LEGISLATIVE COUNCIL

Tuesday 1 May 2007

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

SENATE VACANCY

His Excellency the Governor's Deputy, by message, informed the Legislative Council that the Governor-General of the Commonwealth of Australia, in accordance with section 21 of the Commonwealth Constitution, had notified him that, in consequence of the resignation on 26 April 2007 of Senator Amanda Vanstone, a vacancy has happened in the representation of this state in the Senate. The Governor's Deputy is advised that, by such vacancy having happened, the place of a senator has become vacant before the expiration of her term within the meaning of section 15 of the Constitution and that such place must be filled by the houses of parliament, sitting and voting together, choosing a person to hold it in accordance within the provisions of the said section.

The PRESIDENT: I inform the council that I have conferred with the Speaker of the House of Assembly and arranged to call a joint meeting of the two houses for the purpose of complying with section 15 of the Commonwealth of Australia Constitution Act on Thursday 31 May 2007 at 10 a.m.

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to question on notice No. 173 of the last session be distributed and printed in *Hansard*.

MINISTERIAL TRAVEL

173. (First session) **The Hon. R.I. LUCAS:** Can the minister, for the period he was Minister for Industry and Trade, state:

1. What was the total cost of any overseas trip undertaken by the minister and staff since 1 December 2004 up to 1 December 2005?
2. What are the names of the officers who accompanied the minister 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 minister's office budget, or by the minister'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:

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
$37 116	Chief of Staff, Ministerial Adviser	Nil	Department of Trade and Economic Development and Minister's office	Nagoya, Tokyo, Osaka, Hong Kong, Shanghai, Ho Chi Minh City (3 to 17 June 2005)	Trade mission to promote South Australia in Japan for the AICHI World Expo and promotion of South Australia in Hong Kong, Shanghai and Vietnam
$59 225	Chief of Staff, Media Adviser	Nil	Department of Trade and Economic Development and Minister's office	Mumbai, Bangalore, Chennai, Delhi (India) and Dubai (24 September to 5 October 2005)	Trade mission to India and Dubai, Premier joined the trade mission from 29 September 2005
$11 230	Chief of Staff, Ministerial Adviser	Nil	Department of Primary Industries and Resources and Minister's office	Vancouver, Toronto and Los Angeles (4 to 15 March 2005)	Represent the South Australian resources industry at the PDAC international conference in Toronto and attend other mining and trade related meetings

PAPERS TABLED

The following papers were laid on the table:

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

Regulations under the following Acts—
- Civil Liability Act 1936—Revocation
- Legal Practitioners Act 1981—Fees
- Motor Vehicles Act 1959—
  - Accident Towing Roster
  - Road Transport Compliance
- Road Traffic Act 1961—
  - Driving Hours
  - Mass and Loading Requirements
  - Oversize Vehicle Exemptions
  - Road Rules
  - Road Transport Compliance
  - Vehicle Standards
- Superannuation Funds Management Corporation of South Australia Act 1995—Prescribed Public Authorities
- Various—Domestic Partners

Rules of Court—
- Supreme Court—Supreme Court Act 1935—Search Orders

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

- BioInnovation SA—Report, 2005-2006

Regulation under the following Act—
- Aboriginal Lands Trust Act 1966—Umoona Community

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

Regulations under the following Acts—
- Liquor Licensing Act 1997—Dry Zones—
  - Gawler
  - Maitland
- Natural Resources Management Act 2004—Prescribed Transfer.

REPLY TO QUESTION

PORT STANVAC

In reply to **Hon. D.W. RIDGWAY** (31 October 2006).

The Hon. G.E. GAGO: The Treasurer has provided the following information:

1. The government has been advised by ExxonMobil that work has begun on all aspects of the program.

2. The treasurer released the agreement on 12 December 2006.

3. As advised by the Minister for Environment and Conservation on 2 November 2006, the agreement does not exempt ExxonMobil from any future changes to the contaminated land legislation.

4. The government intends to introduce the Environment Protection (Site Contamination) Amendment Bill 2007 to parliament during 2007.

SANTOS

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: This morning, the Premier announced that there will be a review of the 28-year old law limiting individual shareholder ownership in Santos to 15 per cent. The decision to review the cap comes at the request of Santos. The cap was introduced in 1979 (nearly 30 years ago) and was designed to prevent Alan Bond from taking over the company, with the accompanying concerns at the time about ensuring continuity of gas supply. The cap was introduced in 1979 by the Corcoran Labor government to protect a strategic asset of our state. Santos has written, concerned that the cap restricts the company's growth. Cabinet yesterday agreed to conduct a review of the cap; when it was introduced, the Cooper Basin was our sole gas source. Today, South Australia is the centre of a national gas hub, taking supply from Queensland and from Victoria through the SEAGas pipeline. The operation of the cap is conditional on Santos's continuing to produce petroleum in South Australia.

For many years, critics of the cap have claimed that it is anti-competitive, deflates Santos's share price and is a restriction that does not apply to any other South Australian company. Similarly, under existing arrangements there is no obligation on the company to maintain its head office in Adelaide. However, Santos recently invested in a new head office in Flinders Street, which is a strong sign of its future commitment to South Australia. The previous Olsen Liberal government reviewed the cap in 2000. At that time, the then minerals and energy minister, Wayne Matthew, said that a central issue to its review would be determining whether the public benefits of the 15 per cent restriction on shareholdings outweighed the costs of the restriction. The then government decided to maintain the cap. However, a lot has changed in the past six to seven years, and I agree with Santos that it is time to look at it again.

A decision on lifting or retaining the cap will be made only after a full assessment of potential costs and benefits. The government's approach will be driven by maximising benefits to South Australia. The review will have to show, and the company will have to provide, clear benefits to South Australia from any move to lift the cap. The review will be under my responsibility as the Minister for Mineral Resources Development and will be undertaken by the Department of Trade and Economic Development in conjunction with Primary Industries and Resources SA. The terms of reference for the review will assess the benefits and cost of retaining the shareholding cap for both Santos and South Australia, taking into account:

- the original intent of the 15 per cent shareholding cap and its applicability today;
- the impact of the shareholding cap on the operations and future growth of Santos, both globally and in South Australia;
- any potential risks from removal of the cap to South Australia's economy;
- energy security issues in South Australia;
- regional development implications; and
- an overall assessment of the current and future benefits of the company's operations in South Australia.

There will be an opportunity for public consultation and submissions by 15 June, with an announcement by the end of September.

GOVERNMENT PERFORMANCE

The PRESIDENT: The Hon. Mr Ridgway has informed me in writing that he wishes to discuss the following matter of urgency:

That the Legislative Council expresses its concern that, after five years of the Rann Labor government, South Australian minimum standard service levels, infrastructure and economic position relative to other states have declined, and signals its alarm that, during the same period, state taxes have been lifted to historic levels and with little to show for it. The council urges the government to deliver on the promises it has broken and to indicate to South Australians whether it is to be fair, honest and accountable, or whether it is unworthy.

It is necessary to establish proof of urgency by the rising in their places of at least three honourable members.

Honourable members having risen:

The PRESIDENT: There being more than the required three members rising in their places as proof of the urgency of the matter, I call on the Hon. Mr Ridgway to move the motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition): I move:

That the council at its rising adjourn until Friday 4 May 2007 at 1.30 p.m.

Today I rise to speak on a matter of urgency. We have now had 5½ years of a Rann Labor government; 5½ years of spin, arrogance and confidence tricks. The government's only major focus is on getting re-elected. It has been focused on re-election and political survival without any regard for the long-term sustainable needs of South Australia, so much so that I bet that, within months of Premier Mike Rann leaving parliament, he will not even live in South Australia.

The Premier is a man who stands for everything, but stands for nothing. This is a man who was opposed to the establishment of the Roxby Downs mine, the sale of ETSA and the introduction of the GST. One has to ask: where would the state of South Australia be today if he had had his way? He is a premier who, at the local football showdown, wears a Crows scarf and a Port Power scarf, such is his total lack of the courage of his convictions. He is shallow, hollow and one-dimensional. In fact, he has been described as—

The Hon. R.P. WORTLEY: On a point of order, Mr President: this is just a personal attack on the Premier of this state, and it is not based on any fact. We are wasting question time, a very important part of this—

Members interjecting:

The PRESIDENT: Order! Apart from the Hon. Mr Ridgway indicating that the Premier supports all South Australian football, I have not heard anything wrong.

The Hon. D.W. RIDGWAY: In fact, he was described in *The Advertiser* as being like a jellyfish, 'floating on the tide of public opinion'. Of course, we know when you pick up a jellyfish, all you have is a handful of spineless slime. This government simply does not have the ability or the

perspicacity to do the job. The future of South Australia is at risk. We are at risk because this government is squandering the best economic times the state has ever seen. WorkCover is a classic example of the inability of this Labor government to manage the finances of the state.

We know that 5½ years ago the unfunded liability of WorkCover was some $60-odd million. Today it is approaching $800 million. The government's response is always to blame somebody else. In the 5½ years I have been in this place, I have not once heard it take responsibility for any of the tough decisions you have to make as a government. With the Hon. Mr Holloway it is always somebody else's fault: the former Liberal government, the federal Liberal government, Queensland coal exports or some other totally unrelated phenomena. It never takes responsibility.

When will the South Australian community see this government take responsibility for its actions and look the South Australian community in the eye and say, 'We got it wrong'? When will Premier Mike Rann have the courage to sack Michael Wright, the Minister for Industrial Relations and WorkCover? South Australians will be the losers of this unacceptable blowout in the unfunded liability because, tragically, there are only two solutions to the problem: cut workers' entitlements or put up levies. Cutting workers' entitlements is something this government promised it would not do but, like most promises made by this government, it is likely to be broken later this year, such is the hypocrisy of this government that it would take entitlements from workers in an attempt to manage a disaster of its own making.

The other solution is to put up the levy. South Australian businesses already pay the highest WorkCover levies of the nation. Many of these businesses are small, family businesses and are having their competitive edge eroded by the sloppy mismanagement of this government. The Hon. Mr Holloway, sitting opposite, who, incidentally, has an economics degree, knows that this sort of financial management will ultimately end in disaster. He is obviously ineffectual, silent or not respected by the other members of the Labor cabinet. He sits in cabinet meetings knowing that this sort of management will end in disaster and he does nothing about it or, if he does, nobody takes any notice. The Hon. Mr Holloway is an ineffectual dinosaur from the past. He was first elected in 1989 and was, at that time, part of the greatest financial disaster this state has ever seen. He is tired, he is old, he is not respected by his cabinet colleagues and his retirement in 2010 cannot come quickly enough.

I refer to the climate change and water crisis facing South Australia. This is the single most important area where the government has failed South Australia, despite all of its spin and rhetoric. The Premier gave his first speech in parliament on climate change, global warming and the hole in the ozone layer in 1989 (20 years ago) and, again, it demonstrates the true character of the government and this Premier—they are all talk and no action. They say one thing and do another.

The Premier has often talked of his friends Dr David Suzuki and Tim Flannery, to name but two, who have been strong advocates for government action on climate change for almost 20 years. The lack of action from this government over the past five years has culminated in the water crisis this state now faces. The Premier does not even believe his own rhetoric. In February 2003 (over four years ago) in an address to the National Press Club on the River Murray the Premier said:

> The river has not flowed. . . for more than a year. . . and is not expected to flow again for 19 months. During the past 105 years, the worst droughts on record have involved five months where there's been no flow to the sea. We must not let the current drought blind us to the real issue of long-term river health. The drought cannot be. . . an excuse.

What have we heard this year? It is a one in one-thousand year drought. It is an excuse. Back in 2003 he said that we cannot use the drought as an excuse. He goes on to say:

> Two above average winters will not fix the problems of the Murray.

As can be seen, four years ago in the face of all this compelling evidence the Premier was well aware of the crisis that was about to descend on this state yet he has done nothing about it. It is blatantly obvious that four years ago we were headed for disaster. All we have seen from this government's plan for water is a reliance on the River Murray and even tougher water restrictions. Again, this is another glaring example of a lack of vision by the Premier and the government. It is a government that is all talk and no action. Four years is enough time to build a desalination plant and erase the need for water restrictions for metropolitan Adelaide. This is a tangible example of a government that does not have the courage of its convictions and does not believe its own rhetoric.

I refer to an article in *The Advertiser* a couple of days ago under the headline 'Waterproofing Adelaide—the state government's strategy to secure the city's [water] supply until 2024—is already out of date'. The article states:

> . . . but water security minister Karlene Maywald said the cost of government investment in schemes to secure Adelaide's water supply, based on regular droughts, would be astronomical.

This is the same minister who sits in the Labor government cabinet and is happy to see an $800 million blowout in WorkCover, $100 million wasted on opening bridges, and a half a billion dollar blowout in transport infrastructure projects and, of course, 8 000 more public servants employed than the Treasurer budgeted for. It is a government with all the wrong priorities, focused on media spin and re-election with no long-term solutions for the people of South Australia. I do not know how the Hon. Paul Holloway, a trained economist, can allow this to happen to our state. As I said before, he is a dinosaur from the past and he obviously carries no weight in cabinet.

I now turn to the State Strategic Plan formulated by the Economic Development Board and appointed by this government only months after it came to office. It is interesting to note that the inaugural chair of the Economic Development Board does not even live in Australia. I suggest that he has tried to distance himself from a plan that is just a list of aspirational destinations without any itinerary or means of getting there. It is a range of destinations and goals formulated to fool the South Australian community into believing the government had a plan and a vision; however, the government has not been held to account and it has not benchmarked itself against the plan.

The opposition argued from day one that the vast majority of goals were aspirational, unrealistic and could never be achieved. The last election campaign slogan from the Labor Party was 'Mike Rann Gets Results', so surely the measure of results would be the government's performance against its plan. But, no, that would be way too risky. You would expose the government to an open and transparent critique of its performance—such is the arrogance of this government and the contempt in which it holds the South Australian community. It is interesting to note that, following the election, the strategic plan was reviewed and virtually all

targets revised downwards. The Rann Labor government has failed in its first four years to achieve its own strategic plan targets.

