LEGISLATIVE COUNCIL

Tuesday 27 March 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.17 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions be distributed and printed in *Hansard*: Nos 133, 175, 217, 267, 281, 356 to 370, and 508.

MINISTERIAL STAFF

133. **The Hon. R.I. LUCAS:**

1. Can the Minister for Environment and Conservation advise the names of all officers working in the minister's office as at 1 December 2004?

2. What positions were vacant as at 1 December 2004?

3. For each position, was the person employed under ministerial contract, or appointed under the Public Sector Management Act?

4. What was the salary for each position and any other financial benefit included in the remuneration package?

5. (a) What was the total approved budget for the minister's office in 2004-05; and

(b) Can the minister detail any of the salaries paid by a department or agency rather than the minister's office budget?

6. Can the minister detail any expenditure incurred since 5 March 2002 and up to 1 December 2004 on renovations to the minister's office and the purchase of any new items of furniture with a value greater than $500?

The Hon. G.E. GAGO: The Minister for Environment and Conservation has provided the following information:

Part 1, 3 and 4

I refer the honourable member to the *Government Gazette* dated 16 December 2004 which outlines Ministerial Contract staff remuneration rates. Details of Public Servant staff located in the Ministerial office as at 1 December 2004 are as follows:

1. Position Title	3. Ministerial Contract/PSM Act	4. Salary and other benefits
Senior Policy Officer	PSM Act	$80,047
Office Manager	PSM Act	$72,203
Senior Administrative Officer	PSM Act	$48,777
Minister's Personal Assistant	PSM Act	$53,687
Chief of Staff's Personal Assist	PSM Act	$47,677
Senior Project Officer	PSM Act	$53,171
Parliamentary Officer	PSM Act	$47,677
Correspondence Officer	PSM Act	$37,116
Correspondence Officer	PSM Act	$35,647
Receptionist	PSM Act	$35,647
Administrative Officer	PSM Act	$29,624
MLO Assistant	PSM Act	$41,516
Trainee	Trainee	$22,893
Ministerial Liaison Officer	PSM Act	$59,561
Ministerial Liaison Officer	PSM Act	$78,521
Ministerial Liaison Officer	PSM Act	$61,596

Part 2

The receptionist and trainee positions were vacant as at 1 December 2004.

Part 5

(a) The total approved budget for the Office of the Minister for Environment and Conservation in 2004 –2005 is $1,168,000.

(b) The following positions are paid from Departmental budgets

(3) Ministerial Liaison Officers
Parliamentary Officer
Ministerial Liaison Officer Assistant
Trainee

Part 6

I advise that material relating to expenditure incurred in refurbishment of the Office was released to the Hon Angas Redford MLC on 17 March 2004 as a response to a Freedom of Information request. If you do not have access to this information, please contact my office. Since that time $5,500 (GST inclusive) has been spent on the provision of an additional secure correspondence storage area for the office.

MINISTERIAL TRAVEL

175. **The Hon. R.I. LUCAS:** Can the Deputy Premier state:

1. What was the total cost of any overseas trip undertaken by the Deputy Premier and staff since 1 December 2004 up to 1 December 2005?

2. What are the names of the officers who accompanied the Deputy Premier on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the Deputy Premier's office budget, or by the Deputy Premier's department or agency?

5. (a) What cities and locations were visited on each trip; and

(b) What was the purpose of each visit?

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information for the period 1 December 2004 and up to 1 December 2005:

1. Cost of trip	2. Accompanying officers	3. Private leave taken	4. Cost met by Minister's office or Dept/Agency	5. (a) Cities and locations visited	5. (b) Purpose of trip
$25 727	Michael McGuire	None	Minister's office and Department of Trade and Economic Development	Los Angeles (USA) 14/1/05-23/1/05	Represent the Premier at Australia Week in Los Angeles, market and promote South Australia and provide support to participating South Australian businesses
$34 693	Ms Emma Lawson	None	Minister's office and Department of Trade and Economic Development	Mississippi, San Diego, Pascagoula, New Orleans, Los Angeles (USA), Beijing, Qingdao, Shanghai (China) and Hong Kong 19/4/05-3/5/05	As part of a trade delegation to China the Minister met with major defence contractors, key influencers and potential investors. Visit Northrop Grumman Pascagoula Shipyard and review the Centre for Commercialisation of Advanced Technology (CCAT) operations.
$42 628.64	Ms Victoria Bailiht Mr Stephen Mullighan	None	Minister's office	Quebec (Canada) 25/6/05-3/7/05	Represent the South Australian Government at the World Police and Fire Games.

MINISTERIAL STAFF

217. **The Hon. R.I. LUCAS:**

1. Can the Minister for the River Murray advise the names of all officers working in the minister's office as at 1 December 2005?

2. What positions were vacant as at 1 December 2005?

3. For each position, was the person employed under ministerial contract, or appointed under the Public Sector Management Act?

4. What was the salary for each position and any other financial benefit included in the remuneration package?

5. (a) What was the total approved budget for the minister's office in 2005-06; and

(b) Can the Minister detail any of the salaries paid by a department or agency rather than the minister's office budget?

6. Can the minister detail any expenditure incurred since 1 December 2004 and up to 1 December 2005 on renovations to the minister's office and the purchase of any new items of furniture with a value greater than $500?

The Hon. G.E. GAGO: The Minister for the River Murray, Regional Development, Small Business, Consumer Affairs and Science and Information Economy has provided the following information:

Parts 2, 3 and 4

Details of Ministerial Contract staff were printed in the *Government Gazette* dated 30 June 2006.

Details of Public Servant staff located in the Minister's office as at 1 December 2005 is as follows:

1. Position Title	3. Ministerial Contract/PSM Act	4. Salary and other benefits
Ministerial Liaison Officer – River Murray	PSM Act	$75,257 Salary paid by the Department of Water, Land and Biodiversity Conservation
Ministerial Liaison Officer – Consumer Affairs	PSM Act	$80,047 Salary paid by the Office of Consumer and Business Affairs
Ministerial Liaison Officer – Small Business and Regional Development	PSM Act	$72,775 Salary paid by the Department of Trade and Economic Development
Ministerial Liaison Officer – Science and Information Economy	PSM Act	(.8) $61,211 Salary paid by Department of Further Education and Science Technology
Personal Assistant to the Minister	PSM Act	$48,192
Office Manager	PSM Act	$63,163
Correspondence/Records Officer	PSM Act	$45,668
Parliamentary Officer	PSM Act	$48,192
Correspondence Officer	PSM Act	$28,622
Receptionist	PSM Act	$37,279

2. Nil

5. (a) $ 1 297,360

(b)

Position	Department
Ministerial Liaison Officer—River Murray	Salary paid for by the Department of Water, Land and Biodiversity
Ministerial Liaison Officer—Regional Development and Small Business	Salary paid for by the Department of Trade and Economic Development
Ministerial Liaison Officer—Consumer Affairs	Salary paid for by the Office of Consumer and Business Affairs
Ministerial Liaison Officer—Science and Information Economy	Salary paid for by the Department of Further Education and Science Technology

6. Nil.

CAPITAL PAYMENTS

267-281. **The Hon. R.I. LUCAS:** What was the actual level of capital payments made in the month of June 2005 for each department or agency then reporting to the Minister for Industry and Trade:

1. That is within the general government sector; and
2. That is not within the general government sector?

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

General Government—June 2005 Capital Expenditure

Portfolio/Agency	Minister (as at June 2005)	June 2005 Expenditure ($000)
Premier and Cabinet		
Department of the Premier and Cabinet	Rann	70
Libraries Board	Rann	69
SA Country Arts Trust	Rann	0
SA Film Corporation	Rann	11
State Governor's Establishment	Rann	423
State Opera Company	Rann	2
Trade and Economic Development		
Trade and Economic Development	Rann Holloway Maywald	164
Treasury and Finance		
Department of Treasury and Finance	Foley	323
Treasury and Finance – Administered Items	Foley	0
ESCOSA	Foley	0
ESIPC	Foley	0
Justice		
Attorney-General's	Atkinson	646
Attorney-General's – Administered Items	Atkinson	0

Correctional Services	Roberts	2,515
Country Fire Service	Zollo	2,464
Courts Administration Authority	Atkinson	426
Emergency Services Administration Unit	Zollo	1,543
SA Metropolitan Fire Service	Zollo	1,755
SA Police	Foley	3,869
Primary Industries and Resources		
Department of Primary Industries and Resources	Holloway Hill McEwen	717
Transport, Energy and Infrastructure		
Planning SA	Holloway	22
Transport Services	Conlon	43,971
Human Services		
Health Units	Stevens	22,873
Department of Human Services	Stevens	0
SA Ambulance Service	Stevens	2,261
Environment, Conservation and the River Murray		
Department for Environment and Heritage	Hill	4,897
Environment Protection Authority	Hill	134
South Eastern Water Conservation and Drainage Board	Hill	18
Water, Land and Biodiversity Conservation	Hill/Maywald	95
Families and Communities		
Families and Communities	Weatherill	878
Incorporated Disability Services	Weatherill	2,985
Further Education, Employment, Science and Technology		
BioInnovation SA	Maywald	166
Further Education, Employment, Science and Technology	Key/Maywald	64
Administrative and Information Services		
Department of Administrative and Information Services	Wright	14,559
Education and Children's Services		
Department of Education and Children's Services	Lomax-Smith	10,605
Senior Secondary Assessment Board of SA	Lomax-Smith	31
Tourism		
SA Tourism Commission	Lomax-Smith	13
Other Entities		
Auditor-General's Department	N/A	106

Public Non Financial Corporations—June 2005 Capital Expenditure

Portfolio/Agency	Minister (as at June 2005)	June 2005 Expenditure ($000)
Treasury and Finance		
SA Motor Sport Board	Foley	57
Transport, Energy and Infrastructure		
Passenger Transport Board	Conlon	159
TransAdelaide	Conlon	10,655
Families and Communities		
SA Housing Trust	Weatherill	15,363
Aboriginal Housing Authority	Weatherill	6,375
Administrative and Information Services		
SA Government Employee Residential Properties	Wright	1,787
Tourism		
Adelaide Convention Centre	Lomax-Smith	398
Adelaide Entertainment Centre	Lomax-Smith	267
Other Entities		
Adelaide Cemeteries Authority	Holloway	35
Forestry SA	McEwen	718
Land Management Corporation	Conlon	290
Lotteries Commission of SA	Foley	103
Public Trustee	Atkinson	61
SA Infrastructure Corporation	Conlon	0
SA Water	Wright	13,456
West Beach Trust	Holloway	175

356-370. **The Hon. R.I. LUCAS:** What was the actual level of capital payments made in the month of June 2006 for each department or agency then reporting to the Minister for Police that is:

1. Within the general government sector; and
2. Not within the general government sector?

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

General Government—June 2006 Capital Expenditure

Portfolio/Agency	Minister	June 2006 Expenditure ($000)
Premier and Cabinet		
Department of the Premier and Cabinet	Rann	0
Aboriginal Affairs and Reconciliation	Weatherill	0
Libraries Board	Rann	54
SA Country Arts Trust	Rann	0
SA Museum Board	Rann	0
State Governor's Establishment	Rann	84
State Opera Company	Rann	2
Trade and Economic Development		
Trade and Economic Development	Rann Foley Maywald	51
Treasury and Finance		
Department of Treasury and Finance	Foley	613
Treasury and Finance – Administered Items	Foley	0
ESCOSA	Foley	0
ESIPC	Foley	0
Justice		
Attorney-General's	Atkinson	344
Attorney-General's – Administered Items	Atkinson	0
Correctional Services	Zollo	1,009
Country Fire Service	Zollo	4,462
Courts Administration Authority	Atkinson	1,998
Emergency Services Administration Unit	Zollo	1,608
SA Fire and Emergency Services Commission	Zollo	28
SA Metropolitan Fire Service	Zollo	5,156
SA Police	Holloway	3,609
Primary Industries and Resources		
Department of Primary Industries and Resources	Holloway Hill McEwen Rankine	1,680
Transport, Energy and Infrastructure		
Transport Services	Conlon	22,347
Administered Items for Transport, Energy and Infrastructure	Conlon	22
Health		
Health	Hill	0
Incorporated Hospitals and Health Units	Hill	28,058
SA Ambulance Service	Hill	1,946
Administrative and Information Services		
Department of Administrative and Information Services	Wright	33,116
Education and Children's Services		
Department of Employment and Children's Services	Lomax-Smith	6,940
Senior Secondary Assessment Board of SA	Lomax-Smith	81
Tourism		
SA Tourism Commission	Lomax-Smith	0
Families and Communities		
Families and Communities	Weatherill	1,039
Incorporated Disability Services	Weatherill	4,519
Environment, Conservation and the River Murray		
Department for Environment and Heritage	Gago	4,859

Environment Protection Authority	Gago	80
South Eastern Water conservation and Drainage Board	Gago	37
Water, Land and Biodiversity Conservation	Gago/Maywald	21
Further Education, Employment, Science and Technology		
BioInnovation SA	Maywald	12
Further Education, Employment, Science and Technology	Caica	3,482
Other Entities		
Auditor-General's Department	N/A	132

Public Non Financial Corporations—June 2006 Capital Expenditure

Portfolio/Agency	Minister	June 2006 Expenditure ($000)
Treasury and Finance		
SA Motor Sport Board	Foley	16
Transport, Energy and Infrastructure		
TransAdelaide	Conlon	630
Administrative and Information Services		
SA Government Residential Properties	Wright	3,128
Tourism		
Adelaide Convention Centre	Lomax-Smith	365
Adelaide Entertainment Centre	Lomax-Smith	105
Families and Communities		
SA Housing Trust	Weatherill	2,434
Aboriginal Housing Authority	Weatherill	15,409
Other Entities		
Adelaide Cemeteries Authority	Holloway	63
Forestry SA	Wright	1,342
Land Management Corporation	Conlon	21
Lotteries Commission of SA	Wright	37
Public Trustee	Atkinson	46
SA Infrastructure Corporation	Conlon	0
SA Water	Wright	14,185
West Beach Trust	Holloway	150

DRUG DRIVING

508. **The Hon. SANDRA KANCK:**

1. How many police officers have been trained in administering the new drug driving tests?
2. How much time was involved for those being trained?
3. Who provided the training?
4. What was the cost of that training?

The Hon. P. HOLLOWAY: A total of 13 police officers have so far been trained in administering the new drug driving tests.

All 13 police officers underwent a 3 day approved South Australia Police (SAPOL) training course so as to be authorised to conduct drug screening tests and oral fluid analysis tests.

SAPOL's Traffic Training and Promotion Section staff received 'Train-the-Trainer' training from the two companies that supplied the driver drug testing equipment, Bio-Mediq DPC Pty Ltd and Pathtech Pty Ltd. This enables Traffic Training and Promotion Section staff to train other SAPOL personnel in the use of the equipment. Traffic Training and Promotion Section staff then trained the 13 police officers in the use of the equipment.

The cost of the training provided by the providers of the equipment was $1,512.43. All other training costs were met from within existing resources.

PAPERS TABLED

The following papers were laid on the table:

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

Inquest into the death of Julia Marie Baylis—Report—Coroners Act 2003

Regulation under the following Act—

Public Corporations Act 1993—Infrastructure Corporation

Rules under Acts—

Fair Work Act—Monetary Claims

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

Fisheries Act 1982—

Fishing Season

Registered Boat

Registered Boat Restriction

Season Extension

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

The State of Public and Environmental Health for South Australia—Report, 2005-06

Regulation under the following Act—

Gene Technology Act 2001—Genetically Modified Organisms.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. I.K. HUNTER: I lay on the table the report of the committee on the Fast Foods and Obesity Inquiry.

Report received and ordered to be printed.

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY: I seek leave to move a motion without notice concerning the committee.

Leave granted.

The Hon. R.P. WORTLEY: I move:

That the members of the council appointed to the committee under the Parliamentary Committees Act 1991 have permission to meet during the sitting of the council this day and on Wednesday 28 March 2007.

Motion carried.

VICTORIA PARK

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement regarding Victoria Park made today by the Deputy Premier.

HICKS, Mr D.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I seek leave to read a ministerial statement regarding Mr David Hicks made in the other place by the Premier, the Hon. Mike Rann.

Leave granted.

The Hon. CARMEL ZOLLO: The Premier has been informed that this morning, in the US Military Tribunal that began today at Guantanamo Bay in Cuba, the Australian terror suspect David Hicks entered a plea of guilty to a charge of supporting terrorism. The Premier has today spoken to the foreign affairs minister, Alexander Downer, who has indicated that a stipulation of facts surrounding the case must be lodged by 6 a.m. our time tomorrow.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: That will be considered by the military tribunal which, the Premier has been told, is likely to pass sentence late this week or early next week. The Premier has been told that Mr Hicks may enter an appeal in relation to any sentence imposed on him; however, until he is sentenced it cannot be known what conditions will apply to his sentence. He may make application to serve his sentence in Australia, including Adelaide, and the Premier is advised by Mr Downer that, in accordance with an agreement reached with the US, the Australian government will support the US government in allowing him to serve his sentence in Australia. If he does apply to serve his sentence in Australia, Mr Downer says that the federal government will make arrangements to transport him to Adelaide.

Until such time as his sentencing conditions are known it is not possible to say whether he can or will be held in a South Australian correctional services prison. However, conditional to sentencing requirements, at this stage the South Australian government has no objection to the transfer of David Hicks to our state prison system. The transfer would be governed by the international transfer of prisoners legislation as well as specific arrangements made between Australia and the US.

While it is not possible to speculate on any other details in relation to this matter, the state government will properly consider an application that is made for the transfer of Mr Hicks if, and when, it occurs. The Premier will speak with the federal Attorney-General, Philip Ruddock, to ensure that the South Australian government is kept fully informed of developments in this case and of any plans or protocols for Mr Hicks to serve his sentence in Australia.

WORKCHOICES INQUIRY

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to a WorkChoices inquiry made earlier today in another place by my colleague the Minister for Industrial Relations.

QUESTION TIME

POLICE, ANTI-CORRUPTION BRANCH

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question on the subject of secret listening devices.

Leave granted.

The Hon. R.I. LUCAS: In the last week of sitting I directed a series of questions to the Leader of the Government on secret listening devices on the 6th floor of Police Headquarters. In part, the minister responded as follows:

It is my understanding that, given the seriousness of the matter, I will be in a position to be able to report fairly soon in relation to that.

He was referring to that issue. That response was given almost two weeks ago. My questions are:

1. Is the minister now in a position to confirm whether or not he has received advice that the listening device has now been removed from the 6th floor of Police Headquarters in Flinders Street?

2. Has the minister been advised that the inquiry, headed by Assistant Commissioner Harrison, has concluded and, if so, what actions have ensued as a result of the completion of the investigation?

The Hon. P. HOLLOWAY (Minister for Police): In relation to the investigation, the last information I had, which was last week, was that Assistant Commissioner Harrison still needed to interview one more person who had been absent (I am not sure whether the person was on sick leave or other leave) and it was hoped that that would be completed shortly. I expect that the police inquiry will be completed fairly soon, if it has not been done already. I expect to get that information fairly soon. In relation to the question about whether the device had been removed, it was my understanding that the Police Commissioner had, in fact, written to the Police Association indicating that, on his instruction, that device had been removed.

MASLIN BEACH

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Maslin Beach quarry rehabilitation.

Leave granted.

The Hon. D.W. RIDGWAY: Last year (I think on 31 October) my colleague, the Hon. Caroline Schaefer, asked a number of questions regarding this site and, in particular, she raised a question about the suitability and appropriateness of the rehabilitation of the quarry immediately above Maslin Beach. She went on to say that some $950 000 had been spent to date on that rehabilitation project. In his response to her question the minister said that it was decided to use funds

from the Extractive Areas Rehabilitation Fund because it was put to him that there was some danger to the public along the seawall.

He then went on to say that he was advised that the slope of the sand wall was excessive. He mentioned sand a couple of other times in his answer. Recently I was invited to inspect this site. It would be cute of me to accuse the minister of misleading parliament, but that is the strangest looking sand I have ever seen. It is heavy clay and rocks, not sand. He also goes on in his reply to the question to say that he has authorised some $150 000 of funding for the planning and development fund. Recently I was advised that the rehabilitation project that was previously conducted by PIRSA has now been transferred to the Department for Environment and Heritage. My questions are:

1. Can the minister confirm that PIRSA is no longer responsible and that the project has now been transferred to the Department for Environment and Heritage?

2. What is the total cost of this rehabilitation project to this date?

3. Is it suitable to hand over a project that has clearly failed with poor revegetation and still deep erosion in what the minister calls sand but which is unfortunately heavy clay?

4. I know that he will not be able to answer the next question, but will the minister seek from minister or the Department for Environment and Heritage what extra costs will be incurred by that department to make the site safe?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I do not believe that the work at the Maslin Beach quarry has been a failure. I think it is worth pointing out again that, in fact—

The Hon. D.W. Ridgway: Have you had a look at it?

The Hon. P. HOLLOWAY: Well, if one has a look at what is taking place with the wall along the—

The Hon. J.M.A. Lensink: Have you been there?

The Hon. P. HOLLOWAY: Of course I have been there; I have been there a number of times. The material that is being used there is, of course, the residual material from the sand mining. This sand mining occurred many years ago, and it was left there. It was there during the eight-year term of the previous government. What happened, Mr President? When I came here there was—

Members interjecting:

The Hon. P. HOLLOWAY: Well, I will blame you for this one; I will blame you every day, because you did not touch it. As the minister I have been proactive. In fact, we have spent nearly $1 million on it, as the honourable member said, to try to clean up the wreck. Unfortunately, this government must always commit money, just as we had to buy out a service station, which cost over $1 million at South Verdun, because of bad planning laws many years ago. If the Onkaparinga River flooded, petrol would get into the Mount Bold reservoir. These are the sort of legacy issues that have been left. As a number of governments were involved, I do not particularly blame the last one, but I just point out that for eight years nothing was done about it.

The advice that we had was that, because of the original compaction of this leftover material from the sand mining, which would contain some sand and some clay in a mixture of what was left over, and because it had not been properly compacted and was too steep, there was a danger of it collapsing. If someone had been walking past and the sand had suddenly given way there was a risk that they could have been buried. As a result of that the earthworks were done. Of course, the mound that was left there was a perfect geographical shape, which does not occur in nature. Inevitably, as the rains come and there is erosion—as is happening at the moment—it will return basically to its own shape, which will have natural gullies. But, of course, we need the vegetation.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, no; it will not be. The problem previously was that the underlying material was not compacted correctly. There was a danger that it would suddenly cave in and give way, and someone might have been trapped. It has now been properly compacted. So, even though there will be some erosion, its shape will go back to a natural shape, because nature does not have perfectly flat surfaces as a rule. Anyone who has seen sand dunes and other natural features near the Maslin Beach area will appreciate that there are, in fact, gullies that are formed by erosion. If it was not compacted there was a danger that there would be sudden collapses, and that was essentially the reason that the extractive industry's rehabilitation fund supported the work.

As I indicated last year, there were some difficulties in relation to revegetating. We had very heavy and unusual early rain that washed away much of the planting. Then, of course, last year we had one of the driest winters—I think it was the driest winter—on record. But, as the honourable member suggested, as I understand it, the Department for Environment and Heritage has now accepted responsibility for this particular problem—

The Hon. D.W. Ridgway: It's trying to fix up your mess.

The Hon. P. HOLLOWAY: Well, we had a quarry that was mined out 30 or 40 years ago prior to the establishment of the Extractive Areas Rehabilitation Fund. This government is fixing the problem because there was a danger to the public, and the safety of the public is always number one as far as this government is concerned. That is what we are doing: fixing a problem that is a legacy from 30 years ago.

As I said, apart from the money that has already been spent on the construction work (and I will get the exact figure; I think it was originally $750 000, with further money being spent on significant earthworks to stabilise that particular mound) as I understand it, the Department for Environment and Heritage and PIRSA, with the assistance of Rural Solutions, is now in the process of planting further vegetation in the autumn of 2007, and a grant of $150 000 has been made available from the Planning and Development Fund to complete these plantings and undertake other amenity works, where required. Some natural revegetation has already taken place, and work will be undertaken at the appropriate time, which is autumn, when the plants have the best opportunity of taking hold once the first rains come. So, that amount of $150 000 has been provided for that work.

At the end of this process the community will have a very attractive area. It is appropriate that the Department for Environment and Heritage should ultimately become the owner of this land because it will be, I think, a significant community asset now that the danger has been removed with the sculpting of the mound. And, of course, there is a natural creek that flows through the area.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, the alternative the community had—and it had it for eight years under the previous government—was to leave it as it was, even if it was a risk. One of those residents could have fallen down one of those gullies and been completely enclosed by sand. That is what could have happened if nothing was done. I am sure there are people who are unhappy and would have liked to see things work out differently. Maybe if it had not rained so

heavily, or maybe if we had had more rain last year, there would have been more vegetation on the dunes—we would all love to have seen that—but, at least, as a result of the actions of this government, the safety of the public has been protected.

I am not quite sure whether the formal handover to the Minister for Environment and Conservation has yet been accepted. I will find out about that. Certainly, I have written to the minister for the environment about that.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, it is being fixed, but I will find out whether that has technically or formally happened. It is certainly the intention of the government that that transfer should take place, because I am sure the Department for Environment and Heritage will welcome a very significant area of open space, and I am sure that people will appreciate it because not only will they have the benefit of the open space but it will be safe.

GLENSIDE HOSPITAL, SPECIAL STAY UNIT

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 about the Special Stay Unit.

Leave granted.

The Hon. J.M.A. LENSINK: Last year I asked a number of questions in relation to the closure of the Special Stay Unit for detainees experiencing mental health difficulties at Glenside. A document which has come into the possession of the opposition under freedom of information relates to the performance reviews of the Central Northern Adelaide Health Service. As at June 2006, it states:

> Mental health's financial position is a $0.9 million surplus (consistent with last month) attributable to a range of issues such as. . . the closure of the commonwealth immigration detainees ward.

My questions are:

1. Is the state or commonwealth funding provided under a contract with DIAC?

2. Is the MOU current or has it expired?

3. What recommendations has the government implemented from the Palmer report into the detention of Cornelia Rau?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): Since 2001, the Glenside campus has provided a range of services to commonwealth immigration detainees, including distance consultation and mental health in-patient services where needed. In 2005, as a result of the increasing demand of commonwealth immigration detainees requiring mental health services, an unused six-bed unit at the Glenside campus was temporarily opened, and this unit became known as the special stay unit. As at 30 January 2007, there were three detainees at Glenside on acute wards who were receiving treatment as per the process for usual Glenside residents. As at 28 February 2007, one immigration detainee was being managed in the CNAHS acute mental health ward.

As I have repeatedly said in this place, the special stay unit is currently unoccupied. It has not been closed down permanently, but it can be utilised when demand necessitates such services being used. In relation to the funding, I would need to check the figures and I am happy to bring back a response. I believe that the MOU is still current, but again I am quite happy to double check that and bring back a response. In terms of the Palmer report, we are here to provide quality mental health services to detainees when needed. We have done that in the past and we continue to do that.

The Hon. J.M.A. LENSINK: I have a supplementary question. In relation to the detainees to whom the minister referred in her answer, will the minister advise whether the acute mental health wards that she mentioned are acute beds within the hospital system or at Glenside?

The Hon. G.E. GAGO: I believe that a range of services have been used according to the needs of each particular detainee. I believe that some of those services have been provided at acute wards on the Glenside campus and it may be—though I would need to check—that acute services may have been provided through other service providers. However, as I said, I am not sure of that. What I can guarantee is that appropriate services are provided according to the assessed clinical need of each individual.

TORRENS LINEAR PARK

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 Torrens Linear Park.

Leave granted.

The Hon. B.V. FINNIGAN: Adelaide's own Torrens Linear Park is considered to be an asset of national significance, as it is the first of its kind to be developed in Australia. Last year, the government underlined its commitment to the linear park by protecting it through legislation. Will the minister inform the council whether there has been any further activity by the government in relation to the Torrens Linear Park?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I am happy to inform members that the state government, through the Planning and Development Fund, has purchased a prominent property at Felixstow which will now be added to the Linear Park. The Diekman Avenue property has been viewed as the final piece of the Linear Park puzzle in that region and, based on a market valuation provided by independent licensed valuers, the government paid $575 000 for the property. The Norwood, Payneham and St Peters council, as well as the member for Hartley in another place, alerted the government to the fact that the property may be available for purchase and could be added to the Linear Park, and I am delighted to work with the council to ensure a successful outcome. The council will now clear and landscape the site and close the section of Diekman Avenue that sits within the park. The council will also assume ongoing maintenance of the land as part of the Torrens Linear Park.

As stated by the honourable member in his question, the Torrens Linear Park is a unique development. The government's quick action to purchase this property underlines our commitment to it and reinforces the government's commitment to the development of open space and the provision of opportunities to further enhance the integrity and viability of the Linear Park as the premier regional open space for metropolitan Adelaide. The Linear Park should always be available for the use and enjoyment of local communities, and that is why last year the government protected the Linear Park through legislation delivering a key election promise.

This legislative protection means that, while the park can be expanded through land acquisition (as the government has done in this case), land within the park cannot be sold without the approval of both houses of parliament. That legislation,

of course, protects the Linear Park against the vulnerability that we saw in 2001, when the previous government unconditionally approved the sale of the former University of South Australia land adjacent to the River Torrens at Underdale.

I can also announce to honourable members today that the government has worked with the Norwood, Payneham and St Peters council to purchase a significant property on Magill Road, which will be used to expand and upgrade Richards Park. The council recently purchased the property at auction for $790 000, with the state government contributing $320 000 towards the purchase price through the Regional Open Space Enhancement Subsidy Program. Richards Park is considered to be one of the only public open spaces in the council area outside of the Linear Park, and the property at 132 Magill Road will now be incorporated into the park. It represents an extra 613 square metres of publicly accessible land for the Norwood community, and it is a further sign of the state government's commitment to develop open space for our communities.

The state government is prepared to make significant financial contributions towards worthwhile open space projects. The council has advised me that the purchase of the property will enable it to improve the visibility and accessibility of Richards Park from Magill Road, which will also complement the nearby retail shopping area. A number of aspects of the park are also expected to be upgraded, including public toilets and improved car parking. The purchase of this property and its addition to the park will provide major recreational benefits for the local community, which has been working hard for many years to ensure that Richards Park is maintained and expanded. The council, the community and the member for Norwood should all be commended for their roles in ensuring this successful outcome.

STAMP DUTY

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police, representing the Treasurer, a question about stamp duty and its impact on South Australian families.

Leave granted.

The Hon. D.G.E. HOOD: Family First notes that first time home owners in South Australia are eligible for a full exemption from stamp duty, but only if the home that they buy costs less than $80 000. In 1979, the then Tonkin government introduced a $30 000 threshold before stamp duty applied for first home buyers. According to the second reading explanation, the measure was largely 'designed to assist those who are faced with the expense of acquiring and furnishing their first home'. Of course, in 1979, $30 000 would buy a modest home.

In 1985, the then premier, John Bannon, increased the threshold to $50 000 to ensure that (according to the second reading explanation) 'anyone who has never been the owner/occupier of a dwelling is eligible for the concession'. In 1989, the threshold was again increased to $80 000, to take into account the ever increasing cost of a family home. For the past 18 years, that figure of $80 000 has not changed at all. My questions are:

1. Can the Treasurer advise how many homes are currently available in South Australia for under $80 000?

2. What are the Treasurer's estimates of the number of families currently in South Australia who want to buy a first home but cannot afford to do so due to the cost of stamp duty?

3. When will the Treasurer increase the stamp duty exemption threshold to reflect the current realistic cost of a modest family home in South Australia?

4. Will the Treasurer ensure that any increase includes CPI indexation, so that the new threshold keeps pace with the real value of South Australian family homes?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for the question.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I will refer it to the Treasurer for a response.

POLICE, RIVERLAND

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police a question about Riverland police numbers.

Leave granted.

The Hon. T.J. STEPHENS: Members will be aware that I have recently raised the issue of police numbers in country South Australia. In particular, I have focused on the lack of police in areas like Ceduna, Port Augusta and Port Lincoln, but I have also been contacted by people in other parts of South Australia telling me that their communities are also suffering because of this problem. Recently I was contacted by Barmera locals who wish to share their concerns regarding the police presence in Barmera. One person raised with me the fact that the local grocery store has decided that it would have to hire seven day a week security staff to help cope with the recent spate of crime. The issue was also reported on the front page of *The Murray Pioneer* newspaper, and I refer to last Friday's editorial as follows:

> Hamstrung by limited resources, police can only do so much, but something must change in Barmera.

The main street of Barmera is seeing a rise in unsociable and criminal behaviour. Reports of theft, intimidating behaviour and vandalism are becoming more regular. The sergeant's position in the town has been vacant for months and evidently only two of five positions are currently filled. Barmera police station continues to open with reduced hours, namely 9 a.m. to 4 p.m. Monday and 9 a.m. until 12 noon Tuesday to Friday. The people of Barmera and other towns outside metropolitan Adelaide are not disputing that police numbers are growing in South Australia. They are simply asking when these police will be coming to their town. My questions to the minister are as follows:

1. Will he explain what vacancies exist at the Barmera police station, and what is the prospect of filling those vacancies?

2. Given that I am now adding the Riverland to the Far West and the North of the state, how many more issues do I have to uncover before the minister admits there is a crisis in staffing numbers in regional South Australia?

The Hon. P. HOLLOWAY (Minister for Police): The one thing I can assure members opposite of is that there has been an increase in police positions in the country since 2002, when this government came to office. It is very easy for members opposite to continue to demand extra resources for certain areas within SAPOL, but why do they not tell us from which area of South Australia Police they would like the Police Commissioner to move these officers? We have hundreds more police officers; they are saying that there

should be more in the country, so from where should we take them? Let the Hon. Terry Stephens and the shadow police minister go out and say exactly from where we should take these resources if they want them elsewhere. Unlike the opposition, I have full confidence in the Commissioner of Police to get the job done and to allocate the resources as he sees fit, and I have full confidence in the strategies put in place to encourage country service and address the issue of hard to fill vacancies.

The human resources management branch of SAPOL continues to work extremely hard on the issue of country policing and has implemented a number of strategies, including improved liaison with the SAPOL crime training section and the prosecution support branch with respect to encouraging country members to undertake detective and prosecution training. There is improved focus on recruiting strategies aimed at targeting potential applicants for community constable positions in remote communities. Serving in the country is discussed and promoted in the recruitment stage and is included in the recruitment marketing plan. There is improved liaison with the building management accommodation services within DAIS to address country housing issues that are new and emanating or involved with some level of dispute with SAPOL.

There has been the pro-active marketing of country vacancies throughout SAPOL through the use of direct email messages to all members. These email messages focus on individual locations as well as promoting country posting positions. There have been changes to the lateral transfer policy in relation to special priority locations, where members are encouraged to move to locations categorised as hard to fill, with the incentive of being moved to a posting of their choice once they have completed the minimum period of tenure. There is also a reduction in the minimum tenure for constable positions from two years to 12 months, and selected vacancies are identified that have proven difficult to fill in order to encourage constables to transfer to these locations. There is the granting of applications for a waiver of tenure under the tenure and service policy to enable members to transfer to difficult to fill vacancies on an organisational needs basis.

I remind members that on 4 November 2004 the South Australia Police enterprise agreement 2004 was approved. It contains specific clauses designed to attract and retain police officers to country locations through the provision of a range of incentives. I acknowledge that policing in the country is a very different form of policing from that in the city. Those officers who are based in country locations would know that they are exposed to much more than they would be in the city. It is an unfortunate fact that many officers hold preconceived ideas about working in country locations. They believe that working in a country location may mean more limited social interaction, fewer employment opportunities for their families and perhaps problems with education standards. However, if you ask officers based in country locations, you would find—

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

The Hon. P. HOLLOWAY: Well, that is the perception; I am talking about perception. When officers are transferred to the country, they find that those concerns are generally unfounded. Working in a country location has many benefits, including the opportunity to be exposed to a larger variety of offences and there is more self-reliance and greater decision-making ability. Country officers tend to self-develop more quickly, and they have stronger social interaction with other officers, and they also have an opportunity to be involved in their community. So, it is a matter of getting this information out and, through the range of measures I have just outlined, SAPOL intends to do just that.

At this stage, I think it is appropriate to remind the opposition of a quote made back in January 1999 by the last Liberal police minister. Then minister Brokenshire was quoted as saying in the January 1999 edition of the *Police Journal*, 'Government ministers should never involve themselves in police operations.' While I am happy to look at the issue of attracting more police to country areas, one thing I will not involve myself in is directing the Police Commissioner on how he should allocate his resources.

If opposition members are going to bring up these issues all the time, they had better tell us what their policy is. If they were to win government, would they change the Police Act to take over control of the Police Commissioner about where to allocate resources?

An honourable member interjecting:

The Hon. P. HOLLOWAY: He says that they will provide more resources. We saw what they did: in the mid-1990s police numbers went down to just over 3 400. Police numbers are now over 4 000, and they have increased rapidly under this government. That is the opposition's track record.

If opposition members are going to come in here every day and criticise this government about what they claim to be a police crisis in country areas, I think it is about time they said what they would do. The other day, we had the parliamentary secretary telling us that there was a crisis in Port Augusta because there were four year old kids on the street. What does he expect? Does he expect our police force to be out rounding up toddlers? I am sure the police in country areas would love to be doing that. I am sure that is an appropriate role for police officers!

Let us get serious about this. If members opposite think that there is a crisis in policing that the police need to solve because a few four year old toddlers are running around Port Augusta, I think the Liberals have a real problem. Perhaps he should read the article on the front page of this morning's *Advertiser* where comments are made about the fact that perhaps parents need to take more responsibility in these sorts of issues. We cannot expect the police to solve everything, let alone picking up four year olds and taking them back home.

I challenge opposition members: if they believe they can do a better job than the Police Commissioner—if that is what they want to do in government and what they believe should be done—and if they are going to dictate where police resources go, let them have the courage to stand up and say so. Let the police know that they are going to have a change from the policy of the former government and this government, which is that we should allow the Police Commissioner to determine where police resources should go.

If we look at the opposition's recent media releases relating to this issue, we see that the opposition is demanding extra resources for the following areas, while conveniently not mentioning from which area of SAPOL these officers should be moved from. On 1 February 2006, the member for Flinders sought the allocation of extra police numbers to Eyre Peninsula; on 26 April and 1 May, the shadow minister for police sought extra resources to be allocated to Hindley Street. So, the opposition wants more resources to be allocated to Hindley Street and Eyre Peninsula. On 16 January this year, the shadow transport minister said that extra police should be allocated to investigate reports of

assault, damage to vehicles and fare evasion involving taxis. So, he wants more police there.

On 18 January the Leader of the Opposition sought to have more officers allocated to Operation Mandrake, which is also in the city. So, he wants more police officers in that area. Then, on 24 January, in a letter to my office the member for Flinders requested more police officers to be allocated to Port Neill and Coffin Bay. On 20 February this year, the shadow minister of police was quoted in *The Advertiser* as saying that additional resources should be provided at Coober Pedy for 24-hour policing. Then, in a press release dated 21 March, we had the Hon. Terry Stephens saying that more police were needed in areas like Ceduna, Port Lincoln and Port Augusta.

Finally, on 22 March, the Hon. Terry Stephens said that the government needed to ensure that the Barmera police station was open for longer hours. The opposition cannot simply say that these additional resources should come from the extra 400 officers this government is recruiting, because this is already occurring. This government has increased police numbers to record levels; there are now 600 more police than there were in the mid 1990s—and I scarcely need to remind this council about what happened then.

So, we have the opposition saying that it should take over the Police Commissioner's job and tell him where to allocate resources, but it wants to put them all over the place—the city, Operation Mandrake and following up fare evasion involving taxis. I think it is about time that the opposition decided to let the police of this state get on with their jobs and do what they do best—that is, reducing the crime rate. Instead of trying to do the Police Commissioner's job, I suggest members opposite would be better off getting behind the increased numbers of police that we have in this state.

Perhaps I should also mention here that not only have we increased police numbers but we have also greatly increased facilities available to police officers with the new police stations we have recently opened around the state, including Mount Barker, Gawler, Port Pirie, Berri, Victor Harbor and Port Lincoln. We have also just purchased a brand new $4.5 million aircraft for SAPOL, and we have the new helicopters. So there has been an enormous increase not just in police numbers but also in police resources.

