LEGISLATIVE COUNCIL

Wednesday 6 June 2007

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 3rd report of the committee.

Report received.

SENATOR, ELECTION

The PRESIDENT: I lay on the table the minutes of the proceedings of the joint sitting of the two houses held this day to choose a person to hold the place in the Senate of the commonwealth rendered vacant by the resignation of Senator Amanda Vanstone, whereat Ms Mary Josephine Fisher was the person so chosen.

Ordered to be published.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 2006—
Department of Education and Children's Services.
Senior Secondary Assessment Board of South Australia—Report, 2006

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

Local Government Association—Workers Compensation Scheme—Report, 2006.

QUESTION TIME

POLICE DOCUMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition): My question is to the Minister for Police. Is SAPOL the only organisation or entity carrying out an investigation into the theft of police files from an unmarked police car on Wednesday 30 May 2007; and, in particular, is any state or federal government department or agency, other than SAPOL, involved in a parallel inquiry?

The Hon. P. HOLLOWAY (Minister for Police): I do not have any advice to that effect. In any case, if SAPOL in an operational sense were seeking the advice of outside bodies, I do not believe it would be particularly helpful to that investigation to make such information public. I do know that SAPOL is doing everything within its power and has devoted significant resources to ensure that any impact from the theft of those documents is minimised.

The Hon. D.W. RIDGWAY: I have a supplementary question. In particular, how many files were stolen from the car on Wednesday 30 May?

The Hon. P. HOLLOWAY: We all know where this is going. What I should do, I guess, is ask the Hon. David Ridgway: has any reporter from *The Advertiser* contacted him or his office in relation to this matter so that they can show my photograph tomorrow with bits of tape on it?

Members interjecting:

The Hon. P. HOLLOWAY: Have they? Was your office contacted yesterday with today's question? Have you or your office been contacted by anyone from *The Advertiser* in relation to this matter?

Members interjecting:

The Hon. P. HOLLOWAY: We know where this is coming from—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Not at all. We could not come anywhere near the Hon. Rob Lucas, even if we tried. What this government has done, of course, in answer to the interjection, is to change the freedom of information laws. In fact, we had to increase the Public Service by so many to deal with the new FOI laws that were introduced under this government because there is an enormous amount of information. There are unprecedented numbers.

If anybody wants to suggest anything about secret state nonsense, like the ex-leader—although he is obviously the leader-in-waiting, so it is probably appropriate that he is sitting behind the leader. We all know that he will not go, and we all know that he does not want to go. The leader-in-waiting wants his job back. But how dare he accuse this government of secrecy after, first, his record but, secondly, the fact that unprecedented numbers of freedom of information applications are now processed, and a simple search of the records will prove that conclusively. I challenge any person who suggests that. Just go and look at the number of documents that have been released and the number of FOI requests—there are enormous numbers.

Members interjecting:

The Hon. P. HOLLOWAY: There was a collection of files. I have no idea what the number is. A briefing from the assistant police commissioner, of course, indicated the nature of those documents. It would not help their investigation to provide that information.

An honourable member interjecting:

The Hon. P. HOLLOWAY: No, lots of people do not know. There are lots of other motorcycle gangs and others who might like to know the information and who do not necessarily know that information. What is a file, anyway? It is a collection of documents. You could ask, 'How many pages?' What does it matter how many pages there are or how many individual files there are? What purpose could the honourable member possibly have, and what benefit would it be to anyone (other than, of course, pushing the campaign now being run by the opposition to try to say that we will not answer reasonable questions)?

In the House of Assembly this morning the Premier offered the Leader of the Opposition in that place a full briefing from the Acting Commissioner of Police in relation to this matter, so if the Leader of the Opposition in the other place wishes to have that briefing he can do so and he can find out that sort of detail. However, what purpose would it serve to detail operational matters that are subject to a significant police investigation in relation to these documents? It would serve no public purpose whatsoever, and I repeat the Premier's offer that the Leader of the Opposition in the other place can, if he so wishes, receive a briefing from the Acting Commissioner of Police.

The Hon. D.W. RIDGWAY: I have a further supplementary question. How many years' work has been compromised by the theft of these important documents?

The Hon. P. HOLLOWAY: How can one possibly answer a question like that? As I indicated in my answer yesterday, in situations like this the police have a range of options for dealing with the information—

The Hon. J.M.A. Lensink: Anyone can say that.

