because the Treasurer was asked in relation to these particular savings whether he was saying that this budget which we have before us now incorporates savings of $30 million a year from the new IT tendering processes. The member for Goyder, Mr Griffiths, asked: 'Does the Treasurer accept that the ICT saving in 2006-07 is zero?' The Treasurer replied:

> My advice is that we have not finalised those contracts, that we have been very conservative in the figuring we have put into the budget, and that we will adjust that accordingly when these things are let.

Mr Griffiths asked, 'Conservative in the fact that the current year figure is zero?' Mr Foley replied: 'Yes, so what is your point?' The point for the Hon. Mr Foley is that his costings document claimed for them to have any credibility at all that there would be $30 million in savings in 2006-07.

In the estimates committees, the Treasurer is forced to concede that there will be no savings at all. It will not be $5 million, $10 million, $20 million, or anything: it certainly will not be $30 million as he claimed in the election costings document. It is also my contention that, when one looks at 2007-08, it will not be $30 million, and that will be the same in 2008-09 and 2009-10 as well. Certainly for this year's budget, which is the critical one, the Labor claim of a $30 million saving to help fund its election promises of $30 million is completely wrong. It was known at the time, but the Treasurer in trying to construct this particular bogus document—the Labor election costings document—was desperate to somehow find something to add up to $93 million, and so $30 million was the IT savings across the government.

The second one was the hoary old chestnut within government of consolidating government accommodation; that is, making public servants work in smaller spaces. That was going to save $4.75 million in this budget year. Again, I do not have the exact figure because I do not have the budget document with me, but the budget document indicates that the saving is of the order of $1 million in this budget year 2006-07. It is certainly nowhere near $4.75 million. The Treasurer would have known that there was no prospect of making savings in the first year of $4.75 million, but again, because he had to somehow construct this bogus document, he claimed that there would be $4.75 million in savings.

In estimates committees, again, he was forced to concede that there was not $4.75 million in savings in 2006-07. The third area related to energy savings across government. The Treasurer claimed savings of around $7 million a year in the costings document. This is curious, because certainly our advice prior to the election was that the savings had been factored into the budget. The government was claiming something that had already been factored into the budget, and this is one of the questions I will detail. Certainly during estimates committees it appears that is the case, although the Treasurer did skirt around the issue when he was asked in detail about it.

I cannot quickly turn up the exact statement made in the estimates committees but, given that I will seek leave to conclude, I will find that overnight and put it on the record in the morning. In summary, the Treasurer indicated to the estimates committees, when he was asked the question whether or not there were savings of $7 million in the 2006-07 budget document, something along the lines that he had now been advised that that had already been incorporated in the budget. What we need to know from that, of course, is whether that had been incorporated in the mid-year budget update (which was done in January/February this year), or is the Treasurer claiming that it was incorporated in the budget in the period between the mid-year budget review and the budget documents?

If he is making the second claim, that makes no sense at all, because the budget documents do refer to decisions taken since the mid-year budget review, both on an expenditure side and on a revenue side. Certainly, I can find no reference to an incorporation of those savings during that period; and, even if they were, that would help update the budget documents anyway in September in terms of the total expenditure. Again, it would appear—and to be fair we will await the Treasurer's final response—that this claimed $7 million in energy savings in 2006-07 are again not savings that are capable of helping to fund the election promises.

If one looks at this budget year (which is the critical one), one can see that the government was claiming election promises of about $90 million. It said that it had savings of $90 million to help fund them but, at the very least, the government was about $35 million short, and it was probably closer to $40 million to $45 million short out of $90 million. The government was saying that it produced a costings document which would not take the budget into deficit when, of course, that claim was wrong, because the net operating

position the government was going to report for 2006-07 was a skinny surplus of $13 million.

If its promises were to be $90 million, and if it was only able to save around $40 million, it would have had to report going into a deficit position and, clearly, the government did not want to do that. The Treasurer had to therefore construct, in this bogus document, savings which he knew would not be achievable in 2006-07. What the people of South Australia and, if I might say, what a lazy media in relation to considering the costings document two days out from the election did not look at was whether the claims were being made without any independent costing by a company, as the Liberal Party had done and as the Labor Party had done in 2002.