The opposition can keep going around to every country area where there is an unfilled vacancy but, again, I would like to point out that police officers do transfer from station to station. They transfer in the city and they transfer in the country, and when they transfer there are vacancies until those positions are filled; however, SAPOL ensures that those position are filled, at least on a temporary basis, by officers coming in from elsewhere. All this talk of crisis from members opposite because we have four year olds running around some towns shows just how shallow their arguments really are.

The Hon. T.J. STEPHENS: I have a supplementary question. Will the minister acknowledge my call for police positions that have been gazetted, and acknowledge that they should exist in places like Port Lincoln and Ceduna? In Port Augusta they are six patrol officers down out of a maximum of 30, and they have zero out of six prosecution officers. As I have just stated with respect to Barmera, I am not calling for extra resources to be put into those places: I am calling for police positions to be filled and for the minister to provide incentives for officers to leave the city and go to the country. This is an area in which the government has so far failed.

The Hon. P. HOLLOWAY: Again, I challenge the opposition to say what it will do and what its policy on this issue will be. Is it going to take over from the Police Commissioner? Is it going to change the Police Act so that it can instruct police officers what to do?

Members interjecting:

The Hon. P. HOLLOWAY: What are you going to do? Are you going to do what they did in the British navy in the 1800s and start press-ganging officers and forcing them to go to areas? I have just given a huge list of the incentives that this government has provided to get police officers into country areas; they are all new incentives that have come in during the term of this government. What do members opposite suggest we should do? The fact is that officers move. Is the opposition saying that police officers should not be allowed to leave, that they cannot leave Barmera? The reason there are vacancies is that officers move; police officers tend to move around the state and, when they leave, vacancies actually occur. That is a simple statement of fact. The point is that SA Police ensures that there are adequate police resources in all these places by backfilling.

This is the biggest story that members opposite can come up with; they have finally discovered that there are actually vacancies in the police force from time to time. Have they never read a *Government Gazette*? Go and have a look at a *Government Gazette*; there are vacancies all over the place in all sorts of jobs at any one time. That is life. What is important is that SA Police ensures that there are adequate resources available in country towns through backfilling. We are not going to prevent police from moving on.

Members interjecting:

The PRESIDENT: Order!

WORLD YOUTH ASSEMBLY ON ROAD SAFETY

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Road Safety a question regarding the World Youth Assembly on Road Safety.

Leave granted.

The Hon. R.P. WORTLEY: The state government and the RAA have elected a young South Australian to attend and participate in the United Nations Road Safety Week. Will the Minister for Road Safety please explain the important role of 23 year old Joel Taggart as a representative for Australia?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his important question. Joel Taggart is an outstanding young South Australian. In his 23 years he has achieved feats that many older South Australians would not even consider. Next month he will travel to Geneva with nine other young Australians to take part in the World Youth Assembly on Road Safety. The assembly is part of the United Nations Global Road Safety Week. One of the highlights of the assembly will be the adoption of a 'Youth Declaration for Road Safety', which will identify what young people believe is needed to improve road safety.

Joel was a finalist in last year's Young Australian of the Year Awards. He holds a Bachelor of Urban and Regional Planning and is chairman of the Salisbury Community Road Safety Group. He will be sharing his experiences and gathering ideas on how to promote and facilitate road safety initiatives. He is currently employed as a development planning officer with the City of Salisbury's development and

planning office. The state government and the RAA are sponsoring Joel's journey.

Joel's passion and commitment to addressing road safety issues is demonstrated through his community involvement, and it is my hope that he will return with fresh ideas for discussion and a vigour to debate future options. His success should act as an incentive to other young South Australians to be part of the road safety solution, to understand that they can make a difference and can be heard.

During the interview process last year Joel demonstrated that young people have a lot of energy and enthusiasm and often generate imaginative solutions to longstanding problems. He said it was important that every individual realised they have an important role to play in road safety. It is refreshing to see a young man so determined to promote the road safety message, and I am sure everybody will agree that his strong commitment to road safety made him the obvious choice to represent our state. Joel Taggart is an outstanding young South Australian and, on behalf of this government and this chamber, I personally congratulate him on his achievements so far in his endeavours to reduce the road toll.

Honourable members: Hear, hear!

WORKCOVER

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Leader of the Government representing the minister for Industrial Relations questions in relation to WorkCover.

Leave granted.

The Hon. NICK XENOPHON: Last Wednesday the High Court ruled by a five to two majority that the telecommunications group Optus could opt out of the Victorian WorkCover regime and become a self-insurer with the cheaper Comcare scheme. A front page report in the *Financial Review* of 22 March stated:

> The ruling has given the commonwealth a mandate to encroach further into areas traditionally dominated by the states, as occurred in last year's decision that upheld the validity of the WorkChoices laws, which largely override state workplace laws.

The *Financial Review* goes on to report that, under current eligibility criteria:

> Private companies are now eligible to join Comcare if they meet set financial criteria and if they compete against current or former federal government authorities, as occurs in banking, telephony, air and land transport, defence, broadcasting and postal services.

Further, a spokesman for the federal minister responsible, the Hon. Joe Hockey, said the government would not rule out broadening the eligibility criteria for Comcare. It is believed that 40 large national companies have switched to Comcare or are looking at it, including the NAB, the ANZ, Chubb and Linfox, to name but a few.

Further, it is reported that the federal government has also legislated so that companies licensed with Comcare, and their employees, will be covered by federal workplace safety laws rather than state laws. It should be noted that there are only 31 Comcare investigators Australia-wide, increasing to 49 by June this year. My questions are:

1. Given WorkCover's current unfunded liabilities of some $700 million, what is the likely effect that this recent High Court decision will have on WorkCover's levy base and on future unfunded liabilities?

2. What assessment has been carried out by WorkCover or the department on the number of employees currently covered by WorkCover who potentially could be shifted to the Comcare scheme?

3. Has the government sought advice, and will the government challenge the federal legislation that seeks to override the state's occupational health and safety laws?

4. Will the minister outline the substantial differences between the Comcare and WorkCover schemes in terms of benefits for injured workers?

The Hon. P. HOLLOWAY (Minister for Police): I thank the Hon. Nick Xenophon for his very important questions. Clearly, the Australian community, as indicated by the New South Wales election result on the weekend, is very concerned about industrial relations issues. I am sure that we will hear a lot more about them in the next few months in the lead up to the federal election. The Hon. Nick Xenophon has asked important questions, and I will get a response for him from the minister in another place.

DISABILITY, MODIFICATION OF MOTOR VEHICLES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Disability a question about disability modification of cars.

Leave granted.

The Hon. CAROLINE SCHAEFER: I have been contacted by a constituent who has developed a disability, which means he can no longer drive his car unless it is suitably modified. The government has a policy of encouraging people to stay in their own homes and to be independent as long as possible, yet this person has been refused any assistance to modify his car. When my office inquired on his behalf, both the Department of Transport and Disability Services SA suggested he appeal to a service club such as Rotary or Lions for help. I am informed that the cost of such modifications varies according to difficulty from $9 000 to $25 000—well above the resources of most people. My question is: what assistance, either financial or other, is offered in cases such as this and, if there is none, why is this so?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her question. In relation to some assistance for a disabled person to modify his car, I undertake to refer the question to the minister in the other chamber and bring back a response.

CONSERVATION PARKS

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about conservation parks.

Leave granted.

The Hon. I.K. HUNTER: South Australia is home to some of the world's most awe-inspiring natural environment. The preservation of these environments is vital to our state's health, tourism and sustainability. More importantly, ensuring these areas are protected is essential to the state's biodiversity. Can the minister please update the chamber on moves to improve our representative reserve system to protect our biodiversity?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the member for his important question and his ongoing interest in these important policy areas. I am pleased to say that this government is taking real

steps to better protect our state's precious biodiversity and quite amazing native flora and fauna. Just last week the number of protected areas and parks was extended, with additions to the reclassification of conservation parks near Lock. These are known as the Peachna and Shannon conservation parks, both of which are largely made up of mallee vegetation. Also, last week, in the same region, the Barwell Conservation Park was extended to incorporate the 5 643 hectare Barwell Conservation Reserve, and the Bascombe Well Conservation Park has also been extended to incorporate another 1 435 hectares of the conservation reserve of the same name.

These upgrades and extensions offer significantly better protection for fauna such as the river red gum grassy woodland, which is quite rare in the region, and contribute to the core protected areas of the East Meets West initiative of the Rann government's NatureLinks program. The biodiversity of all of the areas that are brought under the umbrella of conservation parks status will be given greater protection, thus improving the likelihood for the recovery of threatened or endangered species and ecosystems. Also, these conservation efforts give us a better opportunity to learn more about the natural history of these parks. By dedicating these reserves as conservation parks we are encouraging researchers to undertake much-needed studies to assist with the conservation initiatives.

A possible advantage of these newly upgraded and expanded parks will be the chance to determine whether populations of the naturally endangered sandhill dunnart still occur in the area. This nocturnal animal, which looks very similar to a common household mouse, traditionally inhabited the area but has not been sighted recently. This is the kind of encouraging research that these new parks will allow, which will in turn enable us to act on any new data that we collect.

I am proud of this government's record of protecting our remnant bushland, so now is probably a good time to put these latest additions into perspective. In 2005-06 five new conservation parks were proclaimed, and almost 1 600 hectares of land were added to the conservation park system through additions to three existing conservation parks. As well, the protection of a further 600 000 hectares was secured through the reclassification of the conservation status of some regions, particularly in the Yellabinna region near Ceduna.

I am pleased to inform the chamber that this financial year has brought further significant contributions. So far in 2006-07, four new conservation parks have been proclaimed, encompassing 2 478 hectares, and 7 548 hectares have been added to two existing conservation parks and one national park. The level of protection of 25 577 hectares of land has been increased through reclassification of their conservation status. More than 21 per cent of South Australia's natural environment is now protected through our reserves system.

The Hon. CAROLINE SCHAEFER: I have a supplementary question, Mr President. Can the minister tell us who is responsible for fencing on the extensions she has just outlined, and were landholders consulted? Does she agree that adjoining landholders, given the fencing policy of this government, are becoming an endangered species?

The Hon. G.E. GAGO: I thank the honourable member for her question. I have answered these questions previously on a number of occasions but I am happy to do so again. Our conservation parks and reserves are not free grazing land for farmers: it is as simple as that. They are there to protect and conserve our native fauna and flora. They are simply not there for the free grazing of farmers. I have stated here previously that farming is the responsibility of farmers and farmers are responsible for any equipment, just like in any other business. I have stated quite clearly in this place previously that there is no obligation on neighbours to fence their boundaries with reserves. However, there is an obligation on neighbours to prevent any stock they own from straying onto or grazing in reserves.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Will the minister explain why there has been a five year delay in transferring Crown land at Humbug Scrub to the Para Wirra Recreation Park?

The PRESIDENT: I do not see how that derives from the original answer. The minister can choose to deal with it if she wishes.

The Hon. G.E. GAGO: In relation to Humbug Scrub, the Department for Environment and Heritage manages a statewide program of adding land to our national parks. The rate of progressing these additions to parks is dependent on many issues, including priorities for conservation, and there are many of those. It is also based on the complexity of the property issues involved with particular land, and the consultation required with local government and the mining industry and in relation to native title issues. There are quite wide ranging and far reaching issues. The government is committed to progressing the addition of land in the Humbug Scrub area into the Para Wirra Recreation Park.

As I have outlined in my answer, we have an overwhelming commitment to expanding our reserves and conservation parks. We have put our money where our mouth is in that we have acted on the ground and increased our conservation parks and reserves by tens of thousands of hectares, as I have outlined. Our obvious ongoing commitment to this is in the books for everyone to see. Given that obviously the honourable member failed to hear some of the important contributions that we have made, in 2005-06 the following contributions were made to the South Australian protected area system. Almost 1 600 hectares of land was added to the system through the proclamation of five new conservation parks and additions to three existing conservation parks. The protection of a further 600 000 hectares has been increased through the reclassification of conservation status for the Yellabinna wilderness protection area.

In just 2006-07 so far, four new conservation parks have been proclaimed—2 478 hectares—and additions made to two existing conservation parks and one national park. Again it is important to clarify this point, because obviously members were not listening earlier on. The level of protection of 25 577 hectares of land has been increased through reclassification of its conservation status.

POLICE RESOURCES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Police questions about police staffing.

Leave granted.

The Hon. SANDRA KANCK: In January 2004 (three years ago), the Police Association submitted a report to the select committee of the Legislative Council on the staffing, resourcing and efficiency of the South Australian police force. Its report listed 53 recommendations. My questions are:

1. Has the minister read that report and does he take the recommendations seriously?

2. If so, how many of the listed recommendations have been implemented and which ones in particular? I appreciate that the minister may not be able to do this all off the top of his head and I will accept the answers on notice.

3. Of those that have not been implemented, what plans exist to do so?

4. How many police recruit training courses are held each year?

5. Do all serving police officers regularly update their skills in managing domestic violence situations?

6. How many hours of firearms training per year do serving police officers receive?

The Hon. P. HOLLOWAY (Minister for Police): Obviously, that report was presented well before I became the Minister for Police, so I have not read it. I have not retrospectively read every single report that was down there, but I will get the information for the honourable member and bring back a response.

WELLINGTON WEIR

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Wellington weir.

Leave granted.

The Hon. S.G. WADE: The proposed Wellington weir was announced on 7 November last year. It is now five months since that announcement and there will be another two months before a decision is made on the construction of a weir. The Minister for the River Murray recently stated that an EIS on the operation of a weir was possible before the October deadline. That is seven to eight months, which would have been an adequate time for a full EIS on its operation had it begun in November. My questions are:

1. Why was an environmental impact study into the construction of the weir not commenced immediately the proposal was announced?

2. Why has no alert of the application to the federal minister for an exemption from the EPBC act for construction of a weir at Wellington been posted on the DEH website, as is normally required?

3. If the weir is found to breach our international obligations to protect the Ramsar site, will the minister oppose the—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: Chuck him out!

The PRESIDENT: You'll go with him.

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

3. If the weir is found to breach our international obligations to protect the Ramsar site, will the minister oppose any cabinet decision to build the weir, as minister Lomax-Smith opposed the Victoria Park Racecourse, or is the environment just another job?

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his questions—although I had trouble hearing most of them.

An honourable member: You didn't miss much.

The Hon. G.E. GAGO: Yes. As my colleague said, I probably didn't miss much. I am sure that, if I have missed anything, the member will bring it to my attention. Again, I must emphasise that the weir will be built only if it is absolutely necessary. With the weather conditions update, I believe that at the moment we are down to somewhere between only a 5 per cent to 10 per cent chance that the weir will need to go ahead. So, with a bit of luck, this issue will be moot.

With respect to the EPBC process, obviously, this is dependent on the commonwealth's decision about the level of environmental assessment required and the timing of decisions. In terms of the exemption that I have requested for stage 1, the first stage of that process is being progressed. It involves an exemption from the EPBC Act (initially requested on 18 December) for the preliminary works and construction activities up until the point of closure of the weir. As I have said in this place previously, the exemption does not include the final closure of the weir, which will be addressed during stage 2. According to the advice I have received, we believe that that stage would have quite a minimal impact on the environment.

In terms of stage 2, the next stage in the process is to provide a referral document to the commonwealth for the commissioning (closing off of the connection between the river and the lake) operation and decommissioning of the weir. The referral is a limited description of the project and its potential impacts to be used by the commonwealth in making a decision about the next steps in the process. The referral will then be coordinated by a professional services contractor engaged by DEH, working closely with the relevant government agencies—in particular, SA Water and DWLBC. The commonwealth will then assess the documentation to determine, first, whether the action will be a controlled action under the EPBC Act—that is, one that is likely to have significant impacts on a matter of national environmental significance; secondly, the level of assessment required—that is, whether a public environmental report or an environmental impact statement or other processes are required (and that cannot be determined until then)—and, thirdly, the guidelines that the proponent (SA Water) has to address in its environmental report.

Stage 3 (the environmental assessment documentation) involves considerable relevant environmental information, a great deal of which is already available for the Coorong and Lower Lakes area. Work is already underway to access impacts and model scenarios of reduced flows to the area. So, the member is quite wrong in saying that nothing has been done to progress this matter. A great deal of preliminary work is already underway and has been for some time. The environmental assessment process will use an external reference group, which will include people with the necessary expertise and an understanding of the environment of the Coorong and Lower Lakes.

Stage 4 is public consultation. Under the EPBC Act, public consultation by the project proponent (SA Water) is required for a minimum of 20 business days, and the last stage is that a final report incorporating public comments will be provided to the commonwealth. The final approval from the commonwealth will be available prior to a decision being made on the closure of the weir. That is a clear outline of the process involved in environmental impact assessments and the timing of them. A great deal of work has already commenced. In relation to the information being posted on the DEH site, I am happy to take the question on notice and bring back a response.

REPLIES TO QUESTIONS

CRIME STATISTICS

In reply to **Hon. NICK XENOPHON** (2 November 2006).

In reply to **Hon. J.S.L. DAWKINS** (2 November 2006).

The Hon. P. HOLLOWAY: South Australia Police advise that crimes are cleared by detection following by arrest, report, caution or the issuing of a Shop Theft Infringement Notice. Detection rates are measured by percentage and in comparison with the total number of crimes reported by a victim.

The State detection rate for all offences against the person in 2003-04 was 38.8 per cent, 2004-05 was 38.9 per cent and 2005-06 was 40.4 per cent.

The State detection rate for all offences against property in 2003-04 was 13.8 per cent, 2004-05 was 13.6 per cent and 2005-06 was 13.8 per cent.

Safety and security on the public transport system in the greater metropolitan area of Adelaide is the prime focus of Transit Services Branch and it employs an intelligence led problem solving approach to reported crime driven by the Tactical Coordination Group supported by the Branch Intelligence Section. The group meets daily reviewing reported crime, apprehensions and other associated crime issues. This review drives the daily deployment of resources for maximum effect.

Reported crime on the metropolitan transit system has decreased from 1859 reported offences in the financial year 2002-03 to 1546 reported offences in 2005-06, a reduction of 17 per cent. Year to date reported crime for 2006-07 is 355 reported offences.

Reported crime on the TransAdelaide rail system has decreased from 1221 reported offences in the financial year 2002-03 to 969 reported offences in 2005-06, a reduction of 20 per cent. Year to date reported crime for 2006-07 is 232 reported offences.

Transit Services Branch deploys a two person train crew on a shift basis to ride targeted trains on the TransAdelaide rail system supported by branch and Local Service Area patrols. This ongoing visible physical presence has accounted for the reduction in reported crime for offences against the person and property.

Transit Services Branch is involved in ongoing operations in collaboration with TransAdelaide Passenger Service Assistants policing behavioural offences on the metropolitan rail system and at this time the Gawler Line. The Gawler Line is a patrol default area for ongoing attention. This means that when patrol resources are not involved in taskings or related activities, they are required to carry out patrol functions focussing on the policing of the Gawler Line, thus ensuring that the line receives priority over other rail lines and bus routes.

Elizabeth Local Service Area is currently conducting an operation centred on the Salisbury Interchange policing behavioural offences which is supported by Transit Services Branch train crews and mobile patrols. This joint approach is an example of cooperation at the local service area level which ensures that resources are deployed to maximum effect.

A monthly Safety and Security forum is convened by Transit Services Branch. Operational representatives of the contracted services providers, the Public Transport Division and the branch management team review reported crime and overall performance. This is a formal joint problem solving approach to crime reduction. Adhoc contact is maintained with individual service providers as incidents and issues arise that require police attention.

The policing of the public transport system is the prime responsibility of Transit Services Branch which is supported by the relevant Local Services Areas and TransAdelaide Passenger Service Assistants on the metropolitan rail system. The coordination of crime reduction strategies is driven by the Transit Services Branch Tactical Coordination Group in consultation with the Public Transport Division, Department for Transport, Energy and Infrastructure and contracted service providers supported by Transit Intelligence Section and its links with Local Service Area Intelligence Sections.

Transit Services Branch policing and crime reduction strategies have produced a positive downward trend that is reflective of the overall reduction in crime. The increase in the number of assaults on the Gawler line is an exception to that downward trend and is currently the focus of ongoing police attention.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. CAROLINE SCHAEFER** (15 November 2006).

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

The South Australian Government's procurement reform program is an important, ongoing initiative, directly supporting South Australia's Strategic Plan. The overall aim of the procurement reform program is to facilitate a strategic approach to procurement across government to deliver best-practice procurement outcomes.

In January 2005, the Australia-United States Free Trade Agreement (AUSFTA), to which the South Australian Government is a signatory, was established. This agreement contains a procurement chapter.

This agreement has facilitated a closer economic relationship with the United States and provided valuable access to new markets for South Australian businesses, benefiting all South Australians.

In accordance with the new *State Procurement Act 2004* (the Act), the State Procurement Board (the Board) has implemented a range of procurement related policies, guidelines and initiatives that support procurement reform across government in accordance with the Objects of the Act.

The Board has also incorporated the requirements of the Australia-United States Free Trade Agreement into its policy framework to ensure that government agency procurement operations are consistent with the requirements of AUSFTA.

Contrary to the impression given by the statement made by the Hon Caroline Schaefer, the Auditor-General provided a positive and comprehensive assessment of the procurement reform program to date (Part B: Agency Audit Reports Volume I pp 78-79). The Government acknowledges the significant work undertaken by the Board and government agencies over the last 12 months since the new Act came into effect.

Within this context, the concerns raised by the Auditor-General are meant as constructive comments to improve the operations of AUSFTA.

The Auditor-General's Report commented that:

> 'Further, the Board should work closely with the infrastructure agencies of government that are responsible for administering construction procurement to ensure the development of consistent policies and processes relating to the application of the Agreement.'

In establishing the Act, the Government specifically excluded construction projects over $150 000 from the operation of the Act. Some interstate jurisdictions similarly separate the procurement of goods and services, from that of construction services, which often require different governance arrangements, procedural approvals and capabilities.

Under this arrangement, responsibility for the procurement of construction services is governed by the Department of Premier and Cabinet Circular *Construction Procurement Policy: Project Implementation Process* (PC028), which has been developed and implemented under the leadership of the Department for Transport, Energy and Infrastructure (DTEI).

In addition to the work undertaken by the Department of Trade and Economic Development, which is the lead government agency on AUSFTA matters, the Board has worked closely with government agencies to support and assist procurement practitioners to meet their obligations under AUSFTA by:

- implementing an AUSFTA Board policy (which is currently being reviewed to incorporate other international obligations);
- incorporating references to AUSFTA in key policies and guidelines, where appropriate;
- conducting training and awareness raising programs;
- consulting with government agencies to highlight AUSFTA and implications for procurement; and
- providing a helpdesk function for procurement practitioners.

The Board has also worked closely with the Building Management Unit, DTEI in the development, consultation and implementation of AUSFTA to ensure greater consistency in policy approach to the procurement of both goods and services, and construction services.

As a result, feedback from government agencies indicates they are satisfied with the level of training, tools, support and assistance provided and have expressed no concerns or problems regarding the implementation of AUSFTA. There have certainly been no concerns raised by suppliers regarding the inconsistent application of AUSFTA across the areas of goods and services, and construction services.

The Auditor-General has also not identified any evidence of problems occurring in relation to AUSFTA, but has simply highlighted the potential risk for a problem to occur if not properly monitored.

I am advised that the Board has been working closely with DTEI in the formation and development of procurement policy and processes related to AUSFTA's procurement chapter.

FAMILIES SA

In reply to **Hon A.L. EVANS** (6 December 2006).

The Hon. CARMEL ZOLLO: The Minister for Families and Communities has provided the following information:

Families SA Case Recording Principles and Guidelines were developed in 2001. They are available to all Families SA staff via the intranet. These guidelines clearly stipulate that accurate case recording is a legal requirement in all investigations. They provide guidelines regarding quality, purpose, accuracy and type of case recording for particular circumstances. They also place an emphasis upon the importance of case recording and the requirement to distinguish between fact, opinion and assessment.

Families SA staff receive training in case recording via various accredited training courses provided by the Families SA Faculty in the College for Learning and Development, the Registered Training Organisation of the Department for Families and Communities. These courses include the Diploma in Statutory Child Protection and the Certificate IV in Protective Care. Case recording principles and requirements are covered via various training methods which include role plays, case examples, screen summaries, write-ups and practice in report writing and case recording.

All staff are required to sign and date case notes. Significant case decisions, case-plans and case-reviews are counter-signed by social work supervisors.

The introduction of a requirement to electronically record interviews during child protection investigations would place a heavy emphasis upon forensics and evidence collection. Families SA workers are not conducting criminal investigations. Statutory child protection requires a delicate balance between the assessment of risk to children and the importance of engaging with parents and caregivers to help them to be better and safer parents. This balance is a complex one, which requires skilled practitioners who are able to collect evidence and protect children whilst also providing supportive services to keep children safe and families together.

It is not the current practice of Families SA to electronically record investigative interviews and there are no immediate plans to introduce this into Families SA policies.

THE PARKS COMMUNITY CENTRE

In reply to **Hon. SANDRA KANCK** (6 December 2006).

The Hon. CARMEL ZOLLO: The Minister for Housing has provided the following information:

The Government is looking at ways to further develop and improve the Parks Community Centre ("the Centre") and to ensure it is a welcoming and inclusive place that meets the needs of the whole community. Wide consultation occurred on the original Master Plan and, based on feedback received, the Government has now produced a revised Master Plan, made available for feedback from interested stakeholders.

Under the revised Master Plan, it is proposed that the Arts and Crafts services and activities currently offered at the Centre be relocated within the current complex, to co-locate with a range of other arts and recreation activities including two theatres, the library, youth services and a new public art and recreational space adjacent to Cowan Street. The revised Master Plan indicates an area of approximately 700 m^2 allocated for these functions, which will ensure all current arts and crafts services will be able to continue.

There has been extensive consultation with a range of stakeholders over the past 10 years regarding the future of the centre. This Government has undertaken extensive consultation during 2005 and 2006. Consultation has included local residents and service providers, Centre users and service providers based at the Centre, including City of Port Adelaide Enfield staff members who manage the arts and crafts facilities at the Centre on behalf of Government.

During 2005, an audit of consultation outcomes undertaken over the past 10 years was completed. Much of this work formed the basis for the first draft Master Plan, released in October 2006. This was in addition to a series of meetings, forums and public surveys to ensure a broad cross-section of community views were considered.

A meeting between the Executive Director of Arts SA and the Manager of the Community Renewal Unit in the Department for Families and Communities (DFC) occurred during November 2006 to discuss the current and future proposals with regard to the draft Master Planning process, and specifically the proposal for arts services based at the Centre.

Comments made by the Executive Director of Arts SA indicated that the revised Master Plan would '…enable the Parks to retain facilities and arts and crafts functions that are valued by the community it serves'. Arts SA will continue to be involved with the work in relation to the Centre as it progresses during 2007.

A random telephone survey of 300 Parks residents indicated that local residents would use the centre on a more regular basis if the Master Plan was implemented.

If the Master Plan has broad level acceptance, the intent would be to make available a small portion of the Centre for retail development. Ultimately, the private sector will decide whether to purchase the site at market prices with no subsidy from Government and develop it for retail development.

The intent is that the proceeds from the sale or lease of any land or buildings within the Centre will fund the implementation of the Master Plan.

DFC has been advised by an urban and retail planner with vast experience in the analysis of retail development opportunities that there would be substantial demand for neighbourhood level retail facilities from the Parks area, particularly given the intensity of residential development or redevelopment resulting from the Westwood Urban Renewal Project. Despite the location of Arndale, it has been noted that the Parks area is poorly served by small or medium size quality retail outlets and supermarkets. A study of the impact of retail development at the Centre has indicated minimal impact on competing retail centres in the area.

OBESITY

In reply to **Hon. A.L. EVANS** (23 November 2006).

The Hon. CARMEL ZOLLO: The Minister for Health has advised:

1. A number of initiatives have been set in place by the State Government as the foundation to a coordinated approach to the situation of obesity in SA. Strategies include:

- the Eat Well Be Active Healthy Weight Strategy for South Australia 2006-2010 which compliments South Australia's physical activity strategy and the *Eat Well SA* nutrition action plan;
- funding the State's health regions over the next four years to establish positions for healthy weight coordinators;
- supporting a number of programs in health services across the State that encourage overweight adults to eat well and be active, including walking groups, supermarket tours and cooking groups; and
- raising community awareness of the importance of a healthy lifestyle through promoting the *be active* and *Go for 2 fruit and 5 veg* health messages. In addition, through the Office of Recreation and Sport, the Government is actively encouraging physical activity through workplace physical activity programs.

Given that being overweight starts at a young age, a number of strategies have been implemented to address the primary prevention of overweight and obesity including:

- promoting breastfeeding;
- training health and education sector workers about healthy eating and physical activity; and
- making sure schools, preschools and childcare centres provide and promote healthy food, healthy eating and physical activity through programs such as *Start Right Eat Right* in childcare centres; the *healthy food in schools and preschools* initiative; the *Community Foodies* program to reach disadvantaged groups; and the Premier's *Be Active Challenge* in schools.

2. Around 80 full-time equivalent dieticians and nutritionists are currently employed in our State hospitals and community health services.

TAFE LECTURERS

In reply to **Hon. SANDRA KANCK** (16 November 2006).

The Hon. CARMEL ZOLLO: The Minister for Employment, Training and Further Education has advised:

1. All TAFE Institutes are required to complete an annual financial business plan. This plan maps out the expected activity in

delivery areas and the budget requirements to meet that activity. Not all of the reduction in expenditure will come from wages and salaries. The plans for the 06-07 financial year and the 2007 academic year are currently being finalised.

2. Workforce reductions will come from a variety of areas, not just lecturing staff. The Department is committed to the effectiveness of pre vocational training for young people looking to prepare for apprenticeships and there are no changes planned for the 2007 Pre-vocational program (apart from some minor changes between Hairdressing and Beauty Therapy due to move from Pre Voc Curriculum to Training Package based delivery).

3. As there are no proposed cuts to Pre-vocational training, it has not been necessary to consult industry organisations on this matter.

EDUCATION, AQUATIC PROGRAMS

In reply to **Hon. A.L. EVANS** (21 November 2006).

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

No decision has been made regarding the future of aquatic education programs in South Australian schools.

A review of the aquatics program is being undertaken to determine the role of aquatic programs in the school curriculum and the most effective use of resources in meeting student needs.

Mr Terry Tierney, a former Department of Education and Children's Services principal will lead the review process which is due to be completed in
March 2007.

Discussions with stakeholders and consultation with the Australian Education Union will occur prior to any recommendations being finalised.

WATER SUPPLY, APY LANDS

In reply to **Hon SANDRA KANCK** (1 June 2006).

The Hon. CARMEL ZOLLO: The Minister for Aboriginal Affairs and Reconciliation has advised:

The announcement of 15 May 2006 related to the completion of the project to upgrade the water storage and disinfection system within the APY lands.

As part of the Rann Government's upgrade of the water storage and distribution system on the APY Lands this $500 000 project, announced on 15 May 2006 relates to the installation of ultraviolet (UV) drinking water disinfection systems.

The project was funded by the $590 000 allocation to the APY Task Force, with $440 000 allocated for drinking water systems and $150 000 for an education and awareness raising program.

Project management for the UV systems was contracted by SA Water and was completed on schedule and within budget. This project was also supplemented with an additional $74 142 in the minor works program. This will ensure that the UV systems function during times of interrupted power supply.

Consequently a total amount of $514 142 was spent on the UV treatment and community education as part of an upgrade of the water storage and distribution system.

JULIA FARR SERVICES

In reply to **Hon. SANDRA KANCK** (29 August 2006).

The Hon. CARMEL ZOLLO: The Minister for Disability has provided the following information:

1. The Ringwood Building has been sold and is currently under Sale Contract, with settlement expected in early 2007. A three year lease for the Gosse Building, between Julia Farr Services (JFS) and a private provider of student accommodation, is currently in place and will expire in December 2008. This lease will transfer to the lessor, namely the Minister for Disability, at the time of the forthcoming JFS dissolution.

2. A valuation as at 30 June 2006 assessed the value of the Highgate Building to be $20.885 million. The value of other buildings on the campus site at Fisher Street, Fullarton, including site improvements, was deemed to be $3.437 million. The land plus the Ringwood Building Curtiledge was valued at $9.085 million, with the 'fair value' of the total site being $33.407 million.

3. The government intends to retain the Fisher Street campus for the ongoing provision of disability services.

4. Julia Farr Housing Association Inc (JFHA) is an independently incorporated housing provider and will continue to provide accessible housing to people with a brain injury, or a physical or neurological condition.

5. There are two sources of private funds, the Julia Farr M.S. McLeod Benevolent Fund and the Home for the Incurables Trust. Private funds of the M.S. McLeod Trust are controlled by the trustees. The Trust Deed provides for the JFS Board to appoint the majority of these trustees. Once the JFS Board has dissolved, the Trustees will continue to administer the M.S. McLeod Trust and allocate its net income in accord with its objects for the provision of disability services.

The Home for the Incurables Trust, which controls the Fisher Street site, is to be transferred to the government, and the Minister for Disability will become the sole trustee. The Board of Julia Farr Services is currently the trustee until the dissolution of the Board by June 2007. However, the terms of the Trust dictate that if the subject property of the Trust at Fisher Street, Fullarton is sold at market value, the proceeds must be reinvested in the provision of disability services.

6. No issues have been raised with governance practice or management practice of JFS prior to the broader structural reforms. In 2006, JFS won a National Business Excellence award, one of only nine organisations nationwide so honoured, and DFC hopes to transfer this practice into Disability SA. The JFS Board was asked to dissolve the agency as part of the reform of disability services in South Australia. Members of the JFS Board have participated in developing new advisory and governance structures for government disability services.

7. A legal process is shortly to commence to ensure that current and future bequests to JFS can be redirected to the new Julia Farr Association, a non-government agency, to allow for ongoing support to people with disabilities in line with the original aims of JFS.

YATALA LABOUR PRISON

In reply to **Hon. R.I. LUCAS** (16 November 2006).

The Hon. CARMEL ZOLLO: I am advised:

The honourable member raised in this House a concern that a prisoner, who suffers from an intellectual disability, was released from Yatala Labour Prison wearing only a pair of overalls that, from the description of the honourable member, were of prison issue and paper thin.

As I indicated in my initial response, I was disturbed by the allegations and promised to undertake urgent inquiries into the matter. These inquiries have now been completed and I have personally spoken and written to the brother of the prisoner concerned.

The person concerned was released from Yatala in the overalls in which he was admitted with to the prison system. They were inappropriate to wear in the community. They were not prison issue. I am advised that in all likelihood, they were provided by Police when his clothes were confiscated for forensic testing. On release, prison staff were concerned with the clothing and provided the man with an alternate set of clothing from the prison stores. He refused to accept the clothing, electing to leave in the clothes in which he was admitted. I have asked my Chief Executive to ensure that in the future, the prison General Manager is advised of any similar situation, so further assistance can be sought.

Once he was released, he ceased to be a prisoner and therefore correctional services staff had absolutely no authority over his movements or what he chose to wear.

During the inquiry, it was established that while the man provided details of a contact person, he did not provide, to prison officers, the details about his brother as a contact person. People are given the opportunity to contact a family member or friend when they are taken into custody. Due to privacy issues, the Department can not initiate contact with a contact person or relatives of a person being held in custody, without that person's consent. Although prison social workers later became aware he had a brother and gave him the opportunity to include his brother's name on his list of contact and telephone numbers, he did not do so.

However, in this case, the person under the Department's care was also the subject of a guardianship order. Advice from the Public Advocate is that whilst the Department is not under any legal obligation to do so, a legal guardian's details should be added to the list of emergency contacts. The Department has adopted the Public Advocate's recommendation so that a situation such as what occurred in this matter will not be allowed to happen again.

I also understand that review of all the case notes that were prepared whilst this man was in prison indicate that he was treated well. Because of his obvious intellectual disability, staff went out of

their way to help him adjust to the prison environment and to keep him safe.

As I indicate earlier, I have spoken to and written to the person's brother and have advised him of the circumstances of this matter.

CORRECTIONAL SERVICES, PROTOCOL

In reply to **Hon. J.M.A. LENSINK** (20 November 2006).
In reply to **Hon. NICK XENOPHON** (20 November 2006).
In reply to **Hon. R.I. LUCAS** (20 November 2006).
In reply to **Hon. R.D. LAWSON** (20 November 2006).

The Hon. CARMEL ZOLLO: I am advised:

Prisoner and offender health services are provided by SA Prison Health Service which is a unit of the Central Northern Adelaide Health Service, Department for Health.

As a consequence of the entirely inappropriate circumstances in which the drug Cialis was provided to Bevan Von Einem, the Minister for Health has directed his medical staff that the drug, and other associated drugs for that matter, will not be issued again in a prison environment.

I totally support that decision.

The Health Minister and I have also instructed our respective Departments to further strengthen the provisions of the joint system protocols that were introduced in 2005, with an emphasis on disclosure of information, rather than withholding of information on the basis of doctor-patient confidentiality.

No prisoner has access to the internet. Some who are studying and require information from the internet, can approach their educational officer who will access the information on their behalf and provide it to the prisoner concerned.

In the unlikely situation that required a prisoner to fill out information online, this would only be authorised under the strict supervision of the educational officer.

WHALES

In reply to **Hon. SANDRA KANCK** (30 May 2006).

The Hon. G.E. GAGO: The Minister for Agriculture, Food and Fisheries has advised:

1. The risk is considered low.

A thorough environmental risk assessment was undertaken by Primary Industries and Resources SA (PIRSA) Aquaculture on the site in Anxious Bay, which included an assessment of interactions with marine mammals.

To support the risk assessment process, PIRSA Aquaculture refers to a wide variety of information sources, including; scientific literature, and consults with experts in fields including community ecology, environmental and cetacean biology.

Combined with an external review of the assessment by the Environment Protection Authority (EPA), Department of Environment and Heritage (DEH) and Planning SA, a licence was granted with the following adaptive strategies in place to mitigate potential risks.

The adaptive management strategies are;

- Regulation 19 of the Aquaculture Regulations 2005, which requires all licensees to submit strategies outlining the measures they will employ to minimise the risk of negative interactions with marine wildlife.
- The licence holder is aware of the need to contact the Whale Disentanglement Team, Port Lincoln in the event of whale entanglement.
- Regulation 20 of the *Aquaculture Regulations 2005*, which covers reporting marine wildlife entanglements.
- Section 52 of the *Aquaculture Act 2001* allows the Minister to vary conditions of an aquaculture licence at any time by written notice to the licensee, if it is considered necessary to prevent or mitigate significant environmental harm or the risk of significant environmental harm.

2. No. From the risk assessment undertaken by PIRSA Aquaculture prior to licence approval, the evidence would suggest it is a low risk. However the *Aquaculture Act 2001* allows the Minister for Agriculture, Food and Fisheries to vary licence conditions and ensure the operators meet the appropriate mitigation strategies prescribed by the *Aquaculture Regulations 2005*, aimed to minimise the risk of negative interaction with marine mammals.

LAKE BONNEY

In reply to **Hon.SANDRA KANCK** (June 2006)

The Hon. G.E. GAGO: I have been advised:

1. The EPA, which is an independent statutory authority, has already undertaken, over a number of years, a comprehensive testing program. This has been overseen by a Scientific Advisory Group, including experts in the fields of water quality, sediment and organic chemistry and aquatic biology.

A monitoring program will be continued to ensure that all relevant environmental risks are investigated, clarified and where necessary managed in the future.

The process undertaken with respect to testing water from Lake Bonney has been comprehensive, thorough, and well communicated to the community via the Lake Bonney Community Consultation Forum, which involves a wide range of local stakeholders.

At the most recent meeting of the Forum, held on 5 April 2006, staff from the EPA and Department of Health outlined the results of a comprehensive multi-year testing program on the Lake and a proposal to improve the condition of the Lake and associated wetlands. This proposal received overwhelming support.

2. The EPA and Department of Health are satisfied that there is no risk to either the environment or humans in terms of recreational contact associated with Lake Bonney water and that PIRSA Fisheries has advised that the same applies in respect of marine discharges. It should be noted that the current proposal involving Buck's Lake, does not increase discharge, or affect the location of discharge, to the marine environment. In fact increased surface area of the lake habitat means greater evaporation and potential for less discharge.