The Hon. P. HOLLOWAY: Anyone can say that, can they? Well, if the opposition knows the answer why bother asking these questions?

Members interjecting:

The PRESIDENT: Order!

The Hon. NICK XENOPHON: I have a supplementary question. Has the minister been briefed regarding any additional resources or measures that have been implemented by police to protect the informants whose details were in the stolen documents? If so, can he outline, at least in broad terms (given operational concerns), what those measures might be and also indicate the approximate number of informants whose details have been released?

The Hon. P. HOLLOWAY: You might as well put it on the front page of the paper; you might as well publish the documents themselves; the opposition certainly would. That seems to be the definition of public interest that some of our media use: if a document is given to them or if it is leaked it is in the public interest, but if it is stolen it is in a different category. In relation to the honourable member's question, I indicated yesterday that the police have taken a number of measures to mitigate the impact of any information that might have been in the stolen documents. Obviously, if I were to disclose those measures it may well compromise their effectiveness so I will not do so; however, as I said, in relation to the Leader of the Opposition, if he wants to get a briefing on that matter from the Assistant Commissioner of Police then he can do so.

An honourable member interjecting:

The Hon. P. HOLLOWAY: As I said, it is up to the Leader of the Opposition to determine that matter.

SOLID WASTE LEVY

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Environment and Conservation a question on the solid waste levy.

Leave granted.

The Hon. J.M.A. LENSINK: On 25 May there was some discussion on a couple of the radio networks regarding the doubling of the levy, and it was claimed by Local Government Association identities that there would be a doubling of the levy which would result in money going into general revenue. I believe these were comments by David Bevan, who editorialised and said, 'It's not going to be dedicated to managing waste and that's effectively a tax on ratepayers.' The Local Government Association states that it was not consulted in relation to the doubling of the levy. It has also been claimed that the levy will result in money going into general revenue rather than being dedicated to managing waste.

As recently as this morning, this issue has been raised again on radio where it has been stated that Zero Waste has $13 million in the kitty, which Treasurer Foley has full control over. Again, it has been stated that half the waste levy has gone to Zero Waste and half to the EPA and, effectively, is propping up government revenue. Will the minister confirm what the actual figure of total collection of the waste has been since the instigation of that fund, where that fund is being utilised, and how much of it has been spent and on what activities?

The Hon. G.E. GAGO (Minister for Environment and Conservation): The government made a decision to double the waste levy as part of a policy decision in our last budget, and it is to come into effect on 1 July this year. This is an important policy decision. I have raised this here before, but it is worthwhile raising it again. This is an important policy driver to encourage the recycling of waste materials. We have a strategic target to reduce our landfill by 25 per cent, and doubling the levy is part of the strategy to assist in achieving that. At present, it is much cheaper and easier just to dump everything in the local tip rather than go through a process of sorting and recycling. So, the doubling of the levy is a policy decision to act as a driver to offset some of the 'unlevel' playing field, if you like, in relation to the costs imposed by landfill.

The government does not apologise at all for setting this important policy direction. The Hon. Michelle Lensink mentioned that we did not consult with the LGA. This government has responsibility for policy direction and budget decisions. We did that, and we do not resile from it.

In terms of the cost, the cost impost of doubling the levy basically will end up in a 15¢ per household per week increase in waste levy; I think it ends up being about $7.60, or something like that, a year. It is an impost—I accept that 15¢ per household per week is an impost—but I do not think there is anyone who believes that that 15¢ is not well worth the money. It is well worth the money to put the incentive and drive back into recycling, back into helping to reduce our greenhouse emissions and back into trying to preserve some of our precious natural resources. We know that when we recycle it uses less energy than it does to manufacture from the start. So, it not only preserves our natural resources but it also helps to reduce greenhouse emissions.

This question is an absolute furphy. The doubling of the waste levy results in an increase of $10 million a year, $5 million of which goes to the EPA (as half of the waste levy has always done) and half goes to Zero Waste. That 50 per cent will be fully expended on EPA initiatives; none of it will be diverted into general revenue. Not one cent of that waste levy money that will go to EPA, or to Zero Waste for that matter, will be diverted into general revenue. That is just absolute mischief.