The bogus document was claiming savings of $93 million when just less than half of those were bogus savings. As we go through the years, we will find similar discrepancies, inaccuracies or bogus figures when one looks at the Labor costing document of 2006. As I said, I did that analysis in some detail in the forlorn hope that someone in the media in 2010 will give closer scrutiny to the claims made by Treasurer Foley—if it is to be him at that time—in relation to any purported costings document in 2010. Just accepting a claim, unaudited by anybody, that they were going save $30 million in IT, $5 million in accommodation and $7 million in energy in the next financial year, was ludicrous and it has been demonstrated to be ludicrous with the passage of only a few months. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

EVIDENCE (SUPPRESSION ORDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 707.)

The Hon. R.D. LAWSON: I rise to indicate that the Liberal Party will support the second reading of this bill. We have amendments relating to the penalties imposed, and I will come to that aspect a little later. The effect of this bill is threefold. First, it purports to alter the principles upon which courts grant suppression orders. Secondly, it provides that suppression orders, when made under section 69A of the Evidence Act, will be reviewed at a particular time in the course of legal proceedings, usually at the end of proceedings, and that is defined in a number of ways. We certainly support—and have always supported—a measure of this kind. Thirdly, the bill substantially increases the penalties (by 6 000 per cent) which might be paid by an individual or a media organisation if a suppression order is breached.

This bill masquerades as law reform, but it is actually a politically-driven measure. You would never have seen a more politically-driven measure than this one, a measure that is designed to curry favour with certain constituencies. I will briefly run through the history of suppression orders in South Australia. First, section 69A of the Evidence Act provides:

(1) Where a court is satisfied that a suppression order should be made—

(a) to prevent prejudice to the proper administration of justice; or

(b) to prevent undue hardship—

(i) to an alleged victim of crime; or

(ii) to a witness or a potential witness in. . . proceedings . . . or

(iii) to a child,

the court may make [a suppression] order.

Subsection (2) of section 69A provides:

(2) Where the question of making a suppression order (other than an interim suppression order) is under consideration by a court—

(a) the public interest in publication of information related to court proceedings, and the consequential right of the news media to publish such information, must be recognised as considerations of substantial weight; and

(b) the court may only make the order if satisfied that the prejudice to the proper administration of justice, or the undue hardship, that would occur if the order were not made should be accorded greater weight than the considerations referred to above.

Namely, that is the right of the news media to publish such information. The right of the news media to publish information is undoubted. The more important aspect of that is the right of the public—the readers, listeners and watchers of news media—to know what is going on in our courts. The courts in our system of justice are said to be open, and should be open. Members of the public should be free to attend any court proceeding and to know what is going on, because it is undoubtedly true that justice is not served by secret tribunals and justice being administered other than in the sharp light of public scrutiny.

That provision in the Evidence Act has been there for some time. It has been amended from time to time over the years to reflect the current position. When one looks at the books and sees the number of legal cases that have been argued and decided on the nuances of this section and its predecessors, one realises that a great deal of effort has been put in over the years by many lawyers for different parties to work out principles, to stretch principles, which are to be applied. It is by no means a clear field, and that in itself is something that is undesirable.

Last year, in September, the editor of *The Advertiser*, Mel Mansell, came out very strongly against the practice of the courts in issuing suppression orders, and it is fair to say that *The Advertiser* and, indeed, News Limited publications throughout Australia have been running a campaign about suppression orders. There is a belief in the media that courts—especially courts in South Australia—are too willing to grant suppression orders. Mr Mansell was quoted in September as saying that in South Australia many more suppression orders are issued than in other states. He stated:

We have many more—it's routine here, and I just think it's part of a closed society that's perpetuated by the police, the judiciary and often the government.

The comments were made on ABC Radio. Mr Mansell went on:

They say to us, 'The public is not capable of making their minds up or being presented with information that's required in open society.'