3. Please see answer to question one.

4. The EPA is in continuing dialogue with those organisations that contribute to discharges into Lake Bonney with a view to reducing the adverse impact of their effluent on the Lake. It should be noted that the most significant discharge into the Lake is not regulated by the EPA at present as it is subject to provisions of existing Indenture Acts, which expire in 2014. At the expiration of the Indenture Acts, it is expected that the discharge will comply with the Environment Protection Act 1993 and supporting policies.

WATER TRADING

In reply to **Hon. S.G. WADE** (6 June 2006).

The Hon. G.E. GAGO: I have been advised that the Government's policies in relation to participation in the water trade market are in line with the National Water Initiative and National Competition Policy.

The Government has acquired water entitlements along the River Murray for various purposes. One of these being to provide portion of South Australia's contribution of 35 gigalitres to the First Step of The Living Murray (TLM) by 2009. The use of TLM water for environmental purposes at any of the icon sites is managed centrally by the Murray-Darling Basin Commission, and is therefore not available for South Australia to trade in and out of the water market.

Water entitlements that have been acquired by the Government for other purposes, for example securing Adelaide's water supply to meet long term growth in demand and local environmental flow enhancements managed by the SA River Murray Environmental Manager are available for temporary trade at times when they are not required for those particular purposes.

These actions are entirely consistent with the National Water Initiative. In addition South Australia has entered into agreements with both NSW and Victoria to enable interstate trade in both water entitlements (permanent trade) and trade in water allocations (temporary trade) and an active market is developing in both areas. These arrangements are in line with South Australia's obligations under the National Water Initiative for expanded interstate trade in water entitlements across the whole of the southern connected Murray-Darling Basin.

DOCTORS, SEXUAL MISCONDUCT

In reply to **Hon. D.G.E. HOOD** (31 August 2006).

The Hon. G.E. GAGO: The Minister for Health has advised:

1. Allegations of sexual misconduct can be brought to the attention of the Medical Board of South Australia by way of a patient complaint, a report from South Australian Police or the Director of Public Prosecutions, a referral from the Health and Community Services Complaints Commissioner, a notification by an employer or through the media. The Medical Board of South Australia then has strong powers under the Medical Practice Act 2004 to investigate the complaint and take appropriate action.

2. Over the 2004-05 and 2005-06 financial years there were allegations (founded and unfounded) against doctors for sexual assault (eight times) and sexual misconduct (15 times).

3. The Medical Board of South Australia acts decisively and swiftly in response to all serious allegations of this type. Protection of patients is the ultimate concern when seeking limitations on practice or total suspension.

The Board follows procedures contained in the *Medical Practice Act 2004*. In the case of alleged criminal conduct, the Board will work closely with the SA Police and the Director of Public Prosecutions. The Board also has powers to suspend a practitioner pending an investigation.

Allegations which are not of a criminal nature or do not result in criminal charges will be investigated in accordance with the Medical Board of South Australia's standard complaints procedures.

ROYAL ADELAIDE HOSPITAL, SECURITY

In reply to **Hon. SANDRA KANCK** (23 November 2006).

The Hon. G.E. GAGO: The Minister for Health has advised:

The issue of a homeless man, commonly known as 'PJ', has been the subject of a detailed investigation by the Royal Adelaide Hospital (RAH) following an approach by a third party and subsequent website articles concerning the story of PJ.

Although the RAH Patient Services Adviser offered to meet with PJ, both on the afternoon of his second presentation and via the third party, to enable him to raise any concerns that he may have related to his treatment within the Emergency Department, PJ has made no contact with the RAH since the day of his attendance.

The RAH has been reluctant to speak to the third party to relay detailed accounts of the allegations, due to issues of privacy and the lack of appropriate authorisation by PJ to release information to a third party.

In response to the specific questions raised by Hon Sandra Kanck MLC, the Minister for Health has advised as follows:

1. There was security footage of movements within the surrounds of the RAH Emergency Department. The Minister for Health has been assured that the conduct of all hospital staff and security officers was appropriate in the circumstances.

2. The RAH has not formally interviewed either PJ or his friend, Rachael, who accompanied him to the RAH. PJ met with a staff member from the Minister for Health's office on the afternoon of 25 August 2006. He was given the RAH Patient Services Adviser's contact details and advised to contact him so that arrangements could be made for PJ to be medically examined in the Emergency Department.

The third party has informed the RAH that he would encourage PJ to come forward. This offer is still open.

3. As part of safe operating procedures, all hospital security staff wear rubber gloves to protect themselves when faced with conflict situations. This process is also used by SAPOL under similar circumstances. Investigations have found no basis to the Honourable Member's allegation that a guard had threatened other homeless people in the vicinity of the RAH Emergency Department.

4. Chubb Security has provided the RAH management with a detailed report of the incident following investigation, and the Minister for Health is satisfied with the report. Chubb Security staff employed at the RAH undergo training in defusing potentially threatening situations and the RAH will continue to review and monitor this process.

5. The RAH Emergency Department has dedicated staff in place to assist homeless people who may require additional support and assistance during and following treatment. It was most unfortunate that PJ did not receive the benefits of this support.

The RAH recently received feedback from a homeless patient detailing their positive experience when they presented to the RAH Emergency Department, which included extended care following their discharge.

KAROBRAN REHABILITATION CENTRE

In reply to **Hon. A.L. EVANS** (22 June 2006).

The Hon. G.E. GAGO: I have been advised:

1. The Karobran Rehabilitation Centre has not received funding from the Department of Health or Human Services.

2. The Department of Health would need to consider any request for funding for Karobran Rehabilitation Centre as it does all applications.

3. I am not aware of requests to the Department of Health or the South East Regional Health Service to fund the Centre since becoming Minister. I am aware that Karobran Rehabilitation Centre did seek funding from the Department of Transport and Regional Services in 2004 and also from the Department of Human Services in 2000 but were unsuccessful on both occasions.

4. I am not aware of requests to the Department of Health or the South East Regional Health Service to fund the Centre since becoming Minister.

5. No.

PROTECTIVE SECURITY BILL

The Hon. P. HOLLOWAY (Minister for Police) obtained leave and introduced a bill for an act to make provision for the security of public buildings, places and officials and for the appointment, management and responsibilities of protective security officers; to make related amendments to various other acts; and for other purposes. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The threat to South Australian interests must be evaluated against the background of Australia's international profile since the September 2001 attacks in New York. Increased security risks to Australians is evident by the terrorist bombings in Bali in October 2002 and again in October 2005, along with the Australian embassy in Jakarta in September 2004. More generally, the vulnerability of government infrastructure has been demonstrated by the Madrid train bombing in March 2004 and the London underground railway and bus bombings in July 2005. Notwithstanding the terrorist threat, the 2002 shooting murder of Dr Margaret Tobin in a South Australian government building also tragically highlights the need for appropriate security measures. The incident prompted the Premier's request for an immediate review of the security of government buildings and other sensitive facilities.

Amongst other things, the government building security review recommended that the state government should consider undertaking a review of the role, objectives and method of operation of the Police Security Services Branch, concerning in particular improving or optimising the manner in which it provides security services to government, especially in relation to core sensitive facilities, ministers and senior government employees. The review also identified other issues for consideration, including the need for: standardised electronic security systems across agencies; a centralised whole of government alarmed monitoring service; centralised and standardised monitoring of government CCTV networks; and legislated authorities for police security services branch security officers consistent with other jurisdictions. Since that time, significant work has been completed, reviewing and improving the security of South Australian government buildings and critical infrastructure.

In support of that work SAPOL has embarked on a major restructure of the Police Security Services Branch (PSSB), and it is re-engineering business practices to significantly enhance the provision of physical security services to key government assets. The national counter terrorism plan provides nationally consistent guidelines for protecting

critical infrastructure for terrorism. The plan identifies state and territory government responsibilities for: the provision of leadership and whole of government coordination in developing and implementing the nationally consistent approach to the protection of a critical infrastructure within their jurisdictions; and ensuring that appropriate protective security arrangements are in place to protect essential state/territory government services, for example, government utilities and key government facilities.

Various Australian jurisdictions provide specialist security services through government employed security officers. These officers are trained and equipped to provide a higher level of service than private sector guards. They have legislated authorities to stop, search and detain persons under certain circumstances. Depending on the duties undertaken, they are often armed. The Victorian, New South Wales, Queensland and Australian governments all appoint security officers with legislated authorities to protect key assets. Depending on the jurisdiction, these officers are known as protective service officers, protective security officers or, informally, as PSOs. These jurisdictions have recognised that the effective and efficient protection of key government facilities by such officers required a complement of authorities that is greater than those of the traditional civilian security guards but less than those of a police officer.

PSSB security officers currently have a set of authorities no greater than members of the community or other civilian security guards. The government believes that the effective protection of key government assets and critical infrastructure cannot be achieved in the current climate by officers with such restricted powers of intervention and/or apprehension. It is recognised that sheriff's officers protecting our courts have significantly more authority than PSSB security officers who provide the same security services to other key government buildings and assets. By the same token, it is an inefficient use of resources to deploy sworn police officers to attend to these functions. The security role is narrow in its application and requires neither the breadth of skills, training nor authorities provided to police officers.

The government believes the creation of a new class of security officer (protective security officers), to be appointed and managed by the Commissioner of Police, will significantly enhance government security arrangements in a manner that is consistent with other Australian jurisdictions. These officers should be provided with a range of authorities to effectively undertake their role, while receiving the protection of the law. However, they should also be held accountable for their actions, and the Protective Security Bill has been drafted to fulfil all of these requirements.

The bill provides the Commissioner of Police with the authority to appoint, manage and discipline protective security officers in a manner that is consistent with police officers, while clearly distinguishing between the two roles. It draws on best practice experiences of other jurisdictions, while recognising the existing authorities provided to sheriff's officers in this state. It provides protection for protective security officers who are lawfully providing defined protective security functions and creates a range of offences to support the enforcement of security measures.

This bill does not conflict with or reflect the provisions of the Terrorism (Police Powers) Act 2005. That legislation relates to an imminent terrorist threat and provides significantly wider powers to police officers to combat that threat. This bill relates to the ongoing protection of specified assets not related to a specific suspect or threat. The authorities proposed in relation to protective security officers are consistent with the security provisions enforced by federal police protective service officers at Adelaide Airport and sheriff's officers within South Australian courts. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause contains definitions of words and phrases used in the measure. In particular, a ***protective security function*** is defined as a function performed for protecting the security of a protected person, protected place or protected vehicle. A ***protected person*** is a public official, or a public official of a class, determined under Part 1 of the measure to be in need of protective security. The definitions of ***protected place*** and ***protected vehicle*** are expressed in like terms.

4—Determination of protected persons, places or vehicles

This clause provides that the Minister may, for the purposes of protecting the security of public officials, public buildings or public infrastructure, determine (by instrument in writing) that—

- specified public officials, or public officials of a specified class, are in need of protective security;
- specified places, or places of a specified class, (whether or not public buildings or public infrastructure) are in need of protective security;
- specified vehicles, or vehicles of a specified class, are in need of protective security.

If a determination relates (in whole or in part) to a public area, the Minister must cause the area to be enclosed by barriers or signposted as a protective security area.

Part 2—Commissioner's responsibilities

5—Commissioner responsible for control and management of protective security officers

This clause provides that, subject to this measure and any written directions of the Minister responsible for the administration of the *Police Act 1998* (the ***Police Minister***), the Commissioner of Police is responsible for the control and management of protective security officers.

6—Exclusion of directions in relation to employment of particular persons

This clause provides that no Ministerial direction may be given to the Commissioner in relation to the appointment, conditions of appointment or continued employment of a particular person.

7—Directions to Commissioner to be gazetted and laid before Parliament

This clause provides that any directions of the Police Minister to the Commissioner must be gazetted and laid before each House of Parliament.

8—General management aims and standards

Under this clause, the Commissioner must ensure that the same practices are followed in relation to the management of protective security officers as are required to be followed in relation to SA Police under the *Police Act 1998*.

9—Orders

This clause provides for the making or giving of general or special orders for the control and management of protective security officers by the Commissioner.

Part 3—Appointment and general responsibilities of protective security officers

10—Appointment of protective security officers

This clause provides that the Commissioner may appoint as many protective security officers as the Commissioner thinks necessary for the purposes of the performance of protective security functions and other purposes.

11—Commissioner may determine structure of ranks

This clause provides that the Commissioner may determine a structure of ranks that will apply to the protective security officers.

12—Oath or affirmation by protective security officers

This clause provides that a person's appointment as a protective security officer is rendered void if the person does

not on appointment make an oath or affirmation in the form prescribed by regulation.

13—Conditions of appointment

This clause provides that the conditions of appointment of a protective security officer may be determined by the Commissioner.

14—Duties and limitations on powers

This clause provides that a protective security officer has any duties imposed by the Commissioner. The duties or powers of an officer may be limited by the Commissioner to the extent that the exercise, by a particular officer, of powers under Part 4 of the measure may be entirely excluded.

Part 4—Powers of protective security officers

Division 1—Interpretation

15—Interpretation

This clause contains definitions for the purposes of this Part of the measure. In particular, for the purposes of this Part, a reference to a ***protective security officer*** includes a reference to a ***police officer***.

Division 2—Power to give directions etc

16—Powers relating to security of protected person

This clause provides that a protective security officer may give a person within the vicinity of a protected person reasonable directions for the purposes of maintaining or restoring the security of the protected person. The powers that an officer may exercise if a person refuses or fails to comply with any such direction, or the officer suspects, on reasonable grounds, that the person has committed, is committing, or is about to commit, an offence, are as follows:

- the officer may direct the person to provide the person's name and address and evidence of his or her identity;
- the officer may cause the person to be removed to some place away from the protected person;
- the officer may cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.

17—Powers relating to security of protected place

This clause provides that a protective security officer may give a person within the vicinity of a protected place reasonable directions for the purposes of maintaining or restoring security or orderly conduct at the place or securing the safety of any person arriving at, in, or departing from, the place.

An officer may direct a person in or about to enter a protected place to provide his or her name and address, evidence of identity and the reason for being at the place.

An officer may direct a person in or about to enter a protected place—

(a) if there are reasonable grounds for suspecting that the person is in possession of a dangerous object or substance—

- to produce the object or substance for inspection; and
- to submit to a physical search of the person and his or her possessions for the presence of any dangerous object or substance; and
- to do anything reasonably necessary for the purposes of the search;

(b) in any other case—

- to submit to a search of the person and his or her possessions for the presence of any dangerous object or substance by means of a scanning device; and
- to allow the person's possessions to be searched for the presence of any dangerous object or substance by a physical search; and
- to do anything reasonably necessary for the purposes of a search.

Provision is made for the manner in which searches of persons must be carried out. The clause also sets out the powers of an officer in relation to a person who refuses or fails to comply with a direction of the officer or whom the officer suspects, on reasonable grounds, has committed, is committing, or is about to commit, an offence. In either of those situations, an officer may do 1 or more of the following:

- refuse the person entry to the protected place;
- cause the person to be removed from the protected place;
- direct the person not to return to the protected place within a specified period (which may not be longer than 24 hours after being given such a direction);
- cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.

18—Dealing with dangerous objects and substances etc

This clause makes provision for the way in which any dangerous object or substance found in a person's possession must be dealt with.

19—Powers relating to security of protected vehicle

This clause provides that a protective security officer may give a person within the vicinity of a protected vehicle reasonable directions for the purposes of maintaining or restoring the security of the vehicle. The powers that a protective security officer may exercise if a person refuses or fails to comply with any such direction, or if the officer suspects on reasonable grounds that the person has committed, is committing, or is about to commit, an offence, are the same as in relation to a protected person.

20—Power to search persons detained by protective security officers

This clause provides that if a person is being detained by a protective security officer under this measure, the person and the person's possessions may, before being handed over into the custody of a police officer, be searched by a protective security officer.

21—Withdrawal of directions

This clause allows for the withdrawal at any time of a direction of a protective security officer.

Division 3—Offences

22—Offences

This clause creates the following offences:

- refusing or failing to comply with a direction of a protective security officer under Part 4 of the measure;
- hindering, obstructing or resisting a protective security officer in the performance of his or her duties;
- providing false information or evidence.

The maximum penalty for each such offence is a fine of $2 500 or imprisonment for 6 months.

Part 5—Misconduct and discipline of protective security officers

23—Code of conduct

This clause provides that the Governor may, by regulation, establish a Code of Conduct (***Code***) for the maintenance of professional standards by protective security officers.

24—Report and investigation of breach of Code

This clause makes provision for the way in which alleged breaches of the Code must be handled.

25—Charge for breach of Code

This clause provides that breaches of the Code must be dealt with in accordance with the regulations.

26—Punishment for offence or breach of Code

This clause makes provision for the sorts of action that the Commissioner may take against a protective security officer found guilty of a breach of the Code.

27—Suspension where protective security officer charged

This clause makes provision for the Commissioner to suspend the appointment of a protective security officer charged with an offence or a breach of the Code.

28—Minor misconduct

This clause makes provision for the procedure to be followed when a suspected breach of the Code involves minor misconduct only on the part of a protective security officer.

29—Review of informal inquiry

This clause sets out the procedures to be followed if a protective security officer found on an informal inquiry to have committed a breach of the Code applies for a review on the ground that he or she did not commit the breach concerned or that there was a serious irregularity in the processes followed in the informal inquiry.

30—Commissioner to oversee informal inquiries

This clause provides that the Commissioner must cause all informal inquiries with respect to minor misconduct to be monitored and reviewed with a view to maintaining proper and consistent practices.

Part 6—Miscellaneous

31—Immunity from liability

This clause provides for protection from civil liability for acts or omissions by protective security officers, or a person assisting a protective security officer, in the exercise or performance, or purported exercise or performance, of powers, functions or duties conferred or imposed by or under the law. Instead, any such liability will lie against the Crown.

32—Identification of protective security officers

This clause provides that protective security officers must be issued with identity cards.

33—Duty in or outside State

This clause provides that, if ordered by the Commissioner or another person with requisite authority, a protective security officer may be liable to perform duties inside or outside South Australia.

34—Suspension or termination of appointment

This clause provides that the Commissioner may suspend or terminate a person's appointment as a protective security officer if the Commissioner is satisfied after due inquiry that there is proper cause to do so. However, the power to suspend or terminate a person's appointment does not apply in relation to a matter to which Part 5 of the measure applies.

35—Revocation of suspension

This clause provides that the Commissioner may at any time revoke the suspension under this measure of a person's appointment.

36—Suspension and determinations relating to remuneration etc

This clause provides that the Commissioner's power to suspend an appointment includes power to determine remuneration, accrual of rights, etc in relation to the period of suspension.

37—Suspension of powers

This clause provides that if a person's appointment as a protective security officer is suspended, all powers vested in the person under this measure are suspended for the period of the suspension.

38—Resignation and relinquishment of official duties

This clause makes provision for the resignation or relinquishment of official duties of a protective security officer.

39—Duty to deliver up equipment etc

This clause provides for the delivery up to the Commissioner of all property of the Crown supplied to a protective security officer on the termination or suspension of the officer's appointment.

40—False statements in applications for appointment

This clause provides that it is an offence for a person to make a false statement in connection with an application for appointment under this measure, punishable by a fine of $2 500 or imprisonment for 6 months.

41—Impersonating officer and unlawful possession of property

This clause creates an offence if a person, without lawful excuse, impersonates a protective security officer, or is in possession of an officer's uniform or property, punishable by a fine of $2 500 or imprisonment for 6 months.

42—Evidence

This clause provides for evidentiary provisions for the purposes of the measure.

43—Annual reports by Commissioner

This clause provides that the Commissioner must deliver to the Minister an annual report each year reporting on the activities of protective security officers and their operations. The Minister must table the report in Parliament.

44—Regulations

This clause provides for the making of regulations for the purposes of this measure.

Schedule 1—Related amendments

The Schedule contains related amendments to the following Acts:

- the *Police (Complaints and Disciplinary Proceedings) Act 1985*;
- the *Public Sector Management Act 1995*;
- the *Security and Investigation Agents Act 1995*.

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

DEVELOPMENT (ASSESSMENT PROCEDURES) AMENDMENT BILL

In committee.

Clauses 1 to 8 passed.

Clause 9.

The Hon. M. PARNELL: I move:

Page 5, lines 25 to 35— Delete all words in these lines and substitute:

and

(d) an application for development plan consent with respect to the development is lodged with the relevant authority within 3 months after the prescribed body has indicated its agreement under paragraph (c),

then the prescribed body is required, on the application being referred to the prescribed body by the relevant authority under section 37, to provide a response that is consistent with its agreement under paragraph (c) unless—

(e) the relevant authority, on the referral to the prescribed body, indicates, in the manner prescribed by the regulations, that the relevant authority considers that the agreement is no longer appropriate due to the operation of section 53; or

(f) the prescribed body determines—

(i) that the application for development plan consent does not accord with the agreement under paragraph (c) (taking into account the terms or elements of that agreement and any relevant plans or other documentation); or

(ii) that new information has come to hand that makes a material difference to its decision on the application on the original referral under this section.

This clause relates to the concept of a developer obtaining what we call prelodgement advice—in other words, they can go to one of the referral agencies mentioned in schedule 8 of the development regulations (be it the Commissioner of Highways, the Coast Protection Board or the EPA) and say, 'Here is my development; what do you think about it?' The response might come back that the developer needs to make some changes, or that, 'We think this development is okay and if it were to be referred to us we would approve it.' This clause seeks to legislate for that mechanism whereby, having obtained the initial advice of an agency, the developer does not need to formally refer it again to that body.

I have said that to set out my understanding of the clause. My question to the minister is: what happens when a referral agency, having given advice to a developer that it is satisfied with a development, subsequently acquires information that would lead it to change its mind? What is the agency's opportunity to revisit the advice it has provided before the development application has even been lodged?

The Hon. P. HOLLOWAY: The government opposes this amendment. The original clause in the bill proposed by the government introduces an option for applicants to seek the agreement of a referral agency prior to an application being lodged with a relevant authority. Once the applicant has the agreement of the referral agency there is no need to have the matter referred again, provided that the application is lodged within three months. This allows the applicant to save time and resolve potential problems with the application prior to it being lodged.

The amendment proposed by the Hon. Mark Parnell will effectively require a double-handling of the application—once for prelodgement agreement and then the matter being referred back to the referral agency for further comment in the event that some unforeseen circumstances arise. It renders the whole concept of obtaining prelodgement advice redundant if the application is required to be referred to the referral

agency in any event. There would be no incentive to seek this prelodgement advice, and that would lead to increased development assessment times and costs to the applicant.

The referral agency does not have two bites of the cherry under the current referral process and there is no need for two referrals under the prelodgement option. I also indicate that I am advised that the LGA does not support the amendment.

The Hon. M. PARNELL: I thank the minister for his response. I would like to ask another question. It is the same question, but I will include an example. If a developer on the coast goes to the Coast Protection Board and says, 'Here is our development; what do you think?', and the Coast Protection Board looks at it and says, 'We think this is okay; we would support it', we must bear in mind that no-one else knows that the development application is even in the wings. The council does not know, and the Development Assessment Commission does not know; no-one knows except the proponent and the Coast Protection Board. However, when the development does become generally known, someone could ring the Coast Protection Board and say, 'Did you know that one of the most significant sea lion colonies in this state is right next to this proposed development site?', and the Coast Protection Board could say, 'We didn't know that; that wasn't clear when the proponent came to see us.' My question is: what opportunities does the Coast Protection Board have to revisit its advice that it thought the development was okay when it did not have all the relevant information before it?

The Hon. P. HOLLOWAY: I find it a rather extraordinary example. If the Coast Development Board does not know that sort of information then I would ask the question: why do we bother referring it to them in the first place? As I say, under the current referral process, the Coast Protection Board would not have two bites of the cherry anyway, so it does not really change anything under the prelodgement option. I am sure the ultimate authority has the capacity, if it becomes aware of information, to refer it back. I would suspect in the case the honourable member gave that it would do so. But, as I said, I would be rather horrified if the referral agency did not know what was happening with its own jurisdiction.

The Hon. D.W. RIDGWAY: I indicate that the opposition sees this as perhaps a duplication of the process, a duplication of the predevelopment advice that an applicant may have received. It effectively gives a second bite to appeals to that particular development and, again, potentially frustrates and slows down the whole process. It is appropriate for me to suggest that, in the opposition's view, a number of the amendments that we are dealing with today will slow down and frustrate development in this state and will create extra cost burdens for developers and, particularly, South Australian homeowners. With those few words, I indicate the opposition will not be supporting the amendment.

The Hon. M. PARNELL: I was providing some level of protection to the minister by not referring to an agency he had responsibility for that, in fact, did not know of the existence of a sea lion colony in relation to aquaculture development. I have a further question. What mechanism does the government propose to ensure that the information provided to the referral agency on a prelodgement basis is, in fact, the same information that is presented to the relevant authority for assessment purposes if there is no second bite of the cherry? If there is no subsequent formal referral to the referral body, how do they know that they are talking about exactly the same development?

The Hon. P. HOLLOWAY: There is the capacity under clause 37AA(2)(c) which provides that, if the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions), then, subject to subsection (4), the application can be lodged. So there is that capacity within paragraph (c) to prescribe by regulations the manner in which that can be lodged. That is a matter that can be dealt with in the regulations to ensure that there is some consistency between the prelodgement and the final application.

The Hon. M. PARNELL: I am not going to proceed. I have put my amendment and I will put it to the voices, but I will not divide on this. It is clear that we do not have the support of the Liberal Party. However, I do not look forward to revisiting this if we find that the system does not work and that, in fact, agencies find that they are being dudded with one version at the prelodgement stage, only to find that—

The Hon. Nick Xenophon interjecting:

The Hon. M. PARNELL: I look forward to coming back and saying, 'I told you so', as the Hon. Nick Xenophon says. I commend my amendment. I do not propose to say anything more.

The Hon. P. HOLLOWAY: This is not a mandatory provision, either.

The Hon. D.G.E. HOOD: I indicate Family First opposition to the amendment as well. The opposition and the government have covered the reasons. We see it as duplication.

Amendment negatived.

The Hon. D.W. RIDGWAY: I have a question in relation to an issue raised by the Local Government Association. I will read from a letter that I think we all received today. It states:

> The LGA restates its position in regard to Section 37AA. . . since subsection (4) places the onus on the 'relevant authority' to determine whether the relevant legislation has changed between the time the agreement was made with the prescribed body and the application was lodged. Councils would be responsible for making sure that the legislation applicable to whatever prescribed body the agreement is with, [and] has not changed within the requisite 3 month time period, and this could prove unworkable in practice. The LGA seeks that a mechanism be included in the legislation to ensure that Councils are adequately informed by referral bodies under Section 37 of any legislative or other change which would impact on the content or nature of its referral reports.

I would just like the minister's view on the request by the LGA.

The Hon. P. HOLLOWAY: Clause 37AA(4) provides:

> Any agreement under this section will cease to have effect, and an application will need to be referred to a prescribed body under section 37 despite the operation of subsection (2) if the relevant authority determines that the agreement is no longer appropriate due to the operation of section 53.

Section 53 is about the law that governs applications and proceedings under the act. It is the government's view that that would cover any situation where the law provides the capacity for the relevant authority. If it determines that the agreement is no longer appropriate due to the operation of the laws governing proceedings under the act, then any agreement under that section will cease to have effect. It is our view that that would deal adequately with the situation raised by the LGA.

The Hon. P. HOLLOWAY: I move:

Page 6, after line 9—
Insert:
(5) If—

(a) a prescribed body had indicated its agreement under this section; and

(b) an application is not referred to the prescribed body under section 37 by virtue of the operation of subsection (2) of this section,

the process established by this section will be taken to be a referral under section 37 for the purposes of any other act.

This is a consequential amendment to clause 9 relating to section 37AA. This amendment specifically recognises that a prelodgement agreement between an applicant and the Environment Protection Authority means that there is no need for a referral to the EPA. This amendment maintains the integration between the Development Act and the Environment Protection Act. The current Development Act integrates the decision under the Development Act with the requirements of the EPA act, provided that there has been a referral to the EPA during the assessment process. This amendment clarifies that this integration is retained if a prelodgement agreement between the applicant and the EPA has been signed and forms part of the application. Thus, the benefits of integration are maintained.

The Hon. D.W. RIDGWAY: I indicate that the opposition will support this amendment.

Amendment carried; clause as amended passed.

Clause 10.

The Hon. NICK XENOPHON: I move:

Page 6, lines 11 to 43, page 7, lines 1 to 38, page 8, lines 1 to 11—Delete subclauses (1) to (5)

This is to be a test clause for the other amendments, Nos 2 to 4. Essentially, this relates to the proposed amendment of section 38 of the act and the introduction of category 2A developments, which I oppose. This amendment ensures that these sorts of developments are treated as category 2 developments rather than category 1 developments, as is presently the case under the act. I concede that category 2A developments would be an improvement on the current position, but I believe it ought to go further in that the proposed category 2A would only require notifying the owner or occupier of an adjoining boundary line who is directly affected by the development, and I do not believe that that extends far enough, given the concerns about streetscapes and the like of local communities. So this seeks to go further than the government's position. I think it is important that the concerns of various community groups, including FOCUS (Friends of the City of Unley Society), be acknowledged. I think they are legitimate concerns, and I see this as extending the government's position. I acknowledge that this is a test clause in relation to the further amendments Nos 2 to 4 standing in my name.

The Hon. P. HOLLOWAY: The government opposes the amendment because it removes the government's new category 2A development public classification notification. The government believes that this is an important new classification, as it gives those neighbours who are directly affected by development on their residential premises boundary an opportunity to be notified and make representations on those developments that directly affect them. So, we believe it is an important measure without, of course, going too far. If one were to widen it too directly, of course, that would have consequences in relation to the time and cost of assessment. So we believe this new category strikes a better balance than we have at the moment in relation to notification. I believe the new category is a very workable suggestion to ensure that at least those neighbours on the boundaries are notified.

The Hon. M. PARNELL: I have a question of clarification for the minister. As I understand it, category 2A will apply only to developments that would otherwise have been category 1. My question is: is there any scope for the downgrading of what would be a category 2 development to a category 2A development, and therefore fewer people are publicly notified?

The Hon. P. HOLLOWAY: It is certainly not the government's intention to do that. It may be possible to do that by regulation, but it is not the government's intention to do that.

The Hon. D.W. RIDGWAY: I indicate from the outset that the opposition does not support the Hon. Nick Xenophon's amendment. We see the introduction of the category 2A development as a positive step, and I guess it is probably appropriate for me to mention that last week, along with the Hon. Mark Parnell and the Hon. Sandra Kanck, I attended a meeting of the Love Your Backyard group at the Woodville Town Hall. A representative from the minister's office was also there, because the minister was unable to be there due to some commitment to the World Police and Fire Games, I believe.

We saw a number of photographs of inappropriate developments, which I think are the sorts of things that are the cause of concern for people such as the Hon. Nick Xenophon and the Hon. Mark Parnell and, I guess, the basis of some of their amendments. It is overwhelmingly obvious to me, and my view was reaffirmed, that most of those decisions, if not all, were not made because of a poor planning act but, in fact, because of local government-delegated officers perhaps not fulfilling their obligations adequately.

Certainly, nearly all those who attended would agree that the photographs we saw were of totally inappropriate developments that had slipped through the system. Certainly the opposition does not envisage that the deletion of this category (and other amendments that I will touch on later when we deal with them) will slow, frustrate and ultimately cause an increased cost largely, as I said before, to South Australian mums, dads and families. With those few words, I indicate again that we will not be supporting the amendment.

The Hon. M. PARNELL: I was just clarifying with the Hon. Nick Xenophon the extent of his amendments. My position is not to support the abolition of the new category 2A, because I can see that it is a marginal improvement on the current situation where no-one is notified. Here at least the adjoining property owner is notified. However, having said that, I will flag my support for some later amendments which take category 2A and strengthen it so that not only an adjoining property owner is notified but other people in the vicinity as well. We will deal with that amendment later, but I am not supporting the current amendment as it is.

Amendment negatived.

The Hon. M. PARNELL: I move:

Page 6, line 19—Delete 'or to category 2' and substitute:
, category 2 or category 3

There are some eight amendments relating to clause 10. This clause deals with the important section 38 of the Development Act, and that is the section that determines who is notified about the development, who is told of the proposal, who has the right to make representations and who has the

right to appeal. This amendment proposes the ability for the regulations or a development plan to include a listing of category 3 developments. Category 3 developments are the ones where the neighbours are notified, the rest of the world is notified through newspaper advertisements, anyone has a right to make a representation and anyone has the right to appeal against a decision that they do not like.

At present, the position is that category 3 is a remainder category, if you like. In other words, the planning scheme or the regulations list category 1 and category 2 developments, but there is no list of category 3 developments. Category 3 developments are the most important list for communities. There is no ability for a council through its planning scheme or for the government through the regulations to list those types of development that will attract those full rights of public participation. The only way to list something as category 3 is through a backdoor method, and that is to declare it as a non-complying form of development. It seems to me that that is a fairly radical step to have to take simply to enable the community to have a genuine opportunity to participate in the decision making.

There would be instances where a type of development, whilst not non-complying, is of such a scale that it makes sense for it to be put through that most democratic of consultation mechanisms, that is, the category 3 mechanism. The minister referred previously to advice from the Local Government Association, which again has just hit my desk as well. I note that it says that it takes no issue with my amendment No. 3, which I read as a ringing endorsement from the Local Government Association. That is in contrast to some of the other amendments I have put forward which it does not like. I have discussed this at some length with professional town planners. Apart from the excuse that it is simply habit or practice—'Well, we have never listed them before'—no-one can give me a good reason why we should not have the ability to list category 3 developments in a planning scheme or in the regulations. That is the effect of my amendment No. 3.

The Hon. P. HOLLOWAY: The government opposes the amendment, because it would allow councils to list certain types of development as category 3 in their development plan. All parties involved in a development application require certainty. That has been the object of the government's reforms to development applications—and also, I trust, the object of the previous government's reforms to development applications. Certainty is obviously highly desirable for all parties. However, I suggest that this amendment would only add to the confusion. It is more appropriate for the council to get the policies right in its development plan.

The development regulations already set out which forms of development are or are not subject to category 3 notification. That means that there is a logical relationship between the objects of the zone and the level of notification, and that encourages uses to be located in the right zones. This approach also promotes consistency between councils throughout the state. I suggest that the proposal by the Hon. Mark Parnell would throw these two important principles out of the window and allow councils to list items as category 3 even if they are in accordance with the zone.

It could also possibly lead to 68 different public notification regimes, which would lead to uncertainty, higher development costs and delays. The LGA may take no issue with the amendment, because I suppose that, for each individual council, it might have no problem with that. However, from a state perspective in terms of the state interest, I think it is important that we follow those two important principles. Development should be encouraged to be located in the right zones, and there should be consistency between councils throughout the state. For those reasons, the government opposes the amendment.

The Hon. D.W. RIDGWAY: For the reasons that I have previously outlined, I indicate that the opposition will not be supporting the amendment—primarily on the basis of our views and discussions with a whole range of stakeholders—because of the potential for frustration, delays and increased costs. The Liberal Party has always been a pro-development party, and the amendment proposed by the Hon. Mark Parnell has the potential to delay and frustrate the process. We will not be supporting the amendment.

Amendment negatived.

The Hon. NICK XENOPHON: I indicate that I will not proceed with amendments Nos 2 to 4.

The CHAIRMAN: The next amendment is amendment No. 2 in the name of the Hon. Mr Xenophon; page 7, after line 26.

The Hon. NICK XENOPHON: Is this amendment No. 1, Xenophon 3?

The CHAIRMAN: Amendment No. 2, Xenophon 3.

The Hon. NICK XENOPHON: It should have been the other way around. We will also deal with amendment No. 1. I think the problem might be because of the way in which the lines are set out. I move:

Page 7, after line 26—
Insert:

(2d) The assignment of a form of development to Category 1, Category 2 or Category 2A development cannot extent to development that involves—
- (a) the construction of a building that will be over 11 metres in height; or
- (b) the alteration, enlargement or extension of a building not more than 11 metres in height so that it will be over 11 metres in height; or
- (c) the substantial alteration of a building that is over 11 metres in height.

(2e) The regulations may prescribe a method or methods for determining the height of a building for the purposes of subsection (2d).

The purpose of this clause is to address concerns raised by residents groups regarding the lack of notification and consultation as well as concerns about maintaining streetscapes. This clause is aimed at extending public notice and consultation with respect to the notification requirements for category 3 developments beyond subsections 4(a) and 4(b) and 5(a) and 5(b) of the act where the proposed development abuts onto a public road or street. It is intended to include properties within 100 metres of the site of the proposed development.

The Hon. P. HOLLOWAY: It is a bit confusing here, because amendment No. 2 under the Hon. Mr Xenophon's name comes before No. 1. The government opposes this amendment. It is attempting to include policies relating to residential height limits in the act rather than making sure that such policies are in the development plan. An example of how this clause will not work is in the central business district in Adelaide. The City of Adelaide development plan encourages apartment buildings in the CBD. This amendment would make all apartment buildings in the CBD subject to category 3 notification and work against the intent of the development plan.

In addition, this amendment would mean that a four-storey office building in the CBD or centre zone would be category 1, but a residential building of lesser height would be

category 3. They are just some of the examples of why the government opposes this clause. If this type of building is made category 3 and a commercial building of 20 metres height next door is made category 1, there is no logic to this type of ad hoc policy. This will discourage residential development in the city, and that is contrary to the policy of the Adelaide City Council to encourage this type of development.

The Development Act intentionally does not include policy but sets the processes and procedures by which development plan policies are established and development is assessed. It should be noted that there is nothing to stop councils from putting building height policies into their development plan. Additionally, the government recently amended the provisions relating to development plans in the Development (Development Plans) Amendment Bill 2006, which was recently passed by parliament. This act encourages councils to focus upon developing appropriate policies within their council areas within shorter time frames. In addition, I understand that the LGA does not support this amendment, either.

The Hon. NICK XENOPHON: I apologise to members, as I was referring to amendment No. 3 earlier, but this relates to height, as is self-evident from the amendment. My understanding is that the CBD is a special category, and I acknowledge what the minister says—that amendments are encouraged—but I understand that this amendment would not apply to the CBD by virtue of the commercial mix of premises and that it is a special category. If I am wrong, there is still an underlying principle here that in residential areas there is a concern that the whole concept of height limits and the impact on streetscapes is being abused in some cases and that there ought to be an appropriate threshold of height. From the advice I took from a lawyer who specialises in planning law, 11 metres was a reasonable figure. I understand the government's position, but it is important as we will need to grapple sooner rather than later with the concept of height limits in residential areas, given the impact they can have on a streetscape.

The Hon. M. PARNELL: I support what the Hon. Nick Xenophon is seeking to achieve with this amendment, and I can see that it is borne out of frustration with some of the bad planning decisions that have been made. It is difficult to prescribe in legislation matters that are perhaps more appropriate in the planning scheme, but the frustration comes from the fact that bad things are put in planning schemes and in the regulations. Take the Port Adelaide Centre redevelopment: it is a controversial local development where everything is category 1, including nine-storey blocks of flats on top of the dolphin sanctuary, for goodness sake, and no-one has the right to know about it, let alone make a representation and appeal against it. I fully support the motivation of the Hon. Nick Xenophon. I can see there are problems with putting these types of prescriptive height limits in the act itself, but the call has to be made to government to reverse this trend of having more development as categories 1 and 2 and less development as category 3.

As I see it, that is what is fuelling the revolt in the suburbs: people are seeing their heritage destroyed by inappropriate development. Had those people had a chance to comment on the development, they might have been able to influence the plans, resulting in better development outcomes. Had those people been able to refer development plans to an umpire, some of the atrocious developments in South Australia might have been blocked by more sensible brains sitting on the bench than sometimes sit behind council tables.

The Hon. D.W. RIDGWAY: I indicate that the opposition does not support the Hon. Nick Xenophon's amendment. Again, I guess this relates to the frustration that a number of people have felt with respect to inappropriate developments, as we witnessed at the meeting which a number of us attended the other night. Like a number of people who commented at the meeting, the Liberal Party does not believe that enshrining this in legislation is an appropriate way to deal with those frustrations. The opposition does not support the amendment.

The Hon. P. HOLLOWAY: The Hon. Mark Parnell makes some reasonable points. However, I would suggest that the solution to concerns about heritage and streetscape and the like are much better dealt with by the trial programs we are running in Unley at the moment, where we are trying to develop those changes to planning that will protect streetscape, rather than doing it indirectly through height limits.

Amendment negatived.