Half of that levy has always gone to the EPA and the other 50 per cent will go to Zero Waste. As we have announced, that will result in an additional $5 million increase in revenue: $2 million of that will remain in the waste to resource fund; and $3 million will be directed to increased grants, which will be increased to about $6 million. An additional $3 million will be diverted to local council and industry to assist them in improving and managing their recycling programs. The other $2 million will remain in that fund. It can only be spent by Zero Waste and cannot be diverted into general revenue or any other revenues. It is only to be spent by Zero Waste.

We accrue these revenues so that we can then invest them in larger expenditures down the track, but it is money that will be maintained and eventually spent in Zero Waste programs. In terms of what I have been advised, I believe that (if my figures are correct) the budget for the next financial year will be around $8 million, with the $3 million additional funds. I am not too sure whether that is part of the $8 million or whether it is in addition to the $8 million, but I can certainly double-check that and provide the information to the chamber. All that money goes on EPA administration and

programs—every last cent of it. It is absolute mischief to suggest that money is being diverted into revenue. It is all spent on the environment either through the waste levy or the EPA.

As I said, this government is a government of great commitment and vision and it is our policy position to drive and to improve the state of our environment and to improve the long-term sustainability of this environment. I believe that an additional 15¢ per household per week is the best value for money that this government has ever received.

The Hon. J.M.A. LENSINK: I have a supplementary question. Will the minister advise whether any of the money from this fund may not be expended without the approval of the Treasurer?

The Hon. G.E. GAGO: I am not too sure about which fund the honourable member is talking, but I have talked about the waste levy. I am advised that all spending is via the approval of the Treasurer. It is as simple as that.

The Hon. R.I. LUCAS: I have a supplementary question. Will the minister guarantee that there will be a net increase of $5 million in the EPA appropriation and that there will not be any commensurate reduction in the Treasury appropriation to the EPA?

The Hon. G.E. GAGO: No.

RAILWAY CROSSINGS

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

Leave granted.

The Hon. S.G. WADE: On 13 May the Australasian Railway Association wrote to the minister urgently calling for an increase in the penalties for breaching road rules at railway crossings. The letter noted that South Australia has the lowest infringement notice penalty of the four mainland states identified—between $176 and $214. Mr Nye said:

> The penalties are ridiculously low and do not reflect the potential for a catastrophic accident that illegal behaviour can cause at a level crossing.

Does the minister agree with the railway association that the government's penalties are ridiculously low and does the government plan to increase them?

The Hon. CARMEL ZOLLO (Minister for Road Safety): It is important that I do place on record in this chamber what this Labor government has done or implemented in relation to level crossing safety in South Australia, because I do not think I have had the opportunity to do that before. We have implemented a number of processes and programs to manage level crossing safety in South Australia since coming into government. These include: the reactivation of the state level crossing strategy advisory committee, following the fatal crash at Park Terrace Salisbury in October 2002; the establishment of a level crossing unit within the department; and a survey of 1 140 level crossings using the Australian level crossing assessment model developed in South Australia.

The data collected will continue to be used to identify and prioritise level crossing safety programs. The Level Crossing Safety Improvement Program commenced in 2003-04, with over $10 million being spent to date on some 40 level crossings, and a further $3 million is committed in 2007-08. In addition, improvements to signage have been made to comply with Australian Standards. In 2007-8, there will be an even greater emphasis on country crossings, with the main focus being passive crossings with high road and rail traffic, particularly those used by heavy vehicles.

The confronting and successful 'Don't play with trains' radio and television commercials about level crossing safety have been implemented, and I am sure that all members have seen or heard this advertising at different times. It was first aired in 2005, and it was believed that it was so successful that it should continue at different times. In addition, SAPOL has conducted targeted enforcement at known hot spots. Similar enforcement campaigns, of course, are being considered. This year, we have a Rail Safety Week between 23 and 29 July.

One of the things I have done since becoming minister is reform the State Level Crossing Strategy Advisory Committee to provide strategic advice on level crossing management, education and awareness programs, investment opportunities, coordination of road planning and infrastructure, and implementation of rail safety legislation. The reformed committee is chaired by the Executive Director of the Safety and Regulation Division within DTEI and has representation from DTEI, the Australian Rail Track Corporation, Great Southern Rail, the LGA, Pacific National, the Australian Rail, Tram and Bus Industry Union, the RAA, SAPOL, the Council of Historic Railways, and TransAdelaide.