The argument when we're talking about suppression orders is it's in the interest of justice, but I don't think it is—it's in the interests of secrecy.

The Evidence Act requires that each year the Attorney-General table a report in the parliament which sets out details of the suppression orders granted by courts in the preceding years. It requires that the reasons for those orders be set out in the report. The report that is tabled annually is a fairly perfunctory report, and it does not go into great detail about the reasons or justification for each particular suppression order. I think that perhaps that is a pity, but it does not. The bald figures show that, in South Australia, more suppression orders—certainly more suppression orders per head of population—are issued than in any other state. There has never been a satisfactory explanation as to why that is the case. Indeed, there has never been any satisfactory evi-

dence—certainly evidence that has satisfied me—that in fact we do have more suppression orders than in other states.

It may well be that in other states one suppression order is made at the beginning of a case and it covers a number of issues in relation to that case, whereas, here, in a case like the Snowtown murder case, or the bodies in the barrel case, some 200 orders were made. Obviously, that blew out our figures. In November last year, when the Attorney again tabled the annual report, on behalf of the Liberal Party I said that something ought be done to address the issue, that Adelaide had the unfortunate reputation of being the suppression city and that policies ought be adopted, and could be adopted in our view, to get rid of that description.

We proposed amendments, such as a requirement that the judge state clearly the full reasons and particulars why a suppression order was granted, rather than, as happens at the moment, a rather perfunctory description, or perhaps no description at all, being given (certainly in the early stages) for the reasons for a suppression order. We also proposed that the details of all suppression orders be on a publicly available web site so that journalists could assess that. We also proposed that there be a sunset clause on all suppression orders, which should be reviewed and ended at the end of a case. We are delighted to see that, on this occasion, the government has taken up the last of those suggestions.

But what was the response? The response of the Attorney-General in *The Advertiser* report was: 'The government has no plans to change suppression laws.' The Attorney-General had been on radio on a number of occasions saying that he was not satisfied that there was any reason at all, it was all a campaign by *The Advertiser*, and he showed absolutely no sympathy. He said that the current rules were working appropriately and that he was going to stick with them. He soon got instructions to countermand that, because it was not long after that that the government did an about-face, in the face of pressure from *The Advertiser* considering the campaign, and decided, 'We will do something about suppression orders. We will make them harder to get.'

Of course, that information was given to *The Advertiser*, which published a page 1 exclusive entitled, 'Rann vows to ease suppression'. The Premier said that he would change section 69A of the Evidence Act. He said, 'This will send a strong message to judges that South Australians want less secrecy in their courts.' Here he is, Mr Tough, sending a strong message to the courts.

The Hon. R.I. Lucas interjecting:

The Hon. R.D. LAWSON: Indeed. The Premier came in over the top and, of course, he got what he expected to get from *The Advertiser*—an editorial congratulating him on this new move (remembering that only a couple of months before the Attorney-General had said that there would be no change). The article stated:

> The Premier, Mike Rann, deserves support for planned legislation aimed at reducing the number of suppressions applied in South Australian courts. . . He clearly recognises that the number of court suppressions has made South Australia a target of derision in the legal system across Australia, and is at odds with the public's right to know about the workings of its legal system. . . There is a danger that they—

that is, these nasty judges—

> will ignore the thrust of the legislation.

The Advertiser thundered:

> It is up to Chief Justice John Doyle to set a lead for other judges and magistrates.

After the election, on 4 April, the Attorney-General issued a press release, which stated:

> Crackdown on suppression orders approved. . . The Cabinet's decision also means that cracking down on suppression orders will be one of the first items of business considered by the new parliament when it resumes later this month. . . 'We want to make sure that these orders are used genuinely in the interests of justice, to protect the privacy of victims and to prevent the accused from escaping through mistrial.' We will pursue an easing in the number of suppressions by changing section 69 of the Evidence Act.

The general tone of this press release (and, indeed, of the Premier's statements) was that this government had been cracking down on these judges who have been slack in the issue of suppression orders and granting them willy-nilly and without justification.