The Hon. NICK XENOPHON: I move:

Page 7, lines 32 to 36—Delete subparagraph (i) and substitute:

(i) give an owner or occupier of each piece of adjacent land notice of the application; and

If category 2A developments are going to be retained in the bill, it is proposed that the public notice and consultation requirements attaching to those developments be widened to include the owner or occupier of each piece of adjacent land. Under the government's bill, category 2A developments would comprise developments that would otherwise potentially be treated as category 1 developments and would therefore be exempt from public notice and consultation requirements but which involve building work along the boundary line adjoining an allotment used for residential purposes.

Why limit it to the boundary line? It ought to be adjacent owners. It does not extend the requirement to an extraordinary or onerous extent. As alluded to by the Hon. Mark Parnell, it is just strengthening category 2A. If the boundary owner is to be notified, what is wrong with notifying adjacent owners of the land, particularly given the concerns about streetscape? In essence, that is what this amendment is about.

The Hon. P. HOLLOWAY: The government opposes the amendment. The amendment seeks to make the new category 2A requirement the same as category 2 developments. Category 2A has been intentionally created to give the owner of the neighbouring property notice of development on their boundary. One wonders why all the neighbours should be given notice of intention to erect a carport on a boundary between two neighbours. Prior to the amendments proposed by the government, this type of development would have been category 1 and subject to no notification at all. The government believes that it is appropriate that only the neighbour directly affected by a development on their boundary be notified of this type of development. I also indicate that the LGA does not support the amendment.

The Hon. M. PARNELL: I support the amendment. I accept what the minister has said, that is, that it effectively makes the notification of a category 2A the same as a category 2. However, I do not see that as a bad thing. The assumption behind category 2A is that it really is just the adjoining property owner who should have an issue with the development. However, I know from the example in my street where there is a development right on the boundary that, because of the curvature of the road, it can be seen from

100 metres away. It does affect the streetscape, not badly, I do not think, but it does have a visual impact certainly beyond the immediate impact of the neighbour whose property it adjoins.

I have no problem with the fact that the pool of people to be notified will be wider. There are cases. The minister talks about a carport, but you can have cases of a property diagonally down the back adjoining one corner of the property where the carport cannot be seen. You might think, 'Well, in that case, they have no right to be notified about it.' The important thing to note is that we are not talking about appeal rights. We are not talking about public consultation that will slow down the progress of development. With category 2A, we are talking about saving maybe $3 or $4 maximum in postage stamps and maybe a similar amount in photocopying notification letters. It is a very small impost on development in this state to notify six, eight or maybe 10 people of a development. It seems to me that that expense and that inconvenience is outweighed by the right people believe they should have to be notified of development in their local area. I support the amendment.

The Hon. D.W. RIDGWAY: I indicate that the opposition does not support the amendment. As other members have said, it effectively makes developments in category 2A the same as category 2 and undermines the intent of the legislation and the change to the act which the opposition supports. Therefore, the opposition does not support the amendment.

Amendment negatived.

The Hon. NICK XENOPHON: I move:

Page 8, after line 11—Insert:

(5a) Section 38(4)—after paragraph (a) insert:

(ab) in a case where the site of the proposed development abuts on a public road or street—an owner or occupier of each piece of land that abuts on the same road or street (including a side road or street if the site is on a corner) and that is within 100 metres of the site of the proposed development; and

This amendment seeks to provide that, where a proposed development abuts on a public road or street, an owner or occupier of each piece of land that abuts on the same road or street that is within 100 metres of the site of the proposed development be notified. The concerns I have previously indicated about notification are consistent with the concerns of various community groups about maintaining streetscapes and the character of suburbs.

The Hon. M. PARNELL: I support the amendment for reasons similar to my support of the previous amendment.

The Hon. P. HOLLOWAY: The government opposes the amendment. The Development Act set up category 2 so that immediate neighbours are notified on design-type matters and, as such, issues of shadowing or overlooking can be addressed. This amendment requires that not just neighbours be notified of a development but also all persons within a 100 metre radius of the development.

The amendment attempts to use public notification as a substitute for getting the policies right in the Development Plan. It is not appropriate for ad hoc decision-making to be made through public notification and appeals. In a practical sense, nearly all development abuts a public road and, therefore, all category 2 developments will be subject to much more extensive public consultation requirements for, we argue, no benefit. I also note that the LGA does not support the amendment.

The Hon. D.W. RIDGWAY: The opposition does not support this amendment. I recently had discussions with someone who had undertaken a development involving a small retaining wall abutting a road. I think the current act allows for notifying landowners within 60 metres, and I believe there was something like 15 property-owners within that 60 metre radius who had to be notified for a very simple retaining wall. The opposition believes that 100 metres is unworkable and potentially opens up the whole development process and mums and dads and families in South Australia to increased costs and frustrations with their Australian dream of a home.

Amendment negatived.

The Hon. M. PARNELL: I move:

Page 8, lines 22 to 27—Delete subsection (18).

This amendment seeks to delete from the bill proposed new subsection (18) of section 38. This is an important amendment, and I will divide on it if I do not have the numbers on the voices. Basically, proposed new subsection (18) seeks to add a level of bureaucracy to the making of submissions on development applications. Certainly, it is important for councils to assist people making representations by having, for example, pro forma that ensure important information such as names, addresses and phone numbers are not omitted, as well as what it is that someone wants to say about a development. However, it is one thing to have a pro forma and quite another to have prescriptive terms in regulations, the breach of which would mean that a submission counts for nought. That is the danger that this new subsection holds. Proposed new subsection (18) provides:

. . . a representation that is not made in accordance with any requirement prescribed by the regulations for the purposes of this section is not required to be taken into account. . .

That says that, if a person does not have a copy of the official regulated pro forma, if they write a letter to their local council saying, 'I wish to oppose this development', and if they are not, perhaps, terribly literate and do not set it out in the form required by the regulations, the council can say, 'Aha, we've got them; we don't have to take that submission into account.' They might be the only person who lodges an objection to a category 3 development, the only person to whom the law of the land has given appeal rights, and they will be disenfranchised because they have not followed some obscure regulation that they probably knew nothing about.

At present, we have a mechanism for determining whether or not a submission is valid. The Environment, Resources and Development Court, on a dispute having arisen, can decide whether or not a particular piece of correspondence is a valid representation.

An honourable member interjecting:

The Hon. M. PARNELL: That's right; it's a discretion. If something in the communication is so inadequate that it does not deserve to be regarded as a representation, then the court can say that it does not count, that that person has not made a formal representation and that, therefore, they do not have appeal rights. However, for that right to go to the umpire to be dismissed by a relevant authority (usually a council) on the basis that some yet-to-be written regulation has not been complied with is an absolute affront.

When I talked about this in my second reading contribution I made the somewhat tongue-in-cheek suggestion that the regulations could require all submissions to be made in Latin. Clearly that is not going to happen, but there will be some requirement that could trip up a person and stop an otherwise valid representation from being accepted. This is an important amendment for the council to consider. I have heard no good

reason why this subsection (18) is required. I note that the LGA is not with me. It states:

> Amendment 4 would have the effect of allowing representations to be heard before a relevant authority that have not been made in accordance with the requirements under the regulations.

Well, so what if you have not met the requirements of the regulations? If you have made your view on a development clear then, as a citizen, you deserve and are entitled to have your representations taken into account. This provision is not about increasing the rights of people to have their say; it is about disenfranchising people, stopping them from having their legitimate say. I urge honourable members to support the amendment.

The Hon. P. HOLLOWAY: The government opposes the amendment. The government has introduced subsection 38(18) of the act in order to reduce circumstances where, as we know, some parties attempt to object to a development where they are unable to do so under the act. This clause could, for instance, be used to stop representations from a competitor undertaking a development even though it is in an appropriate zone. For example, I am advised that when the Mitcham Shopping Centre burnt down the Unley shopping centre, some 5 kilometres away, objected to the redevelopment. The amendments would address this problem. The amendment by the Hon. Mark Parnell seeks to delete a clause which provides that the regulations may prescribe requirements for representations made pursuant to category 2 or 3 notifications. The Hon. Mark Parnell has stated that his amendment is filed on the basis that some future government may abuse section 38(18).

Given that the Legislative Review Committee of parliament can commence disallowance procedures if it deems a regulation is unreasonable, I would argue that there are already requisite protections afforded in the legislation to protect against such happenings. This clause confirms that a relevant authority is not required to accept representations from persons who are not entitled to make them, and that is what this is about. There have been some lodged, even though they were not entitled to make them. They have lodged them and, as I said, there have been cases where it has been done really to prevent competition rather than for what I would argue are legitimate planning purposes.

The Hon. M. PARNELL: The minister referred to inappropriate use of the representation mechanism, and my question is: which part of division 3 of part 11 of the act is inadequate? There is a whole range of sections—88A, 88B, 88C—which is all about how the mechanism deals with commercial competitors abusing the planning system. There is a whole range of checks and balances in here to make sure that people who are not motivated by genuine planning consideration and who are motivated by commercial desire can be caught out and effectively penalised with costs and a range of other measures through division 3. Why is that division not adequate to achieve the protections that the minister seeks to include in subsection (18)?

The Hon. NICK XENOPHON: I indicate my support for the Hon. Mr Parnell's amendment. As I understand it, the ERD Court can exercise its discretion at the moment, taking into account all the circumstances, to allow an objection if it does not comply with any relevant formalities. What this amendment relates to is the government's proposal to actually take away that discretion. My concern is that the consequence of this is that, if this amendment is not passed, we will see case after case in the months and years to come of anomalous situations where individuals have their rights taken away by virtue of a formality. The sorts of people who will lose their rights will be those who are more vulnerable, who do not have the benefit of legal advice or who cannot afford legal advice, and I cannot understand why the government wants to take away that existing discretion.

The Hon. P. HOLLOWAY: To answer the question asked by the Hon. Mark Parnell, really, sections 88A and 88B of the act refer to the ERD Court. Here we are talking about representations before a panel.

The Hon. M. Parnell: The representations lead to the right to appeal to the ERD Court.

The Hon. P. HOLLOWAY: Yes, but the point is that if these competitors are using it inappropriately, if they are appearing before a panel when they really do not have an entitlement to do so, that is the behaviour the government is seeking to address.

The Hon. SANDRA KANCK: Can the minister provide examples of what is going to be in the regulations to specify the people or groups that are not entitled under this provision?

The Hon. P. HOLLOWAY: Clause 18 says that representation that is not made in accordance with any requirement prescribed by the regulations for the purposes of this section is not required to be taken into account under this section and will not have effect for any relevant purpose under this section. As I say, we are dealing essentially with a situation where some parties have attempted to object to development in circumstances where the act really did not give them an entitlement to do so.

I gave an example earlier of a shopping centre that burnt down and a neighbouring shopping centre sought to oppose the new development even though it was clearly in an appropriate zone; it was a redevelopment to replace the burnt down shopping centre. What the government is seeking to do with this is to reduce those circumstances and to make it crystal clear that, if they do not have an entitlement to make representations before a panel, they should not do so.

The Hon. M. PARNELL: Your entitlement to make a representation depends on whether you are a neighbour, in the case of a category 2 development, or whether you are a member of the human race, in relation to a category 3 development—because any person can make a submission on that. Is there some plan to use the regulation-making power to reduce the number and type of people who are entitled to comment on development?

The Hon. P. HOLLOWAY: No. It is not the intention of the government to do that.

The Hon. D.W. RIDGWAY: There has been consultation between the opposition and stakeholders with regard to this amendment of the Hon. Mark Parnell and I indicate that we will not be supporting it. I can give an example of perhaps an inappropriate representation. I remember some years ago there was a country town with a major road through it. There was a motel owner on one side of the town and there was a proposed development on the other side of the town. Appeals were lodged and representations were made on the basis of a road safety issue as to whether people were able to turn off the road or not. Unfortunately, the developer subsequently went bankrupt because he was unable to proceed with his development, not on the basis of whether the development was good or bad but because of a commercial interest. If this is the intent of the government's legislation, certainly the opposition supports that.

The committee divided on the amendment:

AYES (4)

Bressington, A.	Kanck, S. M.

AYES (cont.)

Parnell, M. (teller)	Xenophon, N.

NOES (17)

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

Majority of 13 for the noes.

Amendment thus negatived.

The Hon. NICK XENOPHON: I move:

Page 8, after line 27—

Insert:

(19) The minister must establish and maintain a service to assist people to understand their rights—

(a) to make representations under this section; and

(b) to institute appeal or review proceedings under section 86(1).

This relates to the minister establishing a service to assist people in understanding their rights. It is all about assisting people to make representations under section 38 of the act, which deals with public notice and consultation and with the various applications that may be made to the Environment Resources and Development Court. It is intended that this service will operate as a sort of resident advocate service, and it will provide useful advice and information to residents about how to appeal against a decision and, to some extent, alleviate the disparity of resources between disagreeing parties. If you have a party that can afford the best QCs in planning law, I do not think it is unreasonable that there at least be some basic advisory service to assist people to understand their rights in what can be a quite complex area.

In a sense, in terms of policy considerations, there might be a situation where a pensioner couple is minding their own business, and the next thing that happens is that an application is lodged in terms of an adjoining development that could well affect their amenities. Getting some advice as to whether it is a complying or non complying development, and whether there are grounds to oppose it, I think is quite reasonable. Why should they have to fork out for legal fees to seek advice when they have not done anything? They have not initiated anything, and they have not got themselves embroiled in a dispute of their own choosing. They just want to maintain the quiet enjoyment of their home. That is the sort of situation that I think we ought to consider. Obviously, the minister has considerable discretion as to how the service would operate, but it is intended to at least provide some basic rights, basic advocacy and basic information that I think is currently sadly lacking in our system.

The Hon. P. HOLLOWAY: The government opposes the amendment. In conjunction with the LGA the government is producing guidelines for applicants and representors to assist with the matters that have been raised by the Hon. Nick Xenophon. It is also the role of council to help applicants and representatives to understand their rights and responsibilities with respect to the Development Act. Given that the Development Act applies statewide, councils are best placed to provide this assistance, not Planning SA located in Adelaide.

Now that not all councillors are on council development assessment panels (following the amendments this parliament has already made), some councillors will be able to assist constituents with planning objections, and they can even represent them before council development assessment panels when representations are heard. Additionally, the ERD Court was specifically established with a minimum of formality, with costs infrequently awarded against representors, and there is no requirement to have legal representation.

The ERD Court has compulsory conciliation conferences that allow for the public and the relevant authority to come to compromise solutions prior to a formal hearing between the parties. As such, the government believes there is ample assistance available to members of the public in the current system. As I say, we will work with the LGA. It is appropriate that councils should be involved, given that there are 68 councils across the state. We will work with them to produce guidelines for applicants and representors. We undertake to do that.

The Hon. M. PARNELL: I support the thrust of the Hon. Nick Xenophon's amendment (in fact, members might be suspicious that there is some collusion between the Greens and the No Pokies members), because I spent 10 years of my life doing exactly this work. My job at the Environmental Defenders Office for 10 years was advising representors on how the planning system works, how they can lodge representations, and helping them to read planning schemes and understand what was a valid planning consideration and what was not. As members would be aware, the right to review and the supposed right to not have your property values go down as a result of development are complex issues on which advice is sought.

So, I rise in support of this amendment and to make a plea to the government to properly fund the existing service that is already doing some of this work. The Environmental Defenders Office I think is in receipt of some very small amount of money from the environment department—I think it is $10 000 or $15 000 a year. It is a very small amount. It receives a larger amount from commonwealth legal aid but, to its shame, the commonwealth has precluded that organisation from giving litigation advice to clients. You are allowed to take your client to the point of saying, 'You have a right to appeal,' but if you want to say, 'and this is how you do it,' then the commonwealth funding ceases. You are not allowed to undertake litigation-related activities. The state funding is a little more generous and you can use some of that funding to assist people in drafting their notices of appeal, but the sum of $15 000, if my memory serves me correctly, for the entire state for an entire year is a small amount of money, and the effect of the Hon. Nick Xenophon's amendment could be practically achieved by a far more generous allocation of state funding to the Environmental Defenders Office.

The Hon. D.W. RIDGWAY: I indicate that the opposition does not support the Hon. Nick Xenophon's amendment, but I was pleased that the minister reminded the chamber of the work done by Planning SA and local councils to assist people to understand their rights and the whole process. Of course, the Hon. Mark Parnell indicated that perhaps the Environmental Defenders Office might require more resources. However, there are processes and organisations in place to assist people at present, and the opposition does not support the Hon. Nick Xenophon's amendment.

The Hon. D.G.E. HOOD: I rise to indicate Family First support for the Hon. Mr Xenophon's amendment. We take heed of the government's view that there are various bodies

and mechanisms in place to provide some advice, but really as a matter of principle we support this amendment, because it is so important for the 'little person', if I can use that expression, to be informed on these matters.

Amendment negatived; clause passed.

Clause 11.

The Hon. M. PARNELL: I move:

Page 8, after line 39—Insert:

(ba) must be dealt with as development under the same category under section 38 as the category to which the development to which the application relates was assigned at the time of its consideration under this Act; and

There are, in fact, two amendments on file dealing with this issue. There is my amendment and I think, in response to mine, the minister has an amendment as well. The intent of this amendment is to overcome the problem of a development being dealt with as category 3, it then being put back to the relevant authority on a variation application and that variation not being a category 3. Therefore, citizens had rights the first time but when the development was proposed to be changed they did not have rights the second time. I think in my second reading contribution I gave the example of a case where the misuse of that mechanism resulted in residents effectively missing out on their right to have their say. So, my amendment basically provides that, where there is a variation application, whatever category that was, the variation should be of the same category. I will have a bit more to say when we get to the minister's amendment on that topic.

The Hon. P. HOLLOWAY: Perhaps at this stage it might be appropriate to move my amendment, which is on the same issue. I will seek a direction on that later. I move:

Page 8, after line 39—Insert:

(ba) in a case where the development to which the development authorisation previously given was Category 3 development—must also be dealt with under section 38 as an application for Category 3 development if any representations where made under subsection (7) of that section, unless the relevant authority determines that no such representation related to any aspect of the development that is now under consideration on account of the application for variation and that, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development; and

The Hon. Mark Parnell's amendment is opposed in its current form. However, the government recognises the problem raised by the Hon. Mark Parnell but seeks to ensure that the solution to one problem does not lead to the creation of another. Accordingly, the government has filed this amendment to address these concerns by imposing a requirement on any development application that is subject to category 3 notification, if representations were received in respect to the development and the representation relates to the variation which is sought.

In that situation, the variation should be renotified in accordance with the same category of notification assigned at the time of its original consideration. This will ensure that an application is not notified twice where there has been no objection to the development in the first place. In short, we appreciate the Hon. Mark Parnell's having brought the issue to the attention of the government, but we believe our amendment is the appropriate one, because we believe that the amendment moved by the Hon. Mark Parnell could lead to the creation of another problem.

The Hon. M. PARNELL: On the basis of that information, I do not propose to proceed with my amendment and will support the government's amendment. I still think that there is possibly some wriggle room for unintended consequences, but I appreciate that the government has taken on board the type of circumstance which I described in my second reading contribution and the injustice that flows from that. I see this as an attempt to ensure that those situations do not occur again. I will not be proceeding with my amendment.

The CHAIRMAN: Are you seeking leave to withdraw your amendment?

The Hon. M. PARNELL: Yes. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. D.W. RIDGWAY: I indicate that, for the reasons outlined by the minister, the opposition will be supporting his amendment.

Amendment carried; clause as amended passed.

New clauses 11A and 11B.

The Hon. NICK XENOPHON: I move:

Page 9, after line 10—Insert:

11A—Amendment of section 44—General offences

(1) Section 44(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: $120 000.

(2) Section 44(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty: $120 000.

(3) Section 44(3), penalty provision—delete the penalty provision and substitute:
Maximum penalty: $60 000.

(4) Section 44(4), penalty provision—delete the penalty provision and substitute:
Maximum penalty: $120 000.

11B—Amendment of section 45—Offences relating specifically to building work

(1) Section 45(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: $60 000.

(2) Section 45(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty: $60 000.

(3) Section 45(2a), penalty provision—delete the penalty provision and substitute:
Maximum penalty: $60 000.

This amendment is linked to amendments Nos 5, 6, 7, 8 and 9. I indicate that, much to my surprise, the LGA supports these amendments, and I am grateful for its support. One of the concerns raised by resident groups is that buildings are not being constructed as per the approved plans. There are already offence provisions in the act that are directly related to this issue. These amendments are aimed at increasing the penalties for failing to comply with the relevant requirements of the act, bearing in mind that the current penalties have not been subjected to review since their introduction.

As I understand it, with the current penalties, for instance, section 44(1) of the act provides that a person must not undertake development contrary to this division. There is a division 3 fine, which is a maximum fine of $30 000. Subsection (4) provides that a person contravening or failing to comply with a condition imposed under this division again faces a division 3 fine. These have not been reviewed since 1993, as I understand it. My concern is that, given the amount that is involved with some developments, these fines are woefully inadequate. They do not reflect the commercial realities to act as a deterrent for those who do not do the right thing.

I also make clear that essentially the amendment deletes the current penalty provisions and substitutes them with maximum fines payable. It should be noted that the amend-

ment does not affect or disturb the additional penalty or default penalty provisions in the act. If the government does not support this amendment, could the minister indicate what steps will be put in place to at least review penalties to bring them into line or take into account inflation and also the policy consideration that there ought to be adequate deterrents to ensure compliance with the act?

The Hon. P. HOLLOWAY: The government will support the amendment. The government supports the amendment as the penalties are brought into line with the vast increase in the price of housing and other developments since 1994. The penalties will now act as a real deterrent against breaches of the act. It is important to remember that penalties affect only those who have offended against the provisions of the act. Whilst supporting these new penalties, I bring to the attention of the committee that these are the maximum fines and that the court will determine the actual fines based upon the severity of the facts in question. The honourable member is quite right: they have not been amended for 13 or 14 years, and they are quite out of line with the price of housing and therefore the deterrent effect has been removed. I am pleased that the honourable member has raised this issue and moved the amendment, and we will support it.

The Hon. D.G.E. HOOD: Family First also supports this sensible amendment. It never ceases to amaze me that these things are not linked to the CPI or something like that and that they constantly need to be updated over the years. For instance, in question time I asked a question about stamp duty. Why is that not linked to the CPI, for example, or the median price of housing, or something to that effect, so that they do not need to be constantly updated via legislation?

The Hon. D.W. RIDGWAY: Does the Hon. Nick Xenophon have examples of where people have been, if you like, thumbing their nose at the rules, paying the fine and then getting away with the development?

The Hon. NICK XENOPHON: The short answer is no, not any recent examples. Again, concerns have been expressed by the resident groups with whom I deal that it appears on the face of it that what was submitted has been altered. The drawings that have been provided do not appear to comply with what is being built. Their concern, I think, reflects the whole issue of private certifiers. I know that the system has changed substantially. We now rely on private certifiers, and I am not here to debate that. However, their concern is that the current system does not provide adequate penalties to ensure compliance.

I can obtain examples, if the honourable member wants me to do so. I can speak to members of the legal profession who specialise in planning law in relation to that matter. However, my principal concern is that, when one considers the amount of money involved in some of these developments, the penalties would not act, in any reasonable sense, as an appropriate deterrent if there is a breach. For example, a $30 000 fine is not adequate with respect to a million dollar development, given the profits that can be made from a particular development.

I suppose another way of looking at this, as the minister has pointed out, is that a court will take into account the circumstances of the offence. I cannot imagine that a court would impose a significant fine in circumstances where it is clear that it is a relatively small development. However, where there has been a contemptuous disregard for the act and the developer stands to gain a significant windfall, if you like, by breaching it, I think a court will take that into account. I hope that sets it out. I do not think that there is a sufficient deterrent, in effect, in the current penalties.

The Hon. D.W. RIDGWAY: The opposition has undertaken a process of consultation, and there does not appear to have been any recent examples of a flaunting of the law and people paying the fine and getting away with a development. I also note that the division 3 penalty, for example, is a maximum penalty of $30 000 or seven years' imprisonment. If a court is to exercise a discretion as to the severity of the breach, I would suggest that seven years' imprisonment is a reasonably significant penalty. If the system is not broken, why increase the penalties by some 300 per cent when there does not seem to be any justification? The justification seems to be, 'Well, just in case someone flaunts the law or thumbs their nose at the rules.' The opposition cannot support that, and we will not support this amendment.

The Hon. M. PARNELL: The Greens support the increases in penalties. We believe that they are commensurate with the potential scale of offending that can occur, and I think it is timely to bring them up to date.

New clauses inserted.

Clause 12.

The Hon. NICK XENOPHON: I move:

Page 9, after line 14—Insert:

(2) Section 50—after subsection (13) insert:

(14) For the purposes of this section, open space must be wholly or predominantly made up of land that is not covered by water and that is available for use by members of the public.

The act does not, as I understand it, provide for a definition of 'open space'. The purpose of this amendment is to ensure that, for the purposes of the act, 'open space' is defined as space that is not wholly predominantly covered by water and is, therefore, able to be utilised by members of the public.

The Hon. P. HOLLOWAY: The government opposes the amendment. It should be noted that a council is not required to accept any piece of land that is proposed by a developer as open space. The relevant authority retains the ability to refuse the proposed land as open space if it is of the opinion that the land is not suitable. In addition, by excluding land covered by water, the amendment discourages councils from harvesting rainwater or reusing stormwater, such as occurs at Mawson Lakes. While the land is covered by water, it is still useable by the public and, I would argue, adds significantly to the amenity of that suburb. I also note that the LGA does not support the amendment.

The Hon. M. PARNELL: I support the amendment. I understand what the Hon. Nick Xenophon is trying to achieve. I am not convinced that we cannot have the good outcomes to which the minister has referred as well. We can have water, we can have stormwater harvesting and we can have natural creek lines. However, the open space useable for the public needs to be on top of those parcels of land—on top of those services to the community—and that is why I support the amendment.

The Hon. D.G.E. HOOD: Family First opposes the amendment. We believe that a water covered area can serve very well as open space.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be opposing the amendment for the same reasons as outlined by the Hon. Dennis Hood and the minister: that open space can be covered by water. However, certain members of the opposition have concerns that open space in some developments, where perhaps the relevant authority has not

been as wise as it could have been, is too steep, rocky and unfriendly for the elderly people in our community to use. I think that we need as much open space as we can get. We will not be supporting the amendment.

Amendment negatived; clause passed.

Clauses 13 to 15 passed.

New clauses 15A, 15B and 15C.

The Hon. NICK XENOPHON: I move:

Page 9, after line 23—Insert:

15A—Amendment of section 54—Urgent building work

Section 54(2), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $60 000.

15B—Amendment of section 54A—Urgent work in relation to trees

Section 54A(2), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $60 000.

15C—Amendment of section 55—Removal of work if development not substantially completed

Section 55(4), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $60 000.

I reiterate what was previously stated in relation to penalties being inappropriate or inadequate.

The Hon. P. HOLLOWAY: The government supports the new clauses, which increase monetary penalties.

The Hon. D.W. RIDGWAY: The opposition indicates, for the reasons I gave before, that fixing something that is not broken is not sensible to us and we will not support any increase in penalties.

New clauses inserted.

The Hon. P. HOLLOWAY: I move:

Page 9, after line 23—Insert:

15A—Amendment of section 56A—Councils to establish development assessment panels

Section 56A(3)(d)—Delete paragraph (d) and substitute:

(d) the council—

(i) must, unless granted an exemption by the minister, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and

(ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women;

The new clause provides that it is mandatory for each council development assessment panel to have at least one woman and one man and ensure, as far as practicable, that there are equal numbers of males and females. This clause provides that the minister may grant an exemption to a council if it is impractical for it to achieve this gender balance. This exemption may be granted in particular to rural councils, which may find it difficult to obtain female members for their panel. However, the government encourages all councils to have at least one female member where possible.

I note that while this matter arose due to the constitution of the Wattle Range Development Assessment Panel I now note that due to staff changes at that council it has pointed appointed a female to the panel, and I congratulate it on this appointment. We want to ensure that that situation does not arise again.

The Hon. D.W. RIDGWAY: The opposition supports this new clause. I was made aware of the issues at the Wattle Range council, along with my colleague the Hon. Michelle Lensink, and, while the Liberal Party does not necessarily believe that women should be appointed to positions merely because they are a woman, it is certainly important that every effort is made to ensure we get a broad basis of views and gender balance on all our bodies.

The Hon. D.G.E. HOOD: Family First opposes the new clause. We do not support the concept of positive discrimination in any way.

The Hon. M. PARNELL: The Greens support the amendment for the reasons given by the minister.

New clause inserted.

Clause 16 passed.

Clause 17.

The Hon. NICK XENOPHON: I move:

Page 9, after line 31—Insert:

(2) Section 57A(9), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $90 000.

This amendment relates to increased penalty provisions, for the reasons previously outlined.

The Hon. P. HOLLOWAY: The government supports the amendment, which increases the monetary penalties for offences under the act, for the reasons given previously.

Amendment carried; clause as amended passed.

New clauses 17A, 17B, 17C and 17D.

The Hon. NICK XENOPHON: I move:

Page 9, after line 31—Insert:

17A—Amendment of section 59—Notification during building

(1) Section 59(2), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $10 000.

(2) Section 59(3), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $10 000.

17B—Amendment of section 60—Work that affects stability

Section 60(2), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $10 000.

17C—Amendment of section 66—Classification of buildings

Section 66(6), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $10 000.

17D—Amendment of section 67—Certificates of occupancy

Section 67(1), penalty provision—Delete the penalty provision and substitute:

Maximum penalty: $10 000.

These new clauses provide for increased penalties, for the reasons previously outlined.

The Hon. D.W. RIDGWAY: The opposition opposes the new clauses for the reasons given before.

The Hon. M. PARNELL: And the Greens support them for the same reasons given before.

New clauses inserted.

Clause 18 passed.

Clause 19.

The Hon. P. HOLLOWAY: I move:

Page 10, line 19—Before 'constructed' insert 'approved,'

This amendment refers to new clause 71AA—swimming pool safety. It is a technical amendment to provide that a prescribed swimming pool includes a pool which was approved prior to 1 July 1993 but which may not necessarily have been constructed prior to that date. This amendment closes a potential loophole in the clause as it appears in the bill.

The Hon. D.W. RIDGWAY: I indicate that the opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22.

The Hon. P. HOLLOWAY: I move:

Page 12, after line 38—Insert:

(2) Section 84(11), penalty provision—delete the penalty provision and substitute 'Maximum penalty: $20 000.'

(3) Section 84(11)—after the item relating to a default penalty insert 'Expiation fee: $750.'

This amendment reflects the increase in penalties throughout the act, as filed by the Hon. Nick Xenophon. The government has taken this opportunity to raise the penalty for persons who fail to obey a direction under the enforcement of orders under section 84 of the act. The penalty has been increased from $8 000 to $20 000 and the default penalty has been increased from $500 to $750.

The Hon. D.W. RIDGWAY: For the reasons outlined previously, I indicate that the opposition does not support this increase in penalties.

The Hon. NICK XENOPHON: I support the amendment.

The Hon. D.G.E. HOOD: Family First supports the amendment.

Amendment carried; clause as amended passed.

Clause 23.

The Hon. P. HOLLOWAY: I move:

Page 12, after line 39—Insert:

(a1) Section 86(1)(a)—before subparagraph (i) insert:

(ai) any assessment, request, decision, direction or act of a relevant authority under this act that is relevant to any aspect of the determination of the application; or

This amendment modifies section 86(1)(a) to provide that an applicant can appeal against any administrative decision during the assessment process, as well as the development decision itself, and any conditions of that approval. This amendment will allow applicants to have administrative matters considered by the ERD Court rather than having to take these matters to the much costlier jurisdiction of the Supreme Court. In my second reading explanation of 23 November 2006 I pointed out that the bill will give applicants the right to have administrative matters considered by the ERD Court rather than the Supreme Court.

Since the introduction of the bill into parliament, further consultation on the bill has led to the conclusion that it is more appropriate to amend section 86(1)(a) of the Development Act to ensure that everyone is aware that applicants can appeal to the ERD Court against administrative decisions made during development assessment. By amending section 86(1)(a) this will mean that all appeal rights for applicants is set out in the same subsection of the act. This is a better approach than adding a section 86(1)(f).

The Hon. D.W. RIDGWAY: I indicate that the opposition supports the amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 13, lines 1 to 5—Delete subclause (2) and substitute:

(2) Section 86(1)—after paragraph (e) insert:

(f) a person who can demonstrate an interest in a matter that is relevant to the determination of an application for a development authorisation by a relevant authority under this act by virtue of being an owner or occupier of land constituting the site of the proposed development, or an owner or occupier of a piece of adjacent land, may apply to the court for a review of the matter with respect to—

(i) a decision under the act as to the nature of the development, including any decision that is relevant to the operation of section 35;

(ii) a decision under section 38 as to the category of the development.

(3) Section 86—after subsection (12) insert:

(1a) A right of review under paragraph (f) of subsection (1) does not limit or restrict the ability of an applicant for the relevant development authorisation to institute an appeal under paragraph (a) of that subsection.

In light of the changes we have passed to section 86(1)(a), the proposed amendment to add section 86(1)(f), as set out in the bill that was introduced into parliament, is no longer required in its current form. As a consequence, I have tabled a revised section 86(1)(f) in order to provide adjoining landowners to a proposed development with the same administrative appeal rights to the ERD Court as those of the applicant.

The Hon. M. PARNELL: I move to amend the Hon. Mr Holloway's amendment as follows:

Page 13, lines 1 to 5—

Proposed new paragraph (f) to be inserted by the Minister for Urban Development and Planning—delete 'by virtue of being an owner or occupier of land constituting the site of the proposed development, or an owner or occupier of a piece of adjacent land,'

The original bill basically provides that any person who can demonstrate an interest in a matter that is relevant has standing to challenge those administrative decisions in the environment court. A number of members in this place spoke against that clause at the second reading stage, saying that it is too wide and that too many people will have the right to go to court to challenge things when they really have no business doing so. The government has come back and said, 'Well, okay; we do need to limit the standing of people.' The government has limited it to owners or occupiers of land constituting the site of the proposed development (in other words, the would-be developer) or an owner or occupier of a piece of adjacent land (the neighbours). The way the government's amendment is currently constructed is that these will be the only people who will be able to bring this mis-categorisation and misclassification type of cases.

If you think about it, one of the main disputes that arises in this area is where the council categorises a development as category 1 and a number of people in the community believe it should be category 3. The consequences of those two decisions are quite significant. If it is category 1, no-one has any rights, other than the developer. If it is category 3, the whole world has rights to lodge representations and to make submissions. Bearing in mind that we are talking about categorisation and classification questions (and they are the key administrative decisions that are made), I cannot see why other third parties ought not to have a right to these administrative challenges.

I know the Hon. Dennis Hood, for example, expressed concerns about this clause in the second reading stage. Let us take, for example, an application to build a brothel which is categorised by the council as a recreation centre and given a category 1 status. If there are people in the community who are not neighbours and who think, 'That's not right. We don't think it has been classified properly and we want to be able to challenge that decision in the environment court,' under this government amendment they will not have the right to do that.

It seems to me that, given that category 3 does provide for rights broader than just immediate neighbours, the right to go to the environment court and say, 'That should have been category 3' should apply to all those people who potentially stand to benefit from the categorisation. I cannot for the life of me understand why standing should be limited to just the developer or the immediate neighbours, because the type of disputes that arise under this section certainly are broader. I indicate to the committee that my amendment to the

minister's amendment is important to me, and I will divide on it if I do not have the numbers on the voices.

The Hon. P. HOLLOWAY: Can I firstly say that, in the example the honourable member gave, I would remind him that brothels are all category 3 because they are not defined under schedule 9 of the regulations. Also, of course, if they are operating as brothels, I would suggest that they are also against the laws of the state, but that is another matter.

I oppose the amendment moved by the Hon. Mark Parnell to my amendment. The amendment proposed by the Hon. Mark Parnell will, in the government's view, widen the potential applicants to the ERD Court under the act too far. This will lead to increased costs and delays to the development assessment process and lead to greater uncertainty with respect to the suitability of development.

In order to achieve appropriate development in the correct zone, it is imperative that development plan policies are up to date and in line with community expectations. Planning by way of appeal to the ERD Court is inappropriate. The best time for community involvement in planning is at the development of policy stage, when development plans are amended so that those policies truly reflect the community's expectations for development within their area. I would also stress that this bill does not remove the right of any person to have a matter reviewed by the Supreme Court by way of judicial review. These rights still exist and are there for people who wish to avail themselves of them. Really, if the Hon. Mark Parnell's amendment is carried we believe that it will open up the potential for some abuse by certain groups in delaying the consideration of development applications through the courts.

The Hon. M. PARNELL: I have just a brief response. I agree with the minister that getting planning policy right is the important task, but this clause deals with when the councils get the categorisation wrong: when they call it a health centre when, in fact, it was a brothel, when they call it category 1 when it should have been category 3. They are the types of disputes that need some method of resolution. I do not think it is reasonable to say to people, 'You can go to the Supreme Court.' Not all people are made of money. They do not have the ability or the resources to be able to bring that sort of case. The appropriate forum is the Environment, Resources and Development Court. That is where the developer goes every time the developer has a dispute over an administrative decision that is made by the council; they are able to go to the environment court. Why should not third parties have access to that same umpire, that same forum when arguing exactly the same type of case, in other words, when the council gets the categorisation or the classification wrong?

I do not think that my amendment involves any sort of floodgates argument or that somehow people will be bringing frivolous and vexatious cases. Basically, what they will be doing is exercising their legal right to insist on administrative decision-makers doing their job properly. If the decision-maker gets it wrong, they have an accessible forum they can go to, and it should not be dependent on their being either the developer or an immediate neighbour.

The Hon. D.W. RIDGWAY: As I am sure my colleague the Hon. Terry Stephens outlined when he spoke on my behalf when I was absent a couple of weeks ago, upon reading this clause in this amendment bill, we were quite alarmed that it would open up an opportunity for a whole range of frivolous and unnecessary appeals and delays. As I have said in a number of earlier contributions, these delays always result in additional costs. Melbourne now has passed Adelaide in housing affordability, with Melbourne now being a cheaper place to build a house than Adelaide, and young South Australian families are potentially having the costs of their new homes and developments put up. The opposition was considering an amendment to delete subclause (2) totally, because we did not think it was appropriate to open it up and widen it as much as the original clause did. Certainly, the minister's amended clause limiting it to the owner and occupier of land and adjacent land is much more sensible. With those few words I indicate we will not be supporting the Hon. Mark Parnell.

The Hon. D.G.E. HOOD: Family First indicates opposition to the Greens amendment and support for the government amendment on this occasion. Just as an aside regarding the example the Hon. Mr Mark Parnell gave about a brothel being constructed, that would be illegal under South Australian law in any case. I will make a quick personal note, if I may. I have been trying to get a development approval on a very small scale through both Prospect and Norwood councils recently, and it is an absolute nightmare. I do not think we need tighter regulations in this regard. I think people on those boundaries should have a right to voice their opinions, but let us not cast the net too wide and make things more costly and slow the process down even further.

The committee divided on the amendment to the amendment:

AYES (4)

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

NOES (15)

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

Majority of 11 for the noes.

Amendment to amendment thus negatived; amendment carried; clause as amended passed.

Clause 24.

The Hon. M. PARNELL: I move:

Page 13, lines 33 to 41, page 14, lines 1 to 6—Delete paragraph (c) and substitute:

(c) subject to subsection (3), the court must, on application by any of the following persons, permit the person to be joined as a party to the proceedings:

(i) in respect of a Category 1 development—any owner or occupier of each piece of adjoining land;

(ii) in respect of a Category 2A or 2 development—any person who made a representation to the relevant authority under section 38(3a)(a) or (7);

(iii) in respect of a Category 3 development—any person who can demonstrate an interest in the proceedings.

This amendment and the following amendment relate to the issue of joinder; that is, when proceedings are afoot in the Environment, Resources and Development Court, who is entitled to become a part of that court case? A classic example is where a local council might reject a category 3 application. The developer, as is their right, can appeal to the environment court within 60 days, and the people who put in representations—the ones who are listened to by the local council—then get to join that court case and effectively argue

against the development in another forum. They argued against it before the Development Assessment Panel; they get to argue against it again in the Environment, Resources and Development Court. That case is fairly clear.