The committee will meet four times a year, and the next meeting will be called in August this year. I have asked it to provide specific advice on the role that industry and local government should play in improving level crossing safety beyond 2007-08. DTEI is also chairing a national committee examining behaviour issues at level crossings, with the goal of producing a nationally developed media education and enforcement campaign over the next 12 to 18 months. Level crossing safety is an issue that continues to be a focus for this government, and I look forward to further advice and ideas from the State Level Crossing Committee.

Given the recent news of the crash that happened interstate, on behalf of all members of the chamber we send our condolences to those families involved and wish the injured a speedy recovery. As to the question asked by the honourable member in relation to penalties, I will ask my department to investigate the issue and bring back some advice for him.

The Hon. S.G. WADE: I have a supplementary question. In relation to the 1 140 crossings the minister indicated had been assessed under the ALCAM, 40 of which have had the recommended improvements implemented, can the minister advise the time frame within which the remaining level crossings will receive the upgrades identified in the risk management assessment?

The Hon. CARMEL ZOLLO: As I said, money has been appropriated throughout that time, with $3 million being committed to 2007-08. The crossings are prioritised in relation to risk, and that is the way in which the work will be undertaken.

LAW AND ORDER

The Hon. B.V. FINNIGAN: Will the Minister for Police provide details about the Australian Bureau of Statistics data on recorded crimes for 2006 released earlier today?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. I can confirm that the latest crime rate figures from the Australian Bureau

of Statistics were released today. The data confirms that crime rates have fallen significantly during the term of the Rann government. According to the ABS recorded crime statistics, the total number of offences in South Australia has fallen by 30.3 per cent since 2002. Overall, today's ABS figures show criminal offences in South Australia have remained steady in 2006, compared with the total number of offences recorded during 2005. This follows a fall of 7.3 per cent in 2005, 7.2 per cent in 2004 and 18.9 per cent in 2003. This is concrete evidence from the country's principal statistical agency that the Rann government has managed to turn around the steadily growing crime rates under the former Liberal government. Without question our tough approach to law and order means that South Australia is a safer place today.

The ABS data shows sexual assaults in South Australia fell by 8.3 per cent during 2006, while motor vehicle thefts fell to 8 043 last year, compared with 9 033 the previous year. This represents a fall of 11 per cent, and this category of offences has also fallen sharply from a high of 13 464 in 2000. The ABS data for 2006 also includes murders, down from 20 in 2005 to 15 in 2006; attempted murders, down from 49 to 36; driving causing death, down from 15 in 2005 to 11 in 2006; unlawful entry with intent (other), down from 10 557 to 8 644; and sexual assault, down from 1 655 in 2005 to 1 517 in 2006. There was an increase in armed robbery from 515 in 2005 to 520 in 2006. However, motor vehicle theft went down from 9 033 in 2005 to 8 043 in 2006.

These crime rate reductions are no accident but are the product of a well resourced police force, and government funding of police in this state has never been higher. We will see that confirmed in tomorrow's budget. We now have more than 4 000 police on the beat in South Australia—

The Hon. J.M.A. Lensink: And more are coming.

The Hon. P. HOLLOWAY: Exactly; more are coming—I am pleased that the honourable member says it! Yes, more are coming, unlike the situation back in the mid-1990s, when the number dropped to 3 412. Just for the benefit of the deputy leader—she perhaps was not here in the parliament then—that is why it is so important that we remind members opposite of what happened in those days, particularly the newer members.

It is important to explain that the rise in the number of reported assaults and kidnapping/abductions during 2006, as reported by the ABS today, was a significant increase, which is due to the introduction in May last year of the Statutes Amendment and Repeal (Aggravated Offences) Act. This act has widened the scope for offences such as assault and kidnapping/abduction. Whilst the recorded number of offences in many categories of crime is a satisfactory outcome, this government will not be resting on its laurels. I acknowledge there is still much work to be done, especially in areas such as assault and armed robbery, and the government remains strongly committed to working with the South Australia Police to further reduce crime rates and make South Australia even safer.

The Hon. R.D. LAWSON: Will the minister confirm, first, that the ABS figures released today show that the rate of crime continues to fall as it has since 2001, and, secondly, that the rate of reduction of crime across the whole of Australia is falling faster than it is in South Australia?