Let us look at a couple of these targets. We are to reach a population target of 2 million by 2050, which is a classic aspirational goal with no leadership on where these people might live, what they might do, where the energy will come from to provide for their homes or the water to sustain their lives, and the public and private transport infrastructure for them to go about their daily lives. Surely a well thought-out plan from a competent government would provide the framework and structures for such a population growth. As you can see, Mr President, an emerging feature is that we have a government that is all talk and no action. It is a government that does one thing and says another.

Another of the aspirational goals set by the government in the strategic plan was to grow exports to $25 billion by 2013. This is probably a very honourable goal; however, to achieve a goal of this magnitude, governments must invest in industry development and industry support and foster innovation and companies to export it. It beggars belief that, upon setting this goal, the government then proceeded to close a raft of overseas export development offices. That would have to be one of the dumbest things I have seen this government do in the past 5½ years and, of course, the Hon. Paul Holloway was the minister who closed those offices. We have had hundreds of exciting and innovative companies in South Australia that were only too happy to grow, export and expand their businesses, but they need a little support and back up from the government. It is a bit like when a child learns to walk. They need something to hang on to to start with, and they need some comfort to know there is support to fall back on but, as soon as they can walk, they are off and gone. But, no, this government does not see it this way.

Treasurer Foley has been quoted as saying that, if companies wish to export, they can do it themselves, because the government is not going to help. As a result of this arrogant approach to fostering and growing South Australian businesses, instead of increasing our exports, they have plummeted. Now, of course, the government has revised its goal downwards. Sadly, we do not see any leadership from this government at all. We have a bureaucracy driven by 'ad hocracy' and driven by the government's only focus, which is to win the next election. It is media-driven, public opinion-driven, without any courage to deliver a positive long-term future to South Australia.

I turn now to the Hon. Paul Holloway's ministerial responsibilities of urban development, planning, police and mineral resource development. I am sure that the minister is comfortable in the service and that his position is secure, but let me give three examples of why Paul Holloway, the recycled dinosaur, should be put out to pasture.

The PRESIDENT: The Hon. Paul Holloway.

The Hon. D.W. RIDGWAY: The Hon. Paul Holloway, the recycled dinosaur, should be put out to pasture. He is often in this place boasting about the achievements of the government's minerals exploration program known as PACE. He talks about this wonderful initiative as though it were his own, but I will quote from a press release of the Hon. John Olsen on 1 December 1999 as follows:

> Under the plan, the minerals exploration sector will be stimulated to invest $100 million per year by 2007, resulting in $3 billion of mineral production and nearly $1 billion of mineral processing by 2020.

Interestingly enough, the same announcement resurfaced on 10 August 2006 with the media release from the Hon. Paul Holloway that PACE was established in 2004. Garbage! It was renamed in 2004, with the aim of generating the same numbers—$100 million worth of exploration activity in South Australia by 2007. That is the exact same program. The minister has not had an original thought in 5½ years. This clearly demonstrates that the PACE program is not a new initiative but is simply a renamed and rebadged initiative of the former Liberal government. It is nothing new at all. It was predicted that we would have this type of mining exploration boom almost 10 years ago. I might add that the Labor government encompassed as one of its state strategic plan targets that the minerals exploration sector would invest $100 million by 2007. This target was set by the Liberal government 10 years previously. That is the first example of the Hon. Paul Holloway being tired, lacking in original ideas and ready for retirement.

The Hon. Paul Holloway is also the minister responsible for urban development and planning in South Australia, a key portfolio for the future of the state. Land supply and housing affordability are key measures of successful government policy. South Australia has clearly failed on both fronts. In 2007, Adelaide has been ranked the 27th least affordable city in an international report comparing average household incomes with average prices. The report looks at 159 cities with populations over 500 000. Such a poor result is proof that the affordable housing policies and initiatives are not improving affordability. Average land prices for residential developments in Adelaide have now passed those in both Melbourne and Brisbane. As a consequence of this, thousands of young South Australians will be unable to afford their first home.

The Hon. J. Weatherill spoke at the Property Council of Australia Residential Development Conference, stating that issues including land supply are to blame. However, Treasurer Foley went on the radio to state:

> . . . if there is a stable interest rate environment, investors will come back into the market and at present people are clearly concerned of the possibility of interest rate rises. That's the issue that's driving housing affordability and Peter Costello and John Howard again trying to deflect that one to the states and it simply doesn't wash.

So, who do we listen to—the Hon. J. Weatherill or the Treasurer? Again, they are blaming someone else. They always have to blame someone else. They never take responsibility for their own actions. Other states, including New South Wales and Victoria, have a land supply inventory of 20 to 30 years, providing developers and new home owners with some certainty about the future. South Australia has only a handful of years' supply. Couple that with no transport infrastructure plan and no non-climate reliant water supply for Adelaide, and is it any surprise that the price of land is now out of the reach of many young South Australian families? That is the second example of a minister who is a recycled dinosaur, who is tired and who lacks passion to deliver a positive future for South Australia.

The final portfolio responsibility of the minister is that of police. This is another glaring example of his lack of respect in cabinet, and the failure of the government's law and order policies. Our South Australian police force is made up of dedicated personnel who have served the state extremely well. What it does not have is a government that is prepared to put its money where its mouth is. The police force is still under-resourced. While we see a program to recruit officers

from the United Kingdom, more needs to be done. In the two weeks I have been shadow minister for police, I have been surprised at the number of reports I have received about the lack of resources; and, in the end, the South Australian public will bear the brunt of this neglect.

I received a complaint yesterday relating to the alleged sexual assault of an aged care patient that happened three weeks ago. No formal protest can take place until the police investigation is complete and, as of last night, the investigation had not started. After questions were asked about why it had not started, the excuse was offered that there were more important priorities and they simply did not have enough personnel to deal with the issue. One can only imagine the stress and difficulties that the people involved in this allegation must be feeling, and three weeks later they are still no closer to resolving the issue.

By way of questions from my colleague the Hon. Terry Stephens a number of times in this place, we have also heard about the lack of staffing and resources for our very important country police stations. I am sure members in this place would be well aware of the many issues he has raised, including a report that a Streaky Bay resident waited two days for a OOO call to be responded to. Elderly residents of Coober Pedy are arming themselves with tyre levers when doing their weekly shopping, because there is no 24 hour police station. Figures from the Office of Crime Statistics and Research show that Coober Pedy has the second highest crime rate in the state—again, another example of why the recycled dinosaur, who lacks passion and vision, should simply go out to pasture.

I turn to my last point, which is the abolition of the Legislative Council—one of Premier Mike Rann's promises. I am not surprised that he wants to abolish it, given the quality of the Labor members in this place. The Premier has often complained of the upper house amending and not allowing the government to pass its legislation. One must have a team with the capacity to debate the proposed legislative changes and to argue the point to put a good case. The government simply does not have it. The opposition and the other minor parties in this chamber are always open to suggestion and change. Let us just take a closer look at the Premier's team. On the front bench we have two recycled failures from a previous election and one minister whose husband was the next factional person in line. However, the Labor Party decided that it needed more women in parliament. Now, let us look at the backbench. It is an interesting collection of factional union hacks; some have had more ideological and factional positions than the Kama Sutra and some are products of the Don Farrell candidate factory.

I guess it is a case of 'If it's Don, it's good!' It is an insult to the South Australian electorate that because the Premier has an under-performing team in the upper house he then moves to abolish it. The hypocrisy of the Premier was never more evident than the day I met him in the lift after the last election. When asked how I was enjoying politics and, in particular, the upper house, I replied that I was enjoying the challenge. We discussed the collective intellect of his team, and then I raised the abolition of the Legislative Council. His reply was quite amazing: 'Don't worry about abolition, mate, that's never going to happen. The best I could ever hope for would be a reduction to four-year terms.' As you can see, Mr President, that is another fine example of a government that says one thing and does another, a government that is all talk and no action, a government that cannot be believed and a government that leaves this state with no legacy.

The Hon. P. HOLLOWAY (Minister for Police): I think that speech was the one the Hon. David Ridgway meant to give in his Liberal caucus room to get rid of the Hon. Rob Lucas. Obviously, Mr Moriarty, the President of the Liberal Party, was able to beat him to the punch, thus he is here today.

The Hon. D.W. Ridgway: Why don't you speak about the future of South Australia?

The Hon. P. HOLLOWAY: Well, I am speaking as much about that as did the honourable member. In fact, I will speak about that a lot more than the Leader of the Opposition did. The Leader of the Opposition talked about the need for infrastructure. Well, yes, we do need infrastructure. We need it due to the considerable success this government has had in attracting investment to the state, particularly in the resources and defence industries. Under the previous Liberal government we did not need much infrastructure, because not much was happening in this state.

I will give one example in my portfolio. Exploration in the mining sector has risen by 433 per cent since the PACE program was introduced four years ago—433 per cent—and there are still in excess of 100 further applications for companies seeking licences to explore in this state. The Leader of the Opposition did not do it but, to address this question of infrastructure seriously, in conjunction with SACOME the government has been working on the future infrastructure needs of the resources sector. It needs to be remembered that the progression to a new working mine can take many years, so we do not need to put the cart before the horse. There has been very close collaboration between the industry and the various arms of government to ensure that planning takes place.

In relation to infrastructure and my portfolios, how extraordinary for the honourable member to say that PACE is an old program! Let me tell the chamber that the first geoscientific support program began back in 1992. It was the idea of the then minister for mines, Frank Blevins, and it was funded with the help of the then minister Mike Rann. That was called the South Australian Exploration Initiative. It was changed under the Liberal government to TEISA, but essentially it is the same program that went right through to 2004. What this government did was to add a lot of new elements to it. It was the first time we looked at the geochemical aspect but, more importantly, we also introduced a concept unique around the world, namely, drilling partnerships. We provided support to companies that were drilling in greenfields areas and, as a result, we discovered a number of new projects, such as Carrapatina and the Gulliver mineral sands in the Eucla Basin, and there were a number of other successes.

It is the first in the world, and it was much more heavily funded. If you look at the infrastructure in relation to law and order, it was the Rann government that initiated the $40 million public-private partnership that has delivered brand new police stations at Mount Barker, Gawler, Port Pirie, Berri, Victor Harbor and Port Lincoln. Contrast that with the eight years when the Leader of the Opposition's predecessors were in government.

We have had $4.75 million for three further police stations at Golden Grove, Aldinga and Para Hills, and $4.3 million to expand the Christies Beach police complex. We have provided $4.7 million for a new police plane, which has made it easier for officers to reach the far corners of the state. We also have significantly upgraded the CCTV equipment, and we have provided the helicopter contract so that we now have

three helicopters in this state. There has been a significant increase in the resources available to the police, plus an increase in the number of police officers. This government has poured millions of dollars extra into these areas.

In his speech, the Leader of the Opposition did not refer to it, but what his motion talks about is taxation. It accuses the government of high taxes. Even in his own speech the Leader of the Opposition said he wants to spend tens of millions of dollars more on law and order. The Leader of the Opposition in the other place was talking the other day about $500 million for rail electrification. What do these people want? On the one hand, they are saying there is too much tax and that taxes are too high and they should be reduced and, on the other hand, they are saying that this government should be increasing funding. What we have done in respect of policing is to significantly increase by hundreds more the number of police on the beat, and we will be doing it over the next few years, and we are giving the police greater resources.

Again, the Leader of the Opposition scarcely referred to it, but he talked about South Australia's living standards, its infrastructure and its economic position. Well, what is our economic position? In 2004, the Rann government regained for this state its AAA credit rating, and the Rann government has delivered consistent surpluses. We are looking to the future. We have already heard the Leader of the Opposition's policies, that is, we need to spend a lot more money on policing. The Leader of the Opposition in the other place says we need to do all these other extra things in transport. So, that is their policy, that is, spend a whole lot more money.

The Rann government has delivered consistent surpluses. From 2002-03 to 2005-06, there has been over $1 billion in surpluses in this state. The Liberal government delivered consistent deficits. From 1998-99 to 2001-02, there was over $1 billion in deficits. So, there is the difference in terms of economic and fiscal responsibility. However, you cannot have the sort of fiscal responsibility this state needs and spend all the money everyone wants to spend on everything. It does require tough decisions, and it does require leadership—and this government has delivered that in spades.

Let us talk about tax cuts. The tax cuts introduced by this government between 2004-05 and 2010-11 have a cumulative cost of $1.57 billion, and the tax cuts this government has already introduced include land tax reforms of $59½ million in 2006-07—and, remember, the only cuts to land tax and increases in thresholds in the past 20 years have been under Labor governments, and the only increase in land tax rates or reductions in thresholds occurred during the Liberal Party's time in government.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, I will tell it to superannuants, because it is the truth; I am happy to post them a letter. Similarly, if honourable members opposite wish, they can tell them what they are going to do, because we did not hear that from the Leader of the Opposition. We did not hear them say, 'Look, what we will do is reduce the taxes in this area and this is how we will pay for it and these are the services we would cut to the people of South Australia to pay for it.' They did not tell us that. All they can do is say that we should have fewer taxes and more spending. Well, we can see the results of that. This government has delivered $1 billion in surpluses over the past three years; the Liberals, in their last three years, delivered $1 billion in deficits.

This government has cut taxes in a number of areas: we cut the mortgage duty at a cost of $31.2 million in 2006-07; we abolished cheque and lease duty at a cost of $6.6 million in 2006-07; and we abolished the debits tax that we used to pay on bank accounts at a cost of $61.4 million in 2006-07. Members opposite have forgotten about that. This government increased first home buyers' stamp duty concessions at a cost of $8.5 million in 2006-07. There were stamp duty exemptions on the transfer of water licences, $1 million a year, and there has been an abolition of various minor stamp duties at $200 000 per annum, and pay-roll tax cuts of $26.6 million in 2006-07.

Through creating budget surpluses where previously there were deficits, this government has been able to deliver significant tax cuts whilst also being able to deliver services. Later in this debate I am sure my colleague the Hon. Carmel Zollo will be able to relate what has happened in the prison sector compared with the previous eight years of inactivity. Similarly, my colleague the Minister for Environment and Conservation and the Minister for Mental Health and Substance Abuse will be able to describe what has been done under this government with the additional expenditure provided in the area of social infrastructure compared with what happened in the previous eight years.