It is interesting that, in all of these statements made by the government to *The Advertiser*, which achieved the page 1 story and the editorial, and said, 'We are talking tough with the judges,' there was no mention of the fact that the bill the government was going to introduce would increase by 6 000 per cent the penalties that the media might have to pay if they infringed a suppression order. There was no emphasis given in the media release to the fact that the government proposed a crackdown, not on the judges, but on the news media. Of course, that would not have looked too good in the media release. The media might have been inclined to disregard that sort of threat. They are quite happy to take up the cudgels against the judiciary, but might not be so keen to support savage increases in penalties—and they are, as I will come to a little later, quite savage.

The Hon. P. Holloway: Do you oppose it?

The Hon. R.D. LAWSON: The bill that is presently before—

The Hon. P. Holloway: Do you oppose it?

The Hon. R.D. LAWSON: I will be putting amendments on file which will increase the penalties substantially but which do not go to the rather bizarre extent that the government chooses to go in seeking to punish transgressions.

The bill before this council has been substantially changed from that which was introduced in another place In another place the government proposed that only certain media organisations would be provided with details of suppression orders. In another place, on 30 August, the Attorney said that the bill would allow the Chief Justice a discretion to authorise a member of the news media. He said:

> In this way minor publications of doubtful integrity will not get the benefit of being supplied by the court with a suppression order.

This is the Attorney-General of the state speaking. He said further:

> In these circumstances an irresponsible executive producer of a current affairs program might actually be encouraged to breach the suppression order by being given notice that it exists.

What a smart alec remark from the first law officer!

An honourable member interjecting:

The Hon. R.D. LAWSON: That is right. I have not actually sent a copy of this to Graham Archer, but I am sure he would be interested to read it. Of course, as soon as the Chief Justice became aware of that particular notion—about giving the himself a discretion to remove so-called publications of doubtful integrity—he wrote a letter indicating that he was not interested in participating in a scheme of that kind, and it is no part of—

An honourable member interjecting:

The Hon. R.D. LAWSON: It was a stinging rebuke from the judiciary that the judges were not interested in that and that a better mechanism ought to be found. The government backed down on that proposal. The issue is that these rather puerile suggestions from the government fortunately have been abandoned, and the bill which is presented to this council has a more workable system, although the government still has not accepted what ought be done; namely, that the government ought be prepared to put a web site up with the suppression orders available to anybody from the public, at any particular time. A suppression order does not only cover the media; any member of the community is covered by a suppression order.

Here what we have is a system whereby the media, or those who choose to participate in it, will receive a faxed message, it will go on a file, it will not be readily available, as it ought be, so that any journalist, years down the track, can check without having to rifle through countless fax messages, countermanding, altering suppression orders and the like. So we have gone to the rather antediluvian system of fax messages which is being adopted here. I think it is fairly lamentable that a government which pretends to be keeping up with modern developments should have adopted such a regressive measure.

The Australian Broadcasting Corporation and other media outlets were asked to comment on this bill. I think it is interesting to read a response from Mr Stephen Collins, general counsel of the Australian Broadcasting Corporation and head of ABC Legal Services. He says:

> ABC has no particular problems with the existing legislative provisions. Those provisions recognise the 'public interest in publication of information related to court proceedings and the consequential right of the news media to publish such information'. The concern held by the ABC was that, notwithstanding the wording of the existing provisions, courts in South Australia have continued to grant suppression orders in circumstances which did not justify intervention by the court and in numbers which appeared out of step with other Australian jurisdictions. Given the comparative wording of suppression provisions in Australia, there is no obvious reason for the numbers of orders to be so consistently high in South Australia.

A comment with which we agree and, no doubt, with which the government agrees. Mr Collins continues:

> The reform package announced by the Attorney-General appears to recognise this problem and the detrimental impact upon media reporting and public awareness and understanding of court proceedings. However, the amendments to section 69A(2) would appear to simply restate the principles contained within the existing provisions in different words rather than introducing any significant change. It is to be hoped that the combination of the words 'primary objective', 'may only make' and 'special circumstances' when taken with the statements made by the Attorney-General in introducing the Amendment Bill will be understood by the courts to evince a clear intention by parliament that suppression orders should become the exception rather than the norm.