In a category 3 case, had the decision of the Development Assessment Panel gone the other way, the residents, the representatives, the objectors, if you like, would have the right to bring their own case. It is fairly logical that they be able to join in the developer's appeal. It becomes more complicated when a developer appeals against a rejection by a council, and the neighbours, who put in representations on a category 2 because they clearly have an interest in it, then seek to join in that court case. They say, 'Look, the council actually listened to us when we made our representations. They supported our view; they rejected the development. Now the developer has appealed, we should have the right to join in that court case.' And it is only fair. It means that the court, in fact, hears both sides of the story: it hears the arguments in favour; it hears the arguments against.

The court has not allowed every single person who wanted to to join in one of these court cases. It has not supported every application; in fact, I think I lost my first two or three joinder applications trying to get third parties joined in to somebody else's appeal. So, it was not necessarily an easy hurdle to jump. Yet, with this amendment the government is proposing to make it even harder for such people to join in a court case. In fact, it is proposing to wind back the clock to previous interpretations of the law of standing that actually made it quite difficult for anyone other than someone with a commercial vested interest to join in such a case.

So, my amendment seeks to clarify the rights of people to join in someone else's court case. I have put it into three categories. I have limited category 1 to the neighbours, so that is people who are the owners or occupiers of adjoining pieces of land. In category 2—the new category 2A—is people who put in a representation. So people who are sufficiently engaged in the process to originally put in a representation should also be able to join an appeal. In category 3 is any person who can demonstrate an interest, and I think that is an appropriate test for standing, given that any person in the world is able to lodge a representation on a category 3 development. So, I seek to clarify the situation in relation to standing to make it easier for those people with a genuine interest to join in a court case.

The consequence of not allowing those interested people to join in is that the relevant authority—such as the council, usually—which has knocked back a development, rarely defends its decision. Often it will sit back and enable its town planner or staff member to give some evidence but it will not particularly take sides. If there are going to be sides, there have to be the people who oppose it and the people who are in favour of it. That is the adversarial system and that is what gives the court the best opportunity to get all available evidence before it to make the decision. So I think it is a retrograde step to go back to the old special interest test—the old ACF v The Commonwealth (1980) test—when, really, I think the law can set out with some certainty that people with a clear interest should be able to join any merits dispute that relates to the development.

The Hon. P. HOLLOWAY: The government opposes the amendment. The Hon. Mark Parnell's amendment proposes a complete restructure of the act in terms of who is able to be joined to an action in the Environment, Resources and Development Court in respect of a development application appeal. The act clearly defines those persons who may bring an action in the ERD Court. The amendment proposed by the Hon. Mark Parnell seeks to drastically increase the number of persons who may apply to the court who are currently not permitted to do so.

This amendment will encourage a proliferation of litigation and the ensuing expense that comes with that course of action. The clause will increase costs associated with development and have a negative impact on development activity due to the lack of certainty that proponents will have due to the spectre of appeals against development authorisations. Again, the government makes the point that the emphasis is on councils getting the policies right in their development plan, not planning by litigation. I note that the LGA also does not support the Hon. Mark Parnell's amendment.

The Hon. D.W. RIDGWAY: I rise to indicate that the opposition believes that this amendment of the Hon. Mark Parnell will broaden too widely the scope of the parties who may be joined as a third party in an action in relation to any development application. I guess in a perfect world it might be possible but, as the minister said, there would be a proliferation of appeals and actions against developers and, certainly, as I said in my earlier contributions, we do not want to see any time delays, frustrations and further costs imposed in South Australia. Not accepting that there are some examples that we saw at the Love Your Backyard evening the other night and others that have been brought to my attention by the member for Unley in another place that are unacceptable, the opposition's view is that it falls squarely at the feet of local government to get their development plans right. As I said before, this will unnecessarily frustrate and burden developments in South Australia, and we oppose the amendment.

Amendment negatived.

The Hon. M. PARNELL: The next amendment is consequential, so I will not move it.

Clause passed.

Clause 25 passed.

New clause 25A.

The Hon. NICK XENOPHON: I move:

Page 14, after line 8—Insert:

25A—Amendment of section 97—Duties of private certifiers

(1) Section 97(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: $30 000.

(2) Section 97(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty: $30 000.

(3) Section 97(4), penalty provision—delete the penalty provision and substitute:

Maximum penalty: $30 000.

(4) Section 97(5), penalty provision—delete the penalty provision and substitute:

Maximum penalty: $30 000.

This relates to increased penalties with respect to private certifiers. We know that private certifiers now have a much more significant role in the planning system. I note in relation to this that the LGA takes no issue with this amendment, as distinct—

The Hon. M. Parnell: That means strong support.

The Hon. NICK XENOPHON: The Hon. Mr Parnell says it means strong support. I do not know what it means if it supports an amendment. Honourable members are familiar with the debate in relation to increasing penalties, but we now rely on private certifiers much more in the system and I think it is important that there be increased penalties to reflect the need to ensure enforcement of the act.

The Hon. P. HOLLOWAY: I understand there are two clauses to the honourable member's amendment.

The Hon. Nick Xenophon: I only moved the first part.

The Hon. P. HOLLOWAY: In relation to the first part, the government supports that for the reasons given earlier because it relates to fines. However, we oppose the second part.

The CHAIRMAN: They will be dealt with separately.

The Hon. D.W. RIDGWAY: I indicate, as I did previously, that the opposition opposes increasing penalties, for the reasons I gave previously.

The Hon. D.G.E. HOOD: I indicate Family First supports the amendment, for the reasons I indicated previously.

The Hon. M. PARNELL: The Greens support the increased penalties.

New clause inserted.

New clause 25B.

The Hon. NICK XENOPHON: I move:

25B—Insertion of section 104A

After section 104 insert:

104A—Display of information

A person carrying out building work under a development authorisation must ensure that a notice setting out the following information is kept on display in accordance with any requirements prescribed by the regulations while the building work is underway:

(a) the name and address of a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work or, if there is no such licensed building work contractor, the name of the building owner;

(b) a short description of the nature of the building work;

(c) the date on which any relevant development authorisation was obtained, the name of the relevant authority, and an approval or other number issued by the relevant authority that identifies any such development authorisation;

(d) any other information prescribed by the regulations.

Maximum penalty: $2 500.

Expiation fee: $200.

This clause provides for a notice setting out information relating to development to be kept on display for the duration of any building work. The notice is to include certain details, such as the name and address of the licensed building work contractor, a short description of the nature of the building work, and the date on which authorisation was obtained. All that is basic information.

I hope the Hon. Mark Parnell does not mind me mentioning that, in a brief private conversation I had with him, he gave a very good analogy about its being similar to a licensing application because, with licensed premises, there is an application. It is displayed on the premises so that people have a basic idea of what it is about. Basically, this is in accord with that general principle.

As I understand it, there are other jurisdictions where this sort of notification is provided. I cannot remember which state, but I know that I have seen it elsewhere. This is just a basic piece of information for people who could be walking past, neighbours or people in the street. I do not think it is an onerous obligation to provide this sort of detail. I note that the LGA does not take issue with this amendment. It does not oppose it, and I cannot see that it would be necessarily onerous. I think that it would improve community engagement in the planning process.

The Hon. P. HOLLOWAY: The government does not support the insertion of new clause 25B, as we believe that, contrary to the intention of the Hon. Nick Xenophon, this amendment will not stop a legal building, nor will it give neighbours an opportunity to make representations, as the development authorisation has already been given. We believe that this will merely add cost to the development process, which will be borne by the end user. Under the proposed amendment, every time a garage, shed, verandah or other minor structure which requires development approval is erected, a sign must be placed at the front of the property to advertise this fact. In the opinion of the government, this type of unwarranted impost on the public is not appropriate, given that the potential benefits are negligible.

The Hon. M. PARNELL: Following on from what the minister said, certainly he is correct in that it will not give people the ability to lodge a representation because the horse will have bolted by the time the sign is erected. However, I will give one very good reason why this amendment would achieve some benefit: when councils are approving building work, they will often attach conditions to it relating to the hours of operation of heavy equipment. I mean, we have the tram works and the hoteliers talking about when the metal cutting will be done. Often councils will attach these sorts of conditions to an approval. There will be conditions relating to the suppression of dust from a building site. A whole range of conditions can be attached.

One of the advantages of the Hon. Nick Xenophon's sign is that it has the builder's name and address. It is usual for builders to include a phone number, as well. It might have the name of the site manager, the person whom you could ring on their mobile phone immediately when there is a problem. You can also contact the council and you can refer to a development application number, so that someone can very quickly tell you over the phone that they are not supposed to be working until 7 a.m. and they are supposed to have a dust suppression system on site. It will certainly enable residents to protect their rights more fully if they have that basic information about who is developing and what they are supposed to do. They will have a means for obtaining more information regarding the fine detail of the development approval. For those reasons alone, this amendment is worthy of support.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting this amendment. Maybe the mover can give me some clarification. Even to this day, the majority of builders erect a sign at the front of the site. I suspect that most of them do it as a form of advertising. They are proud of what they do and they want the community to know which builder is performing the work. It is my understanding that you can ask to look at some plans from the builder as well. The honourable member might be able to clarify that.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister has just indicated that, under the contractors act, there is a requirement that those signs be displayed. I think that it is already adequately covered. Again, it is another impost on developers. I am not quite sure how you display it easily and cheaply.

The Hon. M. Parnell interjecting:

The Hon. D.W. RIDGWAY: But you have to have a sign that is weatherproof and vandalproof—a whole range of things. The opposition will not be supporting the amendment.

The Hon. NICK XENOPHON: In response to the Hon. Mr Ridgway's questions, I think the Hon. Mr Parnell made the point that owner builders would not be covered

under the current legislation to deal with building contractors, as I understand it. The idea is that this would give some basic information as to the nature of the development. At the moment, under the building and contractors legislation you need to say who the builder is. This will go into more detail. The neighbours could see the extent of the development. Again, the Hon. Mr Parnell made the very good points about conditions relating to dust, noise and whatever. I think that is relevant for a local community to know. I know that the amendment is lost. I am not seeking to divide on it, but my prediction is that this is something that will be looked at down the track because I think communities want that level of engagement in the process.

New clause negatived.

Clause 26.

The Hon. NICK XENOPHON: I move:

Page 14—

After line 32—Insert:

(3a) Schedule 1, item 45—delete 'a division 6 fine' and substitute:

$10 000

Lines 33 and 34—Delete subclause (4) and substitute:

(4) Schedule 1, item 46—delete the item and substitute:

46 The fixing of an expiation fee not exceeding $756 in respect of any offence against this act or the regulations, and the designation of persons who are authorised to give expiation notices.

This amendment relates to increasing penalties for the reasons previously outlined. I note that the LGA supports both amendments. The second amendment relates to expiation fees being increased.

The Hon. P. HOLLOWAY: The government supports the Hon. Nick Xenophon's first amendment, for the reason given earlier about increasing monetary penalties. However, we do not support his second amendment. The government is embarking upon the implementation program of expiation fees and, consequently, we will be discussing this matter with all interested stakeholders, particularly in local government. If it is found that the amendment proposed by the Hon. Nick Xenophon is appropriate then, by all means, the government intends to bring this matter back before parliament.

The government is also looking at whether or not amendments will be made to consequential legislation in this respect in order to appropriately implement the expiation of offences under the Development Act. However, given that the formulation for the expiation of offences is not finalised, the government believes that it is premature to make amendments at this stage of the process. The government is formulating the range of expiable offences at the moment and, if there are problems with the operation of expiation fees, the government gives an undertaking to review this matter and bring it before the parliament at a later date.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the Hon. Nick Xenophon's first amendment, which relates to an increase in fines, for the reasons previously outlined. We also will not be supporting the second amendment, for the reason outlined by the minister, that is, the government is planning on reviewing expiation fees.

The Hon. M. PARNELL: The Greens are pleased to support both amendments. I note, from the success that the Hon. Nick Xenophon is having, the next time I move amendments I will pepper mine with some penalty increases as an inducement to honourable members to support them.

The Hon. NICK XENOPHON: I should have responded much earlier, in terms of what the Hon. Mr Ridgway said about giving specific instances of problems. I think one of the broader problems we have is that a lot of councils will not bring a prosecution because of the expense involved: it is just not worth proceeding, given the relatively paltry penalties. I think that might explain (and it was a very reasonable question from the Hon. Mr Ridgway) why there are so few instances, as people may get away with things; councils think that, if it is a borderline case as to how the prosecution will go, it is not worth proceeding with.

The Hon. D.G.E. HOOD: I indicate the support of Family First for the first amendment, for the reasons that I outlined earlier, but at this stage we oppose the second amendment. As the government has pointed out, it is entering a consultation process, and we would like to see the outcome. However, we certainly support the thrust of the amendment.

Amendment to page 14, after line 32, carried; amendment to page 14, lines 33 and 34, negatived; clause as amended passed.

Schedule 1.

The Hon. P. HOLLOWAY: I move:

Clause 2, page 16, after line 24—

Insert:

(6) A regulation cannot be made under this section unless the minister has given the LGA notice of the proposal to make a regulation under this section and given consideration to any submission made by the LGA within a period (of between three and six weeks) specified by the minister.

This amendment is consequential upon the passing of the amendment to section 245A of the Local Government Act relating to bonds and other securities. This amendment requires that the minister must give the LGA the opportunity to comment on draft regulations concerning bonds and other securities before such regulations are gazetted. The amendment requires the minister to give the LGA between three and six weeks to comment on such regulations. The LGA requested this amendment. The consultation period is identical to the provisions incorporated in recent amendments to the Development Act.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I move:

That this bill be now read a third time.

I thank all members for their forbearance during the debate. I particularly thank members of the opposition for their support for most of the measures in this bill.

Bill read a third time and passed.

[Sitting suspended from 6 to 7.45 p.m.]

MURRAY RIVER

The Hon. G.E. GAGO (Minister for Environment and Conservation): I table a ministerial statement relating to River Murray water supplies for 2007-08 made today in another place by my colleague the Hon. Karlene Maywald.

BARLEY EXPORTING BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 1699.)

The Hon. M. PARNELL: When this bill first appeared on the *Notice Paper*, I did not pick it as one which would occupy a great deal of our time or which would be particularly controversial. However, I have to say that it is the bill on which I have received more correspondence than any other, and I will come to the content of that correspondence shortly. It has been a difficult issue to work through. I have had people from all sides talk to me about why the single desk for marketing barley should be retained and, alternatively, why it should be abandoned. I listened very carefully to the contribution made by the Hon. Caroline Schaefer, in particular her history lesson, for which I am grateful. I also had a number of discussions with the member for Schubert in another place, and he has an interesting perspective as well. I have also read all the contributions, both for and against, from the other place, which is something I do not always do. I put on the record my thanks to the many farmers who have written to me.

When I tallied up the correspondence, both for and against, it was roughly equal, but I have to say slightly more urged me to oppose the bill than to support it. Another thing I found useful in talking to farmers and various lobbyists in relation to this bill was the complexity of rural politics, which was a real lesson for me. As has been explained to me by many of the key stakeholders, everything is not as it seems. One of the lessons seems to be, 'Do as I say, not as I do,' in terms of the way in which some of the advocates have presented themselves.

The Greens' position starts with our support for the notion that people should be able to work collectively for their benefit. That is why we support the right of workers to be represented by unions and to collectively bargain. The single desk for marketing barley could be described as one such mechanism. However, we do have to acknowledge that times have changed since the cooperative arrangements for marketing barley were first established in the 1930s. Certainly, one of the changes has been the mix of export and domestic consumption of barley. The methods of selling barley have changed, and a number of farmers spoke to me about their frustration in trying to market on the internet. In general, the world has changed in the way in which commodities are marketed.

The decision we need to make is whether the current arrangements still serve our farmers well. Ultimately, the Greens' position on this bill is that we want what is best for our farmers. We want the best arrangement that enables our farmers to maximise the return they get for their effort. Having considered all the arguments for and against the bill, the Greens support the bill. We believe that while the single desk was a purer form of cooperative it was one we would have liked to support but, it having been corporatised and privatised and in no way reflecting just a grower cooperative any more, we feel that the best arrangement for our farmers is to deregulate marketing and enable them to sell other than through the single desk. Therefore, we support the bill.

The Hon. NICK XENOPHON: I, too, indicate my support for the bill. I know there has been some passionate opposition to this. The member for Schubert has very passionately set out his position, and I respect him for that. However, I agree with the sentiments expressed by the Hon. Mark Parnell, namely, that the previous cooperative arrangements for the marketing of barley have fundamentally changed. What occurred in 1947 is not what is occurring now in 2007. Once the single desk was corporatised and privatised, it was no longer the same sort of cooperative arrangement we saw 60 years ago. Therefore, I believe the reasons for having a single desk have been significantly weakened. The fact that some farmers on Eyre Peninsula, as I understand it, have found it better to sell their barley in Victoria indicates that the single desk is not working as it had worked previously. I believe there has been sufficient consultation. I note that there was a close vote (35 to 32) at a meeting of the SAFF Grains Council last Friday.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: The Hon. Sandra Kanck makes the point that most of the growers did not turn up. My understanding is that this has been the subject of extensive consultation. The South Australian Farmers Federation has done the right thing by its growers in terms of an extensive process—

An honourable member interjecting:

The Hon. NICK XENOPHON: You don't think so? Well, my understanding is that there has been extensive consultation. I know the Hon. Sandra Kanck believes that it is not the case. To me the core issue is that, once the cooperative arrangements were changed, corporatised and privatised, the compelling reasons for a single desk no longer remain. This will deliver the best outcome overall for our barley farmers. This is a different case from that which occurred in relation to the deregulation of the dairy industry. The Hon. Ian Gilfillan, a former member of this place, passionately set out an argument as to why we should not have gone down that path, but there are some distinguishing features in relation to barley marketing, and in the circumstances I support the second reading and the bill as a whole.

The Hon. SANDRA KANCK: Although the domestic market for barley has already been deregulated, export markets have not, but this bill will ultimately bring that about. At the election this time last year the Democrats promised to stand by support for the single desk. That brings me to look at the question of whether or not the bill and the Democrat position of 12 months ago are justified. I go back to the 1997 election, where the Democrats made a promise not to privatise ETSA and then early in 1998 Premier Olsen announced that the situation for ETSA in a deregulated national electricity market would be so bad that South Australia had to sell. So for three months I set out to talk to everyone I possibly could, getting all sorts of information, to find out what would be the outcome and, ultimately, announced opposition to the sale. Unfortunately, everything that I predicted would happen as a consequence of that sale did happen.

So in the 2006 election my party made a promise, but I knew from the ETSA experience that I did not need to undertake a three-month inquiry. The lessons from the sale of ETSA prove that deregulation is a backward step and assists only in handing over control of markets to companies that predominantly belong to overseas interests, and we see profits being repatriated. So, we are sticking to this election promise, not just because the ETSA history gives good direction but also because there are a lot of good, solid arguments against deregulating the barley export market. Most primary producers seek an orderly marketing system, yet over the past two to three decades there have been continued attacks on assorted commodities by what I call the free marketeers, and we have seen a consequent downgrading of the orderly marketing of a number of commodities in this state.

Some operators do not want orderly marketing because they see the opportunity to gain short-term high prices, but I stress the phrase 'short term' because that is as far as they are looking. Selling through a single desk does not produce landmark high prices, but the return is a steady and reliable income stream. Where the protection lies for the growers in the single desk is that when the chips are down in a bad season they will still get an income. In that light is it worth throwing away this steady, reliable income for the opportunity for an occasional high price for some growers? One of the people who have written to me is Veronica Gazzola on the Eyre Peninsula, and she has sent a copy—

Members interjecting:

The Hon. SANDRA KANCK: I believe she is part of that Gazzola family, which goes to show there is some commonsense in there. Veronica Gazzola has sent me a copy of a letter she wrote to the member for Flinders, and I will read a few bits from that letter, as follows:

> We are not marketers. Some people find it easy to sell their barley. This is not an option for us on EP because we do not have local markets here. We must find and transport out at great cost our grain to whoever will take it.

She continues:

> Why are the majority of growers willing to forgo dollars in the pocket to retain a single desk?

That is a very good question, and she answers it as follows:

> Because of the security it brings—security and trust that, while one is out there reaping, one does not have to sit up all night on the PC or follow markets to find the best prices. There will be much duplication of infrastructure and we the growers will indirectly have to pay for it. We will have reduced market power and reduced ability to protect ourselves.

What she says about not having to sit up at night in front of the computer trying to predict what market commodities are going to do is a very important part of the reason for retaining the single desk. Primarily these people are producers of a commodity and are not marketers. They have not set themselves up to be marketers; they are farmers, and we should respect that. In passing this bill we will condemn them to becoming marketers.

The SAFF Grains Council recommended these changes, and that has been part of the argument that validates our—the majority of members of parliament—following through with these changes, yet the terms of reference of their inquiry I believe were such that they had little choice but to make the recommendations they did. We need to ask who really benefits by this change. Obviously, barley marketing companies look at ABB with envy, but in the longer term it is growers in other countries that will benefit. You have to ask why we are doing something here that will benefit growers in other countries and other barley marketing companies.

Some local growers see the price for barley being offered in Victoria as proof that this move is needed. I wonder, however, whether we might be seeing what is referred to as predatory pricing. For instance, when the Liberal government put out for tender the running of the Modbury Hospital there was a lot of comment that the price being offered by Healthscope at that stage was predatory pricing. We have seen in the longer term that Healthscope has wanted to get out because it could not make the profits out of that business, and that seems to support the argument that it was predatory pricing. Predatory pricing (for those who do not know what it is) is where a competitor is prepared to offer what appears to be a better deal, even though they take a financial hit for it, because they believe that, in the long term, if they hold out long enough at that lower price their competitors will drop by the wayside.

One person advocating this legislation has apparently said that it will give the barley growers what they need rather than what they want. I regard that to be very patronising. It is as if the growers do not know what they need. By pooling resources, as is the current situation, it effectively allows barley growers to collectively bargain. The ALP government ostensibly argues for that right to collectively bargain. It has opposed the federal government's WorkChoices legislation, so why is it that it does the exact opposite with barley growers, forcing each grower to come up with their own arrangement for marketing?

Compare this to another bill that we will be dealing with either tonight or later this week, the Pharmacy Practice Bill. In that case the government has refused to allow open slather with pharmacy ownership, basically not allowing any new players to enter the field. Again, I ask the question: why is it doing the opposite for barley growers?

An honourable member interjecting:

The Hon. SANDRA KANCK: The government is often very inconsistent, I have noticed. The member for Hammond, speaking in the lower house, said:

> The single desk with barley was formed in 1939 as, at that stage, farmers were getting ripped off hand over fist by slick marketers running around and offering different prices all over the place and taking farmers down.

This is what could happen again if this bill is passed. I refer to a letter that I have received from another barley grower, David Johnson, as follows:

> We are talking about the best way of marketing into an international marketplace where the competition is fierce and not on a level playing field—do not weaken or divide our strengths. We are all desperate for higher prices, multi sellers actually lowers prices, we see that every year in other commodities and domestically with grain.

Again, I ask: with that sort of evidence, why are we doing what the government proposes in this bill?

I am disappointed that the lone National Party MP in South Australia, Karlene Maywald, is supporting this bill. She did not bother to speak either in the second reading stage or in the committee stage in the lower house debate to explain what her position is. Has the National Party also supported this? Do people know whether that is the formal position?

An honourable member interjecting:

The Hon. SANDRA KANCK: Even on Eyre Peninsula? Karlene Maywald voted for it, but is that National Party policy?

An honourable member interjecting:

The Hon. SANDRA KANCK: When barley growers were polled by the SAFF Grains Council, 80 per cent voted for continuation of the single desk. Many of them would have been National Party voters, so I believe they will be feeling quite betrayed by their party. Many of these same growers have fought against this deregulation. I refer to another grower, who said:

> It seems like every year for the last five we have had to write letters, do submission of support, vote in surveys. . . and each time the answer was always the same—keep it!

This particular grower did not respond to the most recent inquiry by the SAFF Grains Council because he thought it had been said often enough and he did not think that he needed to say it again. He did not bother to go to the Grains Council meeting on Friday because it seemed that they were

being walked over by SAFF. I suspect that there were a whole lot of other barley growers who felt the same. They were worn down by the process. Now that the Grains Council has made those recommendations, now that the bill has passed the lower house, many of them have basically given up.

I do not believe it is up to us to impose methods of marketing on the farmers. It is arrogant for us to do this when 80 per cent of them do not want it. Even if all the arguments were convincing me that this was the best way to proceed, I would still have to come back to that position and ask: do we have the right to impose our position on the majority of barley growers?

I would ask the minister whether the other recommendations of the working group, in particular the education of barley growers, are proceeding? I find it concerning that this legislation is based on the recommendations of the SAFF Grains Council in terms of deregulation, but there is nothing in the legislation about that education. I would like the minister to put on record what is happening in that regard. I do not believe that this legislation should be allowed to come into effect until those education programs are in place

I want to go back to the national electricity market as an argument about what happens when we deregulate. When we established the national electricity market, when we set the hounds loose, we lost control of the market. The consequence with deregulation in the electricity market is that the most polluting sources of power, the ones that produce the most greenhouse gases, are the ones that run continually. The best ones (solar) do not get the funding they need. Of the fossil fuels, gas is far better from the greenhouse gas perspective, but gas-fired stations do not start up now except in cases of extreme cold and extreme heat. You could not design a much worse situation by turning this over to the market, but that is what deregulation brings.

Again, I ask: why is it that we are going down the path of deregulating our international barley export sales? One of the other lessons to be learnt from what successive governments did to our electricity industry is the number of extra bodies that have to be set up to manage this privatised industry, with all the tricks of the trade that big corporations bring into such a market, all of which have to be paid for. I hope that the Democrats is not the only party that is opposing this legislation.

There certainly has not been a voice from anyone else so far saying that they will oppose it. For anyone else who might still have an open mind, I think that the attitude to the deregulation of barley exporting should be, as in the case of ETSA: if it ain't broke, don't fix it. Surely we have learned from the mistakes of ETSA. Unfortunately, it seems, however, that most people do not learn. I indicate the Democrats' opposition to the second reading.

The Hon. D.G.E. HOOD: I would like to begin by thanking the large number of people who have contacted my office and the office of the Hon. Andrew Evans indicating their position on this bill. I think it has been indicated by a number of speakers tonight that there seems to be rough equivalence (if I can put it that way) of people both supporting and opposing the bill. Certainly, that has been reflected in the number of people who have contacted our office. I think it was the Hon. Mark Parnell who said that there were slightly more opposing the bill than in favour of it, and that has been our experience also in terms of numbers—

The Hon. Sandra Kanck: That is not how you judge it, though.

The Hon. D.G.E. HOOD: No; of course not, but that is our small sample, if you like, in terms of the people who have contacted our office. Anyway, it is just an interesting note. I would like to thank those people publicly before I begin. My concern about the competing argument regarding this bill is that they require some sort of crystal ball, and we do not really know what the future holds. The question is: is it best to have a single desk, or is it best for farmers to face a deregulated market? Well, we do not know what is in the future, frankly. I think that all of the arguments that have been put forward are valid.

The single desk provides protection in times of difficulty when perhaps the market price is below the average, if you like. Whereas, at the moment, prices are good and, as a result of that, the deregulated market is very attractive to some. The crystal ball comes in handy, so to speak. We do not know what the future holds with respect to this market. I would also like to point out that I have relied heavily on the advice of Mr Rikki Lambert in my office about this issue. He was raised in the Riverland and, prior to working for Family First, he worked in a country law firm in general practice acting for a broad range of clients, including grain growers, citrus growers, grape growers, and all those people in secondary and tertiary industries who rely upon the rural industries to survive.

We are considerably persuaded by the arguments advanced by the member for MacKillop, who referred to the comparative situation of grape growers in the Riverland. To me, this is a very powerful analogy, and I want to delve into that a little further.

The Hon. Sandra Kanck interjecting:

The Hon. D.G.E. HOOD: Yes; indeed. Before I do, I want to mention briefly the plight of our grain growing families. In his practice, Mr Lambert from my office, to whom I have referred, saw on far too many occasions the heartache amongst some about the future of grain growing. Many farming sons and daughters are not that interested in farming these days; some are, of course, but many are not. Some unfortunate souls have had marital breakdowns, either themselves or their children. And, with the need for property settlement between the husband and wife, they have found the experience to have financially devastating consequences. This is the sort of environment upon which this bill will impact, if you like, and the sort of people who will be impacted on most heavily. And, in many cases, they are the people who can least afford to have any further negative consequences thrust upon them.

Of course, the present drought exacerbates these problems. Some constituents claim that the way the single desk presently operates makes it even worse. We are therefore mindful that rural families statewide are suffering and need whatever support they can get. In the other place member referred, perhaps flippantly, to farmers as our biggest gamblers. I am sure he did not mean it the way it reads in *Hansard*, but, essentially, there is a gamble involved here, and the gamble is: is the single desk the right thing, or is the deregulated market the right thing? I think the Hon. Sandra Kanck made some very good points in respect of the analogy of the woman from the north of the state who said that she did not regard herself as a marketer; hers was a farming family first and foremost, and they were not necessarily skilled in marketing.

It can be a very lonely job. As I outlined, many of these people sometimes struggle to find a companion throughout their life, and certainly they face many difficulties. I guess the

picture that I want to paint is that it can be a difficult environment and that, for many farmers operating in a difficult environment compounded by the drought, this bill is very important. I think that it has weighed heavily on members in this chamber because it is such a big decision in terms of how farmers will derive their income in the years to come. Basically, I would like to pay tribute to them and to the farming community in general. They do it tough, and they are more at the mercy of conditions than most of us, and they are, by and large, salt of the earth type of people who battle on through thick and thin. I would just like to pay tribute to them and recognise their massive contribution to our very fortunate way of life here in the city.

I will return to the grape industry, because I think it is pertinent that the member for MacKillop in the other place spoke on this matter during debate on this bill. Grape growers in this state are being pressured on prices. There are some in the industry who are in it to make incredible profits for themselves. There are people making millions from the absolute despair of grape growers in some cases, and, in many cases, some of these profiteers could not care less. Business is business, they might say, and hard-nosed business sees grapes getting dumped on the ground en masse. Hard-nosed business sees marital breakdown, as I said, mortgagee sales, and so on.

Wineries impose upon grape growers all sorts of conditions to ensure they provide the best quality fruit, and growers do their best to jump through the increasing number of hoops put before them by wineries. Having jumped through the hoops, it can all turn to nought if the market says the price has to be low. There are, of course, some very savvy growers who do very well out of the system, but they use the latest technologies and techniques to get the best possible results. However, if you ask the grape growers whether their grape contract is legally binding in terms of the prices that they have been promised, many would say that they have none or very little.

A breach of contract means something to the lawyers—usually the city lawyers, if you like—but out there in the vineyards, on the farm, and doing it for real in the wineries, a winery can breach a contract almost whenever it likes. Why is that? Because the grower has to find a home for his or her grapes. They have nowhere else to go, and they just wear the lower prices that are offered in the hope—and it may well be a vain hope—that prices will increase in the future.

The analogy that was made in the other place about the grape industry, I think, has a very strong parallel to this debate. The wine industry is, of course, suffering a glut, and the drought is, in a crude way, helping by reducing the number of grapes grown this year. That is no comfort to the grower who could not sell his grapes last year, and this year cannot access the water to grow any; so, it is somewhat of a vicious circle. I might seem focused on grapes quite a bit when this is a barley bill, but the member for MacKillop's comparison is correct, I feel, because we do not have a glut of barley at the moment.

It does seem somewhat risky to be dealing with this bill during relatively good times when we are not experiencing times where the benefit of a single desk would be clear for all to see. The single desk for barley marketing offers protection for growers. It is not the type of protection the member for Stuart mentioned in the other place whereby government cheques or European Union subsidies flow through to keep the farmer on the land and producing product inferior to their own. The single desk provides the protection of knowing that, for instance, in a glut situation you will always have a buyer for your barley.

Where the barley goes from there is the single desk's problem, but you do not end up with growers going bankrupt (or, certainly, to a much lesser degree) because they could not sell their barley anywhere at a particular time as, of course, is commonplace under a deregulated market. The grower is also protected because he is not competing against his neighbour, and together they are showing strength in unity as they strive for the best possible product for the international market together. It does not turn people against each other in what is essentially an industry that should produce (and normally does produce) a great deal of camaraderie.

However, we are being told that the single desk is not operating transparently and that there is a feeling amongst growers that the single desk—being now a private company and not a grower cooperative venture—is working harder for its shareholders than for its growers' returns. Growers are saying that they do not want dividends: they want the best possible price for their product. The trouble in debates such as these is how to ensure that business in a deregulated market is conducted ethically. How do we ensure that good people—good, efficient and savvy growers, perhaps inexperienced or naive to the workings of the market—are not exploited by the marketeers?

The government has tried to cover that with its insertion of the Emergency Services Commission of South Australia into the equation, and perhaps the opposition's amendments go to that fundamental question. For the grape growers it seems, perhaps, too little for ethics to be inserted by law. Sure, there are some protections as to the payments from wineries, but by and large grape growers are at the mercy of the free market. Let us learn from that industry's example and, perhaps, hold out hope for ethical reform in the grape and citrus industries also. We have a farming sector which is divided.

I will outline why I believe this is so in a minute, but I think it is a matter of shame for our sector that we see such division amongst people who are good, salt of the earth type people and who, under normal circumstances, would have a lot more in common than they would otherwise. Family First is gravely concerned that the grower support is lacking to demonstrate that the single desk is failing barley growers. We have been pointed to a poll of South Australian Farmers Federation members and non-members in 2005 which was poorly responded to but which did deliver an overwhelming vote in support of a single desk for barley growers—about 80 per cent in favour. As I say, that was less than two years ago.

Indeed, at that time, the vote in favour of deregulation was just 12 per cent. Apparently, the SAFF grains council was also in favour of retaining the single desk. Suffice to say then that further investigations by the grains council must have revealed some pretty damning evidence to make it change its mind and support deregulation despite the 80 per cent vote in favour of the single desk just under two years ago.

As an honourable member in the other place said, one must compare apples with apples. The Victorian prices on offer (when that state is a deregulated market) are potentially not a fair comparison given the quality of our grain and the volumes of grain sent to the export market.

To our understanding, barley is consumed within Australia far more than, say, wheat, which is largely exported. Australians like their beer and whatnot and we need to feed our sheep, so barley finds its home across the nation that way.

However, I understand that, due to volumes and the quality of what is produced here, South Australia in particular participates in the overseas market to a greater proportion than other states. Some 80 per cent of our barley goes overseas, a ratio not matched by other states—just another example of South Australia punching above its weight.

Time will tell, perhaps, whether the so-called 'four wise men' comment of the member for Enfield in the other place will become the way that the four dissident members—

The Hon. Sandra Kanck: It was a good speech.

The Hon. D.G.E. HOOD: It was a very good speech. I am not criticising it at all. It was a very good speech. It will be remembered on this issue. Indeed, time will tell whether they were wise. Also, it is evident that views within the Labor Party may also be divided on this issue. So, what do we do? As I said, it is a very difficult issue and probably one where, to some extent, both sides are right and both sides are wrong, and that depends on the time and the price of barley at that moment.

Family First is attracted to the member for Stuart's suggestion of a plebiscite, but the cost of such a thing would be enormous. Perhaps the South Australian Farmers Federation could conduct a poll, but the problem we have is that it will still be a little over six weeks until we have a chance of considering or voting upon that bill again. We do not want to cause any further delays. We are being urged to vote on this bill this week, and that is what we will do. We understand the arguments both ways. However, we are not convinced that a majority of barley growers want this initiative.

I want to make reference to the submissions received by the working group. There were 26 submissions in response to the invitation to more than 11 000 growers, and then other bodies, such as exporters and growers' representative groups. This poor response in itself is troubling. From those 26 submissions just four growers, two exporter groups and three companies supported the deregulation option ultimately chosen by the working group. Compare that with six growers, no exporter groups, three companies and two grower groups who wrote speaking in favour of a licensing arrangement (I assume like the one we see in Western Australia), which I understand to be like dipping one's toe in the water of a deregulated market with some protection retained.

However, five growers, no exporter groups, two companies and one grower group sent submissions in favour of supporting a single desk. They were divided within themselves—and are presented as such in the working group's report—between making no change in the present arrangements on the one hand and making the single desk more independent on the other. Let me summarise that. Of the 26 submissions received, the division was 3:3:2—if that makes sense—between the companies regarding deregulation, the licensing authority and the single desk respectively. Between the exporter groups, unsurprisingly, the result was 2:0:0 in favour of deregulation.

From the grower groups who wrote in, the result was 0:2:1; that is, none supported deregulation. Of the individual growers who made submissions the result was 4:6:5. Family First interprets that result to mean that growers are unhappy with the present performance of the single desk but are completely divided as to whether to improve the transparency and independence of the single desk or dip a toe in the water via a licensing authority or to go the full distance with deregulation. I am concerned that we might not have properly explored the prospects of reforming the single desk arrangements with the ABB.

Perhaps, due to culture or some other reason, the deregulation supporters are being somewhat gentlemanly in their discussions about the present single desk monopoly, that is, that maybe at some level the voices have not been loud enough, and why is that? If we are to dispense with the present system, this parliament needs to know what is so fundamentally wrong with the present single desk system or, as I say, we need an explanation as to why it is so impossible to reform the present single desk arrangements. In fact, as the Hon. Mr Ridgway, I believe it was, said earlier today, if it ain't broke, why fix it?

An honourable member interjecting:

The Hon. D.G.E. HOOD: Well, it is broke, some say. The deregulation reform of barley marketing and exporting that we have before us today is so significant that South Australian growers ought to be heard. With all of that debate and with all of those questions being raised, it comes down to this: what is in the best interests of our farmers? That is definitely what Family First wants, and I sense that is what all the speakers on the bill want. We do not believe that the case has been made strongly enough for deregulation, in essence. We believe there is a very strong case for maintaining a single desk. It provides security for struggling farmers in a tough environment. The reality is that the drought has had a massive impact on all primary industries across this state. How are we to know whether the drought will break this year? We do not know. The forecasters say maybe it will, but maybe it will not. At the end of the day, Family First supports the single desk concept and, as such, opposes this bill.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank honourable members for their contributions to this debate. The bill we have before us faithfully reflects the recommendations of the South Australian Barley Marketing Working Group report, which was unanimously adopted by the SAFF Grains Council in December 2006. As other members have noted, in particular the Hon. Caroline Schaefer, the working group, which included three grain grower representatives, consulted widely on issues related to barley marketing and, as part of its consultative process, wrote to over 11 000 registered grain growers in South Australia to give them the opportunity to voice their opinions and shape the report's recommendations.

The SAFF Grains Council AGM was held last Friday, and I am advised that the council's support for the working group's recommendations has not changed and that the chair of the Grains Council has publicly commented that there were no resolutions from the meeting regarding the Barley Marketing Act. I take the opportunity to put on the record part of an email letter received today from Mr Ben Gursansky, Executive Officer, Grains, South Australian Farmers Federation. It states:

> The SAFF Grains Council held its annual general meeting on Friday the 23rd of March 2007. . . At the AGM there were no resolutions raised at the meeting for general business relating to the current Barley Exporting Bill 2007 before the Legislative Council at the present time.

The Hon. Nick Xenophon in his contribution referred to a vote, and I place on record that the vote referred to related to the SAFF Grains Council's position regarding a transition to deregulation for the wheat single desk. The Hon. Sandra Kanck wanted some confirmation in relation to the education program. I am advised that it is being worked on in collaboration with the SAFF Grains Council, and when (we hope) this

bill is passed it will be finalised and implemented. The government will underwrite the education program.

The Hon. Sandra Kanck: When will it start?

The Hon. CARMEL ZOLLO: The minister has indicated to me that they are happy to provide further details to the Hon. Sandra Kanck. I acknowledge that we have an amendment suggested by the Hon. Caroline Schaefer, and at this stage I confirm that the government will agree to the amendment, albeit with a further minor amendment which has been agreed to by both the minister and the shadow minister in the other place and of which I understand the Hon. Caroline Schaefer is aware. The honourable member's amendment will simply provide additional clarity regarding the government's intention that the bill is specifically for a three year licensing scheme for barley exporters and, as such, the changes the proposed Barley Exporting Act would make to the Essential Services Commission Act will be cancelled when this proposed act expires.