Because there are others who wish to speak in the debate I will give them the opportunity, but I want to put on the record some of what this government has done in relation to infrastructure spending. Since coming to office this government's capital expenditure has averaged over $1 billion a year, including $1.22 billion budgeted for 2006-07. In the six years to 2001-02, the previous government averaged $729 million of capital spending per year. So this government's annual capital program is 39 per cent higher than was the previous government's. Inflation since then is a lot less than that 39 per cent. The key projects—

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

The Hon. P. HOLLOWAY: I have just told you about the police stations—

The Hon. J.S.L. Dawkins: Oh yeah.

The Hon. P. HOLLOWAY: 'Oh yeah', he says—just a minor matter! We have key projects coming up. My colleague the Minister for Correctional Services can talk about the prisons project. We have given money for Techport Australia, the common user facility; $216 million for the education works strategy; $118 million for the underpass at the South Road and Anzac Highway intersection, $120 million for the Queen Elizabeth Hospital, stage 2; and $31 million for the tram line extension from Victoria Square to the UniSA City West campus.

It is remarkable that the Liberals opposite should be criticising this government in relation to infrastructure when it was their decision to get rid of responsibility for much of it. Members opposite wanted the government out of it. Although they lied about it before the election (but we knew after the 1997 election what they really wanted to do), their policy was to sell ETSA. They sold ETSA. The arguments were to get the government out of the business of infrastructure because, according to them, infrastructure is a private sector responsibility. They did much the same with the outsourcing of water. How hypocritical are these people to now say that there is some sort of infrastructure crisis when it was their policy that it was no longer a government responsibility? How hypocritical!

Let us look at some economic indicators, because this misbegotten motion of the Leader of the Opposition talks about the state's economic position relative to other states. Let us look at the statistics. South Australia's gross state

product grew by 2.2 per cent in 2005-06. During the year to October 2006, an additional 23 000 people were employed in this state, representing growth of 3.2 per cent. The unemployment rate at 5.3 per cent is down from 5.6 per cent a year earlier. Business investment remains strong. The current levels of investment are 53 per cent higher than in 2001-02. The Access Economics September quarter 2006 investment monitor, value of investment projects committed or under construction in South Australia, showed it growing by 17 per cent in the quarter to reach $6.3 billion, with a further $11.7 billion worth of projects under consideration—up 45 per cent from a year earlier.

If we look at the general economy, under this government over 50 000 jobs have been created in four years, 41 500 of which are full-time. During the term of the Liberal government, 5 600 full-time jobs were created in eight years. Private business investment is up 46 per cent over four years and, as I said, the economic growth in 2004-05 was 2.5 per cent, compared with a national level of 2.3 per cent. All the statistics indicate that this state is doing remarkably well under this government. Indeed, it has been recognised by a number of authorities, and who better to quote on this matter than the Prime Minister of Australia, John Howard? What did he say about the economy of South Australia in 2004?

Members interjecting:

The Hon. P. HOLLOWAY: I will find the quote. It is worth searching for, because it is a beauty. I know that I have it here, and it is really worth waiting for, I can tell you, Mr President.

Members interjecting:

The Hon. P. HOLLOWAY: No, it is too good to—

The PRESIDENT: Order! I am sure that you are all interested to hear what the Prime Minister said about South Australia.

The Hon. D.W. Ridgway: It's a time-wasting tactic.

The Hon. P. HOLLOWAY: Not at all. Here we are:

> The economic growth that is now occurring in South Australia, the best for a generation, will in fact be reinforced and will continue.

That was John Howard on 24 May 2004. A number of other reports and surveys of the South Australian economy have all pointed to the same thing: under this government, things have moved on, and you hear it commented on all the time by people coming to South Australia. Indeed, while the Leader of the Opposition was formulating this motion earlier today, I was at the Le Cornu site announcing that this government has agreed to major project status for that site to fill in a 19-year old hole. That is just one thing, but there are a whole lot more in this state which have been neglected over many years and which this government is addressing.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The Leader of the Opposition says that it was 5½ years. It has not been that long: it is just a little over five years. In that time, this government has set out to address many of the deficiencies in the South Australian economy. By every measure, this government has succeeded beyond expectation.

The Hon. J.M.A. LENSINK: This motion is about Labor's failures. The past five years have been five years of wasted opportunity. Last year, the Institute of Public Affairs roundly condemned this state Labor government for wasting its reform bonus. The South Australian public could be forgiven for having no faith in politics when comparing Labor's pre-election rhetoric with what it has actually done in office. Labor has driven the budget into the ground. In the first few years, the coffers were overflowing, thanks to John Howard's bold initiative to provide the states with GST revenues, which Labor gutlessly opposed, and the hard work of our esteemed treasurers, Rob Lucas and Stephen Baker. A drover's dog could have balanced South Australia's budget when Labor came to office in 2002.

In 2007, Labor is telling vulnerable South Australians that there is no money for services and infrastructure, which would have been funded had the Liberal Party retained office in 2002. In mental health, Labor has ripped off Dean Brown's plans for reform. He commissioned the Brennan report and recruited Margaret Tobin to take on the tough reforms—a task she likened to breaking concrete. In successive budgets, Labor's response to our state's mental health crisis has been to offer ad hoc and piecemeal dollops of money to salve growing public unrest over the mental health crisis.

Professor Ian Hickie, a well-respected Australian figure in the mental health debate, had this to say about his own efforts to put mental health on the political and public agenda: whilst the PM's involvement was extremely encouraging, he was disappointed that most state leaders had not grasped the issue. He also said:

> Mental health reform requires a degree of tough leadership. You run into vested interests. It is a long-term not a short-term investment. Morris Iemma in New South Wales is the only premier I have spoken to who seriously understands the issue and is seriously looking at solutions.

In 2005, due to the level and number of representations I was receiving on mental health, I moved to establish a select committee on assessment and treatment services for people with mental health disorders. Ironically, in speaking to the motion, then minister Zollo said:

> We do not need another report into mental health services in this state. What we need is to keep moving forward with our mental health reform agenda.

However, not long after the 2006 election, overhaul of the system was considered so important that Premier Mike Rann gave the task of its detailed examination to Monsignor Cappo.

In 2005-06 the government provided some one-off funding over two to three years, some of which has funded new NGO services. Logic dictates that if we are to have a vigorous system we need a range of players, including the non-government sector. However, since that year, Labor has steadfastly refused to guarantee ongoing funding, which has reached the point of threatening the very existence of such organisations in this state.

As for the long-awaited Cappo report, which was to be the answer to all the woes within the system, it was finally released after a particularly bad spate of media. Were these coincidences: a story on Friday 16 February on *Stateline*, a three-page lead story by award winning journalist Hendrik Gout in *The Independent Weekly*, and then follow-up pieces on radio early the following week? The report was forced to be released ahead of the government's preferred schedule. A briefing was hurriedly scheduled under a cloud of great secrecy at the Adelaide Town Hall. When ABC journalists turned up uninvited, they were able to film the ridiculous spectacle of stakeholders, replete with the government briefing package in arm, being hurried down to the safe haven of the state admin centre.

How is the report being received? The response varies. The concerns are that it lacks focus on community services, ignores the drug problem and completely omits mental health issues in our prisons and for forensic patients. It also relies

on Glenside being the site for a whole range of relocated services, and it assumes that the commonwealth will roll over on the aged care bed licence issue. But do not take my word for it. SACOSS, which is not exactly a Liberal Party think tank, has this to say:

> . . . what it does not do is cost the plan or deal in any meaningful way with the complications or implementation challenges of such reform. . . the plan, if poorly executed, will only serve to rearrange the deck chairs, rename acute beds to be called intermediate beds, talk up intervention and fail to deliver.

Cappo's report is also deficient in that it recommends cutting acute mental health bed numbers at a time when people are waiting, under guard, in emergency departments to get into them. In the past five years this government has failed to deliver new mental health services on time or on budget and has, in many cases, scaled back the promised number of beds.

In contrast, Prime Minister John Howard has provided the most comprehensive commitment to mental health in Australia's history. The federal government announced 12 months ago that it would commit $1.9 billion over five years for additional services and that it expected the states to do the same in their areas of responsibility, namely, hospital-based emergency and crisis services and community, correctional and supported accommodation services.

This minister's response in relation to whether this government would fully cooperate with the commonwealth was to say:

> What is important in any negotiations with the commonwealth is that South Australia sets its agenda in terms of meeting the priority needs of this state and is not dictated to by the whims and fancies of the federal government.

You would have to be a hermit not to know about the scourge on our community, our emergency departments and our mental health services with the problems induced by illicit drugs and alcohol. When this government came to office it held the Drugs Summit. Five years later, the Drugs Summit has proved to be a feel-good exercise. Its outcomes have been neglected and will fall off the budget unless the government stumps up some more funding.

The last reference of the Social Inclusion Board to the Drugs Summit was in February 2006, over two years ago. Many initiatives will fall out of funds within the next 18 months. One NGO provider, who I will not name, states in relation to the availability of rehabilitation:

> Currently you can wait up to three months for a place in a residential drug treatment program. Heaven knows what happens to your motivation (let alone your drug use) during your extended wait.

On the environment, this minister has demonstrated several times that she is just not across her portfolio. Personal explanations are par for the course, becoming more common than responses to questions, such as on the Adelaide Parklands Authority and Port Stanvac.

Questions on native vegetation, a huge issue for many farmers, were taken straight on notice. With the support of cross-bench MLCs, it has been the Legislative Council which has forced many amendments to legislation which will provide greater security for our environment; most recently in the case of implementing an interim target for the reduction of this state's greenhouse emissions by 2020. Labor alone opposed this policy, asking the community to believe that our planet can rely on a target that will not be tested before 2050.

These are portfolios that require leadership. If ever there is a zenith in a politician's career it is in government as a minister. It is the holy grail of political office. You have the power to implement the programs that you believe will make a difference and to focus on the key areas that you believe are a challenge. Any minister who fails to do so has failed their community. Minister Gago is too scared of making mistakes to make a difference. She governs by briefing paper. She is led by her department. She does not even appear on the radio to conduct interviews. We have every reason to suspect that she does not scrutinise the advice she receives. There is one area in which we fear her when we ask her questions, because we are guaranteed to receive a recitation from some ministerial briefing paper, and I think we are up to No. 301. Minister Gago is a minister in hiding who hides behind her bureaucrats and her briefing papers.

The Labor Party is a party which rewards allies, mates and comrades. To get ahead in the ALP you have to keep sweet with the right people. Bernard Finnigan, Labor's youngest and newest MLC, does not represent a confident, young and renewed vision; he is part of Labor's deep, dark past. He brings no skills, other than being a factional hack who served his apprenticeship and shares the same DLP views as his masters. It must have pained him to have to vote in favour of the relationships bill against his conscience. Women, particularly strong women, are anathema to the Labor Party. Women are tokens, and the Labor right will make sure that no Labor woman ever has a real say.

Look at the comparison between Linda Kirk and Kate Ellis, the member for Adelaide. Linda Kirk dared to follow her conscience and vote in favour of stem cell research. The member for Adelaide said that, because she did not understand the issue, she could not vote for it. What does that really mean? Is she incapable of understanding scientific issues, or has Don Farrell told her how to vote? Don Farrell is one of the most powerful figures in state Labor. He runs the faction with his good friends the Attorney-General and the member for West Torrens. The member for West Torrens is this parliament's worst offender of the use of cowards' castle. He takes a very personal approach to the selection of female candidates in the Labor Party. He is a grub. He could never get a job in the real world.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I rise on a point of order.

The PRESIDENT: The Hon. Ms Lensink will withdraw the remark she just made about the member for West Torrens.

The Hon. J.M.A. LENSINK: I withdraw saying that he is a grub. He could never get a job in the real world, yet he is one of the most influential people in the Labor Party. Labor has now shown us its latest approach to candidate selection, which has everything to do with headlines and nothing to do with substance: the celebrity recruit. Bypass the grassroots and do the deals; that is Labor's style. I do not even know why its rank and file bother being members. Instead of accepting offers on face value from Labor's power brokers, Nicole Cornes and Mia Handshin, who are probably very nice people, should have had a very frank discussion with some of Labor's loyal women about how they have been treated. They need to speak to Lea, Trish, Steph and now, I think, to Jane Lomax-Smith.

Labor's disrespect for women is replicated in the Public Service, where, in spite of its rhetoric, women are still poorly represented in leadership positions and, according to its own government reports, the employment of women is skewed towards the lower end of the classification scale. This government does not believe in power sharing. It bullies community groups, industry groups, public servants and its own loyal members. It wants to abolish the Legislative Council for the same reason. It does not accept the legitimate

right of other parties to amend bills. When it gets grumpy with the Liberals and the Independents, it has a tantrum and pulls up stumps early. It gets angry when other MLCs do not want to cancel sitting days. It finds replying to questions on notice or questions without notice an inconvenience. It is not fit to govern. I support this motion which signifies that the Liberal Party will fulfil its duty to keep this government accountable and present an alternative to the South Australian people.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): This lot opposite have been trying for five years—trying being the operative word. As yet, the Liberal Party has not proved itself a capable opposition, let alone an alternative government. I place on record that it could only be a member of the Liberal Party's squattocracy who would come up with such a sexist statement as he did in relation to my preselection for this place. I also place on record what a wonderful Dorothy Dixer we have heard today. I have to be mindful of the fact that my colleague the Hon. Gail Gago also wishes to respond to some of the nonsense that the Hon. Michelle Lensink has just placed on the record and, because of that, I will not have the opportunity to respond to some of the personal attacks of the Hon. Stephen Wade. Anyway, what a wonderful Dorothy Dixer.

Where do I start? I will begin with my emergency services portfolio. The Rann Labor government established the South Australian Fire and Emergency Services Commission to provide leadership in emergency management and to drive better cooperation across the emergency services sector in this state. There have been quite a few highlights, including the MFS fire station at Golden Grove and the new Beulah Park MFS station, which is currently being developed. We have announced a new fire station at Paradise. We have seen new surf lifesaving clubs at Christies Beach and Brighton and the redevelopment of the Somerton and North Haven surf lifesaving clubs in partnership with local government and Surf Lifesaving South Australia. It has been my great pleasure to attend at the opening of several of those stations. We have seen significant expansion of aerial fire fighting resources in this state. We have also seen the establishment of day staffing at the MFS station at Mount Gambier. We have seen the introduction of aerial shark surveillance services for major recreational beaches. All of this was achieved without raising the emergency services levy.