It is true that the courts might have regard to what is said by the minister when introducing this legislation, although having regard to the quality of the comments made by the Attorney-General in this particular case I doubt that any court will have any benefit at all in having resort to the second reading explanation. Mr Collins continues:

> The ABC (together with other media) has consistently sought changes to the administration of the suppression register to ensure a greater awareness of the grant of and terms of suppression orders. Making those details more readily available clearly assists in assuring that there is compliance with those orders. The communication of those orders to media outlets is a positive step.
>
> We have also expressed concern at the large numbers of suppression orders which remain on the register notwithstanding the proceedings in which they were made have long been completed and the grounds underpinning the orders have long since disappeared. We support the proposal that the orders be reviewed at certain stages within the proceedings. Indeed, we believe the orders should lapse on the completion of the proceedings so that the onus is upon the person seeking to maintain suppression to apply for (and justify) continuing restrictions. Such a step would be more consistent with the principles espoused in section 69A(2). However, the proposed review of orders goes some way to addressing the current concerns.

Mr Collins continues, in relation to penalties:

> The increase in penalties cannot be justified on any legal or jurisprudential basis.

I should remind the council about the changes in penalties. Under section 70 of the Evidence Act the present penalty is a $2 000 fine or six months' imprisonment; the proposed penalty goes up from a $2 000 fine to $10 000 or imprisonment for two years (up from six months) for a natural person, and $120 000 for a body corporate. Similar increases are provided for in the subsequent sections dealing with infringements of suppression orders. By and large, it increases from $2 000 to $10 000 for a natural person and $120 000 for a body corporate.

In this respect it should be noted that the above penalties are not the only penalties available. The penalty is currently $2 000, but under section 70(1) of the Evidence Act a person or media organisation who disobeys a suppression order can be prosecuted for contempt of court, and the court has unlimited power to impose a fine and imprisonment for contempt. So although there is only a $2 000 fine in the current legislation (and we agree that that should be increased, because it has not been increased for many years) there is an alternative penalty available to the court and an alternative procedure available to the District and Supreme Courts in relation to contempt of court. Those proceedings are taken from time to time where the DPP considers that a summary penalty of $2 000 is inadequate and that the conduct of the media organisation or person breaching the order is such as to justify a heavier penalty. That step has been taken in the past, as I think the Attorney acknowledged in the committee stages of the bill.

Mr Collins, from the ABC, says this in relation to the penalties:

> While we acknowledge that some increase is appropriate to bring the penalties into line with other offences, an increase from $2 000 to $120 000 (i.e. an increase of 6 000 per cent) is so substantial as to counter any suggestion that it is simply a CPI catch-up. Such a substantial increase would only normally be contemplated if a particular offence had been identified as an offence of major concern requiring drastic steps to be taken. There is no legal or factual basis for such a characterisation of the suppression provisions. There has been no sudden increase in breaches of suppression orders nor other circumstances which would require this offence to be singled out in this fashion.
>
> The very occasional cases where a breach has occurred would demonstrate that there is no practice of deliberate or reckless contravention. Breaches have arisen as a result of inadvertent mistakes, usually because the party involved was either unaware of the existence of the order or of the precise terms of the order. Hopefully, the new mechanism for alerting the media of the existence of suppression orders will reduce the likelihood of those mistakes happening in the future.
>
> In the absence of any history of offensive behaviour by the media or other parties, there can be no suggestion that the substantial penalty increases are required for the purposes of deterrence. A breach of the suppression provisions is a summary offence. The new fines proposed outweigh anything in the Summary Offences Act and would seem to place a breach of a suppression order in the same category as the most serious criminal conduct imaginable.
>
> A consideration of the schedule of the Divisional Penalties and Expiation Fees under section 28A of the Acts Interpretation Act 1915 shows a range of fines and fees. The maximum fine of $60 000 is linked to a Division 1 offence which also carries a maximum

imprisonment term of fifteen (15) years. The proposed penalty of $120 000 is, therefore, twice the penalty applicable to the most serious offences. The new corporate penalty will also mean that the suppression order provisions are out of step with other South Australian provisions.