Again, I thank honourable members for their contributions, and some for their support, in particular on behalf of the opposition the Hon. Caroline Schaefer, and also the Hon. Mark Parnell, the Hon. Nick Xenophon, the Hon. Sandra Kanck and the Hon. Dennis Hood. I also acknowledge and thank the industry for showing leadership on this complex issue. Also, on behalf of the minister in the other place and the government, I place on record our thanks to the South Australian Barley Marketing Working Group, and particularly the independent chair, Mr Neil Andrew, for their work on this issue. I look forward to the committee stage of this bill.

Bill read a second time.

In committee.

Clauses 1 to 6 passed.

Clause 7.

The Hon. CAROLINE SCHAEFER: Clause 7 deals with the application for a licence to export barley. There has been some discussion as to how that fee will be met. Obviously, it will be met by applicants for an export licence. Several methods have been discussed, including a sliding scale methodology, or a flat fee, or a two-tiered fee. I would like some information as to how that licensing fee will be set.

The Hon. CARMEL ZOLLO: I am advised that the bill was amended in the lower house. The bill (as it stands) allows for only a single fee to be paid by all applicants.

Clause passed.

Clauses 8 to 22 passed.

Clause 23.

The Hon. CAROLINE SCHAEFER: I move:

Page 9—Delete clause 23 and substitute:

23—Review and expiry of act

(1) The minister must, within two years after the commencement of this act, cause a review of the act to be undertaken and the outcome of the review to be incorporated into a report.

(2) The minister must, within six sitting days after receipt of the report, ensure that a copy of the report is laid before each house of parliament.

(3) This act will expire on the third anniversary of its commencement.

The bill allows the minister to hold a review of this act within two years. The amendment makes it compulsory for the minister to do so. My understanding is that there is agreement between the opposition and the government on this amendment.

The Hon. CARMEL ZOLLO: I indicate the government's support for the amendment. As we have heard, this is an amendment to which the minister and the shadow minister have agreed between the houses. The amendment provides for a review of the act and serves to clarify the intent of the bill, which is to establish a three year licensing scheme for barley exporters. As I have said, I indicate the government's support and, in so doing, advise that the government will seek to amend the amendment with the addition of a subclause that provides further clarification regarding the intent of the bill. As we have heard, the minister and the shadow minister in the other place have agreed to this action. I move:

After subclause (3) insert:

(4) On the expiry of this act, the amendment made by schedule 3 of this act to the Essential Services Commission Act 2002 is cancelled and the text of that act is restored to the form in which that statutory text would have existed if this act had not been passed.

As I have previously mentioned, the amendment provides for an additional subclause in clause 23 of the bill. It provides that, when the proposed barley exporting act expires, the related amendment to the Essential Services Commission Act—that is, the inclusion of grain handling services as an essential service—will be cancelled.

This amendment provides additional clarity that the intent of the bill is only for the licensing of barley exporters and is not intended as a means to enable regulation of matters other than the licensing scheme for barley exporters. As we have heard, the minister explicitly indicated as much during debate in the other place after ABB grain had raised this matter with him. We have sought advice from parliamentary counsel, crown law and ESCOSA, and they have all indicated that the bill in its current form only allows for the licensing of barley exporters. However, in the interest of maximum clarity, the government seeks support for this amendment.

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment. As the minister has said, this is as a result of some concern from the Australian Barley Board that the wording of the bill indicated that ESCOSA may be able to control handling and shipping. That was never the intention of the bill and in fact it was never the case. This supposedly clarifies it, but the wording could just as easily be in Latin for me. However, I do understand the intent and we support the amendment.

The Hon. Caroline Schaefer's amendment carried; the Hon. Carmel Zollo's amendment carried; clause as amended passed

Schedules passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

MONARCH COLLEGE

The Hon. CARMEL ZOLLO: I table a ministerial statement made in the other place in relation to Monarch College by the Hon. Paul Caica.

STATE LOTTERIES (MISCELLANEOUS) AMENDMENT BILL

In Committee.

(Continued from 15 March. Page 1695.)

New clause 13.

The Hon. NICK XENOPHON: I move:

New clause, page 7, after line 28—

After clause 12 insert:

13—Review of effect of special appeal lotteries

(1) The minister must cause a review of the operation of section 13AB of the State Lotteries Act 1966 (as inserted by section 6 of this act) to be undertaken as soon as practicable after the first anniversary of the commencement of section 6 of this act.
(2) The person undertaking the review must present a report on the review to the minister within six months after commencing the review.
(3) The report—
(a) must address the effect (whether detrimental or otherwise) of the conduct of special appeal lotteries on the fund-raising activities of each beneficiary of the lotteries; and
(b) if the person undertaking the review receives any submissions from beneficiaries of special appeal lotteries—must include a response to each submission.
(4) The minister must cause a copy of the report to be laid before both houses of parliament within six sitting days after receiving the report.

This proposed new clause seeks to have a review of the effect of special appeal lotteries. When this matter was last before the committee, there was discussion on the issue of the potential impact of these lotteries following discussions I had with the Reverend Tim Costello, the CEO of World Vision. Essentially, this proposed new clause looks at the impact of these special appeal lotteries on charities and whether they are detrimental, or otherwise, to the fundraising activities of each beneficiary of the lotteries. It also looks at a report being laid before both houses of parliament. I think the proposed new clause is quite self-explanatory.

Essentially, we need to be sure that these special appeal lotteries do not have any unintended consequences. I previously outlined the concerns of the Reverend Tim Costello in terms of the impact it could have on giving. His primary concern was not so much in respect of problem gambling—the concern that I always have—but the impact on philanthropy in the community as a result of the introduction of these special appeal lotteries. This review will at least provide an opportunity for some assessment of the impact of these lotteries.

The Hon. P. HOLLOWAY: The government can live with this amendment. It just requires a review after the first anniversary. Of course, whether we will have a special appeal lottery within the next 12 months I suppose depends largely on circumstances. We do not oppose the amendment.

The Hon. R.I. LUCAS: I must admit that I have not been persuaded by the argument from the Hon. Mr Xenophon in relation to this issue. In the central circumstances at the start of the committee stage of the debate it was not clear as to how many special appeal lotteries there may be. During the second reading debate, I think, I raised the question as to whether we might have one of these every fortnight, or whether it was going to be part of a regular and ongoing fundraising mechanism for charities or organisations like Anglicare, for example. However, I remind the Hon. Mr Xenophon that the minister's answer and commitment has been that it is not going to be part of this regular ongoing fundraising function for—

The Hon. Nick Xenophon: There is the capacity to have it on a regular basis, should they wish to. It is quite broad at the moment.

The Hon. R.I. LUCAS: That's right, but the government has given a commitment that it is not going to. So, I guess it is a question of whether one accepts the commitment from the government in relation to the issue. If the Hon. Mr Xenophon is suggesting that perhaps I should not accept the commitment from the minister, I will be guided by him in terms of—

The Hon. Nick Xenophon: I have been guided by you in relation to this.

The Hon. R.I. LUCAS: —his well-known scepticism of members of the government, in terms of the commitments they give. If the government indicates that its position is that it is relaxed about leaving it, the opposition will not stand in the way. If the government opposed it, we may well have contemplated opposing it as well. If the government indicates that it is prepared to leave it in the legislation, or accept it as an amendment to the legislation, then so be it.

When I canvassed the matter two weeks or so ago, I think the alternative was to take the minister at his word and to revise section 13AB(5)—Approved purposes. In essence, one of the options would have been to take the minister at his word and to limit it to the sum variation of paragraph (b) of that provision, which is the relief of distress caused by natural disasters. If I understand what the minister is saying, these are the sort of circumstances the government envisages. If there is a flood or an earthquake or some natural disaster like that and, if there is to be an appeal which might involve Anglicare or Red Cross, or, indeed, both of them, or whatever else it might happen to be, the government of the day may well agree to have a natural flood relief lottery or something to assist the payment.

I must admit that when we last discussed this matter, I thought there might have been some position from the government that it was prepared to reduce the approved purposes down to paragraph (b). The point the Hon. Mr Xenophon and I were making is that, frankly, if you look at the approved purposes, it does allow particularly any other purpose approved by the minister. You could drive a Mack 10 truck through that. As I said, it could be—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, that's right. But, ultimately, I guess that is a judgment call for the Lotteries Commission and the government in terms of our market as it exists now. This legislation will be there in five or 10 years' time and the market will exist in five or 10 years, and none of us is going to know what the nature of that market will be in five or 10 years' time. I suppose at least the protection of having a review there is something. However, my personal preference would have been for the government to come back and say, 'Look, we really are intending this to be only some variation of the natural disaster paragraph. We don't really need these other paragraphs as well. That is not our intention. There might be only one or two of these a year or every five years. We don't really need the other paragraphs of that section.' However, I gather from what the minister has said that that is not the government's intention. On that basis, and as the government accepts the Hon. Mr Xenophon's amendment, we in the Liberal Party will not oppose it either.

The Hon. D.G.E. HOOD: I rise to indicate Family First's support for the amendment. To be frank, we would probably have preferred a two-year review rather than a 12-month review. Nonetheless, we support the amendment.

The Hon. NICK XENOPHON: As a result of the discussion that has occurred and given there may not be much point to this amendment if there is not a special appeal lottery within the first 12 months (I know the Hon. Mr Lucas would prefer that the review be at the end of the millennium, but I might compromise). I seek leave to amend my amendment, as follows:

Subclause (1)—Delete 'first' and insert 'second'.

Leave granted; amendment amended.

The Hon. NICK XENOPHON: This amendment will provide that the review will occur on the second anniversary, and that will probably cover any question mark if no lottery is held in the first year.

New clause as amended inserted.

Schedule passed.

Title.

The Hon. P. HOLLOWAY: The Hon. Nick Xenophon moved an earlier amendment, as follows:

The Commission must, on each ticket in a special appeal lottery, specify the proportion of the net proceeds of the lottery that is to be paid to the beneficiaries of the lottery.

My advice is that we can accommodate that, so the government will not oppose the amendment. However, I take this opportunity to clarify a statement I made during the committee's consideration of this bill on 15 March 2007. I indicated at that time that my advice in relation to *Star Wars* Instant Scratchies tickets was that, whilst there was some immediate comment on the tickets, the Lotteries Commission did not receive any complaints in relation to the matter. Following further inquiry into this matter by staff at the Lotteries Commission, I place on the record that I can advise that one letter was received concerning the availability and promotion of *Star Wars* Instant Scratchies tickets. A written response was duly provided at the time.

Title passed.

Bill recommitted.

Clause 6.

The Hon. R.I. LUCAS: I want to test the position of the minister and the government and possibly the committee in relation to the definition of 'approved purpose'. Based on what the minister has said, the purpose of these special lotteries essentially relates to paragraph (b)—natural disasters, wars and so on. If that is the case, why should this committee leave in the definition of 'approved purpose' the other definitions under paragraphs (a), (c), (d) and, in particular, (e), which relates to 'any other purpose approved by the minister'. Subject to the minister's reply I am of a mind to test the committee's views in relation to, in particular, paragraph (e) relating to any other purpose.

I am interested in why the minister believes that paragraphs (a), (c) and (d) need to be there. The minister's reply two weeks ago was that, essentially, this was drafting by parliamentary counsel. With the greatest respect, if it is not an essential part of what the Lotteries Commission and the government are about but is parliamentary counsel's drafting from some other piece of legislation, then it does not appear to have any good purpose in this legislation and I would have thought that, if the government was to agree, we could limit it to paragraph (b), or some variant of paragraph (b), rather than what parliamentary counsel has included.

The Hon. P. HOLLOWAY: The definition of 'approved purpose' was drafted by parliamentary counsel in consultation with SA Lotteries and is based on the definition of 'charitable purpose' in the Collections for Charitable Purposes Act of 1939. Parliamentary counsel sees logic in using definitions used elsewhere in the statutes. Whilst the definition adopted is similar in many respects, the differences include the deletion of affording relief assistance or support to persons who are or have been members of the armed forces of Australia or the dependents of any such person. This aspect of the definition was in greater demand at the time the legislation was drafted and, furthermore, anticipates an ongoing level of relief and assistance, unlike the definitions retained. Also, it includes modification of the relief of distress occasioned by war, whether occasioned in South Australia or elsewhere, to include the relief or distress caused by natural disasters or civil unrest.

In addition to the definition of 'approved purpose' it allows for the minister to approve other purposes not already specified. This would allow non-naturally occurring events such as accidents, arson, epidemics, explosions and air disasters to be the subject of a special appeal lottery. The Emergency Management Act of 2004 through its definition of 'emergency' has sought to include both naturally and non-naturally occurring events. The definition as stated would maintain the maximum flexibility for SA Lotteries. There are those other events that could occur which the government believes would be appropriate.

If we are to have one of these lotteries for a natural disaster, rather than if there was a non-naturally occurring disaster such as accidents, arson, epidemics etc., that would be an appropriate subject for a lottery. At the end of the day you will not get support for a lottery unless there really is a special purpose. It is hard to think of a specific event or range of situations, but if we have one of these special lotteries and it proves successful it may be appropriate to have it if one of those types of disasters were to occur.

Neither the Lotteries Commission nor the government will be frivolous about this. If you had a lottery for something that was not deserving, it would not get support and in my opinion it would be a backward and probably uneconomic step to attempt it. If the definition were to be restricted in accordance with the view expressed, it could compromise the purpose, value and intent of the lotteries conducting special appeal lotteries by restricting the scope within which the lotteries could conduct a special appeal lottery.

If it resulted in a special appeal lottery being conducted only in response to the occurrence of a defined event, then all such lotteries would be on a reactive basis rather than a proactive basis. I think that the protection is there because there is really only a limited opportunity to have these lotteries for a limited purpose or they just would not get support. I hope I have been able to illustrate that there could be some non-naturally occurring events where it may well be appropriate to have one of these special appeal lotteries so that people could support the victims of such an event.

The Hon. R.I. LUCAS: I am indebted to my colleague, the Hon. Stephen Wade, who has quickly looked up the Collection for Charitable Purposes Act. The minister says that this definition is based on the definition in the Collection for Charitable Purposes Act but, on looking at that definition, there does not appear to be any reference to medical or scientific research. I am asking the minister to clarify his response to the committee. Is it, as he has advised, that this is just a straight lift from the charitable purposes legislation and it is therefore important to be consistent—which is the minister's argument; that that is what is used in the Charitable Purposes Act so let us use the same definition—but, on a quick look at the Charitable Purposes Act, a charitable purpose does not appear to incorporate medical or other scientific research. Will the minister clarify exactly what he is saying to the committee?

The Hon. P. HOLLOWAY: I have already said that the definition is similar in many respects but there are differences, and I did outline a couple of differences in relation to that. The point is that the support of medical or other scientific research that is likely to benefit South Australians could include appeals conducted by organisations such as the Queen Elizabeth Hospital Research Foundation and the

Flinders Medical Centre Research Foundation. I know from my own experience the work that the Queen Elizabeth Hospital Research Foundation has conducted for many years under Maurice Henderson. I think most people in here would be well aware of his activities in raising money for research. I would have thought that was a very bona fide, beneficial and legitimate purpose for such a lottery. I believe those lotteries are fairly widely supported by the public because of the purpose for which they are being conducted. They are the sort of appeals that are in existence already by those organisations. Again, I would have thought that experience with them would be good reason for our including such a definition within the approved purposes for which a special lottery could be held.

The Hon. R.I. LUCAS: That was exactly the purpose of my questions last fortnight: is this a mechanism that is going to, in essence, assist or take over the funding of existing fundraising bases such as the Queen Elizabeth foundation? The minister's reply was no; the purpose was going to be in relation to disasters. Now the minister is confirming that it is, in fact, his intent that something like the Queen Elizabeth foundation (which most members would be aware of and which is raising funds) could be a logical purpose of this particular amendment. I think that was one of the reasons why we raised the question two weeks ago.

As I said, I think these are the sorts of issues that do give some cause for concern in terms of knowing what the Lotteries Commission and the minister have in mind in relation to these issues because, as I understand it, the minister can direct the Lotteries Commission. As I said, we were told two weeks ago that essentially this was to be for natural disasters, but the minister is now conceding that the Queen Elizabeth foundation is a logical use for this provision and, if you have one for the Queen Elizabeth, there may well be one for the other hospital institutions as well. I think we need to bear that in mind in relation to this clause.

Another issue I want to raise with the minister relates to 'under any other purpose approved by the minister'. Is it the government's intention, for example, to be conducting Olympic Games or Commonwealth Games fundraising lotteries using this 'any other purpose' provision? It is not limited to charitable purposes or disasters. It may well be deemed to be a worthy cause. Heaven forbid, the premier of the day, who might be interested in some publicity, might see it as being quite an attractive publicity spin to have the Premier's lottery for Olympic fundraising, the Premier's lottery for Commonwealth Games fundraising or the Premier's lottery for the police and fire games.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: I would not introduce partisan politics into this debate, but I am suggesting that it is theoretically possible that a premier who was media savvy and interested in publicity may well be able to use this provision. As I understand it, the minister is capable of directing the Lotteries Commission—and the minister can correct me if I am wrong—and this 'any other purpose' provision does not even have a restriction in relation to a charitable purpose; it can be any purpose. It could be political—although I do not think any premier would be that foolish—but it can certainly be sporting or it can be popular in terms of a particular fundraising option. My question to the minister is: does the government agree that, if the government decided to, it could ensure that an Olympic fundraising lottery or Commonwealth Games fundraising lottery could be conducted using this provision?

The Hon. P. HOLLOWAY: I suppose if, for example, at some stage in the future—a long time in the future—this state wanted to host the Commonwealth Games here in Adelaide, that could be a purpose under that provision and, yes, that could happen; but, clearly, it is not envisaged at present. I want to clarify an answer given in relation to the Queen Elizabeth Hospital Research Foundation and the Flinders Medical Centre Research Foundation: they were just examples of lotteries that are conducted by the individual bodies themselves. They do not have the benefit of the statewide distribution network of the Lotteries Commission. There is the capacity for those organisations, if they wish to, to approach the Lotteries Commission in relation to that, but I reiterate the point that my advice is that at this stage the Lotteries Commission is looking only at disasters. That is all that is envisaged. If these other bodies were to take advantage of the network and approach the Lotteries Commission, there is the capacity to do that. Certainly, if these amendments stay in it the capacity is there, but I just ask the question: would that be a bad thing if the circumstances were right for them to approach it?

The Hon. R.I. LUCAS: I do not propose to delay the committee much longer; it was really only if the government was prepared to agree to some amendment. I have not had the opportunity to take this back to the party room to discuss it. I acknowledge the issues in relation to the definition of natural disaster, and it may be that something like arson could be included. As my colleague, the Hon. Stephen Wade, mentioned to me, if we had more time perhaps disaster, natural or otherwise, which may then incorporate arson, epidemics, and whatever else the minister was suggesting was a non-natural disaster, may well have covered what I understand the lotteries commission might have been seeking. But, to do that we would have to amend on the fly, and I have not had the opportunity to discuss that with my party.

I indicate in closing that I am a bit disappointed. It would appear that the Lotteries Commission is really only looking for one particular provision and, for whatever reason, we now have a much wider provision in the legislation. As I said, I had hoped that the government might have been willing to at least define in a more restricted way the particular approved purpose. I guess this debate can only be assessed over the years in terms of how this or future governments interpret it.

Clause passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time passed.

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 1572.)

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to speak to the Climate Change and Greenhouse Emissions Reduction Bill 2006. This bill, as members know, was introduced back in December. I think it came to parliament in December. In June 2006 there was an explanatory paper, and the consultation draft was circulated to members of the opposition and also the wider community. It is interesting to note that it was the Liberal opposition in the last election campaign that announced the policy. I think that on 19 February 2006 the Liberal Party announced the policy of a 60 per cent reduction in greenhouse gas emissions by 2050.

This policy also called for interim targets of 20 per cent reduction by 2020.

It was the following day that the Premier, the Hon. Mike Rann, played follow the leader, if you like, and announced the Labor Party's 60 per cent reduction policy, but no interim targets were set. While I am on this point, today the Premier made an announcement following the debate in the House of Assembly some time ago and the first reading in this chamber on 13 March 2007. Of course, our leader, the Hon. Iain Evans, had carriage of the bill in the other place, and he moved a number of amendments, including an interim target. Today, the Premier has played catch-up or follow the Liberals again and announced that the government would have some interim targets and that it would move an amendment to that effect.

It is interesting to note that, on this issue, when the Premier is the champion of climate change—or likes to think that he is—it is actually the Liberal Party that has set the agenda and led the debate for more than a year now. We see the Premier continually bragging about his government taking leadership on climate change, yet his groundbreaking climate change initiatives are the policies that Iain Evans announced more than a year ago.

Just like his announcements with respect to renewable energy targets, Premier Rann knows that they are guaranteed to be met. These amendments proposed today are just another public relations opportunity for the Premier to claim that he is serious on climate change when, as I said, the Liberal Party has driven this debate. In fact, I attended a Greenpeace function a little over 12 months ago—

The Hon. M. Parnell: You're a regular attendee.

The Hon. D.W. RIDGWAY: Well, I am a regular attendee of a range of environmental lobby group functions. I am very interested in their points of view. This function, hosted by Greenpeace, focused on renewable energy and, in particular, wind energy. Mr Mark Wakeham introduced the speakers and, by way of introduction, said that he was very happy that the Premier had announced a policy. However, he went on to praise the Liberal Party for taking the lead on the climate change debate in South Australia.

It was an interesting experience to be at a Greenpeace function as the newly-appointed shadow minister for the environment, the River Murray and urban development and planning. I was treated with a great deal of respect because the Liberal Party was leading the charge on greenhouse emissions. Today, as I said, the Premier announced that the government will introduce legislation to set some interim targets. The bill has a number of targets, and clause 3(1)(i) provides:

> . . . by setting a target (the SA target) to reduce by 31 December 2050 greenhouse emissions within the state by at least 60 per cent to an amount that is equal or less than 40 per cent of the levels of 1990 as part of a national and international response to climate change;
>
> (ii) by setting related targets. . .
>
> (A) to increase the proportion of renewable electricity generated so that it comprises at least 20 per cent of electricity generated in the state by 31 December 2014; and
>
> (B) to increase the proportion of renewable electricity consumed so that it comprises at least 20 per cent of electricity consumed in the state by 31 December 2014;

The bill also enables the government to establish voluntary sector agreements with individual companies or sectors to achieve these goals. If it is clear after four years that voluntary agreements do not work, the government will seriously consider mandatory agreements. However, at this stage, they are not part of the bill. The bill also has many objects, including to promote action in regard to national and international trading schemes, but the functions of the minister are limited to a national trading scheme only. In regard to the three targets, the minister has a lot of discretion. Clause 5(3)(a) provides:

> determine the method for calculating. . . the 1990 levels of greenhouse gas emissions. . .
>
> (b) determine the method of calculating the reduction in greenhouse gas emissions;
>
> (c) set sector-based targets. . .

Also, the minister may make a determination to set a target that relates to an individual enterprise, industry or an industry sector of the economy, or particularly a sector of the community or the community generally. Of course, the minister is able to vary that target at any time. The minister must provide a two-yearly report to parliament on the operations of the act, the first to be completed in 2010. As members opposite are probably aware, the Hon. Iain Evans moved a number of amendments in the House of Assembly, one of which was to have a report and a review on the operations completed by the end of 2009 in line with the next election.

We seem to see this continual trend of the government having all sorts of plans, targets, strategic plans and strategies with the actual reporting period just beyond the next election—a bit like the State Strategic Plan. Mr Acting President, you were not here in the last parliament, but we had this wonderful document called a State Strategic Plan, which set out a number of very honourable destinations for our society and community but without any actual travel plan to arrive at those destinations. Of course, the opposition was critical of the targets; we knew they would not be met.

The government trumpeted them for the three years that followed, including, for example, exports growing to $25 billion by 2013 and figures such as that, which we knew could never be reached. However, the government and the Premier kept championing this strategic plan and its targets—I guess a little like they will with this piece of legislation. After the election, the government suddenly thought it had better review the whole strategic plan and review the targets back down.

We think it is inappropriate. I have considered introducing a private member's bill to look at getting this strategic plan report to the parliament prior to the next election. Alas, I know it will not be supported in the House of Assembly so we really do not have any option there. However, with respect to this piece of legislation, I indicate that the opposition will move an amendment to have the report tabled in parliament before the end of 2009. I know that a number of speakers will want to contribute tonight, and we have a number of amendments to deal with, but I want to make a few points.

While this legislation deals with greenhouse gas emissions, and we all understand that they play a very significant part in the whole climate change/global warming phenomena, this government is failing to do a range of things in relation to climate change, namely, supporting this community to cope with climate change. We will do our bit, as will every country in the world and every state; and I am sure that, as a community, the will is there to do whatever we can to reduce our emissions.

I want to mention some of the things that have occurred to me with respect to climate change and global warming. We all know that the globe is getting warmer, and it is the level

of impact that will have on our climate systems that is the subject of debate and whether it will be as dry as some of the experts are predicting or whether the weather conditions will be as extreme as some are predicting. Of course, we can see the horrible state of the River Murray at present and, in fact, our farming communities. I think we all hope it is just one of the cycles of drought that we have come to know in this country. It may be slightly exacerbated because of global warming and, hopefully, we will see a return to something like a normal seasonal cycle over the next few years, but maybe this is a sharp wakeup call for us.

As I said, the government has done very little to protect the community, and water is probably one of the first instances. The Premier, as we know, for many years has been a champion of the climate change cause, although, as I said, he only set targets and introduced a policy following the Liberal Party's lead during the last election campaign. He has spoken about climate change for an incredible amount of time. He champions the fact that he is good friends with people such as David Suzuki, Tim Flannery and others, yet we find that we are in a disastrous state in regard to water in this state.

The Premier knows that one of the effects of climate change is the potential for reduced rain. In fact, the CSIRO says that by 2050 we could have no snow falling in the Australian Alps. The Premier has been well aware of this risk for some considerable time, yet we find we now have the toughest water restrictions ever in this state and we are looking down the barrel, if we do not have a good rainfall season this year, of even tougher water restrictions.

Given that the Premier has had an understanding and a passion about climate change, and the government has been in power now for a bit over five years, we in the opposition are absolutely amazed that it is only just now that the government is seriously looking at a desalination plant for Adelaide's water supply. I know that for some time it has been discussing one in the Upper Spencer Gulf because of the Roxby Downs expansion; but, only as a result of the worsening situation and the perilous state of our water situation have the Minister for Water Security and the Premier announced a much more detailed look at a desalination plant for Adelaide which will protect our water supply.

What I come back to is that the government should be taking some action to protect the people of South Australia from climate change because, while we do our little bit here, unfortunately we will see an increase in temperature and potentially an increase in the variability of our climate and, if we stop doing everything we do in the world today, it will take many decades, if not centuries, for the globe to get back to what it was perhaps at the turn of the last century. Water is one clear example of how this government has sat on its hands and been happy to talk all of the rhetoric that gives it a nice warm and fuzzy headline, but it has not gone out and protected the community from the effects of climate change.

We can look at our rural cousins—I guess that is the best way to describe them—the farming communities and rural industries. Climate change will affect a whole range of rural industries. Think about our livestock industries. We have hotter, drier periods of the year with potential for more skin damage to a whole range of animals, and a potential for longer periods of dry. Again, it comes back to water. Our cereal industries will be looking at crops that need to be more resistant to dry periods, and also heat. I know for a fact that a lot of the wheat, barley and legume crops, when they are flowering in the spring and the daytime temperatures get to a certain point, stop setting seeds. It may well rain a few weeks later and there will be enough moisture to have fuelled that crop, but the seed set has stopped. So, again, there needs to be a bigger commitment from the government to support research into varieties and breeding. I know we have the plant genome centre that does wonderful work, but the government has not backed that up with enough support.

We also have our viticulture industry, and there is a whole range of grape varieties that will not be able to be grown if the globe keeps getting warmer. The Clare Valley is an area which is a premium wine growing region but, if it gets hotter, which inevitably it will, we might find that the Clare Valley does not produce the quality of wines that it produces today—or the types of wines—and we will see a shift in the varieties that are grown, and I expect we will see that right across all our grape growing regions. Again, I think the government needs to support our industries, both rural and metropolitan, in facilitating and, if you like, hastening their preparedness for this inevitable change, especially in temperature.

In relation to extreme events, we are not seeing the extra investment in emergency services funding that we need. It seems to be, in my relatively short life, that every year there is a bigger storm, a bigger flood, a bigger hailstorm, or a hotter couple of weeks. There always seems to be some natural disaster somewhere in the nation (and I guess we have to expect them in our part of the world) that causes more and more damage not only to property but also to our community, and we need to put more resources into protecting the community.

I recall seven years ago a hailstorm on my property in the South-East. It smashed some windows in a shearing shed that had been standing for 120 years and, to our knowledge, there were skylights that had lichen growing on them because they had been there for 120 years, and they were smashed by hailstones about as big as chicken eggs. That had never happened in 120 years. Is that part of global warming, or not? Luckily, that went over our property and mostly we were insured so there was really no great personal loss. But if that had gone over a residential area—the town of Bordertown, for example—it would have caused tremendous damage to property and inconvenience to the community. So I think there also needs to be recognition that there needs to be increased investment in a whole range of government agencies to protect the community, because we are inevitably going to find more and more pressure from extreme weather events.

Only just a couple of days ago—and I keep coming back to water—I met with some people involved in water-sensitive urban design and, tragically, South Australia now trails the nation, although I think Planning SA is doing a little bit of work on it, in water-sensitive urban design. Places such as Melbourne, Sydney and Brisbane have done a lot more, and these people said that we are something like 12 years behind. Again, this Premier and the government like to think they are the champions of climate change, yet after five years we are now 12 years behind the eastern states.

I will touch on some of the amendments. The minister indicated a moment ago that we might be going right through the whole committee stage. I indicate to the Hon. Mark Parnell that we received his 28 amendments at about 4.30 or 5 o'clock last night. He had some good explanatory notes, but the Liberal Party, unlike the Hon. Mark Parnell who is a one-man party, and some of the Independents, has a process through which it normally goes to look at amendments. Some of them are quite reasonable amendments but, unfortunately,

if the minister wishes to progress through the committee stage tonight, we are not able to put a party position and therefore I will be obliged to vote against them all—

The Hon. M. Parnell: We will do it Thursday.

The Hon. D.W. RIDGWAY: That was my understanding; that is, we would probably do it Thursday.

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: We are happy to progress it, but I am letting the Hon. Mark Parnell know that, with important pieces of legislation, it would be great if he could give us more than 24 hours notice—and there is no question that climate change is a very important issue. It is something about which we are all concerned. It is our children's future and the future of the world as we know it today. This bill has been around for some time and it will be unfortunate for the Hon. Mark Parnell if we progress it quickly. We have not had the time as a party to consider the honourable member's amendments and therefore we have not been able to give them the consideration that he would expect from one of the major parties, as we simply did not have the time.

I would suggest to the Hon. Mark Parnell that, in relation to important pieces of legislation, it would be great if he could give us more than 24 hours notice of a range of amendments, even if they were just his own thoughts and maybe not in parliamentary counsel form, but preferably ready to go at least a week before. We are a beast of some—

The Hon. M. Parnell: We only got this bill in the last sitting week.

The Hon. D.W. RIDGWAY: It is now the 27th.

The Hon. M. Parnell interjecting:

The Hon. D.W. RIDGWAY: I understand we received it on 13 March. We have had a fortnight. All I am saying is that it is awkward for us to be able to debate the honourable member's amendments and any of the minor parties' amendments if we get them at the 11th hour and before the government is wishing to progress a piece of legislation. I indicate that we will be supporting the bill with some amendments.

The Hon. I.K. HUNTER: Did I hear rightly? I mean, did I hear the Hon. Mr Ridgway trying to claim leadership on this issue of climate change for his Liberal Party? I did not have my glasses on at the time and I could not have seen the wide sardonic grin which must have been on his face and which I am sure was there. This is the very same Liberal Party—and maybe I do the Hon. Mr Ridgway a disservice; maybe he has not read *The Advertiser* today—that is reported in *The Advertiser* today as having a senior member of the federal government still expressing himself as a climate change sceptic. This is the Liberal Party that has to be dragged kicking and screaming to the issues of climate change. It just beggars belief. I think that the Hon. Mr Ridgway has led with his chin on this one once again.

The Rann government has a strong track record of leadership in climate change initiatives and has established firm credentials in the climate change debate. Today South Australia is earning international praise for its work on climate change and sustainability. Al Gore, David Suzuki and Mikhail Gorbachev have all publicly acknowledged the leadership that South Australia is demonstrating. In August 2002, Premier Rann, upon coming to office, announced that the government of South Australia supported ratification of the Kyoto protocol—not something the Liberals have been quick to do—and called on the Prime Minister to ratify the protocol. As members may be aware, South Australia's Strategic Plan commits the government of South Australia to achieving the Kyoto target during the first commitment period—2002-2008.

Therefore, although South Australia is not bound by the Kyoto protocol through any commitment of the federal government, it has taken the lead again to commit South Australia to the first Kyoto target. South Australia has been leading the way in pushing for national action on climate change, not with any support from the Liberal Party. Nationally, and as a consequence of a strong push from South Australia, the Council of Australian Governments has put climate change on the agenda and established a climate change working group of officials (which South Australia chairs) to prepare a report and a plan of action for COAG. The Australian states and territories are also cooperating on their own carbon emissions trading scheme, in spite of a refusal by the federal Liberal government to implement such a measure.

In the absence of any commonwealth leadership, the states and territories established a national emissions trading task force in 2004 to develop a multi-jurisdictional scheme. If the commonwealth refuses to commit at this time, the states and territories will introduce an emissions trading scheme by the end of 2010. South Australia has played a leading role in all these negotiations. Since coming to power in 2002, the Rann government has led the way in domestic initiatives to tackle climate change. First and foremost, Premier Rann was appointed Minister for Sustainability and Climate Change—the first such appointment in Australia. As Australia's first minister for sustainability and climate change, Mike Rann committed the state government to ensuring that 20 per cent of its own energy requirements will come from certified green power sources from 2007 onwards.

This commitment has spurred Victoria to announce its own target of increasing its purchase of green power to 25 per cent by 2010, followed by New South Wales. The South Australian government is committed to supporting the development of renewable energy technologies. South Australia currently provides 47.5 per cent of the nation's installed wind generation capacity, as well as 46.6 per cent of Australia's grid connected solar power. This Labor government has developed a proposal for Australia's first feed-in laws to reward owners of solar panels for the surplus of energy that they return to the energy grid. This Labor government has trialled many wind turbines on government buildings as the first step in the development of South Australia as the Australian centre for mini-wind turbines.

This Labor government has established a chair of climate change at the University of Adelaide. This will be the first in Australia, and it aims to strengthen links between government and industry in the fight against climate change. I am also pleased to remind this council that South Australia is home to 90 per cent of all geothermal and hot rock exploration activity in Australia, with a forecast $500 million in investment between 2002 and 2012. Abject failure of leadership at the national level has meant that states like South Australia have had to go it alone, but we are happy to do so. The Australian government has not adopted mandatory emissions reporting, carbon capping or emissions trading. Failure to ratify Kyoto reflects the reality that climate change policy in Europe is ahead of Australia's national policy settings on climate change.

We cannot expect developing countries such as China or India to cut their emissions unless developed countries like Australia lead by example. This failure of the Australian

federal government means that Australia is behind other jurisdictions. We have much more to do if we want to lead and not to follow. Meeting emissions reduction targets is much more onerous in the absence of national policy settings.

South Australia by itself cannot tackle the world's greenhouse problems, but it can lead by example—indeed, we are doing so. Five years ago there was no established climate change regime. The federal government has only recently acknowledged the urgency of climate change. As I said at the commencement of my speech tonight, even some federal ministers still indicate that they are, in fact, climate change sceptics.

Meanwhile, Premier Rann has introduced this legislation, the Climate Change and Greenhouse Emissions Reduction Bill, which will be the first of its kind in Australia and only the third in the world. This legislation enshrines three important targets in law: to reduce South Australia's greenhouse gas emissions to 60 per cent of 1990 levels by 2050 (the 60 per cent reduction by 2050 is the internationally accepted benchmark); to increase renewable electricity generated so it makes up at least 20 per cent of electricity generated in the state by the end of 2014; and to increase renewable electricity used so that it makes up at least 20 per cent of electricity used in the state by the end of 2014.

Today, Premier Mike Rann announced a new interim target, which will strengthen the bill, to reduce emissions to 1990 emission levels by 2020. This is a tough but credible target which maintains our leadership position in responding to climate change while not irresponsibly damaging our economic prosperity and growth. For some people this bill will go too far and, for others, it will not go far enough. That is the nature of politics, perhaps. However, it perhaps indicates that the government is on the right path as it leads this nation on climate change.

The Hon. A.L. EVANS: When I co-founded Family First it was with a view to take the best from the left of politics and the best from the right. Family First has taken a strong focus on environment from the left and will continue to support legislation that promotes the good stewardship of the world and its resources. In fact, I am keen to ensure that this climate change bill is made even stronger. For example, Family First pushed the government to include the interim 2020 target—a guidepost along the way to the 2050 target. Promoting the 2020 target was a request made to us by the Conservation Council of South Australia, and we thank Julie Pettet, the CEO of the Conservation Council, for her discussions with us.

This bill has reinforced to me the importance of the upper house. I have found great benefit in leisurely reading, considering and researching the debate in the other place on this bill and pressing for improvements to the legislation where deficiencies have become apparent. The government itself has now proposed amendments to this bill after it passed in the other place. Without this house of review, a somewhat lacking piece of legislation may have made it onto our statute books.

Family First believes that the threats posed by global warming are real and that we need to take appropriate measures now to safeguard the world for our descendants. There is no longer significant doubt that global warming exists and that we are contributing to it. I understand that, of the 157 or so scientists at the Potsdam Institute for Climate Impact Research, none are working on whether or not global warming is real. Every one of them is involved in modelling the change and working on solutions.

The reports of the Intergovernmental Panel on Climate Change (IPCC) are also telling. As the years have progressed the panel has become increasingly alarmed. The first IPCC report in 1990 found:

> The size of the warming is broadly consistent with predictions of climate models. . . but the unequivocal detection of the enhanced greenhouse effect from observations is not likely for a decade or more.

By the time the second report was written in 1996, a hint of alarm had crept into the report, which found:

> The balance of evidence suggests a discernible human influence on climate.

The third IPCC report from 2001 found:

> There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.

On 2 February this year, the first volume of the fourth Scientific Assessment of Climate Change was released in Paris. The summary for policy makers now officially makes clear that, from their perspective, 'warming in the climate system is real.' The report sees a two degree increase in temperature by 2050 as almost inevitable. A two degree temperature change might not sound much, but when you consider the amount of energy needed to heat an entire planet by two degrees, the danger is staggering.

One climatologist, Ronald Bailey, quite appropriately, said:

> If the debate over whether or not humanity is contributing to global warming wasn't over before, it is now.

The debate about the realities of global warming is largely behind us. The debate for today has turned to what we are going to do about it.

Family First commends the Premier—who is also the Minister for Sustainability and Climate Change—for introducing this legislation. It is truly unfortunate that we do not have a federal initiative on this issue. We commend the Premier for taking the lead nationally in implementing an emissions reduction target for this state. Also, remarkably, the Premier has shown through this legislation that government can work together with industry to ensure that our economy does not suffer while we implement measures to protect our environment.

This legislation sets voluntary targets to reduce greenhouse emissions within our state by at least 60 per cent of the 1990 Kyoto baseline by 31 December 2050. The Canadian province of Alberta and California have already set targets. As we introduce this legislation, similar legislation is being introduced in the United Kingdom. On 13 March the United Kingdom released a draft bill to reduce to levels of between 26 per cent and 32 per cent by 2020 and reduce them further to 60 per cent by 2050, relative to the 1990 baseline. Alberta has a 2010 interim reduction target of 30 per cent, becoming a 50 per cent reduction by 2020, although its reductions are tied to its increasing gross domestic product.

The Californian target was notably bold, calling for a 25 per cent reduction in emissions by 2020, which will become an 80 per cent reduction on the baseline level by 2050. Our bill is therefore not as ambitious as the Californian scheme, but it may strike an appropriate balance between South Australia's environmental needs and the economic realities. California imports most of its energy, and it has no coal or aluminium industries to speak of. Conversely, South Australia has the Moomba gas fields, a large Roxby Downs

project on the drawing board, and a proposed desalinisation plant. It is clear that South Australia's job to reduce emissions will be tougher than in California, and Family First sees our target as an appropriate compromise at this stage.