The Hon. P. HOLLOWAY: I have indicated the figures over the past five years since 2002, showing a 30 per cent reduction. The Hon. Robert Lawson made his contribution to the debate and it was well recorded in the House of Assembly yesterday. He said that South Australia is not particularly violent, so we know his views in relation to the rate of crime in this state.

The Hon. R.D. LAWSON: I ask a further supplementary question. Does the minister agree with the statement of Attorney-General Atkinson that the fall in the rate of crime in South Australia has nothing to do with the policies of the Rann government?

The Hon. P. HOLLOWAY: The Hon. Robert Lawson has asked this question previously, and I will give him the same answer that I gave then, which is that I believe that the actions of this government have obviously brought about a significant increase in the reduction of crime. I refer in particular to the increased number of police officers and some of the laws which this government has passed.

HAZARDOUS HOUSEHOLD WASTE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question regarding the disposal of hazardous household waste in South Australia.

Members interjecting:

The PRESIDENT: Order! The Independent members showed some respect to members of the opposition when they were on their feet. I ask them to do the same for the honourable member.

Leave granted.

The Hon. A.L. EVANS: As members would be aware, yesterday was World Environment Day, and preventing hazardous waste from entering our landfill is an important environmental issue. There is only one hazardous household waste disposal depot in South Australia which is located at Dry Creek. The depot is only open on the first Tuesday of every month between 9 a.m. and midday and on prescribed weekends throughout the year.

I understand that, on occasions, temporary collection points administered by Zero Waste SA are provided in different local council areas. The Australian Bureau of Statistics report entitled 'Environmental issues: people's view and practices' indicated in 2006, 85 per cent of households dispose of hazardous waste (such as batteries, medicines, fleuro bulbs, paint products and garden chemicals) through the usual domestic garbage collection. In fact, 68 per cent revealed that they were completely unaware of services or facilities that assist in the disposal of hazardous waste.

In South Australia, out of the 32 per cent of respondents who were aware that hazardous waste disposal services existed, 9 per cent reported that they had no reason for failing to access them, and a further 9 per cent stated that they were simply not interested or that it was too much effort. My questions to the minister are:

1. What measures has the state government taken to promote and inform the community of the safe disposal of hazardous household waste in South Australia?

2. Will the state government consider operating the hazardous household waste depot at Dry Creek on a more frequent basis?

3. Will the minister provide constituents with a more convenient way to regularly dispose of hazardous household waste?

The Hon. G.E. GAGO (Minister for Environment and Conservation): The removal of hazardous household waste

is an issue that the general public is becoming increasingly aware of and sensitive to. There is a wide range of products that, clearly, we do not want in our landfill and there are limited waste depots available for them. At present, Zero Waste works with local councils to arrange for a range of temporary collection points in different council areas at different times of the year. I am advised that the number of these collection points has increased over the years as the response to them by the general public has increased. Zero Waste works with local councils in relation to that, and I understand that local councils undertake responsibility for informing their residents of when and where these collection points will be provided and what items will be collected. Information sheets are sent out to local residents so that they are informed in advance.

I understand, also, that the pick-up rates or user rates have slowly increased with time. I understand that Zero Waste is working with local councils to ensure that the pick-up rate meets demand; and it will continue to work with local councils to achieve that. One of the topics at the most recent national council of environment and heritage ministers was ways in which we can look at improving product stewardship around Australia. The areas we are considering at present include the use of car tyres, TVs and computers. This is trying to work with industries to improve the way in which they manage the end use and disposal of their product. States are working together, collaboratively with the federal government, to look at better product stewardship. I think I have answered all the questions. If I have not, I will provide that information to the chamber later.

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Leader of the Government a question about an ICAC.

Leave granted.

The Hon. R.I. LUCAS: In the past 12 months there has been an increasing number of calls for the establishment of an independent commission against corruption. Without listing them all, originally many years ago they came from the Hon. Mr Gilfillan, and, more recently, a number of politicians, commentators, media representatives, lawyers, academics and campaigners. Today they were joined by political commentator Mr Dean Jaensch in an article in *The Advertiser*. The Leader of the Government evidently scoffs at Mr Jaensch's contribution. Traditionally, the government's response in relation to these issues has been that there is no need for an ICAC because the Auditor-General can carry out the role of an ICAC in South Australia.