He draws attention to the Mental Health Act and Youth Offenders Act, both of which have penalties of between $8 000 and $10 000. There are many other examples. Mr Collins continues:

We believe the appropriate course would be for the penalty to be increased to $10 000 with no distinction being drawn between individuals or corporate defendants.

We agree with the spirit of the arguments that Mr Collins is advancing, although we do not believe that a $10 000 penalty for a body corporate is appropriate. We think that the figure of $80 000 as a maximum penalty would be entirely appropriate as would a penalty of $5 000 for an individual. It is interesting to note that, in the committee stage in another place, the Attorney-General revealed that really there was an element of retribution in his desire for a penalty of $120 000. He mentioned the fact that *The Advertiser* had been conducting a long campaign against suppression orders, and he appears to take the view that they deserve what is coming to them. That is entirely inappropriate. I commend to members what the Attorney had to say on that point. I will be introducing amendments for which we seek support from the council to increase penalties from the existing penalties but not to increase them quite to the extent that the government proposes in its bill.

Time and time again, we find with this government that it issues press releases saying that it is cracking down on the judges, that it will toughen the penalties and that they will be the toughest penalties in Australia, etc. It is all idle rhetoric. Penalties should be appropriate. You do not have to engage in chest beating, saying that we need to have the toughest penalties in Australia, especially in this case where there is no suggestion that there has been wanton disregard by media outlets of the existing provisions and, as in this case, where there is a specific provision for charging offenders with contempt of court in appropriate cases. We look forward to the committee stage of the debate.

The Hon. I.K. HUNTER secured the adjournment of the debate.

GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF REVIEW PERIOD AND CONTROLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 823.)

The Hon. CAROLINE SCHAEFER: The purpose of this bill is to extend the period for a review of the moratorium on the growing of genetically modified food crops in South Australia from 29 April 2007 to 29 April 2008 so that South Australia can better establish a cooperative model with Victoria and New South Wales. As I understand it, the moratoriums in both these states end in March 2008. I am also aware that Western Australia has similar legislation in place, but I note that no mention is made of this in the second reading speech.

Will the minister please provide details of when the Western Australian moratorium ends, because I believe it is most important that all states that currently have such legislation are in concert when it comes to any future changes? Many of the most exciting innovations with regard to saline tolerant and drought tolerant grain—wheat in particular—are being developed in Western Australia, and it would be most unfortunate if we were left behind in the opportunity to take advantage of these developments.

The opposition supports this legislation, because it does make sense for a shared position to be reached between all participating states. In fact, I do not believe it would be practicable or possible to have, for instance, South Australia accepting of GM crops and Victoria banning them. Free trade between the states, free freight, contracting, etc., would be virtually impossible, so the opportunity to participate in a wider review and, hopefully, a unified position, is important. However, I should state that, on a personal level, I am highly sceptical that anything positive will come from this delay.

As I have stated on a number of occasions, I see the use of GM technology as simply the use of another scientific means to produce better, higher yielding, more nutritious, cleaner, greener food for the world. To add to that, I include a letter (written on 25 October) to the Editor of *The Weekly Times*, which is a country publication out of Victoria. The letter states, in part:

We have to learn to farm smarter if we are to feed a growing world population from the same amount of arable land and with no more water.

GM crops have the potential to yield as much—with less water in some cases—using up to 80 per cent less chemicals and offering protection from frost.

This is something the Goulburn Valley fruit growers would be keen to explore.

As an aside, currently, this is something that most of the wine grape growers in South Australia who have been wiped out by frosts would also be keen to explore. Returning to the letter, it goes on to state:

Indeed, GM food crops have the potential to reduce the ecological footprint of food production while increasing yields. For these reasons—

this is the part I find interesting—

the Australian Environment Foundation [the organisation that sent the letter] supports the controlled introduction of GM crops to all states.