The Greens Party has suggested that the proposed Roxby expansion could generate as much greenhouse gas as the whole of Adelaide combined and would threaten the target. Family First has examined that suggestion, and it appears as though the modelling might be based only on the power requirements of street lights in Adelaide, and we understand that the government has not been able to substantiate the figure. A 400 megawatt project (using the Greens' figures from its 2 March press release) simply does not match Adelaide's power consumption. In any event, I have been assured by the government adviser that the intention is that the targets will remain in place, despite any mining expansions and despite any other new infrastructure projects that might eventuate, such as a desalinisation plant. Further, there is some scope for future technology to take some of that burden, or even render this legislation obsolete at some stage.

Advances in renewable energy, such as hot rock technology, may completely change our energy use patterns. Advances in fusion technology are foreseeable, as are advanced safe forms of fission reactors, such as the 'pebble bed' reactor currently being constructed in Keoberg, South Africa. Sixty per cent of South Australia's emissions are from stationary energy assets, and it is foreseeable that we could reach the entire target by making those stationary assets emission free. Conversely, as the stockpiles and production of our fossil fuels are said to be in decline, we will be forced to reduce our dependence on them. In a sense, a fall in our emissions may some day become inevitable.

In conclusion, Family First sees this bill as workable and commends the government on this framework legislation. Family First looks forward to supporting future government initiatives that will implement the goals of this framework.

The Hon. B.V. FINNIGAN: We all accept, I hope, that in the next 100 years climate change will be a major challenge for South Australia, Australia and the world. It is something that has gained a lot of coverage or prominence in recent times, with things like the Stern report and the UN report highlighting the difficulties we face if we are not able to reduce our greenhouse gas emissions.

As my colleague the Hon. Ian Hunter pointed out, some of those in the Liberal Party, including the Prime Minister, have been a little late to the table on this issue. I am not sure whether the Prime Minister really believed in climate change or whether he does now. I suppose Mark Textor probably told him he had better start believing in it, so he did. I would certainly encourage the Hon. David Ridgway to have a chat to Senator Nick Minchin about his acknowledgment of climate change as a real problem the next time he goes to a grand council of chiefs meeting. I certainly welcome the indication from the Hon. David Ridgway that in principle Liberal members will support this legislation.

The Rann government has been at the forefront of climate change management and legislation, and that will be enhanced by this bill, including the introduction of an extra interim target to reduce emissions. I am certainly proud to be part of a Labor government that is leading the national and international debate on climate change by its committing the state to return to 1990 emission levels by 2020. The South Australian government is the first government in Australia and one of very few in the world to take the step of legislating targets to reduce greenhouse emissions, and this legislation will bring us into line with best practice in other leading world jurisdictions, including California. The bill is the only climate change legislation in the southern hemisphere. It already provides for the state of South Australia to reduce its greenhouse gas emissions by 60 per cent of 1990 levels by 2050, and it includes a number of other targets.

We cannot underestimate the importance of this legislation. It is the framework from which South Australia will build an extensive response to the impacts of climate change that will affect future generations of Australians. Indeed, it is an historic piece of legislation, perhaps one of the most significant to come before us in recent times, and it is being introduced in a period when I have the honour to serve in this chamber.

The legislation is designed as an overarching framework that can adapt to the rapidly evolving policy responses, technological advances and research into climate change not just in Australia but also the world. It is important to note that this legislation builds on the steady work and solid achievements of the state government, including the purchase of 20 per cent of accredited green power for government buildings, including schools and hospitals. The government's intention is to introduce a feed-in law that will enable the state to become a national leader in renewable energy. With less than 8 per cent of the population, South Australia has approximately 50 per cent of the nation's wind capacity and 45 per cent of the nation's grid-connected solar power. As I said in a matter of interest speech, there is a wind farm in the South-East, which is part of that development.

The legislation has been designed not to be prescriptive, not to mandate targets or behaviours; rather, it is designed to encourage partnerships with the community and business. The government acknowledges that it cannot achieve these ambitious targets alone. Voluntary sector agreements are an example of this, with the wine industry already agreeing to enter into a sector agreement with the state government as it knows it will be an enormous benefit to its export market, especially Britain.

What is important about this legislation is that it is ambitious but not extreme. Professor Stephen Schneider, South Australia's Thinker in Residence, has said that we have to start smart and slow and governments need to get the business sector and community on board in a cooperative manner to instil long-term cultural and behavioural change. Making progress while bringing along business and the community is smart. Making progress in tackling climate change but not irresponsibly compromising the state's economy is important. This government has had a long-standing commitment to economic development and has done a lot of work in the economic summit, the Economic Development Board and in the State Strategic Plan in encouraging economic development in this state and ensuring that we have viable industries and economic growth into the future.

This bill is about balance: achieving that triple bottom line of the environment, the community and the economy and making sure they are all in balance and all given their due place. It is the responsible thing for parliaments and governments to be trying to balance these sometimes competing priorities, ensuring that everything is in balance as much as possible and that, while we maintain our commitment to addressing climate change, we are mindful of the needs of the economy and the expectations and demands on the community. These are the principles that underpin this piece

of legislation as they underpin South Australia's strategic plan.

The principles of this legislation are stated in clause 3(2), which provides:

> In seeking to further the objects of this act the achievement of ecologically sustainable development will be guided by the following principles: the use, development and protection of the environment should be managed in a way and at a rate that will enable people and communities to provide for their economic, social and physical well-being and for their health.

And so it goes on. Similarly, the State Strategic Plan says that it is a commitment to making this state the best it can be—prosperous, environmentally rich, culturally stimulating, offering its citizens every opportunity to live well and succeed. That is why the introduction of an extra interim target announced today by the Premier (Hon. Mike Rann) of reducing emissions to 1990 levels by 2020 is a tough but credible target, as my colleague the Hon. Ian Hunter said. It maintains South Australia's leadership in responding to climate change while not irresponsibly damaging our economic prosperity and growth. The Rann government has proven its climate change credentials and will commit to ongoing policy development in an effort to reach this target as a stepping stone to the target of a 60 per cent reduction by 2050.

It is with great pleasure that I commend this bill to members. This historic piece of legislation is a very important part of our efforts to address climate change and to ensure we have a strong and sustainable economy into the future and that we ensure that the needs of the community are met, while acknowledging the challenge that climate change provides to all of us with the need to reduce emissions over time. This legislation is a vital part of achieving that balance for the entire community that parliament should seek to deliver. There is no doubt there will be debate and varying views about the levels at which we should aim to reduce emissions and, as I have noted, some are sceptical about the very notion of climate change.

The Hon. Nick Xenophon: Who?

The Hon. B.V. FINNIGAN: I assure the Hon. Nick Xenophon that there are none on this side of the chamber that he needs to worry about. It is healthy in a democracy for there to be different viewpoints, but it is important to remember that this is an historic opportunity for South Australia and one that will be remembered for generations to come. We certainly want to be in a position where people look back in future decades and say that South Australia, as it has so often in the past, led the way in addressing the challenges we face as a society in ensuring we have the legacy of the great state we have to leave to future generations and not compromise that by inaction or an unwillingness to embrace the reality of fighting climate change and reducing emissions, which this bill will ensure we do. I commend the bill to the council.

The Hon. M. PARNELL: The Greens support the second reading of this bill. I commence my remarks by noting that Sunday 25 March was the 200th anniversary of the end of the transatlantic slave trade. Members may wonder what it has to do with climate change. There are a couple of implications and lessons we can draw from that historic campaign. One is to note that the choices we make now will resonate far into the future. That was certainly the case with the slavery abolition decision 200 years ago. Secondly, we should note that the change in 1807 was not achieved by any individual. There was not the world's greatest anti-slavery premier who was the sole champion for that cause, but rather a mass movement brought about the end of slavery—it was not the result of any individual's efforts.

It took less than 20 years in that case, which is still some period of time, for the isolated voices of protest to develop into a popular movement. That movement managed to challenge some of the assumptions that had been held for hundreds of years over the rights of humans and the worth of human beings. In that period people were convinced that they had a moral obligation to end slavery. There are some interesting lessons from history as to how we are challenging the climate change debate. Most members would be deeply encouraged to reflect on how the debate on climate change has shifted over just the past two years.

When we talk about climate change, pressure is often put on us not to be too alarmist, too doom and gloom. However, the issue is important and the messages coming from some of the world's top scientists are frightening. I refer to one such scientist, Jim Hansen, who is a climatologist with NASA's Goddard Institute. Jim Hansen's research suggests that, with only a two to three-degree Celsius rise in global temperatures, we risk triggering positive feedback mechanisms which, in fact, will exacerbate climate change impacts far beyond the predictions that have already been made.

We can look at two particular instances. One is the potential impact on the Arctic tundra with the release of methane gas from the frozen permafrost. This would lead to runaway global warming as methane is such a volatile climate change gas. The second instance is the melting of the Greenland icesheets. Scientists estimate that, as those sheets melt, we could see a sea level rise of up to six metres and beyond, and that is at the far extreme of the IPCC predictions. Jim Hansen is not the only scientist who is speaking in such terms.

The question for us is: what level of risk do we find appropriate in our management of society, energy, agriculture, etc.? One person who I think is worth quoting is Philip Sutton, a member of the Greenleap Strategic Institute. He said:

> You wouldn't fly in a plane that had a more than 1 per cent chance of crashing. We should at least be as careful with the planet.

One of the things we tend to lose sight of in this debate is that the stakes are so high. The risks, I think, are greater than 1 per cent, yet we are very cavalier in our approach. When scientists are talking about this risk that we run of triggering positive feedback mechanisms, we must take that seriously and make sure that changes occur in our behaviour and that they occur quickly.

My intention in my second reading speech is to focus precisely on the bill rather than the broader issues of climate change. Honourable members have no doubt heard many presentations about the impact on pygmy possums not being able to migrate higher than the top of a mountain and becoming extinct through climate change. I do not need to go through that sort of material.

I want to focus on the concept of leadership. Like the slavery debate of 200 years ago, the response to climate change has really been a developing popular movement and it has, for the most part, dragged government along behind it; it has not actually been led by government. Our Premier has sought to claim some degree of leadership on the climate change debate and I think he does deserve some praise for some of the statements he has made and the commitment that he has expressed. I think leadership is critical—and there is

no better person at state level than the Premier—but, for leadership to be genuine, it must be backed up by action. It is not enough to have a piece of legislation if it does not guarantee that action will follow.

When the government is asked what it is doing on climate change the headline response is 'We are having a bill. We've got a bill. We're going to pass a bill. We're going to be the third jurisdiction to have this bill.' I can see that when this bill passes (as it will) every press release from now until the end of this government's term in response to the question 'What are you doing about climate change?' will say, 'Ah, we have a bill.'

The bill will be triumphantly brandished, no doubt, at this Saturday's Labor summit on climate change, and the Premier will have a copy in his back pocket when he goes to the United States and meets with the Governor of California, but it seems to me that in many ways the bill is not much more than an extended press release. It does not have embedded in it guarantees of action; it does not have embedded in it consequences for failure to meet targets. In fact, it is arguable that the bill will actually have less impact on South Australia's greenhouse gas emissions than many other bills that we debate in this place or that are already on the statute books—bills in relation to development, transport and mining, for example.

Any claim that this bill is somehow innovative I think has been well and truly blown out of the water by the recent release of the United Kingdom draft Climate Change Bill, and that bill goes far further than the South Australian bill. It includes, for example, five-year carbon budgets that detail a credible pathway for greenhouse reduction. The UK bill has a 2020 target, and we have heard from members of the government that South Australia, too, will have a 2020 target—a very bold target, a target of no decrease in greenhouse emissions at all, a zero target for reductions. The UK bill also has built into it consequences for failure to meet those targets, and the South Australian bill does not do that either.

I have three key criticisms I want to level at this bill. First, the aspirational target of reducing our greenhouse gas emissions by 60 per cent by the year 2050 is too far into the future. One of the Hon. Nick Xenophon's favourite thinkers and writers, the United Kingdom journalist and environmental philosopher, George Monbiot, says:

> We wish our governments to pretend to act. We get the moral satisfaction of saying what we know to be right without the discomfort of actually doing it. My fear is that the political parties in most rich nations have already recognised this. They know that we want tough targets but that we also want those targets to be missed. They know we will grumble about their failure to curb climate change, but that we will not take to the streets.

I think that there is a fair bit of wisdom in those words—that the government, to a certain extent, is attempting to salve the conscience of the community with a target that it well knows will be difficult to achieve.

Clearly, the scientific consensus is that the time to act on climate change is now. The international scientific consensus is that we have just 10 to 15 years to get our greenhouse gas emissions under control and to begin the challenging task of cutting those emissions if we are to avoid catastrophic climate change and its irreversible consequences for the planet. The year 2050 is too far in the future to influence industry decision-making, and it is far too late to effect meaningful change. I have spoken to industry, and it regards a 2050 target as somewhat of a joke. It will not influence any of its business or investment decisions. In a letter to European Union leaders, Tony Blair said:

> We have a window of only 10 to 15 years to take steps we need to avoid crossing catastrophic tipping points.

Even our own Premier, in his second reading speech to this bill, said, 'Clearly, our window for action is within the next 10 to 20 years.' That might be the window for action, but it is not the target set in this bill, which is a target to be reached in the year 2050.

My second key criticism of the bill is that we are putting unrealistic expectations on voluntary measures. I refer honourable members to the words of Professor Stephen Schneider, who was our climate change Thinker in Residence in 2006. He said:

> Volunteerism does not work. We need rules.

I think that that is one of the major flaws of this bill: it lacks what industry calls for, namely, long, loud and legal frameworks, which are needed to create investment certainty.

Under this current bill, the business community will have no alternative but to assume that the South Australian government will take no serious action until 2011, at the earliest. Talk of having either a successful economy or a stable climate is really a false choice. We need to move urgently now to a low-carbon economy. Industry accepts this, and it now wants government to change the rules so that the early movers are not penalised. If you were in business, you would have to ask yourself: why would you go down the greenhouse gas reduction target under this current regime? There is nothing in it for you.

My third major criticism of the legislation is that it ignores the greenhouse elephant in the room—that is, the Olympic Dam expansion. The time frame for the expansion of the Olympic Dam mine at Roxby Downs directly clashes with the time frame required for climate change action—that is that 10 to 15 year period. To put this into perspective, the stationary electricity use of just the expansion of the Roxby Downs mine—just that new component—is equivalent to the total electricity use of every household in Adelaide. That is the scope of that mine; that is the scope of its greenhouse gas emissions, considering that the stationary energy component will be provided from the fossil-fuel dominated grid. Every single step in that Roxby Downs mine expansion, from the initial construction to the transporting of the final product, will send enormous amounts of greenhouse gas emissions into the atmosphere—and that is before we have even considered the power hungry desalination plant that is being proposed. So this bill is, effectively, something of a sideshow to the Roxby Downs mine expansion.

I would now like to very briefly refer to the amendments I have proposed for this bill, amendments to which I hope the Liberal opposition will give due consideration in light of the Hon. David Ridgway's comments—and I note that some of my amendments are things that the Liberals have also talked about. My first amendment is that the 60 per cent target by 2050 should be an 80 per cent target. Expert political and scientific consensus is moving towards the need for developed countries to cut greenhouse gas pollution by 80 per cent by 2050 or sooner in order to avoid dangerous climate change.

That is not something I have plucked out of the air; I have not made up that figure. Let us go to the authorities. Let us look at Nicholas Stern, the author of the *Stern Review on the Economics of Climate Change*. Stern says that 'Ultimately, stabilisation—at whatever level—requires that annual

emissions be brought down to more than 80 per cent below current levels.' So the Greens' amendment is consistent with what Sir Nicholas Stern says. Let us look at what Al Gore, one of the Premier's other friends, is saying. The former vice-president of the United States said, in a presentation to Congress on 20 March this year, that the United States should begin a program of sharp reductions in carbon emissions, 'to reach at least 90 per cent reductions by the year 2050'.

I will take one more of the people whom the Premier seeks to associate with on the question of climate change—that is, David Suzuki. David Suzuki said:

> We therefore recommend a medium-term target that enables Canada to reduce total emissions by 25 per cent below 1990 levels by 2020—

I will come back to interim targets, but the important bit is this—

> and a long-term target that helps the country to reduce its emissions to 80 per cent below 1990 levels by 2050.

So there we have Nicholas Stern, Al Gore and David Suzuki—three people with whom the Premier likes to associate and whom he likes to quote in support of his alleged leadership on climate change. They are all saying that the target should be 80 per cent, but this bill provides for only 60 per cent. California's target is 80 per cent, and I know that today the Premier has been saying that we are in step with California. We are not in step with California when it comes to the 2050 target.

The second lot of amendments relate to the question of an interim target. The Greens propose that our target should be a 30 per cent reduction below 1990 levels by the year 2020. The reason for this is that 2050 is far too distant to influence critical policy and decision-making. Even more important for South Australia is the fact that, in the absence of such a target and measures to meet it, emissions in this state are likely to increase until 2020, not decrease.

I think that in this global debate it is untenable that South Australia will be increasing its greenhouse pollution at the exact time that all the experts are saying deep cuts are required. Again, this 30 per cent figure is not one that I have plucked out of thin air. The European Union is rapidly moving towards this petition. Just last month in their joint communique, the environment ministers said:

> [Developed countries] should continue to take the lead by committing to collectively reduce their emissions of greenhouse gases in the order of 30 per cent by 2020 compared to 1990 with a view to collectively reducing their emissions by 60 to 80 per cent by 2050 compared to 1990.

That is where the European Union is heading. The United Kingdom Draft Climate Change Bill sets an interim target of 26 to 32 per cent by 2030. I was very pleased to see that the Liberal opposition had put forward an interim target amendment of a 20 per cent reduction by 2020. If the Greens' amendment of a 30 per cent reduction was not supported by the Legislative Council, I would have gladly supported the Liberal amendment. I understand that the Liberal Party is having second thoughts, which is a real shame because it did give the Liberal Party a chance to march in step with the rest of the world and to show up the state government's effective non-target of 0 per cent reduction by 2020.

It is disappointing in the extreme that the Liberals look like caving in on its sensible 20 per cent amendment, because the government amendment is really saying 'business as usual', and that is not the answer to climate change. My third lot of amendments relate to a stronger renewable energy target. The Greens seek to increase the target of 20 per cent by 2014 to 25 per cent by 2014. As many members would know, when the commonwealth's mandatory Renewable Energy Scheme ceases at the end of this year, South Australia will already be almost at 16 per cent, and therefore to get to 20 per cent by 2014 is really just an incremental business as usual increase.

If South Australia is to achieve the level of greenhouse gas reduction required by 2050 it will need a much higher contribution from renewable energy sources, and it would be good for that increase to come from domestic South Australian policy rather than fuelled by the policies of the federal government; or, in fact, even the New South Wales government, which looks to be seeking investment in renewables in South Australia. The fourth amendment I have tabled ensures that this legislation is not used as an excuse to fund research into nuclear energy.

The government has had very strong words to say about how it does not support nuclear power for South Australia, yet there is a loophole in this bill which could be exploited in such a way that public funding for nuclear research could be done under the guise of climate change research, and I have a specific amendment to try to stop that happening. My fifth lot of amendments relate to this question of consequences, and whether we are dealing with big companies, the state government or small children the principle of consequences is the same. There needs to be some consequence for failing to meet acceptable standards of behaviour or, in this case, acceptable greenhouse gas reduction targets.

Currently, there are no consequences if South Australia fails to meet any of the targets in this bill. The United Kingdom Draft Climate Change Bill on the other hand does include a trigger for a judicial review if the government fails to stick to its carbon reduction pathway. My amendment provides for a royal commission type of inquiry to enable an independent review to examine why the targets have not been met, whether the targets are still relevant and what steps need to be taken to ensure that targets are met into the future. That seems to me to be a logical consequence if these targets are to mean anything.

A sixth amendment relates to reporting to parliament, which the Greens believe should be annual, just like the reports of the Auditor-General, the Ombudsman or any number of other government departments or statutory authorities. If people think that is too soon, let them think about how this debate on climate change has actually advanced over the past 12 months, then consider whether annual reporting is too frequent.

The seventh amendment I am proposing is to try to make the Climate Change Council truly independent. The bill places a great deal of expectation on this council, yet the members will all be part time and their support in their work will come from the same department that delivers policy advice to the Premier. In other jurisdictions, such as the United Kingdom, models such as the Sustainable Development Commission or, if we look to New Zealand, to its Sustainability Commissioner, are independent bodies that act as true critical friends of the government and provide genuinely independent advice that is not shaped by political needs. So, we seek to make that Climate Change Council a bit more at arm's length from government.

My eighth amendment is to get some more balance on the Climate Change Council, and I am proposing someone with conservation and environmental sector experience. With my ninth amendment I am looking for a mechanism that will enable us to achieve the renewable energy target. As I said

before, the investment in this state in renewable energy has to date largely been driven by the commonwealth's mandatory renewable energy target scheme. The proposal that I have put forward is for a South Australian renewable energy target scheme, a market-based scheme that would mandate South Australia's consumption of electricity generated from renewable sources by encouraging additional generation of electricity from renewable energy. The concept of a South Australian renewable energy target is strongly supported by the renewable energy industry in this state.

Members would note that, since the Victorian government introduced its VRET scheme in September last year, over $1 billion worth of investment in new renewable energy projects in Victoria has been announced. The New South Wales government is committed to introducing a similar scheme, and in Western Australia such a scheme has already passed the upper house of parliament. The 10th amendment I am proposing is to ensure that the carbon offsets, in particular in relation to vegetation planting, do no harm. The reason I phrase it like that is that not all tree planting is necessarily benign. Members would be well aware of concerns in the South-East about the impact of blue gum plantations on ground water levels and the Hon. Sandra Kanck has talked about the impact on Deep Creek of plantations on the Fleurieu Peninsula, and there is no shortage of other examples.

We need to make sure that we have biodiversity outcomes built into carbon offset tree planting programs. The 11th amendment is to ensure that the government leads by example. In this bill, the government is effectively asking the whole community to play its part in the state's climate change response. In that case, I think that the least the government can do is lead by example. The bill refers to voluntary sector agreements, yet it seems to me that the first of such voluntary sector agreements should be the government agreeing with itself that state instrumentalities, whether corporatised or government agencies, should be the first cab off the rank when it comes to committing to reduce their greenhouse gas emissions.

The figures I have show that the state government is responsible for about 3 per cent of the state's energy use but, if you add in SA Water, a corporatised government entity, that is an additional 3 per cent. So, it is 6 per cent altogether, a not insignificant sector that should be subject to an agreement. The 12th amendment I am proposing is to mandate sensible energy efficiency action. Experience has shown time and again that voluntary measures can be useful but no substitute for regulation. In fact, the voluntary measures work best when they are complemented by regulation, rather than seeking to replace regulation.

The amendments I have put forward are inspired by the highly successful Victorian measures whereby large greenhouse gas emitters are required to conduct an energy efficiency opportunity assessment, and they are required to implement any energy efficiency opportunity measures that have a payback period of three years or less. I have not included the three years or less business but, clearly, any organisation that can identify through an audit that the payback period for energy efficiency is that shorter period of time would be mad not to implement it. When you have measures that have such short payback measures, that is the classic win-win situation. The businesses are guaranteed to save money in the immediate term once the payback has occurred. In some instances, the payback periods can be even shorter than three years, and some energy efficiency projects have been shown to pay for themselves within a few months.

My final group of proposed amendments to this bill relates to the establishment of a new parliamentary committee on climate change and, really, that is a logical extension after all the rhetoric that we have had from the government. If climate change is such an important issue for South Australia—a greater issue than terrorism, and one of the biggest threats facing the planet—a joint standing committee of parliament would show that this parliament has the requisite commitment. It would also enable parliamentary scrutiny of government action on climate change.

In summary, the Greens believe that our role is not just to think of the needs of the current generation but also we should be thinking about our children and, in fact, our children's children, because it is within those time frames that the greenhouse issue will be won or lost. The choices that we make today will resonate into the future, and it is our responsibility to back rhetoric with action. With those words, the Greens are pleased to support the second reading of the bill.

The Hon. R.P. WORTLEY: Like most other members of this chamber, I grew up in South Australia—a state of four seasons. Our summers were summers, our winters were winters, and so on. Now, rarely, do the four seasons combine. Our lifestyle was set by these four seasons, which were clearly defined by the months of the year. However, slowly but surely, our seasons have become a whole lot more unpredictable. My family and I recently went to Europe on a private trip to experience a white Christmas but, after flying thousands of kilometres, we woke up on 25 December to a cold, grey day and not a flake of snow. Many of the European snowfields did not have enough snow at the beginning of the season to ski on, and it was widely reported by ski operators that they could not remember the last time they had such little snow at the beginning of the season. If only I had known that I only had to fly my family to Melbourne to experience a white Christmas, we could have saved ourselves weeks of chilled bones.

I am sure many young children thought their Christmases had come at once when they saw snow in sunny Australia on Christmas Day. However, when you take into account that the Thursday night prior to Christmas Day was Melbourne's hottest December evening in 40 years, with the minimum temperature being 27 degrees at 12.40 a.m. and four days later the fire-ravaged state had temperatures as low as minus 2 degrees in Mount Bulla and the lake/mountain area, you start to realise that climate change is at our doorstep. I fear that our children will never be able to rely on the set of four seasons that were so clearly defined when we were children.

2006 was certainly a year that woke up Australia and the rest of the world. It was a year when many who thought climate change was a distant prediction were brought to the realisation that climate change is no longer a matter of when but whether we have left it too late. Australia was served up all four seasons in one day for Christmas last year. It was a hot and humid day in Queensland; there was snow in Victoria, New South Wales and Tasmania; it was the coldest December day on record in Melbourne; and it was a sunny summer's day in Perth.

The contribution of the Hon. David Ridgway disappointed me. He tried to rewrite history and put the Liberal Party up there as a major contributor to fighting climate change. The

reality is that you ought to be ashamed of yourself because you neglected it in the years you were in government. It is only recently that your federal leader and party were dragged kicking and screaming to acknowledge the fact there was a—

The Hon. J.S.L. DAWKINS: I rise on a point of order, sir. The honourable member has been here long enough to know that he should address his remarks through the chair and refer to members of other parliaments by their title or position.

The Hon. R.P. WORTLEY: I thank the Hon. Mr Dawkins for his contribution to climate change. This is why I am proud to be a member of the Labor Party—a party that is thinking of the future; a party that has stepped up above other governments not only in Australia but also around the world by introducing this historic legislation designed to tackle the single biggest threat facing us today and in our future—climate change. The passing of this bill will go much further than the targets set down in South Australia's Strategic Plan to increase the use of renewable energy. The state's current target under the South Australian Strategic Plan is a voluntary target of 15 per cent. This bill proposes to set a related target to increase renewable energy so it comprises 20 per cent of total electricity consumption within the state by 31 December 2014. The only other Australian mainland state that will come close to such a high target is Victoria, which has a non-legislative target of 10 per cent by the year 2010.

This bill has committed South Australia, first, to a target of reducing by 31 December 2050 greenhouse gas emissions within the state by at least 60 per cent of 1990 levels; secondly, to increase the proportion of renewable electricity generated so that it comprises at least 20 per cent of electricity generated in the state by 31 December 2014; and, thirdly, to increase the proportion of renewable energy consumed so that it comprises at least 20 per cent of electricity consumed in the state by 31 December 2014. This would result in both the generation target and the consumption target being 20 per cent.

Australia has become a greed driven country and, according to *The Advertiser* of 17 January 2007, we are the sixth worst country in the world in relation to the amount of resources we waste and consume. Data printed in this article from the Office of Sustainability and Climate Change in the Department of the Premier and Cabinet puts the Australian average of resource consumption at 7.7 global hectares per person. South Australia as a state did fare a little better with a footprint of each person in South Australia being seven global hectares per person—which means South Australians consume 3.9 times what is available per person on the planet. In order to put this into context, the global average is only 2.2 global hectares per person. Consequently, this means that we are using well above what is available on the planet.

Australia has a relatively small population, but we are making a very large footprint on our fragile planet. We are living a life of unnecessary consumption, huge airconditioned houses, cars and malls, climate-controlled swimming pools, large cars and indoor ski slopes. The worrying phenomenon about this data is that developing countries such as China and India, with their billion-plus populations, currently fare much better on the footprint scale due to their not living the modern consumer-driven lifestyle we enjoy, but one day they will want to catch up as consumers. Action needs to be taken now—action such as this bill in order to set a world example and help developing countries by steering them away from our mistakes and helping them advance to a more energy resource efficient future.

South Australia is well placed to lead the nation towards tackling the threat of climate change. With less than 8 per cent of Australia's population, South Australia now has 51 per cent of the nation's wind power and more than 45 per cent of the nation's grid-connected solar power. We have gone from having no wind farms at all in 2002 to having six in 2006. More wind farms are set to be completed in 2007 and 2008. Solar panels have been put on a number of North Terrace buildings, including Parliament House. The new Adelaide Airport and 250 schools will have solar panels installed. As a state we are leading the nation, thanks to a series of climate change goals backed by the weight of law.

Last year, a number of energy and water saving measures for the construction of new homes were introduced, including the mandating from July of a five-star energy rating and plumbed rainwater tanks for all new homes. Tough new greenhouse performance standards for hot-water systems were also introduced last year for all new homes. This bill is about generating a plan for a sustainable future. Labor will work with business and the community in developing plans, policy initiatives and targets surrounding climate change to put the state back on track to a greener future. This legislation will put South Australia at the forefront of addressing the ramifications of climate change by providing a flexible, adaptable and responsible approach to managing and reducing greenhouse gas emissions.

The bill seeks to maintain South Australia's leading reputation in climate change and to secure long-term prosperity for our state. South Australia is a small fish in a drying-up big pond, and if we do not soften our carbon footsteps now and get serious about reducing the biggest threat posed to the human race and our planet, we will be setting up our younger generation for a much harder challenge in combating climate change. I will remember 2006 as the year that we were given a glimpse of the future under the frightening effects of climate change, with our record low winter rains, the current devastating drought and record low inflows of water into the River Murray system. This bill is a big step in the right direction. I look forward to seeing the many benefits the state will experience from the passage of this bill. Climate change has not, and will not, be ignored by this government.

The Hon. NICK XENOPHON: I support the second reading of this bill. The Hon. Bernard Finnigan said that this bill is about fighting climate change. My concern is that this bill is more about shadow-boxing than actually fighting climate change.

The Hon. Carmel Zollo: How long did it take you to think up that one?

The Hon. NICK XENOPHON: It was instant. The Premier has told us time and again that climate change is as big a threat as terrorism in terms of the impact it can have on our way of life. I agree with the Premier and I commend him for saying that, but my concern is that this bill does not go far enough. My concern is that, unless we have more sweeping and deeper targets than that which has been proposed, we will not obtain the results that we need, because we simply will not have any second chances. What resonated with me some time ago were the comments of Rupert Murdoch. I do not think that he is known as a radical environmentalist, but his attitude was that, even if there was a 30 per cent chance that the predictions of the consequences of global warming and the impact it could have on our planet were true, then we

need to do everything possible from a risk management point of view to avoid that happening.

I think that is a sensible approach. That is the approach that we need to look at—and 2050 is simply too far into the future. We have the Premier telling us that there are some catastrophic tipping points, that we have a window for the next 10 to 20 years. It seems that the government is covering up that window and not taking the steps that need to be taken in the next 10 to 20 years. I refer to George Monbiot's book *Heat*, with the subheading 'How to stop the planet burning'. George Monbiot is a columnist for *The Guardian* newspaper and a well known author in the United Kingdom. He has written a very well researched book about global warming. His view is similar to that of Al Gore; that is, we need to look at a 90 per cent reduction in terms of greenhouse gas emissions.

Let us look at the consequences if we do not act decisively in terms of very deep cuts to our greenhouse gas emissions. George Monbiot says that 2° is a point beyond which certain major ecosystems begin collapsing. He said that, if in the year 2030 carbon dioxide concentrations in the atmosphere remain as high as they are, the likely result is 2° centigrade of warming above pre-industrial levels. He said that, having until then absorbed carbon dioxide, ecosystems begin to release it. This is the point that the Hon. Mark Parnell made. He went on to say:

> Beyond this point, in other words, climate change is out of our hands: it will accelerate without our help. The only means, Forrest argues—

and he is referring to the scientist Forrest—

> by which we can ensure that there is a high chance that the temperature does not rise to this point is for the rich nations to cut their greenhouse gas emissions by 90 per cent by 2030.

This is the task that Monbiot mentioned in his book in terms of demonstrating the feasibility of that—not only in the context of going to Pleistocene levels of the Stone Age, but of having the lifestyle that we substantially have now; having a good quality of life. That is why I think it is important that, as a wealthy nation and a wealthy state, we have to demonstrate that we are serious about cutting our own emissions. Until we do, we are not in a position to preach restraint to poor countries. That is the point that Monbiot makes. How can we have the moral authority to tell China what to do—to push for reductions in greenhouse gas emissions—unless we take decisive steps in that respect?

We also need to look at the consequences of just a 2° change, in terms of the impact it has on ice shelves. We already know that sea ice in the Arctic has shrunk to the smallest area ever recorded. In the Antarctic, scientists watched stupefied in 2002 as the Larsen B ice shelf collapsed into the sea (Monbiot makes reference to that in his book). The other reference (to expand on what the Hon. Mark Parnell stated) is that, as the permafrost in the far north melts, it starts to release methane. The West Siberian bog alone, which began melting in 2005, is believed to contain 70 billion tonnes of the gas, whose liberation would equate to 73 years of current man-made carbon dioxide emissions. That is what we are looking at.

He also made the point that, with a 1.4° increase in warming, the coral reefs in the Indian Ocean will become extinct and, with 2°, some 97 per cent of the world's reefs will bleach, which means that coral animals will eject the algae which keep them alive, and are likely to die as a result, and so on. For instance, with 2° of warming, all the sea ice in the Arctic could melt in summer, killing the polar bears, the walruses and much of the rest of the ecosystem. That is the sort of thing about which we need to be concerned.

With respect to disease, malaria has made a come-back in parts of the world where it was eradicated a generation ago. I read a recent report that malaria has made a come-back in Sicily, where there had not been any recorded cases for over 30 years, and that is with just a 0.6° increase in temperature. That is an example of the health consequences. The government says that there are economic consequences of our moving too quickly on that issue, but the economic consequences of not moving quickly enough are absolutely catastrophic.

One of the points made by Monbiot, which resonated with me and which I hope resonates with other members, is that, when governments around the world say that the economic price of acting decisively and of having deeper cuts is simply too great, what is the economic cost of the catastrophic consequence of climate change, this risk management approach, the 30 per cent—even a 1 per cent—chance that we have these out of control consequences of climate change in terms of what it does to our planet? The point that Monbiot made is whether it is possible to place an economic price on human life or on an ecosystem or on the climate. How do you measure that in terms of increased cases of malaria, disease and the loss of ecosystems? They are the real costs that we need to take into account.

The jury has been in for some time now, and we know that what we are doing to the planet is causing global warming; that greenhouse gases are a man-made phenomenon. That is the sort of thing that we need to focus on. My fear with respect to this bill is that, whilst it is well intentioned, if we do not go further it will lull us into a false sense of security. We need quite sweeping and, dare I say, radical targets so that we can deal with what I believe is a crisis. I agree with the Premier that it is a risk equivalent to, if not greater than, terrorism with respect to our way of life.

Unless we deal with these matters decisively, the consequences are simply too catastrophic to contemplate. Unless we deal with them now, we will not get a second chance. If it means that we change our way of thinking on a whole range of issues in terms of our public transport, the design of our cities and homes—and the way we live, generally—I fear that whatever we do in 20 or 30 years approaching 2050 may well be too late. We have this window of opportunity in the next 10 to 20 years and we need to act decisively.

I look forward to the committee stage of this bill, and I would like to refer further to scientific evidence and also to deal with whether we are taking the best approach. I think it is worth commenting on the debate between having a carbon levy rather than an emissions trading system, and I agree with a number of economic commentators and writers such as Tim Colebatch from *The Age* that a carbon levy would be more effective than an unwieldy emissions trading system. Emissions trading misses the real issue, and I think my colleagues the Hons Mark Parnell and Sandra Kanck have a similar view in relation to that.

Let us do this properly. Let this be more than an extended media release. Let us be bold and daring, because we will not get a second chance, and that is why it is absolutely imperative that we take these bold and decisive steps now, not in 2040 or 2049, because it will be too late. We need to do it now, in the next 10 years. Now is the time, because if we do not do it now it may well be too late to turn this around.

The Hon. SANDRA KANCK: In the typical hype and self-promotion of this government, the Premier has claimed that this bill is 'the first climate change legislation to be introduced in Australia'. I have news for him: he is wrong. I am not going to count the ozone protection legislation that was introduced by my former colleague the Hon. Mike Elliott at state level and my former employer the Democrat senator John Coulter at federal level in that category, because they were specifically aimed at ozone protection rather than ameliorating climate change, although that would have been one of the positive side effects. But history shows that the Atmosphere Protection Bill was introduced by Mike Elliott into this parliament (this very chamber, in fact) on 5 April 1989—almost 17½ years ago. So, the first climate change legislation to be introduced in Australia, and probably the world, was introduced by the Australian Democrats into this chamber in South Australia.

It was a relatively simple bill which, first, allowed the government to promulgate regulations regarding energy efficiency standards for machines, appliances and equipment and, secondly, required all government agencies to reduce their energy use and provide annual reports with details of the achievements and methodology. That bill lapsed and was reintroduced on 16 August 1989, so that was the second climate change bill in the world. That new version included a number of extra measures such as giving the government the opportunity to set fuel efficiency standards for cars and requiring departments to purchase recycled material where price and quality were similar to that made from raw products. I know that by today's standards that is pretty much small bikkies, but it obviously offended the government, of which Mike Rann was a member and minister.

I turn to a media release that was issued by Mike Elliott on 23 August 1989, only a week after he had reintroduced the bill, which stated:

> The fate of a Bill to reduce the Greenhouse effect introduced into the Legislative Council by Mike Elliott, Democrat Environment Spokesman hangs in the balance following the government's refusal to give its support. The government's response has exposed its mouthed concern for the environment as a fraud.

So, there it is. Our Premier was a minister in the Bannon government at that time. He was part of a government that opposed South Australia's and Australia's second bill to do with climate change—and it was also the world's second bill to deal with climate change. So, despite all the chest beating and all the self-promotion, our Premier, Mike Rann, has the dubious distinction of having been part of the first government in the world to vote against climate change legislation. So, let's have that on the record.

The first and second bills introduced in the world were introduced by Mike Elliott. In the Premier's speech, he claimed that this bill is the third of its kind in the world, after California and the Canadian province of Alberta. So, Mike Elliott did it first and second, and that is therefore the gold and silver medals; California did it third, so it gets the bronze; the Canadian province of Alberta was fourth; and Mike Rann gets fifth prize. So, Mike Rann does not even get the bronze medal. Nevertheless, I am grateful that this bill has been introduced, but it remains too little too late. So much of it is voluntary, leaving many of us who care passionately about this issue to despair.

In February 1987, my party organised and sponsored what I believe was the first public conference (as opposed to a scientific or academic conference) on climate change to be held in Australia. The conference was entitled 'Environmental and health effects of atmospheric and associated climate change'—and that is 20 years ago—and it was held in North Adelaide. The principal speaker was Dr Barrie Pittock, then of the CSIRO, now a member of the International Panel on Climate Change. Here is what he had to say—and remember, this was 20 years ago:

> It is highly probable that over the next several decades climatic changes of an unprecedented magnitude in human history will take place. These will have numerous consequences in Australia and elsewhere. We can either wait to see what happens and react as best as we can, or we can try to anticipate the effects and plan the best strategy to maximise the gains and minimise the losses. Where possible we should seek to slow down the changes and avoid the worst possible outcomes.

The message was clear back then in 1987, which is 20 years ago, but both state and federal governments—and they were Labor governments—would not listen, which is extremely unfortunate. Because of their failure, we are now forced to deal with this massive problem in a reactive way, adapting rather than heading it off, as we had some chance to do back then.

Dr Rob Fowler, then senior lecturer in environmental law at the University of Adelaide, told the conference that an area of concern for Australia was water resources policy. He recommended:

> Irrigation and flood control schemes, related soil conservation concerns and urban water supply could all be significantly affected by climatic change. Before further investment in major water resource management activities such as irrigation. . . is undertaken, assessment of greenhouse implications should be carried out.