I think I should go into greater detail in relation to what we have been able to achieve. First, SAFECOM has the responsibility of ensuring effective governance by overseeing the coordination of the services and providing strategic direction and organisational support to our emergency services. We see more efficient and cost effective services delivery and enhanced community safety. In relation to the Metropolitan Fire Service—

The Hon. J.M.A. Lensink: Someone wake me up when she is finished.

The Hon. CARMEL ZOLLO: Don't you want to hear about all the good things we have done? This motion is all about your nonsense. So, you do not want me to list all the good things we have done? You do not want to know. Mr President, the honourable member does not want to know what this government has achieved. A major achievement of the MFS besides the stations I have mentioned is the development of the road awareness and accident prevention program. The RAAP program is very popular with our high school students—in particular, with year 11 students. They work well with all the high schools as well as SAPOL. As I said, we have seen new stations, the sky jet aerial compliance refurbishment, four new general purpose pumpers, the delivery of 10 ROSA's and the replacement of personal protective clothing. Not only did we replace personal protective clothing for the MFS but also the CFS and, as I mentioned before, we now have day staffing at Mount Gambier.

In relation to the Country Fire Service, we have announced and have begun delivering an additional 42 heavy fire appliances over the period between 2006 and the end of 2009. I have been pleased to be able to commission and hand over keys at many stations, including one last weekend up at Jamestown.

As I said previously, we have seen the expansion of aerial firefighting operations and, of course, the introduction of revised bushfire information warning messages and, even more importantly, accompanying community education programs so that people who live in bushfire-prone areas, and now peri-urban areas, are better prepared. I could mention, of course, the fire stations that have been built in the past five years. I could mention Clare, Inman Valley, Carrington, Jamestown, Melrose (and, as I said, I visited both Melrose and Jamestown over the weekend), Coober Pedy, Parndana, Glencoe West, Strathalbyn and Tanunda. We have commenced construction at Hallett, Cummins, Andamooka, Roseworthy, Booleroo and Aldgate. From memory, I have also been to Wirrabara and Kingston to open stations. As I said, the list goes on, and this is what this is about. This is about saying what this government has achieved in the past five years.

In relation to the SES, I was very pleased to be able to launch a new sea and rescue boat at Ceduna a week or so ago, and there has also been the completion of capital works at Kapunda, Clare, Hallett, Andamooka and Wattle Range.

Members interjecting:

The Hon. CARMEL ZOLLO: The people opposite find it amusing that we have been able to deliver services to the community. I really should place this on the record. They find it amusing. Of course, we have been able to do all this by supporting our volunteers as well, because the volunteers are very important to any community and, in particular, of course, they are important to this government.

Let us move to another of my portfolios, the Correctional Services portfolio that has already been mentioned by the Hon. Paul Holloway. This government was the first to announce a major public-private partnership for future prison infrastructure near Murray Bridge at Mobilong. We are talking about over half a billion dollars, if we consider the construction of the youth detention centre at Cavan. It is major infrastructure for the state. It is on track to open in June 2011. As I said, the facilities will be procured under a public-private partnership contract, with the private sector to own, finance, design, build and maintain the infrastructure, and the prisons will be operated by the government through the Department of Correctional Services. As I said before, given international and interstate experience, there is likely to be (and already has been) considerable interest demonstrated in this project.

I think I should place on record that, other than the project team costs, the government does not pay anything towards the construction or the design. The shadow minister, as she was at the time, had great difficulty grasping what a PPP was, and I place that on record. Once the prisons are commissioned—that is, ready for use—of course, the government pays a

concession to the successful tenderer. As I said previously, the collocation of the three prisons—one at Mobilong and the two that will be built—provides maximum opportunities for economies of scale for the operation.

The investment in the new infrastructure obviously will allow the government to increase the prison bed capacity in the state and replace the very much outdated and inefficient Yatala Labour Prison and Adelaide Women's Prison, and that will reduce the operating costs associated with inefficient infrastructure, provide appropriate treatment and conditions for prisoners, improve the opportunities for rehabilitation of prisoners, and provide safer communities through reduced recidivism. We have already undertaken to consult with the community, and a community consultative committee has been established to ensure that the matters of concern to local communities can be addressed for the life of the project. The chief executive, Mr Peter Severin, will be chairing an interdepartmental government services group to investigate the effect of the new prison infrastructure near Murray Bridge.

I will very briefly mention several other achievements. We saw, of course, the expansion of Mobilong Prison under this government with 50 extra beds. We have seen new Community Corrections services to the APY lands leading to a significant improvement in community service order compliance. We have introduced a new prisoner assessment tool, as well as the introduction of high risk assessment teams to improve the management of prisoners at risk of suicide and self harm. More importantly, I should also mention that, in the interim, a bed management strategy is being worked on by this government and communicated to the PSA. All in all, we are delivering safe and secure correctional services to the people of the state. Another area I wish to mention is road safety. I am very pleased that this government—

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. CARMEL ZOLLO: Thank you, Mr President. I am very pleased that this opposition has now decided to appoint a spokesperson on road safety. I am really aggrieved to hear members opposite talking nonsense about people who have died on our roads recently. I would like to think they are above such crass statements. I said to the honourable member when we last sat that I do not see road safety as necessarily part of a political portfolio, but—

Members interjecting:

The Hon. CARMEL ZOLLO: Well, as I said, I hope that members opposite are not so crass as to continue down that line. This government does consider the road safety of South Australians as paramount, and we created the ministry for that reason: to see a greater focus on road safety. We were very fortunate, because last year we had 30 fewer fatalities on our roads—146 to 117. We can never be complacent in relation to fatalities and serious injuries on our roads. If members opposite want to continue talking about the latest spate of deaths, surely it does not take too much intelligence to work out that we had a change of season.

All I can say to all motorists is, 'Please drive to the conditions, not necessarily the speed that you see.' Everyone should always drive to the conditions on our roads. This government was responsible for establishing the Road Safety Advisory Council, and I acknowledge the good work that that council undertakes. Also, I acknowledge the good work of community road safety groups. I acknowledge the very many partners with respect to road safety, including SAPOL and the Motor Accident Commission, which works extremely hard. Many improvements have been made in relation to road safety in the state. We have seen a raft of legislative changes.

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to withdraw the motion.

Leave granted; motion withdrawn.

CITIZEN'S RIGHT OF REPLY

The Hon. P. HOLLOWAY (Minister for Police): I move:

That, during the present session, the council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into *Hansard*—

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—
   (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
   (b) requesting that his or her response be incorporated into Hansard.
2. The President shall consider the submission as soon as practicable.
3. The President shall reject any submission that is not made within a reasonable time.
4. If the President has not rejected the submission under clause 3, the President shall give notice of the submission to the member who referred in the council to the person who has made the submission.
5. In considering the submission, the President—
   (a) may confer with the person who made the submission;
   (b) may confer with any member;
   (c) must confer with the member who referred in the council to the person who has made the submission and provide to that member a copy of any proposed response at least one clear sitting day prior to the publication of the response;

   but
   (d) may not take any evidence;
   (e) may not judge the truth of any statement made in the council or the submission.
6. If the President is of the opinion that—
   (a) the submission is trivial, frivolous, vexatious or offensive in character; or
   (b) the submission is not made in good faith; or
   (c) the submission has not been made within a reasonable time; or
   (d) the submission misrepresents the statements made by the member; or
   (e) there is some other good reason not to grant the request to incorporate a response in to *Hansard*,

   the President shall refuse the request and inform the person who made it of the President's decision.
7. The President shall not be obliged to inform the council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.
8. Unless the President refuses the request on one or more of the grounds set out in paragraph 5 of this resolution, the President shall report to the council that in the President's opinion the response in terms agreed between him and the person making the request should be incorporated into *Hansard* and the response shall thereupon be incorporated into *Hansard*.
9. A response—
   (a) must be succinct and strictly relevant to the question in issue;
   (b) must not contain anything offensive in character;

(c) must not contain any matter the publication of which would have the effect of—
(i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph I of this resolution, or
(ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
(iii) unreasonably aggravating any situation or circumstance,
and
(d) must not contain any matter the publication of which might prejudice—
(i) the investigation of any alleged criminal offence,
(ii) the fair trial of any current or pending criminal proceedings, or
(iii) any civil proceedings in any court or tribunal.

10. In this resolution—
(a) 'person' includes a corporation of any type and an unincorporated association;
(b) 'member' includes a former member of the Legislative Council.

This motion re-establishes the right of reply to members of the public who have been aggrieved during debate within the Legislative Council. This matter has been discussed a number of times in this chamber in the past. It has been amended several times in the past, but this is the form in which it was accepted by this Legislative Council after the last election. I move the motion again so that people who believe they have been aggrieved during debates in this place can have access to this right of reply. My only comment is to record that I understand that, some many years after this Legislative Council first introduced the right of reply, the House of Assembly is now undertaking a similar motion. I commend the motion to the council.

The Hon. D.W. RIDGWAY (Leader of the Opposition): I rise on behalf of the opposition to speak to the motion. As members opposite and those sitting behind me would know, as an enthusiastic backbencher I occasionally got some of my facts wrong, and there was an opportunity for the public to put their particular case. I think it is a very important arm of parliamentary democracy and our parliamentary process that, if anyone believes they have been misrepresented by someone in this place, they can correct the record. With those few words, I indicate the opposition's support for the motion.

Motion carried.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

The Hon. P. HOLLOWAY (Minister for Police): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

CRIMINAL LAW (SENTENCING) (DANGEROUS OFFENDERS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Police): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

SUPPLY BILL

The Hon. P. HOLLOWAY (Minister for Police): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

STATUTES AMENDMENT (REAL ESTATE INDUSTRY REFORM) BILL

The Hon. G.E. GAGO (Minister for Environment and Conservation): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

PSYCHOLOGICAL PRACTICE BILL

The Hon. G.E. GAGO (Minister for Environment and Conservation): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

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

That this bill be now read a second time.

This bill is an important step in the process of managing site contamination in South Australia. Site contamination is a matter of international and national concern that has emerged as a major environmental and land use planning issue in South Australia over the past decade, following a number of cases in the late 1980s and 1990s when development occurred on land where site contamination was subsequently found to exist. These included, for example, a residential development at Bowden being built on former industrial land that was affected by a hazardous chemical and another residential development built on a site of a former tannery which had contaminated the soil with arsenic. In these instances contamination of both the soil and groundwater beneath the sites were potential sources of exposure and health risks for residents.

Unlike the majority of the Australian states and territories, South Australia does not have an effective legislative framework to deal with the assessment and remediation of site contamination with the powers under the Environmental Protection Act 1993 (the act) not extending to contaminating activities that occurred before the commencement of the act on 1 May 1995. Although considered at the time the Environment Protection Bill was developed and introduced into parliament in 1993, site contamination provisions were deferred until such time as a national position on liability was agreed. This occurred in 1994 under Financial Liability for Contaminated Site Remediation prepared by ANZECC (Australia and New Zealand Environment and Conservation Council) and endorsed by the state government in 1994.

As there is no effective legislative or policy framework to deal with the assessment and remediation of site contamination, site contamination is currently managed under the EPA in an administrative manner. Site contamination as defined in the bill exists when chemicals have been added to land above background levels through an activity resulting in an actual or potential impact on human health or the environment, in particular on water. These past activities include industrial, commercial or agricultural practices. While the contaminants deposited may not have an immediate effect on the existing industrial use of the land, a change of land use to, for example, residential, requires any potential site contamination to be identified, assessed and managed to ensure the land is suitable for its intended purpose. As is the case in Australia and other industrialised countries, the demand for land in South Australia—in particular, for residential land in the Adelaide metropolitan area—has led and is leading to the redevelopment of former industrial/commercial areas and agricultural areas such as market gardens.

In Australia the issue of the identification, assessment and remediation of land contamination was recognised during the 1980s and 1990s, with states such as Victoria, New South Wales, Queensland and the ACT—and, most recently, Western Australia in December 2006—responding by introducing either specific legislation or amending existing legislation to address the management of contaminated land. In most jurisdictions, the management of site contamination is also addressed through the relevant planning legislation. Therefore, in addition to the bill, it is intended that site contamination will be addressed through the land use planning process under the current Development Act 1993.

When an application is made to the relevant development authority (such as a local council) for sensitive land use on a site that has a history of prescribed contaminating activity having occurred, the application will need to be supported by a site contamination audit undertaken by an accredited auditor. This link to the development process was consulted on at the same time as the draft bill was released for public comment. The bill and the proposed changes to the development process will provide certainty to the property market, where the current lack of legislation causes uncertainty, in that councils take varying approaches when considering development applications where site contamination may be an issue.

It is often asserted that the assessment and remediation of site contamination is an impost on development. In fact, the remediation of contaminated land has led to substantial leveraging of development and enhanced property values of previously derelict land, both within Australia and internationally. In South Australia, there are numerous examples of remediation works enabling the development of contaminated sites that could not otherwise have been redeveloped. These include the former Mile End rail yards, which were remediated at a cost of $6 million and are now the site for athletic and netball stadia, as well as approximately 30 new residential allotments; and the Port Adelaide waterfront redevelopment, where the LMC is undertaking remediation work at a cost of $40 million and has enabled the $1.5 billion to $2 billion development to progress.

The bill is at the forefront of international best practice in the management of site contamination in a number of ways. First, it takes a risk-based approach to site remediation; that is, the response to managing a site is based on an evaluation of the degree of the risk presented by the contaminant, which is linked to the land use of that site. The bill uses experts external to the government for site contamination management, that is, assessment and remediation through a system of accredited auditors. Independent auditors have been accredited under that site contamination legislation in Victoria and New South Wales for a number of years and will also be accredited under the new Western Australian legislation.

The bill is also innovative in that it allows the liability and responsibility for the assessment and remediation of a contaminated site to be assigned to the person who caused the contamination. This is consistent with the 'polluter pays' principle established under the Australian and New Zealand Environmental Conservation Council (ANZECC) and agreed to by all governments in 1994. Importantly, the bill allows full or partial liability to be transferred from one person to another, through the purchase or transfer of land, where there is a genuine arm's length transaction. In many cases, the owner of a contaminated site may decide to have the site remediated. The bill recognises such voluntary proposals and enables a person to avoid being served with an order.