[Signed] Max Rheese,
executive director
Australian Environment Foundation, Benalla.

I think the public perception of genetically modified food crops is at last changing. It needs to be restated that the states have no jurisdiction over the health and safety of people, environmental impact, or identifying and managing the risks of GM technology. These are all under the management of the commonwealth Office of the Gene Technology Regulator—and so they should be. As I have previously stated, we must have national regulation on such matters.

The only regulatory management the states have is the management of risks in trade and markets. Frankly, since the introduction of this legislation some 2½ years ago, no such risks or advantages have been proven. Since Canada began trading GM canola, its sales of canola have increased by 25 per cent. We have been told that we will be paid a premium for non-GM grain, but there is absolutely no evidence of such a premium being paid. We have been assured that the EU will not buy GM grain or canola, that they are virtually self-sufficient in canola, that, in fact, a number of their own member countries grow and sell GM crops. Far be it from me to suggest that this may be nothing more than a trade barrier. However, I will suggest that we must not delay too long or the rest of the world will pass us

by. We in South Australia are very proud that we have the centre for plant genome technology here in Adelaide. We also have some of the world's best plant scientists. Why would they stay here rather than go somewhere where they can effectively trial their research?

The longer we delay, the greater the risk of being left behind our competitors in other parts of the world. As I have said, it makes some sense to have a collaborative approach between the states on this legislation, but my concern is: what if we get to 2008 and New South Wales and Victoria decide they want to extend their moratorium another year or two years or, for that matter, 10 years? Will we still fall in line like the subservient poor cousins? South Australia has more to gain from the introduction of this technology than the other states and more to lose from its delay. I support this legislation but I hope that, in doing so, I am not hammering another nail into the proverbial coffin of farmers across South Australia.

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

STAMP DUTIES (LAND RICH ENTITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 825.)

The Hon. R.I. LUCAS (Leader of the Opposition): The Liberals support the second reading of this bill. In the interests of not prolonging the proceedings, I indicate that the Liberal Party's position was outlined by my colleague the member for Waite in another place last week, on Thursday 26 October. On my behalf, the member for Waite outlined a series of questions based on consultations conducted by me in my office with lawyers and accountants operating in the stamp duties field. My colleague the member for Waite read those questions in his second reading contribution and obtained an undertaking from the Treasurer that he would reply to them, so I do not intend to go through those issues again. I have not yet received a response from Revenue SA or the Treasurer, and I can understand that. I imagine that we will be able to conclude the debate on this in the next sitting week, assuming that we can get some answers prior to that time.

Some practitioners have suggested that the parliament should contemplate some amendments to the stamp duties provisions before us. We are reserving judgment on that at this stage. For the independent members in this place, I refer them to the contribution from the member for Waite. The issues and concerns that have been raised with my office by practitioners are outlined in the questions that we have asked of the government. In broad terms, the Liberal Party is supportive of the principle of the legislation. The original provisions were brought down by the Bannon government in 1990 to counter avoidance schemes in relation to stamp duty, and the then Liberal opposition supported those amendments in 1990. As is the way with lawyers, accountants and clever business people, Revenue SA and the state Taxation Commissioner have a view that the provisions are being subverted by clever legal and accounting advice.

This amendment bill is an attempt by the government to close some of those loopholes. The inevitable truth is that, even if it does close some loopholes, in this difficult and complex area new loopholes will emerge as even cleverer lawyers and accountants look at the new provisions that this parliament might pass. I suspect that those who are in this chamber for a number of years ahead of us may see further provisions even after the ones that we potentially might approve in the next week or so of sittings.

I will not repeat the contribution that has been made by the member for Waite and indicate general support for the principles underlying the bill. However, some practitioners have raised some important issues and we await the government's response. I am happy, depending on that response, even if we do not proceed with an amendment, to raise the particular issues in the committee stage rather than at this late hour during the second reading contribution.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

ADJOURNMENT

At 10.52 p.m. the council adjourned until Thursday 2 November at 2.15 p.m.