Did the government listen? No, it did not. Irrigation development went ahead without any care of the consequences—and look where we are now. It is easy to blame our current Prime Minister for not signing the Kyoto agreement, but where were Labor prime ministers Hawke and Keating on the issue and where was premier Bannon and where was premier Arnold?

We invited an insurance broker, Mr John Forster, to address the conference about what was very uncharted territory for him. He found that his international colleagues had not taken note of the predictions of the greenhouse effect, so he had to talk in generalities. He explained to the conference how industry assesses risk based on probability, then considers the frequency and severity of the risk. On that basis, the common exclusion in house and contents insurance is for the following:

> . . . loss or damage caused directly or indirectly by flood, inundation from or action of the sea, high water, by erosion, landslide or subsidence.

He concluded that it would be highly unlikely the insurance industry would cover the risk of climate change because the industry does not insure against inevitabilities. Nevertheless, given that this was deduction on his part, rather than the policy of the industry, we encouraged him to take a message back to his industry that it should not provide cover. It was our view that a clear economic message of this nature from the insurance industry might act as a wake-up call to economists and, from there, politicians.

Mr Forster quoted the then deputy director of the United Nations environment program, Genady Golubev, as follows:

> The risks are sufficient to generate a collective concern that forebodes too much to wait out the quantifications of scientific research. Advocating patience is an invitation to be a spectator to our own destruction.

So, what happened? The huge majority of MPs in federal and state parliaments sat on their hands for the past 20 years and simply waited for that quantification. Meanwhile, business

was able to hire the 'flat earth' scientists and campaign against taking notice of the realities closing in on us, and so many MPs allowed themselves to be sucked in by them. It angers me that this is the case.

It is five years now since the Rann government came to office, so it is hardly a matter of boasting that it has taken this long to produce this bill. Speculation about climate change has been with us since 1895 when Swedish scientist Svante Arrhenius postulated explanations for the ice ages. He said that the 'temperature of the arctic regions would rise about 8 or 9 degrees Celsius if the carbonic acid increased 2.5 to three times its present value.' So, back there in 1895, Svante Arrhenius was right on the money.

I first came across the concept of the greenhouse effect when I was studying introductory ecology in 1977. In the early nineties when I worked for the Conversation Council of South Australia, we held the position that the world had until the turn of the century to address this issue otherwise it would be too late. That is a position I still hold, despite there being talk from a number of MPs tonight that we might have 15 or 20 years to turn it around. I believe that unfortunately the feedback mechanisms in the environment have now been set loose and each impact tends to amplify itself—for example, the unprecedented melting of arctic ice sheets.

We see that more ice is lost and more water exposed. Ice itself acts as an insulation above the water, and in turn it also reflects sunlight far more than water. So, the less ice there is leads to greater heating of the water by the sun, leading to more ice loss. That is called a positive feedback mechanism. I know people might think that 'positive' means good, but that is certainly not what it means; it means positive in the sense of increasing. There are other positive feedback mechanisms in climate change, especially methane, which has 20 to 40 times the warming potential of carbon dioxide.

During the past 200 years, the concentration of atmospheric carbon dioxide increased from about 275 parts per million to about 380 parts per million, and without intervention it could get to 550 parts per million as early as in the next 40 years. This is like a runaway bus. It would see all of the arctic tundra melt, with the associated methane release in turn, raising the atmospheric CO^2, or its equivalent, to anything up to 2 000 parts per million. So, I have instructed parliamentary counsel to draft amendments to this bill to include a requirement for research to be commissioned into these feedback mechanisms. This is absolutely vital.

Results of ice core sampling from the Antarctic released just three weeks ago reveal that, when the Ross ice shelf melted 5 million years ago, earth's climate was destabilised for the next 3.5 million years. This occurred because of the impact of that warm water on the thermohaline circulation system which moves water up, around and down through the world's oceans, particularly bringing warm water to the surface near Britain, thus keeping atmospheric temperatures in that country six or seven degrees higher than they would be otherwise. There are now predictions that this system could be gravely impacted.

The Stern report released in the UK last year advised the world that the total global cost of climate change could run to $9 trillion, and it warned that there is only a small window of 10 to 15 years to address the problem, but I do not believe that window even exists. Since the Stern report the IPCC has reported—and I will give just one example of its conclusions:

> Anthropogenic warming and sea level rise would continue for centuries due to the time scales associated with climate processes and feedbacks, even if greenhouse concentrations were to be stabilised.

We have to consider that the IPCC report represents a consensus, the lowest common denominator, so there are far more frightening scenarios than that. What actions we take in terms of this legislation now might have an impact by the end of the century in terms of amelioration. Everything else we do must be adaptive because of our failure to have taken any action up until now.

Dr James Hansen, NASA climatologist, was recently interviewed on ABC TV and this is what he had to say:

> If we get warming of two or three degrees celsius, then I would expect that both West Antarctica and parts of Greenland would end up in the ocean, and the last time we had an ice sheet disintegrate sea levels went up at a rate of five metres in a century, or one metre every 20 years.

The greenhouse gas emission cuts in this bill are not deep enough. The government proposes 60 per cent in the next 44 years. While our Premier might like to see himself as Arnold Schwarzenegger, he unfortunately is not a touch on him because Arnie's target is 80 per cent in 40 years. I will move an amendment to this effect.

It is scary that the impacts we are dealing with today in terms of climate change result from greenhouse gas emissions in 1980. What is released today will be starting to impact in 25 years time. If the Rann government is serious about this issue, it needs a whole of government approach. It means reducing the impact of CO_2 emissions from car use, yet the Rann government's infrastructure program is centred on car use and road building. In 2005 the government completely opted out of its 2002 election promise to have a comprehensive transport policy. The ministerial cars are mostly V8s and a few six cylinder cars. I expect that most would not be getting anything less than about 14 litres per 100 kilometres compared with my four litres per 100 kilometres in my Toyota Prius.

The Roxby Downs expansion is predicted to double greenhouse gas emissions in South Australia. If that is going to happen in the mining sector, what cuts will have to occur in the other sectors to make up for that? I look forward to an answer from the minister on this because this sounds to me like a pretty insoluble puzzle. Where are the policies under the urban development portfolio to limit coastal developments if we are facing sea level rises of up to five metres? Where are the transit oriented developments that get people out of their cars and on to public transport? They should be compulsory in any new housing subdivisions of more than 20 houses.

I cannot understand why we allow any housing developments without a dedicated public transport route through the middle of them. We had things like this in the Democrats climate change platform in the 2006 election. We also had a feed-in tariff, a state-based MRET scheme and a PV rebate scheme. I know that a feed-in tariff is under discussion now, but it is important to include it in this bill, and I will move amendments requiring the government to implement such schemes.

This bill contains the good and the bad—and then there is the missing, which it does not have, obviously. The good is that it contains the precautionary principle. The difficulty will be to see how that is implemented but, because it is there, it at least gives us something to hit the government over the head with.

The establishment of the Climate Change Council is a useful mechanism but it will be limited by the nature of its members. It is going to need someone who is passionate about this issue, someone who understands the crisis that we

face in order to drive this council. It must not be someone whose first qualification is being a member of the ALP. I see so few members of the ALP who understand how crucial is this issue.

Having some renewable energy targets is good, but the Energy Supply Association of Australia is predicting that the electricity demand is going to rise more than 65 per cent throughout Australia by 2030. The government's target of a 20 per cent increase in renewable energy use by 2014 will have only a small impact.

The bad in the bill is that so much of it is voluntary. I was shocked when I read the bill to find out that there is no baseline. That is still to be determined under clause 5. Why, why, why are we still waiting for this to be worked out? The government says this bill has been four years in the making. Surely they must have done some work by now to know what the target ought to be.

I am also very concerned that there is no representative from the conservation movement on the Climate Change Council. What an incredible oversight and what an insult to the conservation movement. They had it right for so long. They actually understood what the issues were. They went out there and argued it to government, and now they are to be excluded in this bill. I will have an amendment to address this.

Missing in the bill, I believe, is the need for interim targets. I am delighted to hear that the Rann government intends to have some interim targets. I will have some amendments to that as well, and we will have a very interesting debate in the committee stage. Even if you accept the—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Kanck is on her feet and should be given respect.

The Hon. SANDRA KANCK: Even if you accept that the 60 per cent target that the Rann government has set is a reasonable target, which I do not, 2050 is too far away. If Mike Rann is still alive he will be almost 100 years old. In terms of what is missing, I will move an amendment to clause 20. I am going to take up one of the initiatives that was in the first climate change bill in the world, one of the initiatives that Mike Elliott put in place in his bill, and that is to require government departments to include in their annual report what has been done to reduce their greenhouse gas emissions.

I am angry that the message of the environment movement was ignored for so long. My party was attacked and pilloried for pursuing this issue. It is a pyrrhic victory now to be able to say, 'I told you so.' This is a critical issue. In South Australia we know the predictions that Goyder's line will drop further south, that the Barossa is unlikely to remain as a premium wine area. We know that there is southward movement of tropical diseases. We are going to see many more instances and outbreaks of Ross River fever here in South Australia.

The Australian Greenhouse Office told us two years ago that by 2030, as a consequence of climate change, the River Murray's flows would be reduced by 20 per cent by 2030 and yet the South Australian government was unprepared for this year's water shortages. I suspect that the Australian Greenhouse Office predictions may have been conservative. I would not call this bill a bold move; rather, it is a necessary one, but it is severely limited in the bill's present state. The Democrats will be supporting but will be moving a series of amendments to strengthen the legislation. The scientific predictions about climate change have so far proven correct, although underestimated, as we are seeing with the rapid melting of ice sheets and permafrost. We have no time to waste.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank all members for their contribution to the debate on one of the world's most important issues. In its determination to take a leading role at the regional, national and international levels, the government has been keen to accommodate the proposals put to it in the parliament and from the community. As a result of our consultations with the community, we have broadened the objects of the bill to embrace biodiversity and the need for adaptation, strengthened support for new technologies—

The Hon. Sandra Kanck interjecting:

The Hon. G.E. GAGO: You have had more than your fair share of a go, Sandra. We have increased the frequency of reporting by the government and the Climate Change Council, broadened the base of representation of the minister's Climate Change Council, reinforced the independence of the council, and strengthened the standing of sector agreements.

In the debate in parliament so far, we have agreed to set an interim target, which now sets a new benchmark in Australia and the region for greenhouse gas emissions for 2020; we have accelerated the first of the two-yearly reports to the end of 2009; and we have committed to subjecting those reports to independent assessment by the Climate Change Council. The most important new objective is the target announced today to reduce emissions by 2020 to the same level as 1990. This places us amongst the leading international jurisdictions.

The government recognises that a small number of national and regional jurisdictions have gone further in terms of their 2020 target. However, the targets that are being adopted need to respond to the particular circumstances of each jurisdiction, just as the Kyoto protocol recognises the particular circumstances of each developed nation. On that basis, the government has assessed that its target is ambitious but achievable, and that it represents as much of a stretch for us as the targets of other leading jurisdictions represent for them.

The government is prepared to consider further amendments in the committee stage of the debate in this house, but it is important that members understand that, while the government is receptive to proposals, it is not prepared to depart from the principles which underpin this legislation. There are a number of questions that were raised during the second reading phase which I am happy to address during the committee stage. Again, I would like to thank all members for their valuable contribution.

Bill read a second time.

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I want to put a couple of questions on the record for the minister to provide an answer for the Liberal Party and other members of the chamber, hopefully early tomorrow. I have a letter that the Premier wrote to the Leader of the Opposition. It advises:

> During the debate on the Climate Change and Greenhouse Emissions Reduction Bill I indicated that the government would consider your amendment to clause 5 of the Bill, in which you proposed 'an interim target in connection with the SA target under subsection (1) is to reduce by 31 December 2020 greenhouse gas emissions within the State by at least 20 % to an amount that is equal to or less than 80 % of 1990 levels'.

The Premier continues:

> The proposed target has now been considered and I am writing to you to advise that the Government will adopt an interim target to return to 1990 emission levels by 2020. Consequently your proposed amendment will not be supported.

My questions to the minister come from the following paragraph in the letter:

> I am advised by the Department of Transport, Energy and Infrastructure and the Department of Premier and Cabinet that your proposed target cannot be achieved and could unreasonably damage the State's economy.

Will the minister provide to this place the advice the Premier refers to at her earliest possible convenience tomorrow if we are to progress this bill through its committee stage before the end of the week? The Premier continues:

> . . . I am advised that if this target was adopted by South Australia the State would have to achieve a rate of greenhouse gas reductions more than double the rate of the European Union.

Again, will the minister provide us with that advice? In the same letter, the Premier states:

> I am advised that the development of low emission technologies such as carbon capture and storage, clean coal technology and the development of geothermal technology are expected to contribute to the 60 % reduction target by 2050 but are not expected to make a significant contribution prior to 2020.

Again, will the minister provide us with that advice by, might I be so bold as to say, the middle of tomorrow? Finally, a number of people have asked me: what formula has the government used to calculate the 1990 levels and how is it calculating the levels of greenhouse gas? Will the minister also provide that information to us by the middle of tomorrow?

The Hon. M. PARNELL: I also wish to put a question on the record in relation to clause 1, and it also relates to the interim target, that is, that by the year 2020 the government hopes to get back to 1990 levels. My questions are: what does the government believe to be the greenhouse gas implications of the expansion of the Roxby Downs mine which, as I understand it, is forecast and planned to occur in that time frame, up to 2020? In particular, what estimate does the government place on the creation of the open cut, which includes the removal of massive amounts of overburden, and the greenhouse gas implications of the mining and processing of that ore? If the government could bring back its estimates, they might assist us to understand how the interim target has been set.

The Hon. SANDRA KANCK: I asked one question in my second reading speech following the issue raised by the Hon. Mark Parnell, and it adds to that. Given that climate change gases will be emitted in the expansion of Roxby Downs, where will the cuts occur in the other sectors? Which sectors will have to bear the brunt, given that the mining industry will be able to increase the amount of greenhouse gas emissions? As a parliament we need to know which sectors will bear the brunt.

Progress reported; committee to sit again.

PHARMACY PRACTICE BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 1565.)

The Hon. J.M.A. LENSINK: I rise to indicate Liberal Party support for this bill, and I refer those who have a particular interest in it to the very thorough discussion that took place in the House of Assembly (where the minister and shadow minister are located) on 6 March this year. I do not propose to go into as much detail as took place in that chamber then.

This is another in the series of health practitioner bills that arise from the required review due to competition policy, and it is modelled (as they all are) on the Medical Practice Act 2004. There are a number of features which are identical in these pieces of legislation, including the registration of students, alterations to the ownership provisions of pharmacies, changes to the definitions to include the protection of the public, and a range of other measures which I do not propose to go into because it would simply be repeating what has already been said a number of times. There are also a number of features which are unique to this bill, including the fact that there are two definitions in the definition of 'pharmacy practice': 'pharmacy service', which is non-dispensing of medications, if you like, and which is part of the broad practice of pharmacy; and 'restricted pharmacy services', which relates specifically to the dispensing of medications prescribed by a medical practitioner, dentist, veterinary surgeon or other person who may be so authorised.

The Pharmacy Board also has its own continuing professional development (a feature of most professions) and that is recognised in this bill. There are specific restrictions on ownership provisions and, for the benefit of members who were wondering about what I was interjecting in relation to a speech that Sandra Kanck was making regarding the barley bill, it really recognises that pharmacies are unique amongst a lot of businesses. Pharmacies are, perhaps, similar to medical practices because there is a commonwealth fee attached as a central part of the practice, and this is separate to a private fee for service which often takes place with a lot of the other health practitioners.

In this chamber we have recently discussed, or had questions regarding, safety issues in relation to some precursor drugs that can be made into illicit substances and so forth, and the report from the government states:

> The public interest is best served by restricting the provision of pharmacy services to those operated by pharmacists or corporate pharmacy service providers.

The Liberal Party completely agrees with that statement. It is pleased that the potential loophole, which may have allowed non-pharmacy organisations (such as supermarkets) to be able to enter ownership through, if you like, the back door has been closed. Also, there is the issue specific to pharmacies, that is, the registration of pharmacy depots. Again, that area is unique to the practice of pharmacy. The Pharmacy Guild raised a number of issues last year with the Liberal Party, and I note that a number of those amendments have now been put in place in the bill before us today, including the grandfather clause loophole to which I referred.

A number of other issues were raised, including demutualisation. With respect to ownership provisions (that is in addition to community pharmacy, which is usually a sole practitioner, a number of whom are located in country areas), corporate pharmacies will increase the number of pharmacies they can own and operate from four to six, and National Pharmacies will increase the number that it can own and operate from 31 to 40. We were advised by the stakeholders (and I am grateful to them for taking the time to provide us with some background as well as their opinion) that their greatest concerns relate to supermarkets entering the market.

I understand that the commonwealth government has well and truly ruled that out. The Prime Minister (Hon. John Howard) gave that personal commitment to pharmacies,

because a circumstance occurred in Victoria whereby Coles bought an operation by the name of Pharmacy Direct. So, that particular loophole has been closed. By and large the Pharmacy Guild is satisfied with the bill. Before being appointed shadow minister prior to the last election, I was subjected to a fairly strong lobbying exercise by the Pharmacy Guild. Indeed, that organisation produced a paper which I would like to quote, because it has changed its position on this bill significantly.

The Hon. Sandra Kanck interjecting:

The Hon. J.M.A. LENSINK: No. To be honest, it is not something I quite understand. I spoke with a number of community pharmacies (that is, the sole operators) and they were very concerned about the increase in the number of pharmacies the Friendly Societies Medical Association would be entitled to run. Their concerns relate to unfair competition because of the tax benefits to which the friendly societies can avail themselves. I place on the record my admiration for a number of community pharmacies—those small, sole operators—because they provide a lot of community services.

Some do receive rebates from the government, but they are not at a terribly high level, and sometimes they are not the economic inducement they perhaps ought to be. Community pharmacy involves itself in a number of services, such as home medicine reviews, participates in the quality use of medicinal products, produces Webster packs, provides services to country hospitals and does nursing home visits. As I said, they do receive some rebates or service fees to provide these services.

However, they do not tend to cherry pick these services, because they see that as a service to the community. The concern that was raised with me by a number of these small operators is that they are of a small size in comparison to National Pharmacies, which is a large corporation. I am familiar with the tax issues through my previous involvement with the aged care sector, in that there is a difference in the tax benefits between the private and the not-for-profit sector. That actually provides some significant disparities between the sectors in some areas. There is a prevailing view within the government and perhaps in other areas that the private sector is somehow less moral for making money out of health services, but a large number of corporations that fall under the non-government sector do not have the same issues and same expenses in relation to tax, and a number of non-government organisations and charities can indeed do things such as salary sacrifice, so that the amount of cash that they pay out actually has a greater benefit for their employees.

They also can be quite significant sizes, so they have a large market share. The other point raised in relation to the expansion of National Pharmacies is that of the wholesale issues. Some concern has been raised with me that the effect would be that what they had as a two-daily run from pharmacies from their suppliers has been reduced to a daily run. I should state that that issue is in relation to the federal rebate, and that has also decreased the range. So, they are already under some pressure in that regard. There is a concern, I believe, among some members of the Pharmacy Guild, and I think it would be interesting if the Pharmacy Guild did a survey of its members to see what they think about the fact that the Pharmacy Guild now supports the increase for National Pharmacies from 31 to 40.

If I can quote from the document provided a couple of years ago, which is a response to the draft Pharmacy Practice Bill 2005 written by the Pharmacy Guild of Australia, it comments that the 30 per cent increase on the current number of 31 to 40 goes much further than was required by the Prime Minister to meet Competition Policy requirements, and the Prime Minister's requirement was that friendly societies already existing in this state that owned fewer than six pharmacies be allowed to increase their holding to six pharmacies, and those friendly societies owning more than six pharmacies were to remain at that current holding. It goes on to say:

> With regard to National Pharmacies, the Pharmacy Guild of Australia can only protest in the strongest possible terms regarding any expansion beyond their cap of 31 pharmacies. If it is the case that there is an area in South Australia where National Pharmacies do not have a pharmacy but have a concentration of members, they can of course purchase an existing pharmacy in the area and close or sell one of their less well-populated pharmacies. They do not require any more pharmacies in total. . . Any extension above 31 could damage the delicate fabric of service provision in the state, and this is especially so in rural areas.

What that statement is getting at is the market share that National Pharmacies has. I put those remarks on the record because I do have some sympathy for the position from my experience in the aged care sector, but I was quite surprised that the Pharmacy Guild has said that it no longer opposes that but is quite happy to accept it. I just place that on the record in case there are community pharmacists who were wondering why the Liberal Party has not pursued that, and that is because the representative body effectively has said that it is okay with that and that, in its view, the greatest threat to it is the supermarket industry, yet that has been closed off by the commonwealth government and also by the additional clause that is being placed into this legislation. With those remarks, I commend the bill to the council.

The Hon. D.G.E. HOOD: I rise briefly to put the position of Family First on this bill. Some members might be aware that I used to work in this industry—in fact, as an employee of Johnson & Johnson—so it is probably right that I represent the Family First position on this bill. In short, Family First strongly supports the objectives of this bill, which are to protect the health and safety of the public by providing for the registration of pharmacists, pharmacy students, pharmacies and pharmacy depots. It is a COAG-inspired bill, arising from its national competition policy review of pharmacy legislation some years back, and other states have already introduced legislation to comply with this review.

I am in agreement with the sentiments expressed by Ms Chapman in the other place that it is important to register certain professions. For example, we register people selling alcohol, tobacco, firearms and explosives. It boils down to taking note of people whose positions require an element of responsibility to the community, and ensuring that those responsibilities are met and met appropriately. So, the current raft of legislation to register certain professionals such as dentists, pharmacists and psychologists seems sensible and has Family First support. Such professionals have been required to register themselves in the USA, the UK and New Zealand for some time already, and we are told that such registrations work to: firstly, ensure the protection of the public; protect medical titles and ensure that titles are properly used; establish a register of competent practitioners; and, finally, assist in the employment of registered practitioners. For a professional, the benefits are: a recognised statement of competence; a validation of their education and training; a continuing assessment of competence; and, in the case of pharmacists, continued training as a requirement for the issue of annual practising certificates, and this has been

the case since 2003. Finally, another benefit for the professional himself is to have a code of conduct in place that is recognised.

Family First has been following this piece of legislation for several years, as far back as 2004. My colleague the Hon. Andrew Evans was in discussions with Ian Todd, the President of the Pharmacy Guild, regarding this bill. Of course, the argument back then was whether supermarkets should be able to register themselves as pharmacies. I understand the wording of section 37 has been amended in this regard to ensure that pharmacies within supermarkets cannot be registered at this time. The Hon. Lea Stevens in the other place gave a compelling account of a friend who went to a pharmacy suffering chest pain and seeking pain relief, and the pharmacist told her friend to go straight to a hospital; and they might not have got that advice from a supermarket. Family First is content for supermarket pharmacies not to be registered at this stage. We believe that issue requires further debate before a decision is made.

The issue of friendly societies has been a sticking point for some time on this bill, and I have had the pleasure of meeting with James Howard, the Managing Director of National Pharmacies, with respect to this particular bill. Obviously, as one of our South Australian friendly societies, National Pharmacies is pushing hard for this legislation. A compromise reached in this bill allows National Pharmacies to expand from 31 to 40 branches, which seems to be a number that all parties are pleased with. The latest we have heard from the Pharmacy Guild via Ian Todd was last Friday when he provided the following advice to us, which probably should be on the record. It states:

> The changes we were seeking to the bill have largely been taken care of. Our major concerns were supermarkets, fixing the problem with grandfather companies, registration of premises, pecuniary interest definitions, friendly societies and the general ownership provisions. Of these, it is just the friendly society issue that is not as we would like. However, on balance, the bill seems to be a good attempt at walking the line between competing interests. The Guild's position is that it is prepared to accept the bill as is and to continue to approach the federal government to level the taxation playing field between ourselves and friendly societies.

We should all be proud of our South Australian pharmacies, and I think this bill will be a positive move indeed. In fact, from the interest groups we have consulted, there is a thought that aspects of this bill might go some way to addressing what is a shortage of pharmacy professionals in this state, and may actually attract some others to this state. With those words, I indicate that Family First strongly supports the bill.

The Hon. SANDRA KANCK: This bill has arisen because of two things: one has been as a result of competition policy review, and the other has been as an update to the registration provisions for pharmacists. It follows the template of similar health registration bills, such as the Medical Practice Act, by bringing pharmacy students into its ambit but, despite its significance as a bill for professional registration, the lobbying on this bill has been solely about who owns pharmacies and the numbers that can be owned.

The National Competition Policy Review of Pharmacy (otherwise known as the Wilkinson report) was handed down early in 2000, and I have to say that the lobbying commenced. I cannot remember how many times I have had representation from the Pharmacy Guild and National Pharmacies since then. What I can say is that, as a consequence of the lobbying from National Pharmacies at the beginning of this year, I decided to become a member of National Pharmacies; so I declare that in case anyone sees that as being a conflict of interest.

The Hon. Nick Xenophon interjecting:

The Hon. SANDRA KANCK: I can't vote at their AGM. I am an enthusiastic supporter of the friendly society concept. Growing up in Broken Hill as the eldest of seven children and a member of the Rechabites, we patronised the UFS (United Friendly Society) pharmacy. I was one of seven children, two of whom developed serious illnesses and conditions. Without the reduced prices we were able to get at the friendly society pharmacy, our family's financial struggles would have been much harder and, I suspect, in some cases there would have been medications that we simply would have missed. The friendly society has an aim to bring benefits to its members. It was so then and I am finding it does so now. In three months I have already been repaid for my membership with the benefits I have gained financially.

In relation to the lobbying that went on about pharmacies after the Wilkinson review was handed down, the Pharmacy Guild fought what in retrospect I see as a very clever campaign. The emphasis in its lobbying was always about stopping large retail chains from owning and operating pharmacies. The first time they came to see me in 2001 they won me over. I am embarrassed now that for the 2002 election I signed a letter giving public support to the guild's position. In the 2006 state election my colleague the Hon. Ian Gilfillan responded to the guild as the party's small business representative and he did the same—although I did try to convince him otherwise.

I have to put on record I am breaking an election promise that was given by my colleague the Hon. Ian Gilfillan, but I also put on record that he made that promise against the advice I gave him as the health spokesperson for the party. I believe I made a mistake in 2002 by not testing the guild's arguments against other sources, opinions and research. When I finally did I came to see that the guild's campaign against friendly societies was about self-interest and that the campaign about supermarkets was a scare tactic. They used this to get governments and oppositions around the country to come on side to prevent ownership of pharmacies being extended beyond pharmacists and in no small way to attempt to diminish the growth of the friendly societies.

In 2004 we saw the spectacle of Prime Minister Howard calling on New South Wales Premier Carr to withdraw legislation (very similar to what we have before us today) letting pharmacy owners increase the number of outlets they could own and letting friendly societies have more of the action. The guild got about 500 000 of their customers to sign petitions and letters against the New South Wales legislation on the pretext that the legislation would allow supermarkets to have pharmacies. In fact, that was nothing more than a lie.

I want to quote Nicola Ballenden of the Australian Consumers Association, who described the Pharmacy Guild then as conducting a campaign of 'misinformation'. In 2004, in an article on the *Choice* website headed '500 000 ways to say misleading' she said:

> The sad thing about this whole affair is that the Guild won and ordinary consumers lost. While the Australian Consumers' Association is not known for its uncritical support of competition policy, this is a clear case where governments, both state and federal have put the interests of a small, wealthy and politically savvy cartel above those of ordinary Australian consumers who will continue to pay unnecessarily high prices for their drugs.

Let us look at the pros and cons of keeping the big retail chains at bay seeing as the Pharmacy Guild dishonestly

argued to their customers in 2004 that that was what their campaign was about.

In favour there is the sheer convenience. However, I also note that there is a wide range of non-pharmaceutical products being sold by chemists. When I pulled out one of the bits of junk mail from my letterbox last week, I noticed that one of the chains was selling silver leadlight fairies for $8.95, cast iron bird doorstops for $19.95 and frangipani clocks for $14.95—and you wonder what that has to do with health. I guess members can understand that, from the retail sector's perspective, they must say, 'Well, if they are retailing those sorts of things that have nothing to do with health, why aren't we able to have pharmacies in our retail outlets?' I also know from having worked in a pharmacy—admittedly in the 1980s when there was a little bit more prudery than now—that a certain anonymity is welcomed, for instance, when people buy condoms. When I worked in a pharmacy, there was often an embarrassment about having to ask for them because they were always hidden under the counter, they were not displayed publicly.

The other advantage I think is best illustrated in the United Kingdom where since 1991 the Tesco chain has had pharmacies in store, and in that time pharmaceutical products have fallen in price by 30 per cent. So, there is a real advantage for the consumer.

I could find only one argument against expanding the number of ways that pharmacies could be owned, and that again came from my experience working in a pharmacy. That is, you get to know your customers and their needs and, in some cases, you become a confidant of them. Over time, you can build up a knowledge of these people and know what their health problems are, and when you see one thing being proposed to be purchased by them, you can see where that might overlap with some of their other health problems.

However, there is nothing to say that such a relationship could not be built up with a pharmacist operating inside a supermarket. For instance, at my local shopping centre, the door of the pharmacy is five metres away from the entrance to the supermarket, and so I can barely see a difference. If my own pharmacist was operating in that supermarket, I do not think that there would be any loss of that connection with the consumer. A *7.30 Report* program which went to air on 19 July 2005 examined a request by Woolworths in Australia to be able to put pharmacists into supermarkets. Someone called Michael Tatchell from the Pharmacy Guild claimed:

> The health outcome is compromised because the pharmacist would be under the control and direction of Woolworths and the main profit motive for Woolworths is to push product and to push profit.

I can assure members, having worked in a pharmacy, that pushing profit was a very prime motivation. If the pharmacist was able to obtain a good bargain on a certain line with a particular company, when someone came in with a cold, for example, and said, 'I've got a chesty cough,' or 'I've got nasal congestion,' he would tell us that, in all cases, we were to recommend the particular product that he had a good buy on. To say, as the Pharmacy Guild did in the interview for *The 7.30 Report* back in 2005, that the profit motive would be the main thing, is probably true. However, let me assure members that, in pharmacist owned pharmacies, it is also a prime motivator.

Alan Fels, who formerly worked at the ACCC but who has since then departed from that position, was also interviewed in that *7.30 Report* interview. He spoke much more freely in that interview than when he had been the head of the ACCC. He said, in response to questioning:

> I see little reason to protect pharmacists from competition. There'd be greater convenience for consumers being able to purchase at supermarkets. That's what happens in the US and to a fair degree in the UK without any harm, providing that there is proper regulation and that there are qualified pharmacists servicing you.

In the lobbying I had from National Pharmacies, it was pointed out to me (and this is 12 months ago) that 2 800 members of National Pharmacies lived at Aberfoyle Park, and yet there was not a single outlet. In this legislation, National Pharmacies will be able to increase the number of its outlets from 31 to 40. So, people in suburbs such as Aberfoyle Park and in some country areas will now be able to have a pharmacy. In the past, the Pharmacy Guild has lobbied against this increase, but I also note that in this legislation the pharmacy owners will be able to increase the number of pharmacies they can run from four to six. So, maybe that has now kept them quiet.

I am not convinced of the importance of pharmacists owning pharmacies, and the existence and success of National Pharmacies is proof that it is not needed. Why could not a group of health practitioners—comprising, for instance, a chiropractor, a community nurse, a doctor and a podiatrist—own a chemist shop? The administrators of our public hospitals effectively own pharmacies within those hospitals, and the world does not come to an end. What would be wrong with having an aged care complex owning its own on-site pharmacies? It could obviously stock the things that people who are growing old really need. Pharmacists can theoretically own medical practices under our legislation, but medical practitioners cannot own pharmacies. I see no logic in that.

However, in the process of the lobbying over what must now be seven years, I discovered that the Pharmacy Guild has enormous power. There is an agreement between the guild and the federal government that determines locations of pharmacies throughout Australia through the Australian Community Pharmacy Agreement. When the Wilkinson Report was released, the National Competition Council commented as follows:

> . . . the PBS location criteria are central to operating a financially viable pharmacy, and they also help to insulate pharmacies from new competitors in their catchment areas.

It does not appear to deliver that in any sense of its being a good or a bad, but merely an observation. It further stated that these two bodies 'effectively have the last word by determining what is incorporated in any forthcoming agreement and subsequently given legislative force'. Again, it does not appear to be a criticism—but perhaps I was missing a tone of voice. However, the NCC offered some criticism, as follows:

> By effectively standing still at the beginning of the decade, the current restrictions arguably have not served the community well.

It is interesting to consider the number of spam emails that each of us as MPs receive every day offering to sell us cheap pharmaceutical products, quite a few of which are normally available only as a consequence of firstly visiting a GP to get them to write out a prescription, which can be quite an expensive process if there is no bulk billing, and then having it filled at a chemist shop. Many customers know what they want. The advent of the worldwide web and the internet must surely cause pharmacists to take stock of their position, but if the guild has done so its response appears to have been to pull up the drawbridge.

In my meetings with the guild, great emphasis was put on the importance of the role of the pharmacist; in fact, they use

the term 'community pharmacist' as if to say that the chemists in the friendly society pharmacies were not community pharmacists. From my experience as a child and from using friendly society pharmacies, and my current experience, they are as community minded as any pharmacy owned by a pharmacist. I certainly know from my experience working in a chemist shop that it did not require me to do a four-year degree course for the advice that I was offering customers.

I am indebted to pharmacy consultant Rollo Manning, who is a third generation pharmacist, and who is no longer practising as a pharmacist but as a consultant, with some of the advice that he has provided to me. He says:

> Some may want a long consult, others may want the fast service or anonymity of the Internet. Whatever it is should be catered for. It must not be assumed that everyone wants a lecture every time.

I can remember when Nurofen tablets first came out. First, they were prescription and then when they were non-prescription, whenever you bought them, you got a lecture about them. After you have used them for a time, you do not really appreciate having a lecture every time. There are few compounding chemists now who mix their own medicines but there are exceptions. I go to a compounding pharmacist. Even the counting out of tablets into bottles has happened in my sojourn in a chemist shop and it has been basically superseded by the pre-packaging that occurs. Rollo Manning says:

> We do not need a four-year uni course to know whether the right label is on the right box. The job has to be re-examined.

This well may be an industry protection racket. Groups of professionals have a permanent intravenous line into their profits with the Pharmaceutical Benefits Scheme; no wonder they want to protect it. There are very few other professions or industries that get this degree of protection. Earlier this evening, we decided not to give that protection to barley growers.

The AMA is on record now as wanting to see a trial of pharmacies in a major supermarket chain. If we continue to protect pharmacists, as Rollo Manning says:

> The losers are the consumers of medicines who have to continue to pay a higher price than necessary for both non-prescription medicines and PBS-listed drugs that do not attract a government subsidy.

I indicate Democrat support for the second reading, but I am sorry that this bill is still overly protecting pharmacists.

The Hon. NICK XENOPHON: Given the hour, I will be mercifully brief. I will truncate what was going to be a 10-minute speech to two or three minutes. I support the second reading of this bill. The government obviously has consulted extensively with the industry and reached what some would see as a compromised position. I support the fact that this will restrict pharmacies being set up in supermarkets. I am concerned about the level of concentration of Coles and Woolworths in this country in terms of the retail trade. I have a concern from what I have observed in the United States about the depersonalising of pharmacy services, if you have that move into supermarkets.

I think there are compelling reasons to retain the personal service you get in a pharmacy, and it is a good thing in terms of good health outcomes, particularly among our senior citizens. I say this after having discussions with pharmacists and friends. In fact, two of my cousins are pharmacists here in Australia and one overseas in Cyprus. So, I have some understanding of the pressures in that industry.

I want to make a comment in relation to friendly societies. I agree with the Hon. Michelle Lensink that friendly societies do have some significant tax advantages. The paradox is that the Hon. Sandra Kanck is a member of National Pharmacies, as are many others in the community. Members of National Pharmacies do not have the same right to vote on the decisions made by National Pharmacies and on the remuneration of its executives—and I think National Pharmacies executives are very handsomely remunerated—in the same way, for instance, as a member of the RAA. I think that is an anomaly that needs to be looked at.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: The Hon. Sandra Kanck says that with the RAA you do not make any difference. Well, the fact is that you at least have a right to vote and to stand for election to make that decision.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: Well, at least it is a democratic process. Members do not even have that right with National Pharmacies, and that concerns me. I do have some concerns about what I consider to be an unfair advantage by virtue of the tax benefits without their being a fully democratic structure for members. I think that is a legitimate concern that needs to be explored further.

I think this bill strikes a reasonable balance. I understand the Hon. Sandra Kanck's concerns, but I think it is a good thing that we are doing something to preserve smaller pharmacies, smaller entities, rather than moving into supermarkets. I think the quality of care would be compromised if the supermarket chains got their hands on the pharmacies in this state to a significant degree.

The Hon. G.E. GAGO (Minister Assisting the Minister for Health): I thank all honourable members for their contribution to this debate. The purpose of the bill is to provide an act to protect the health and safety of the public by providing for the registration of pharmacists, pharmacy students, pharmacies and pharmacy depots. Whilst the bill shares the same principles and structures as the other health practitioner registration bills, the government has determined that the public interest is best served by restricting the provision of pharmacy services to those business operated by pharmacists or by corporate pharmacy services providers, as defined in clause 3(5). Specific provisions have been included to exclude non-pharmacists and organisations such as supermarkets from owning pharmacies and to prevent the board from registering or renewing the registration of premises as a pharmacy unless it is satisfied that members of the public cannot directly access the pharmacy from within the premises of a supermarket.

The bill allows companies grandfathered from the current act that have carried on a pharmacy business since 1 August 1942 to continue to provide restricted pharmacy services. There are provisions to prevent a company such as a supermarket from entering the pharmacy market by purchasing an interest in a grandfathered company. The bill also changes the restrictions on the number of pharmacies that can be owned by individual pharmacists from four to six and increases the number of pharmacies that National Pharmacies can operate from 31 to 40.

An amendment is proposed by the government for a health professional other than a pharmacist to be nominated by the minister onto the Pharmacy Board. This will bring the Pharmacy Board's membership in line with other health professional boards. I am advised that there has been an

enormous amount of consultation in relation to this legislation. It has been difficult to get a bill that has been largely supported by the industry. I take this opportunity to thank all those involved in pharmacy in South Australia for their general support for this legislation, and I again thank members for their contribution.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

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

Page 11, lines 21 to 23—

Delete paragraphs (b) and (c) and substitute:

(b) Three must be persons nominated by the minister of whom—

(i) One will be a registered member of a health profession other than that of pharmacy; and

(ii) One will be a legal practitioner; and

(iii) One will be a person who is not eligible for appointment under a preceding provision of this subsection.

This amendment provides for three members of the board to be nominated by the minister who are not pharmacists. One is a health professional other than that of pharmacy, one is a legal practitioner and one other member. It allows the minister to nominate persons who are outside the profession of pharmacy, and can include a consumer representative.

A representative from the legal profession will ensure that legal matters can be dealt with more expeditiously, particularly when an investigation or inquiry by the board is conducted. A health professional other than a pharmacist will ensure that a particular perspective and expertise of health professionals is contributed to the board, whose obligation it is to protect public health and safety. This amendment is consistent with provisions in other health practitioner acts and bills that provide for a health professional or medical practitioner that is not of the registered health profession are on the board.

The Hon. J.M.A. LENSINK: The Liberal Party does not have any opposition to this particular amendment, although I note the large number of industry organisations that retain their right to be on the board, given that a number of other health professions, including my own, the Australian Physiotherapy Association, which would have liked to have retained their representation on their own board, were told in no uncertain terms that it would be inappropriate. So I note that we have got one from the School of Pharmacy and Medical Sciences—that is consistent with other amendments that have been made in previous health professional bills; that is, the universities are represented—the Society of Hospital Pharmacists of Australia SA Branch, Pharmaceutical Society of Australia SA Branch Inc., Pharmacy Guild of Australia SA Branch, and indeed the Friendly Society Medical Association Limited. I just point out that that is indeed quite inconsistent with a number of the other health professions. But, as I said, the Liberal Party has no objection to the amendment itself.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 82), schedule and title passed.

Bill reported with an amendment; committee's report adopted.

Bill read a third time and passed.

PSYCHOLOGICAL PRACTICE BILL

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

ADJOURNMENT

At 12.12 a.m. the council adjourned until Wednesday 28 March at 2.15 p.m.