As site contamination is historical pollution that may have occurred before the commencement of the Environment Protection Act, the provisions of the bill need to have retrospectivity as well as prospectivity in terms of its operation. While retrospectivity is generally avoided in legislation, it is clear that in this instance the legislation needs to apply retrospectively in order to hold a person who caused the contamination responsible for the assessment and remediation of contaminated land. The need for the legislation to be retrospective was acknowledged in submissions received through consultation on the draft bill.

There are only a few additional powers in the bill to be given to the EPA to manage site contamination, and these are similar to existing powers of the EPA under the current act to issue clean-up orders or environment protection orders. Under this bill, the EPA will have the ability to serve a site contamination assessment order, which requires a person to undertake an assessment of the nature and extent of the contamination on a site, and a site remediation order, which requires the person to remediate a site.

Remediation does not necessarily mean the total clean-up of the site but, rather, using a risk-based approach, a site may have the majority of contaminants removed, with the remaining contaminants being managed on site. In the first instance an order is served on the person who caused the site contamination. Under certain circumstances, however, if the order cannot be served on that person, the order is served on the owner of the source site—that is, the land where the contaminating activity occurred. By and large this reflects the practice in other jurisdictions.

The third additional power to be given to the EPA is the ability to partially or fully prohibit the taking of water affected by site contamination. This is a necessary power for the EPA to have when it becomes aware that certain water (in particular, groundwater) is contaminated and might pose an unacceptable risk to public health. In summary, the main features of the bill are:

· the legislation is retrospective as the act does not apply before 1995, when it came into operation;

· it enables the EPA to serve site contamination assessment orders or site remediation orders on the appropriate person;

· it defines the appropriate person as either the original polluter, or the owner of the source site (as defined in the bill);

· allows the legal transfer of full or partial responsibility for site contamination on the sale or transfer of land from vendor to purchaser subject to agreements; and

· establishes a mechanism to accredit site contamination auditors.

I commend the bill to members. I seek leave to have the remainder of the explanation of the bill inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Environment Protection Act 1993*

4—Amendment of section 3—Interpretation

This clause introduces new terms into, and modifies current definitions in, the Act. The terms are:

· ***appropriate person***—the reader is referred to Part 10A for a definition of this term. Essentially, if site contamination exists or is suspected of existing at a site, the Authority identifies an ***appropriate person*** who may then be issued with a site contamination assessment order or site remediation order to address the site contamination. The details of this process are provided for in new Part 10A, particularly Division 2;

· ***background concentrations***—this term is used in the definition of ***site contamination*** in new section 5B. One of the elements supporting the existence of site contamination on a site or below its surface is that chemical substances must be present at the site in concentrations above background concentrations. Background concentrations of substances are ascertained by carrying out assessments of the presence of the substances in the vicinity of the site in accordance with guidelines from time to time issued by the Authority;

· ***cause*** site contamination—the reader is referred to section 103D for a definition of this term;

· ***chemical substance***—this term means any organic or inorganic substance, whether a solid, liquid or gas (or combination thereof), and includes waste. Under new section 5B, if chemical substances are present at a site above background concentrations, this may be one indicator of the existence of site contamination at a site;

· ***holding company*** has the same meaning as in the *Corporations Act 2001* of the Commonwealth. In that Act it means, in relation to a body corporate, a body corporate of which the first body corporate is a subsidiary. This term is relevant in this Bill where a body corporate attempts to avoid its obligations under a site contamination assessment order or site remediation order, or attempts to avoid its being issued with an order, in which case the Authority may apply for a court order that a director or other person concerned in the management of the company or of a holding company of the body corporate is an appropriate person to be issued with an order;

· ***liability*** for site contamination—this term is used throughout the Bill and means—

· liability to be issued with an order under Part 10A in respect of the site contamination; or

· liability to pay an amount ordered by the Court under Part 11 in respect of the site contamination;

· ***remediate*** a site means treat, contain, remove or manage chemical substances on or below the surface of the site so as to—

· eliminate or prevent actual or potential harm to the health or safety of human beings that is not trivial, taking into account current or proposed land uses; and

· eliminate or prevent, as far as reasonably practicable—

(i) actual or potential harm to water that is not trivial; and

(ii) any other actual or potential environmental harm that is not trivial, taking into account current or proposed land uses,

and ***remediation*** has a corresponding meaning;

· ***sensitive use***—the suitability of a site for a sensitive use is one of the matters that may be addressed in a ***site contamination audit*** relating to a site. ***Sensitive use*** means—

· use for residential purposes; or

· use for a pre-school within the meaning of the *Development Regulations 1993*; or

· use for a primary school; or

· use of a kind prescribed by regulation;

· ***site*** means an area of land (whether or not in the same ownership or occupation);

· ***site contamination***—the reader is referred to new section 5B for a definition of this term;

· ***site contamination assessment order*** means a site contamination assessment order under Part 10A;

· ***site contamination audit*** means a review carried out by a person that—

· examines assessments or remediation carried out in respect of known or suspected site contamination on or below the surface of a site; and

· is for the purpose of determining any 1 or more of the following matters:

· the nature and extent of any site contamination present or remaining on or below the surface of the site;

· the suitability of the site for a sensitive use or another use or range of uses;

· what remediation is or remains necessary for a specified use or range of uses;

· ***site contamination auditor*** means a person accredited under Division 4 of Part 10A as a site contamination auditor;

· ***site contamination audit report***, in relation to a site contamination audit, means a detailed written report that—

· sets out the findings of the audit and complies with the guidelines from time to time issued by the Authority; and

· includes a summary of the findings of the audit certified, in the prescribed form, by the site contamination auditor who personally carried out or directly supervised the audit;

· ***site contamination audit statement*** means a copy (that must comply with the regulations) of the summary of the findings of a site contamination audit certified, in the prescribed form, by the site contamination auditor who personally carried out or directly supervised the audit;

· ***site contamination consultant*** means a person other than a site contamination auditor who, for fee or reward, assesses the existence or nature or extent of site contamination;

· ***site remediation order*** means a site remediation order under Part 10A;

· ***source site***—the reader is referred to section 103D for a definition of this term;

· ***water***—this definition replaces the current definition of water. The proposed definition is:

· water occurring naturally above or under the ground; or

· water introduced to aquifers or underground areas (eg for storage and later retrieval); or

· an artificially created body of water or stream that is for public use and enjoyment.

5—Insertion of section 5B

This clause inserts new section 5B which contains a definition of site contamination.

5B—Site contamination

Subclause (1) explains what factors are required for site contamination to exist at a site. Most significantly, site contamination will not be assessed as an absolute, rather it is measured against the following factors:

· whether chemical substances have been introduced to a site (ie as opposed to occurring naturally); and

· whether those chemical substances are present above background concentrations; and

- whether harm (of various stated kinds and levels) is caused or threatened given the current or proposed land uses.

Subclause (2) further explains that environmental harm may be caused by chemical substances whether the harm is a direct or indirect result of the chemicals or whether the harm results from the chemicals alone or a combination of the chemicals and other factors.

Subsection (3) enables the regulations made under the Act to provide that, in certain situations, site contamination will be taken not to exist at a site.

6—Amendment of section 10—Objects of Act

This clause amends the objects section of the Act to include a reference to the site contamination provisions contained in this Bill.

7—Insertion of section 83A

This clause inserts new section 83A.

83A—Notification of site contamination of underground water

This new section makes it an offence not to notify the Authority of contamination or threatened contamination of underground water which comes to the attention of an owner or occupier or a site contamination auditor or consultant. Failure to so notify is an offence attracting a maximum penalty for a body corporate of $120 000, or for a natural person, $60 000. A person is excused from compliance with the section if the person has reason to believe the Authority is already aware of the site contamination, but on the other hand must comply with the provision even if to do so might incriminate the person or make the person liable to a penalty. However, a notification given by a person may not be used in evidence in proceedings for an offence or the imposition of a penalty, other than in proceedings for the making of a false or misleading statement.

8—Amendment of section 84—Defence where alleged contravention of Part

This clause adds another exception to the defence at section 84(1a), so that, in proceedings alleging contravention of Part 9 of the Act, it is possible to rely on several defences provided for in subsection (1) unless certain circumstances apply including, now, that the property harmed comprises water occurring naturally above or under the ground or water introduced to an aquifer or other area under the ground or the pollution resulted in site contamination.

9—Amendment of section 87—Powers of authorised officers

This clause adds to section 87 circumstances in which an authorised officer may exercise the power of entry, namely where the exercise of the power is reasonably required for the purposes of assessing the existence or causes of known or suspected site contamination.

10—Amendment of section 88—Issue of warrants

This clause enables a justice to issue a warrant if satisfied that there are reasonable grounds to believe that site contamination may exist in a place or something may be found in a place that constitutes evidence of a cause of site contamination.

11—Insertion of Part 10A

This clause inserts new Part 10A.

Part 10A—Special provisions and enforcement powers for site contamination

Division 1—Interpretation and application

103A—Interpretation

The term "***occupier***" is defined as having the meaning assigned to the word under the general interpretation section of the principal Act, but also meaning a person of a kind prescribed by regulation. This will be mainly relevant in the context of the Authority determining who the person is who caused site contamination in relation to land under Division 2. Under this section it will be possible to let the regulations deem a person to be the occupier in unusual situations. In some situations, for example, where there are franchise arrangements, it is unclear precisely who is the occupier of land and hence who should be taken to have caused site contamination. Another example that might be addressed by this provision is where a person, though not in lawful occupation of land, has stored contaminating materials on the land and should be treated as an occupier under the Part.

103B—Application of Part to site contamination

This section makes it clear that the provisions of new Part 10A have retrospective and prospective effect.

Division 2—Appropriate persons to be issued with orders and liability for site contamination

103C—General provisions as to appropriate persons

This section contains the key concept of the Bill: if site contamination exists or is suspected of existing at a site, the Authority identifies an appropriate person to be issued with a site contamination assessment order or site remediation order in respect of the site. The appropriate person may be the person who caused the site contamination or, if it is not practicable to issue the notice to that person (because the person has died, cannot be identified or located or is without means, or, in the case of a body corporate, has ceased to exist) and the site is all or portion of the source site, the appropriate person is the owner of the site. One qualification is, however, that if the Authority only suspects that site contamination exists at a site because a potentially contaminating activity of a prescribed kind has taken place there, the appropriate person is not (and cannot be, due to it being a mere suspicion) the person who caused the site contamination, but rather the owner of the source site.

103D—Causing site contamination and source sites

This section explains what is meant by "causing site contamination" and "source site"—terms used in section 103C. A person is taken to have ***caused*** site contamination if the person was the occupier of land when there was an activity at the land that caused or contributed to the site contamination.

The land affected with the site contamination and occupied at that time by the person is the ***source site***, or, in other words, the contaminated land comprised within the premises occupied and used by the person in carrying on the contaminated activity. The whole area of the affected land making up the premises occupied for that activity will constitute the source site, even if the affected land is subsequently subdivided. However, as the Note to subsection (1) points out, the source site need not be the whole area affected by the site contamination. For example, if the affected area extends beyond the area occupied by the person who caused the site contamination, then that further area is not the source site even though it was affected by the site contamination.

A person can also cause site contamination at a site if the person brought about a change of use of the site, for example, from an industrial site to a dwelling, however a relevant authority that grants a consent or approval for a change of use under the *Development Act 1993* will not by that action be regarded as having brought about a change of use. The Bill contemplates that more than one person may have caused site contamination, for example, 2 or more persons may have caused the site contamination at the same time or at different times.

103E—Liability for site contamination subject to certain agreements

This section allows persons (including companies) to sell or transfer their liability for all or a specified part of the site contamination in which case the purchaser or transferee assumes the liability as if they had caused the site contamination (and consequently would be the appropriate person to be issued with an order under section 103C(1)(a)). This kind of sale or transfer can only be done after the commencement of Part 10A and certain qualifications apply, namely the agreement has to be in writing and the person has to have first given the purchaser or transferee a notice setting out the legal effect of the agreement and lodged the agreement with the Authority. One possible obstacle to being able to rely on such an agreement is a determination by the ERD Court, on application by the Authority, that the purchaser or transferee did not acquire the land in a genuine arms length transaction. A genuine arms length transaction is one in which there is no special duty, obligation or relationship between the parties to the transaction in which one party is under a duty to act for the benefit of the other.

103F—Liability for site contamination subject to determination by Authority

This section allows a person to apply to the Authority for a determination that the person has no liability for site contamination if the person has, before the com-

mencement of Part 10A, sold the land to another person in a genuine arms length sale (explained in the clause notes for section 103F) for a reduced price due to an expectation that the purchaser might incur remediation costs. If the Authority makes a determination in favour of the applicant, the applicant has no liability for the site contamination in respect of the land sold and the Act applies as if the purchaser and not the applicant caused the site contamination. As a result, the purchaser or transferee under that transaction would be the appropriate person to be issued with an order under section 103C(1)(a). A purchaser must, before the Authority makes a determination, be given notice of the application and allowed a reasonable opportunity to make submissions in his or her defence to the Authority.

103G—Order may be issued to one or more appropriate persons

This section enables the Authority, if there are 2 or more persons to whom it is practicable to issue an order as appropriate persons, to determine that any one of those persons is the appropriate person to be issued with the order or that 2 or more of the persons are the appropriate persons to be issued with the order (and are consequently jointly and severally liable to comply with the requirements of the order). If persons are jointly and severally liable, each person is liable alone to carry out the obligations contained in the order in full as well as being jointly liable to do so with the others, and if the obligations are not so carried out, each can be prosecuted separately as well as in a joint action.

103H—Court may order that director of body is appropriate person in certain circumstances

Under this section, if a body corporate has been issued with an order under Division 3 or might be issued with such an order and there is reason to believe that the body corporate is being wound up, stripped of assets or subjected to other action in order to avoid being issued with an order or meeting its obligations under an order, the Authority may seek an order from the ERD Court declaring the director or manager of the body corporate or its holding company to be the appropriate person in certain circumstances.

Subsection (2) deems certain situations to satisfy the "reason to believe" test, namely—

(1) where the body corporate is being or has been wound up, has carried out one of three possible types of transactions under the *Corporations Act 2001* of the Commonwealth (being transactions which could be informally described as opportunistic), and at the time of the transaction, there was reason to believe that site contamination may exist at the site;

(2) where a holding company of the body corporate has contravened section 588V of the *Corporations Act 2001* of the Commonwealth in relation to the body corporate (ie the holding company or a director of the holding company suspects or is aware that the body corporate is or will become insolvent while trading) and there was at the time of the contravention reason to believe that site contamination may exist at the site;

(3) where the site has been transferred to a related body corporate in circumstances where proper remediation of the site would likely render the body corporate insolvent and there was, at the time of the transfer, reason to believe that site contamination may exist at the site.

However, this is not an exhaustive list: the section contemplates that there may be other circumstances leading the Court to find that test satisfied.

The Court must not make an order against a person if the person can satisfy the Court that he or she had no knowledge of the scheme, was not in a position to influence the execution of the scheme or used all due diligence to prevent pursuit of the scheme by the body corporate.

The Court may make an order even though the body corporate took steps to remediate the site.

Division 3—Orders and other action to deal with site contamination

103I—Site contamination assessment orders

This section sets out when a site contamination assessment order may be issued, what form it must be in and what it must or may require.

For the Authority to be able to issue such an order to a person, it must either be satisfied that site contamination exists at a site or suspect that it exists because a potentially contaminating activity of a kind prescribed by regulation has taken place there.

Subsection (2) sets out the form that such an order must be in, that assessment must be required, that a report of the assessment must be required, and also several other matters that the Authority has the discretion to require under such an order, namely that specially qualified persons be engaged to carry out certain requirements, that a site contamination audit be carried out, and that specified consultations be carried out with owners of land in the vicinity of the site. In addition, the order must state that the person may, within 14 days, appeal to the ERD Court against the order.

Subsection (3) makes it clear that, if the order is issued to an appropriate person as owner rather than as the person who caused the site contamination, the order must be limited in its application to site contamination on or below the surface of the site (and not other land in other ownership to which the site contamination may have spread). In other words, an order so issued cannot require a person to take action in respect of land of which the person is not the owner.

Under subsection (4), if an activity required under an order is an activity that would require a permit under section 129 of the *Natural Resources Management Act 2004*, the Authority must notify the authority under that Act inviting the authority to comment on the proposal.

Subsection (6) requires a person to whom an order is issued to comply with the order, with failure to do so an offence attracting a maximum fine of $120 000 for a body corporate or $75 000 for a natural person.

A person may not refuse or fail to provide information required by an order on the ground that it might incriminate the person or make the person liable to a penalty.

However, any such incriminatory information provided by the person is not admissible in evidence in proceedings unless the proceedings relate to the making of a false or misleading statement.

103J—Voluntary site contamination assessment proposals

This section enables a person to obtain the Authority's agreement not to issue the person with a site contamination assessment order if the person undertakes to carry out an assessment in accordance with an approved voluntary site contamination assessment proposal. In this way, the person avoids being issued with an order and possible subsequent registration of the order against their title. Once the assessment has been carried out to the satisfaction of the Authority, the Authority notifies the person of that fact and the person may subsequently pursue other persons through the Court for payment of the whole or portion of the costs in the same way as if the assessment had been carried out under a site contamination assessment order.

103K—Site remediation orders

This section sets out when a site remediation order may be issued, what form it must be in and what it must or may require.

For the Authority to be able to issue such an order to a person, it must be satisfied that site contamination exists at a site and it must consider that remediation of the site is required, taking into account current or proposed land uses.

Subsection (2) sets out the form that such an order must be in, and what things the Authority may require, for example, remediation of the site within a specified period, plans of remediation, authorisation for remediation of the site on behalf of the Authority by authorised officers, written reports of the remediation, the appointment of specially qualified persons to prepare plans of remediation or written reports or to carry out the remediation, site contamination audits and specified consultations with owners of land in the vicinity of the site. In addition, the order must state that the person may, within 14 days, appeal to the ERD Court against the order.

Subsection (3) makes it clear that if the order is issued to an appropriate person as an owner of the site rather than as a person who caused the site contamination, the order must be limited in its application to site contamination on or below the surface of the site (and not other land in other

ownership to which the site contamination may have spread). In other words, an order so issued cannot require the person to take action in respect of land of which the person is not the owner.

Under subsection (4), if an activity required under an order is an activity that would require a permit under section 129 of the *Natural Resources Management Act 2004*, the Authority must notify the authority under that Act inviting the authority to comment on the proposal.

Authorised officers are given the power to issue an ***emergency site remediation order*** (which may be issued orally) if of the opinion that urgent action is required for remediation of a site. However, if such an order is issued, it is only valid for 72 hours unless confirmed by a written site remediation order issued by the Authority.

A site remediation order may also require a person to do something that may otherwise constitute a contravention of the Act, however, in that case, the person will incur no criminal liability if the person complies with the requirement.

Subsection (11) makes failure to comply with an order an offence attracting a maximum fine of $120 000 for a body corporate or $75 000 for a natural person.

A person may not refuse or fail to provide information required by an order on the ground that it might incriminate the person or make the person liable to a penalty.

However, any such incriminatory information provided by the person is not admissible in evidence in proceedings unless the proceedings relate to the making of a false or misleading statement.

103L—Voluntary site remediation proposals

This section enables a person to obtain the Authority's agreement not to issue the person with a site remediation order if the person undertakes to carry out remediation in accordance with an approved voluntary site remediation proposal. In this way, the person avoids being issued with an order and possible subsequent registration of the order against their title. Once the remediation has been carried out to the satisfaction of the Authority, the Authority notifies the person of that fact and the person may subsequently pursue other persons through the Court for payment of the whole or portion of the costs in the same way as if the remediation had been carried out under a site remediation order.

103M—Entry onto land by person to whom order is issued

This section provides that entry onto land and the carrying out of activities on land under an order by the person to whom the order was issued may not be done without the prior permission of—

- the occupier; and
- the owner unless—
- the order has been issued to the owner; or
- the occupier (whose permission will have been obtained) is also the owner.

However, if the occupier or owner withhold or withdraw such permission, they become liable to be issued with the order instead.

If an order is issued to the occupier or owner in those circumstances, the Act applies as if no person other than the person issued with the order has liability for site contamination described in the order in respect of the land. In other words, liability of any other person for the site contamination in respect of that land up until that point can be regarded as having been extinguished.

103N—Liability for property damage etc caused by person entering land

This section makes it clear that a person who enters or does anything on land to carry out the requirements of a site contamination assessment order, a site remediation order, an approved voluntary site contamination assessment proposal or an approved voluntary site remediation proposal is liable for any resulting damage to property or other losses suffered by the occupier, and liable for resulting damage to land or other property or other losses suffered by the owner. A person who incurs such a liability must minimise and make good the damage or loss, or if that is not practicable, compensate the occupier or owner. Proceedings for the recovery of compensation are to be brought before the ERD Court.

103O—Special management areas

This section enables the Authority, if it believes that widespread site contamination exists or that site contamination exists in numerous areas as a result of the same activity, to declare areas to be special management areas. Once an area or areas are so declared, the Authority conducts a program consisting of publicising the issue, setting up consultative processes between itself and relevant interest groups and endeavouring to bring about environment performance agreements (under the principal Act) or other voluntary agreements to deal with the site contamination.

103P—Registration of site contamination assessment orders or site remediation orders in relation to land

This section enables the Authority to apply to the Register-General to register site contamination assessment orders or site remediation orders against land. This provision is similar to that in the principal Act allowing for registration against land titles of environment protection orders and clean-up orders or authorisations.

The effect of registration of an order is either or both of the following (as the Authority decides):

- the order will become binding on each successive owner of the land;
- the registration of the order against the land will operate as the basis for a charge on land owned by the person to whom the order was issued, securing payment to the Authority in taking action required under the order in the event of non-compliance by the person with the order or other reasons.

The section sets out other requirements including an obligation on an owner of land who was issued with a site contamination assessment order or site remediation order and who ceases to be owner to notify the Authority of the new owner (failure to so notify attracts a penalty of $5 000) and an obligation on the Authority to notify each owner of registration and the obligations that such registration entails.

Further provisions in this section deal with cancellation of the registration of orders. Subsection (8) empowers the Authority to apply to the Registrar-General for cancellation if it thinks fit but also requires the Authority to do so—

- on revocation of the order; or
- on full compliance with the requirements of the order; or
- if the Authority takes action to carry out the requirements of the order—on payment to the Authority of the amount recoverable for that action.

103Q—Notation of site contamination audit report in relation to land

This section requires a notation to be made against the title of relevant land of any site contamination audit reports relating to the land. The notation is to state that a site contamination audit report has been prepared in respect of the land and is to be found in the register kept by the Authority under section 109 of the principal Act.

A notation is to be removed on application to the Registrar-General by the Authority.

103R—Action on non-compliance with site contamination assessment order or site remediation order

This section enables the Authority (or an authorised officer or another person under certain circumstances) to carry out the requirements of a site contamination assessment order or site remediation order if the person to whom the order is issued fails to carry it out him or herself.

103S—Recovery of costs and expenses incurred by Authority

If a person fails to comply with an order (whether site contamination assessment order or site remediation order), or the order requires the Authority to itself take action, this section enables the recovery of reasonable costs and expenses incurred by the Authority in carrying out the requirements of the order as a debt from the person to whom the order was issued. The amount owed together with interest is a charge in favour of the Authority over the land in respect of which the order is registered and has priority over any charge over the land in favour of an associate of the person or any other charge registered after the registration of the order.

103T—Prohibition or restriction on taking water affected by site contamination

This section enables the Authority to prohibit or restrict the taking of water that is affected or threatened by site contamination if necessary to prevent actual or potential harm to human health or safety. This prohibition or restriction must be done by notice in the Gazette. If a person contravenes such a notice, the person commits an offence attracting a maximum fine of $10 000.

Division 4—Site contamination auditors and audits

103U—Application of Division

This section applies to site contamination audits, audit reports and audit statements whether or not required under this or any other Act (ie whether or not required by statute).

103V—Requirement for auditors to be accredited

This section is the key accreditation provision and prohibits a person from carrying out a site contamination audit unless the person is a site contamination auditor (defined in clause 4 as a person accredited under Division 4 as a site contamination auditor) or unless the person carries out the audit through the instrumentality of a site contamination auditor who personally carries out or directly supervises the work involved in the audit. The maximum penalty for contravening or failing to comply with this section is $20 000.

103W—Accreditation of site contamination auditors

This section provides that only natural persons may be accredited as site contamination auditors, hence, companies are not accredited. Subsection (2) sets out the regulation making powers relating to accreditation of site contamination auditors. Subsection (3) enables persons of a specified class (for example, persons with certain qualifications and experience) to be deemed to be accredited under the Division as long as they comply with requirements specified in the regulations.

103X—Illegal holding out as site contamination auditor

This section prohibits a person from holding himself or herself out as a site contamination auditor if the person is not accredited as such under the Division, and also prohibits a person from holding out another person as a site contamination auditor if that other person is not so accredited. In each case, contravention is an offence attracting a fine of $20 000.

103Y—Conflict of interest and honesty

This section contains provisions relating to the conduct that is expected of persons who may carry out site contamination audits (being site contamination auditors and persons who carry out such an audit on behalf of another through the instrumentality of a site contamination auditor). Such a person must not carry out a site contamination audit—

- if the person is an associate of another person by whom any part of the site is owned (***associate*** is defined in the principal Act and includes persons in close relationship whether by being related, by business or other arrangement);
- if the person has a direct or indirect pecuniary or personal interest in the site or in an activity at the site;
- if the person has been involved in, or is an associate of another person who has been involved in, assessment or remediation of site contamination at the site.

Such a person is also prohibited from making a false or misleading statement in or in relation to a site contamination audit, audit report or statement.

Contravention of the section is an offence attracting a maximum penalty of $20 000 or imprisonment for 4 years.

103Z—Annual returns and notification of change of address etc

In this section and the next, we see the introduction of the term ***responsible auditor***. The obligation to furnish the Authority with a return is placed on the responsible auditor, being the site contamination auditor who carried out the audit personally or supervised the audit. This term was introduced in the absence of an obligation on companies to carry out the obligation.

The return must list each audit commenced, in progress, completed or terminated before completion during a particular recent period. Such a return must be furnished during the ***prescribed period***, being the period commencing 8 weeks before and ending 4 weeks before the anniversary of the date of accreditation or last renewal. An auditor must also notify the Authority within 14 days of a change of address or any other change relating to his or her activities as an auditor that affects the accuracy of particulars last furnished to the Authority. Failure to comply with any of these requirements is an offence attracting a maximum penalty of $10 000.

103ZA—Requirements relating to site contamination audits

This section requires the responsible auditor to notify the Authority (in the prescribed form) within 14 days of—

- commencing a site contamination audit, of the person who commissioned the auditor and the location of the land involved; or
- terminating an audit before its completion (including the reasons for termination).

A responsible auditor is also required, on completion of a site contamination audit, to—

- provide a site contamination audit report to the person who commissioned the audit; and
- at the same time, provide a site contamination audit report to the Authority and a site contamination audit statement to the council for the area in which the land is situated and any prescribed body.

Failure to comply with either of these requirements is an offence attracting a maximum penalty of $10 000.

Division 5—Reports by site contamination consultants

103ZB—Reports by site contamination consultants

This section requires a site contamination auditor or site contamination consultant, in any written report prepared in relation to a site, to clearly qualify any statement of opinion in the report as to the existence of site contamination at the site by specifying the land uses that were taken into account in forming that opinion. This section is intended to address the making of claims in reports that site contamination does not exist in isolation of context. Failure to comply with this provision is an offence attracting a maximum penalty of $10 000.

12—Amendment of section 104—Civil remedies

This clause enables a person who has incurred costs and expenses in carrying out the requirements or reimbursing the Authority in pursuance of a site contamination assessment order or a site remediation order to apply to the ERD Court for payment of the whole or portion of the costs and expenses against one or more persons who caused the site contamination.

13—Amendment of section 106—Appeals to Court

A person to whom a site contamination assessment order or site remediation order is issued may appeal to the ERD court against the order or variation of the order within 14 days after the issuing of the order or the making of the variation.

An appeal may also be made against a determination by the Authority under new section 103F of liability for site contamination, either by the purchaser or the vendor, depending on in whose favour the determination was made.

14—Amendment of section 109—Public register

This clause adds a number of matters for inclusion in the public register, namely:

- details of site contamination notified to the Authority under section 83A;
- details of any environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order issued under the Act and of—
  - any action taken by the person to whom the order was issued or by the Authority or another administering agency in consequence of the order; and
  - any report provided by the person to whom the order was issued in consequence of the order;
- details of each agreement for the exclusion or limitation of liability for site contamination to which section 103E applies;
- details of each determination excluding liability for site contamination made by the Authority under section 103F;
- details of each agreement entered into with the Authority relating to—

(a) an approved voluntary site contamination assessment proposal under section 103J; or

(b) an approved voluntary site remediation proposal under section 103L;

· details of the circumstances giving rise to—

(i) declarations of special management areas under section 103O; or

(ii) prohibitions or restrictions on taking water under section 103T;

· details of each notification relating to the commencement or the termination before completion of a site contamination audit under section 103ZA;

· each site contamination audit report submitted to the Authority under section 103ZA.

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

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.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it, given that I read it out before during the previous parliament.

Leave granted.

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. The increased security risk to Australians is evidenced 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 highlighted the need for appropriate security measures. That 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:

> *State government should consider undertaking a review of the role, objectives and method of operation of Police Security Services Branch concerning, in particular, improving, or optimizing the manner in which it provides security services to government, especially in relation to core sensitive facilities, Ministers and senior government employees.*

That Review also identified other issues for consideration including the need for—

· standardised electronic security systems across agencies;

· a centralised whole of government alarm monitoring service;

· centralised and standardised monitoring of government CCTV networks;

· legislated authorities for Police Security Services Branch Security Officers consistent with other jurisdictions.

Since that time, significant work has been completed reviewing and improving security of South Australian government buildings and critical infrastructure. In support of that work, SAPOL has embarked on a major restructure of Police Security Services Branch (***PSSB***) and is re-engineering business practices to significantly enhance the provision of physical security services to key government assets.

The National Counter-Terrorist Plan provides nationally consistent guidelines for protecting critical infrastructure from 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 critical infrastructure within their jurisdictions;

· 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 being 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 effective and efficient protection of key government facilities by such officers require a complement of authorities which 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 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 that 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.

The *Protective Security Bill* has been drafted to fulfil all of these requirements. It 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.

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.P. WORTLEY secured the adjournment of the debate.

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Police) obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

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

Leave granted.

As part of the Government's program to improve the State's planning and development system, the *Development (Regulated Trees) Amendment Bill 2007* is proposed to clarify the intent and application of legislative controls applying to urban trees.

On 20 April 2000, the commencement of the *Development (Significant Trees) Amendment Act 2000* amended the *Development Act 1993* to include specific legislative controls applying to the removal or damage of trees in designated urban areas.

The primary intent of this legislation was to halt the wanton and unchecked removal of Adelaide's large urban trees in balance with the need to achieve appropriate development of urban areas. The new controls established a development assessment process for proposals to remove or prune (other than for maintenance pruning) all trees in certain areas of the State above a threshold trunk circumference size prescribed in accompanying regulations.

Since their inception, however, the controls have been interpreted by some to mean that all trees above the threshold size must not be removed. This is not correct. The relevant development assessment policies set out in the Development Plan for each council area provide the grounds for the assessment of such applications by the relevant planning authority, typically a council development assessment panel.

Furthermore, following the commencement of the controls, nearly all councils have required applicants to supply, at the applicant's expense, a report from an arborist at the time of originally lodging a tree removal development application. In practice this adds from $350 to $700 for each tree removal application to the prescribed maximum development assessment fees of $73 per application. The widespread implementation of this requirement is unduly onerous for many tree owners.

The preparation of an arborist's report is not a statutory one but an administrative requirement sought as further information by a council.

This Bill proposes to clarify the intent and application of legislative controls with respect to urban trees. This is proposed to be achieved by simplifying the development process for the majority of trees above the prescribed trunk circumference threshold through the introduction of a two-tiered system of tree classification and assessment.

The first tier will be "regulated trees" and the second tier will be "significant trees".

Regulated trees will be determined by a purely quantitative measure of 2.0m circumference threshold set out in the *Development Regulations 1993* under the Act.

A regulated tree will be subject to a preliminary assessment of whether the tree is significant, which is intended to be based on whether the tree contributes in a measurable way to the character and visual amenity of a site and its locality, or has a biodiversity value as a specimen in its own right. These qualitative criteria are proposed to be introduced into the *Development Regulations 1993*. Complementary changes will also be made to the regulations, in particular by increasing the number of exempted species. At the request of the District Council of Mount Barker, the Government intends to also amend the *Development Regulations 2003* to include parts of the area of that council under this scheme.

A tree determined by council to satisfy the prescribed criteria would then be determined to be a "significant tree" and would then go on to the second-tier of the assessment process and be subject to stronger Development Plan policies for retention than regulated trees.

It is at this second stage that councils may require an applicant to provide an arborist's report, such as to determine the health, safety and integrity of the tree. In other cases no professional report should be required and a simpler assessment process will apply.

As a consequence, the Bill has been designed to reduce the cost for the majority of applicants.

At its meeting on 13 September 2006 the Local Government Association, Metropolitan Local Government Group, resolved that *"the Development Act should provide for a two-tier application process"*.

The Bill will also provide opportunities for councils, who wish to do so, to list trees that may fall below the 2.0 metre circumference threshold as "significant" in their Development Plan, through a Plan Amendment process. This will enable councils to undertake a level of variation, in addition to the uniform threshold size, by allowing them to tailor their Development Plans to better reflect local circumstances. It is also envisaged that in some rare circumstances councils may wish to list individual trees or clusters of trees from exempt species as significant trees should this tree or cluster make an important contribution to the character value of a particular street or park, for example.

Inherent in this Bill's approach is the need for councils to undertake a balanced planning assessment. In this regard, it is acknowledged that consistency in decision-making between councils in relation to trees, whilst being desirable, may not be readily achieved.

When one considers the degree of geographical, topographical and historical difference between areas of metropolitan Adelaide, this is considered to be a reasonable approach. In this regard, in much the same way as local heritage and character are local issues, councils are best placed to manage the conservation of trees in an urban landscape given their understanding, and representation, of their community's views.

The Bill will also enable councils to establish an ***urban trees fund*** with such monies being used for the purpose of planting trees in the council area. The payment of monies into these Funds is to apply as an option where the removal of a "significant tree", or a regulated tree of a class prescribed by the regulations, is approved.

The preparation of this Bill has been duly informed by the views of the Local Government Association, Metropolitan Local Government Group with many of the provisions consistent with the Group's recommendations. Representatives from various conservation and heritage groups have also been consulted.

The Bill has also considered the concerns raised by my parliamentary colleagues' constituents to address the administration of the controls and development assessment costs incurred in making a tree removal development application.

The Government believes this Bill to be an important step forward.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 4—Interpretation

The definition of ***significant tree*** is to be revised and effectively replaced by two definitions, being ***regulated tree*** and ***significant tree***.

A ***regulated tree*** will be—

(a) a tree within a class of trees declared to be regulated by the regulations (whether or not the tree also constitutes a significant tree under the regulations); or

(b) a tree declared to be a significant tree, or a tree within a group of trees declared to be significant trees, by a Development Plan (whether or not the tree also falls within a class of trees declared to be regulated trees by the regulations).

This definition will encompass all trees that are to be subject to the operation of the relevant provisions of the Act.

A ***significant tree*** will be—

(a) a tree declared to be a significant tree, or a tree within a group of trees declared to be significant trees, by a Development Plan (whether or not the tree also falls within a class of trees declared to be regulated trees by the regulations); or

(b) a tree within a class of trees declared to be regulated trees by the regulations that, by virtue of the application of prescribed criteria, is to be taken to be a significant tree for the purposes of this Act.

This definition will therefore encompass trees that are declared under Development Plans to be significant trees (and will therefore be taken to be regulated trees by virtue of paragraph (b) of the definition of ***regulated tree***), or trees that are regulated trees and that satisfy additional criteria so as to lead to their classification as significant trees.

It is also to be made clear that a *palm* may be taken to be a tree.

5—Amendment of section 23—Development Plans

The criteria that may be applied for the purpose of declaring a tree to be a significant tree, or a group of trees to be significant trees, under a Development Plan have been reviewed. It will also now be possible to add new criteria by regulation.

6—Amendment of section 39—Application and provision of information

The Act will now provide that a relevant authority should, in dealing with an application that relates to a regulated tree that is not a significant tree, unless the relevant authority considers that special circumstances apply, seek to assess the application without requesting the provision of an expert or technical report relating to the tree.

7—Insertion of section 50B

It is proposed to allow a council, with the approval of the Minister, to establish an ***urban trees fund*** in order to establish the option of allowing an applicant for a development authorisation that will affect a significant tree or another class of regulated tree prescribed by the regulations to make a payment into the fund, in an appropriate case, where it is not reasonably practicable or beneficial for a tree or trees to be planted on the site of the development to replace the relevant tree.

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

This is a consequential amendment.

9—Amendment of section 54B—Interaction of controls on trees with other legislation

It is appropriate to make reference to section 254 of the *Local Government Act 1999* (Power to make orders) under the provisions of section 54B(2) of the Act.

10—Insertion of section 106A

A court that finds a person has breached this Act by undertaking a tree-damaging activity will be able to make certain orders, including that a tree or trees be planted at a specified place or places, or that certain buildings, works or vegetation be removed, or that certain trees be nurtured, protected or maintained.

Schedule 1—Transitional provisions

This Schedule provides for various transitional matters associated with the enactment of this measure. The designation of a tree as a significant tree under a Development Plan, as the Development Plan exists before the commencement of this measure, is not to be affected by new section 23(4a). An application for a development authorisation with respect to a significant tree made before the commencement of this measure will continue as if it were an application for a regulated tree.

The Hon. S.G. WADE secured the adjournment of the debate.

ADDRESS IN REPLY

The Hon. P. HOLLOWAY (Minister for Police) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Lieutenant-Governor's speech:

1. Through Your Excellency, we, the members of the Legislative Council, thank His Excellency the Governor's Deputy for the speech with which he has been pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join Your Excellency's prayer for the Divine blessing on the proceedings of the session.

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

That the Address in Reply as read be adopted.

I stand to show my support for the importance of the Address in Reply and to thank the Lieutenant-Governor for his opening speech and support given towards the continuing growth of this state under a Labor government. I would also like to take this time to acknowledge the significance of the message by Her Majesty the Queen, honouring 150 years of democracy in South Australia. It is a great honour and privilege to represent the Labor Party and the people of this state as a member of the Legislative Council, especially in the year when we celebrate the historic occasion of the 150th year of parliamentary democracy in this state.

Democracy is a process many take for granted. We live in a state with many freedoms, which are the legacies of the immigrants who disembarked at Port Adelaide during settlement, bringing not only their goods but also their ideals and social viewpoints which have helped shape this state and its political system. We may be one of the nation's smallest populated states, but we have proven many times over that we are a state that leads and does not follow. From being the nation's birthplace of democracy and equal voting rights for all—men, women and indigenous Australians—we are the founder of the secret ballot, the first to introduce legislation to allow women to stand for parliament in 1894, the state which introduced the Real Property Act in 1858 and the first parliament of the British Empire to legalise trade unions in 1876, with a law our great former law makers should be most proud of.

What we lack in size we have made up for in leadership, and this leadership is something we should all be proud of. I am not standing here today just to boast about Labor's many political achievements: I stand to congratulate all parties. We have all contributed to the shaping of South Australia into the democratic state it is today. I, like all members of this chamber, am proud to be a member of this parliament that has led the nation with so many impressive firsts over the past 150 years. I look forward to the many firsts that we will endeavour to achieve in the coming years.

At this time I take the time to welcome the new Leader of the Opposition in the Legislative Council, the Hon. David Ridgway, and to acknowledge the contribution of the former opposition leader, the Hon. Robert Lucas, in his many years of competent leadership. I always say to the many school students I take through this historical building, 'You need a strong opposition to have an even stronger government.' So, for this reason, I encourage and look forward to the Hon. Mr Ridgway to show strong leadership in this chamber.

History shows that South Australia can set the pace and lead the nation, and that is what Labor is achieving today. Address in Reply speeches give members an opportunity to reflect on what we consider important and to illustrate the direction we are taking. We are currently experiencing a prolonged period of unprecedented economic development and growth, particularly in the expanding mineral and mining industry. We are also experiencing the disturbing reality of climate change. Uranium has always been a hot topic amongst members of the ALP and the general community. The growing demands for the expansion of the uranium industry have been heavily focused on by the media of late. I am pleased to say that the ALP has abolished the no new mines policy at the national conference on the weekend. South Australia has the largest known deposits of uranium in the world. For this reason, I believe it is important that we debate the role this state will play in the future of the nuclear industry.

I make clear that, whilst I support the removal of the no new mines policy, like the vast majority of Australians I oppose the development of nuclear reactors on Australian soil on both environmental and economic grounds. For the sake of our future energy needs, governments must support research and development into new technologies for renewable energy such as solar, wind and thermal technologies

(also known as hot rocks). The technologies we develop today will provide the energy used by our children tomorrow.

Labor has the good fortune of governing all states in Australia. We can only hope this good fortune continues in the next federal election. It is absolutely vital that Labor wins the endorsement of the people at the next election so that we can stop the current federal coalition government's ideological war on the Australian people. The attack on working people is not about creating a fairer and more equitable system and a flexible workplace; it is about creating fear in the workplace and it is about taking away the legitimate conditions and wages which working people and their families rely upon for a decent life. The WorkChoices legislation has taken away the legitimate rights and conditions which were negotiated over generations by our fathers and mothers, which gave working people some control over their working lives and which provided protection from exploitation through enforceable legislation.

Prior to being elected to parliament last March, I spent 22 years fighting for the rights of working people and their families. Over the years I negotiated with and on behalf of my members to improve their working conditions, along with representing members who suffered workplace injuries and who were unfairly dismissed. Despite the difficulties that are inherent in working day to day under the various industrial systems, there was always some justice for the low-paid and some protection for the vulnerable. These have now been taken away. Although Australia was the first country to win the eight-hour day, the clock has been turned backwards. Industrial rights have been taken away with the new Howard government IR laws.

The believers and the founders of May Day died fighting for the rights of working people and their families—and for what? Today workers' job security has been taken from them, as have their freedom to negotiate and their freedom to claim their legitimate entitlements. Without job security, how can ordinary Australians pay their mortgage and invest in their future? To be a union official in today's industrial climate; to be successful in recruiting and organising in the workplace; and to be able to deliver decent wages and conditions to working people against the backdrop of an anti-union federal government, equipped with draconian legislation and unlimited public resources, is the hardest job of all. But the union movement will survive these attacks and, more importantly, if Labor is successful in the polls, the working people of this state and this nation will have their rights restored.

I have always expressed my passion for working people, the education system and the health system. To me, these three aspects have always played a key role in what makes a state great. However, today I believe there is one issue far more important that will affect all our lives. Although over the weekend we enjoyed heavy rain, which brought great relief to our farmers, much more rain is desperately needed to revive the state's water supply. The rippling effect of the damaging drought on the River Murray system has affected every individual of this state. I thought I would never put any need higher than education or health, but what is a state without water? It is a state with limited agriculture, without trade, without investors and without economic growth.

A state without water is a state without a lifeline. The River Murray is a concern for all political parties and all South Australians. I feel it is past the stage of saying, 'We have achieved this, but you did not achieve that.' We need urgently to find a solution for the future so that we can limit the impact of such devastating droughts. Due to the passing of recent legislation, we are well placed as a state to tackle the effects of climate change, but much more needs to be done, and I believe a federal Labor government is the only party to combat these growing climate issues.

I turn now to a totally different issue, and that is the Juvenile Diabetes Research Foundation program. My niece in Tasmania suffers from type 1 diabetes, which means her body cannot produce insulin. Without insulin the body cannot process food into energy. Many people today confuse type 1 diabetes with type 2 diabetes. However, type 1 diabetes is not caused by poor health or lack of exercise. Type 1 diabetes occurs through no fault of the sufferer. In fact, researchers are still unsure exactly what causes type 1 diabetes. It affects the people we love most dearly, and that is our children.

I discovered, after talking to Sarah Harrison, the federal government program manager of juvenile diabetes research, that I knew very little about the life-changing disease my niece and 140 000 Australians live with every day. This is why I became a founding member and the inaugural chairperson of the South Australian Parliamentary Diabetes Awareness Group. I also acknowledge the support of the Hon. John Dawkins, who is the deputy chair of the group. I take this opportunity to remind members that May is Jelly Baby Month, and also encourage members and staff to purchase jelly babies located within the building to help fund research into finding a cure for the devastating condition. Members may think it is a little odd selling sugary jelly babies to raise money for diabetes research.

The Hon. B.V. Finnigan: Eat them in moderation.

The Hon. R.P. WORTLEY: That is right. Anything is good in moderation. However, jelly babies can literally be a life saver for people with type 1 diabetes. They are often eaten by people suffering from type 1 diabetes as a quick source of sugar when their blood sugar levels fall dangerously low. Every purchase will bring the Juvenile Diabetes Research Foundation closer to finding a cure. All the money raised from the sale of jelly baby products will fund the best research Australia can offer. Research is desperately needed. Australia has one of the highest rates of type 1 diabetes in the world, with more children and adults suffering from the disease each year. Type 1 diabetes cannot be prevented and, as yet, there is no cure. People with type 1 diabetes need up to eight insulin injections a day, and that is every day for the rest of their life, just to stay alive.

Even with insulin, diabetes can lead to devastating long-term health complications. Type 1 diabetes is the leading cause of adult blindness, the most frequent cause of amputation not caused by an accident, and the leading cause of kidney failure; it increases the likelihood of heart disease by four times; and it increases the risk of stroke by five times. The cost is borne by the community. It is estimated that type 1 diabetes costs the Australian community more than $6 billion a year. Research will not only improve the lives of and, hopefully, find a cure for people suffering from type 1 diabetes but it will also save the nation billions of dollars.

I also thank those many members who have already expressed interest in joining the fight to find a cure by becoming members of the South Australian Parliamentary Diabetes Awareness Group. I particularly look forward to the up and coming programs to raise awareness of type 1 diabetes. In conclusion, I wish all members of this parliament a good year and hope we can work together to pass good legislation for the benefit of all South Australians.

The Hon. I.K. HUNTER: I second the motion, and I am pleased to say that I support most of it. I consider it an honour to be serving in this place at this time in our parliament's history and to be given the opportunity to reflect on its past and its future. Our parliament represents 150 years of development of one of the most stable and democratic systems in the world. Successive South Australian parliaments have been world leaders in electoral and social reform. Perhaps chief among these achievements is that the South Australian Parliament was, as is often noted, the second place in the world to give women the right to stand for parliament.

As His Excellency the Lieutenant-Governor rightly pointed out, the Dunstan government ushered in a new era of reforms in social welfare, minority and women's rights, trading and commercial law, homosexual law reform, and countless other areas. But I also acknowledge the contribution of the Liberal premier, Steele Hall, who paved the way for the Dunstan era by democratising the electoral system for the House of Assembly after years of opposition from within his own party.

For years South Australia's electoral system was unfairly gerrymandered (or, more properly called, mal-apportioned) and skewed in favour of conservative political forces, and premier Hall had the courage to do what was right despite the consequences for his own party. While Playford's government, too, was not without its achievements (and, certainly, this opposition could use a leader of his energy and vision today), it is fair to say that his seemingly endless tenure was more the result of the unfair apportionment of votes in this state than any other personal popularity or consensus over policy. However, that is an issue of history, and it is so long ago that I will leave that debate for the academics.

Clearly, Prime Minister Howard is no democrat like the Hon. Steele Hall. His agenda is to drive the electoral system backwards by making it more difficult for people to enrol to vote, deliberately targeting the young, the itinerant and those who, for socioeconomic reasons, are more likely to change their living arrangements frequently, such as Housing Trust tenants. Mr Howard's new electoral laws mean that the electoral roll will close on the day he calls the election. Judging by the immediate enrolments following the announcement of the 2004 election, this could see more than 400 000 people denied a vote at the next federal election—hardly something to be proud of!

I have been pleased to see in my short time in this place some good and progressive policy enacted. I am pleased that, in his speech, His Excellency outlined a continuation of this progressive agenda. We will see the reintroduction of legislation relating to rape, sexual assault and child protection. These are long overdue reforms, and I want to congratulate the Premier, the Attorney-General and the minister for their hard work in bringing these bills to light.

I am pleased to say that we are making real progress in the promotion of physical activity in childhood, particularly through the Premier's Be Active challenge. As Chair of the Social Development Committee, I am especially pleased that we will be making inroads into banning junk food in our schools, ensuring that our kids get the best start in life. During the committee's last inquiry I heard some alarming statistics. The total public health cost attributed to obesity in Australia now adds up to $21 billion per year. And, worse, if childhood obesity continues to rise, we will have a generation of children whose lifespan will be shorter than that of their parents.

Clearly, it is time to act on these issues. I was extremely disappointed to see recently a television commercial for a new product called Oreo Wafer Sticks. The ad shows a cheeky mother popping this sugar-rich confectionary into a child's school lunch box. This is irresponsible in the extreme, and I have written to Kraft Foods asking it to do the right thing and voluntarily remove this ad from our television screens. I refer to the packaging of Oreo Wafer Sticks and to the nutritional information bar on the back although, in this case, that may not be a correct term. Normally, the ingredients of a product are listed in order of their prevalence in the product. In this case, the ingredient most prevalent in this product is labelled 'vegetable fat'. The second most prevalent ingredient is an emulsifier, and the third most prevalent ingredient is sugar. It is not until one gets to the fourth ingredient in this product that one might get to some substance that has any nutritional value at all, that being wheat flour. I am disgusted by the advertisement and its blatant attempt to encourage mothers to put these sorts of trashy foods into lunch boxes, and I will be writing to the minister to see what can be done about that.

I am also pleased to note that the legislative agenda outlined by His Excellency includes continuing commitments to higher education, including developing Adelaide's status as Australia's university city of the future. A good and accessible eduction system is the keystone of a fair society. Certainly, I will be doing all I can to support the government's agenda in this area. I have been in this place for just on a year now, and the learning curve has been steep but rewarding. As I said, I am proud to be in parliament at a time when progressive environmental policies are front and centre of our public debate. We have a Premier and a government committed to addressing the real threat of our times—climate change. His Excellency noted that state governments are being called upon more and more to address the big issues, such as climate change.

The Rann government, like state governments across Australia, is committed to addressing climate change and doing it now, not 20 years down the track. Like the Premier, Kevin Rudd, the federal leader of the Labor Party, has also recognised the threat of climate change and released a raft of economically sound and environmentally responsible policies. In Peter Garrett he has a shadow minister unquestionably committed to the environment and fully aware of the danger that climate change represents to the future of this country. It is becoming increasingly clear that the only people left who refuse to see this danger, who still have their heads in the sand, are the climate change deniers in the Liberal Party.

We saw several weeks ago South Australian Liberal senator Cory Bernardi trying to out-deny even his own Prime Minister. Senator Bernardi's views are that the dangerous climate change identified recently by the United Nations Intergovernmental Panel on Climate Change and the UK government's Stern report, among many others, are simply politically-driven nonsense.

While Mr Howard at least pays lip service to the notion that there might be something in this climate change science, Senator Bernardi simply refuses to acknowledge it: the world's scientists are wrong; Tony Blair and the United Nations are wrong; and he and his fellow deniers are right. It has been suggested by some commentators that this is merely a clever political tactic by the senator to buy his Prime Minister some wriggle room on the issue. Naturally, I would never be so cynical as to suggest such a thing but, if it is true,

it further illustrates how the conservatives in the Liberal Party are willing to play politics with this important issue.

His Excellency has acknowledged that climate change is one of those issues which we are dealing with locally but which are international in their implications. I would go further and say that it is simply the greatest economic and environmental challenge to our generation. The Prime Minister says that he will not do anything about climate change for fear of hurting the economy. Well, I have news for him: if we do not address this issue now, there will be no economy. The economy does not exist in a vacuum; the economy is created by exploiting the environment we live in. If we do not ensure that we move to a more sustainable economic base and address the climate change issues, we will have no environment left worth exploiting.

It is worth quoting the conclusions of two of the authors of the IPCC report. Saleem Huq of the International Institute for Environment and Development said, '. . . the latest IPCC chapter is the first to use observations of the earth's climate, rather than predictions of possible future scenarios, to conclude that climate change is real.' It is the first report based on actual observations rather than predictions. British scientist Martin Perry said, '. . . five years ago, we could detect a regional impact of climate change. . . now we have reviewed 29 000 data sets, and 90 per cent of them show that changes happening worldwide are due to climate change.' The science is clearly in, and it is overwhelming. While it is the role of dissenting scientists to challenge prevailing views, it is emphatically not the role of policy makers to pick and choose their scientific advice to fit their prejudices. To latch onto the very small minority of climate change sceptics in the scientific community and use their work to justify a wholesale rejection of the idea is to distort the science and its purpose.

Of course, Mr Howard's views are well known. He says that the scientists are overstating the problem and that the Labor Party policies are economically unsound. Now we see last weekend that his solution to the growing threat is to build nuclear power stations in Australia. Well, we should all be asking him where he proposes to build these power stations. Does he propose to build them on the shores of our threatened coastlines; on the banks of our dying Murray River, which His Excellency notes may soon fall under the responsibility of the federal government; or, perhaps, to make them more economically viable, does he propose to build them closer to our urban population centres or closer to our schools and hospitals? Mr Howard has yet to answer these questions, and I do not think we will hear any answers from him about this for a long time.

The Premier's climate change bill has committed South Australia to return carbon emissions to 1990 levels by 2020, making it the first government in Australia and only the third jurisdiction in the world to legislate targets to reduce greenhouse emissions. The bill also commits this state to increasing renewable electricity generation so that it makes up at least 20 per cent of electricity generated in this state by the end of 2014 and to increase renewable electricity consumption so that it makes up at least 20 per cent of electricity used in the state by the end of 2014. The federal Labor Party, too, is well aware of the dangers of climate change. Unlike the deniers, Labor knows that dangerous climate change is not only bad for the environment but also bad for business.

This week, Kevin Rudd, together with the states and territories, commissioned ANU Professor of Economics Ross Garnaut to conduct a climate change review to examine the cost of inaction and the impact of climate change on the Australian economy and jobs. The review will focus on economic opportunities for Australia to become a regional hub for the low emission technologies and industries. Once elected, a Rudd Labor government will offer real climate change solutions by ratifying the Kyoto Protocol and establishing a national emissions trading scheme. Federal Labor will set up a $500 million national clean coal fund; offer low interest rate loans to help make existing homes greener and more energy and water efficient; fund a $50 million solar home power plan, allowing about 12 000 Australian householders to install solar panels; set up a $500 million clean car innovation fund designed to generate $2 billion to secure jobs in the automotive industry and to tackle climate change by manufacturing low emission vehicles in Australia; and establish an office of climate change within the Prime Minister's department.

Federal Labor is committed to cutting greenhouse pollution by 60 per cent of 2000 levels by 2050. These responses from state and federal Labor are economically responsible, and they are necessary. Climate change denial will not change the facts. Nuclear power stations in Port Wakefield, McLaren Vale or the Adelaide Hills will not help save the environment. The Rann Labor government and the federal opposition know that good environmental policy is good economic policy. Saving the environment also means saving jobs and ensuring that the world we leave to our children is sustainable, ensuring that we leave them a world fit to raise their own children. The scientists know it, and the public know it. The only people left to convince are the climate change deniers in the Liberal Party. I look forward to this session of parliament. Once again, I am proud to be a member of the Rann government at a time when the state needs a progressive, forward-looking agenda.

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

PUBLIC TRUSTEE'S OFFICE

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to the Public Trustee's Office made earlier today in another place by my colleague the Attorney-General.

ADJOURNMENT

At 4.22 p.m. the council adjourned until Wednesday 2 May at 2.15 p.m.