On 20 March 2007, in an interview given by the Auditor-General to the state political reporter Greg Kelton, his response is summarised as follows:

> 'South Australia needs an independent commission to effectively deal with corruption,' said Mr MacPherson. . . This contradicts Attorney-General Michael Atkinson's recently expressed view that there was no need for an independent commission against corruption because corruption issues could easily be handled by the Auditor-General or the Police Complaints Authority.

This week in an editorial in *The Advertiser* under the heading 'Remove any doubts about corruption', *The Advertiser*, in part, editorialised, 'But a government with nothing to hide has nothing to fear'. All these calls for the first time in the past week have been joined by a prominent member of the Australian Labor Party, namely, Mr Rod Sawford. I note that both the Hons Mr Finnigan and Mr Wortley laugh at Mr Sawford—as does the Leader of the Government. Under the heading, 'Lifting lid on crime', the article states:

> 'South Australians deserve an independent watchdog against major crime and Public Service corruption,' says Rod Sawford.

Mr Sawford in the article (without going into all the detail) raises a number of questions about the influence of lobbyists on actions the government has taken and, in particular, he raises issues and questions in relation to decisions taken by the Leader of the Government (Hon. Mr Holloway) in terms of his particular portfolio. Some of the questions include: is the granting of major project status similarly above board? What about donations to political parties? Why aren't all donations, no matter how small, required to be declared? Who are the people behind the very large donations? Has political decision making favoured these people? The questions Mr Sawford is raising seem to relate, in part, to the decisions taken by the Leader of the Government in the Legislative Council. My questions are:

1. Given that the Auditor-General has rejected his argument and the Rann government's argument that the Auditor-General can do the job of an ICAC, what is the real reason why he as the Leader of the Government and Mr Rann and others will not establish an ICAC?

2. What are you trying to hide?

The Hon. P. HOLLOWAY (Minister for Police): Again, we have seen the very cosy relationship that exists between the Hon. Rob Lucas and *The Advertiser* in recent days, with all the great coverage there has been. Of course, *The Advertiser* is running a campaign at the moment to set up an ICAC. It has editorialised on it, it has had a series of articles—Rod Sawford's was one—and with Dean Jaensch this morning. *The Advertiser* is entitled to run these campaigns, and that is fair enough, but that is why we have seen these articles in recent days, because of that campaign.

Of course, every opposition has a vested interest in calling for an ICAC because, by implication, it means that there is something to hide. The Leader of the Opposition has not found anything, after five years. He cannot make any allegations of substance, so he does it by trying to create a bit of smear. If we were to set up an ICAC, the first thing is that we would be paying a number of lawyers more than anybody in parliament gets, including the Premier. We would be paying lawyers hundreds of thousands of dollars a year. We would give them powers to tap telephones and do all that sort of thing and, if they did not find anything, they—

The Hon. R.I. Lucas: They might tap your telephone.

The Hon. P. HOLLOWAY: Of course they would want to tap politicians' telephones. They would not be tapping lawyers' telephones; they would not be tapping journalists' telephones; but they would love to tap the telephones of developers, politicians and all those sorts of people. If they were given millions of dollars (diverted from health, police, teaching and other areas) then, to justify the expenditure of the many millions of dollars it would cost for such an organisation, they would have to find something. They would keep looking until they did find something.

What an extraordinary comment Rod Sawford made about political donations being declared. He is a member of federal parliament. What did Rod Sawford say when the federal Liberal government weakened all the legislation set up by a former federal Labor government in respect of the declaration of donations? The Liberal government was using these

devices, and it has been using them for years, to cover up donation. One of the things it did recently was to weaken those disclosure laws. Where were Rod Sawford's comments in relation to that? Why is he so worried about state issues?

Of course, he also mentioned Cheltenham Racecourse. We all know that Rod Sawford does not like what is happening at Cheltenham; he thinks racing should stay at Cheltenham, and he is entitled to think that, as the local member. But, just because he does not like it and the government comes to a different decision, he disagrees; similarly, with the other related racing issue—Victoria Park, which he has been a passionate advocate about—because it is linked to Cheltenham. But, just because he disagrees with it does not mean that there is anything corrupt about it.

How extraordinary that, after 20 years in federal politics, he suddenly makes a comment like that about a federal matter in relation to donations. I would have thought that Mr Sawford would be better advised, as the federal member, to worry about what is happening in federal parliament at the moment, particularly in relation to issues such as political donations—perhaps things like the AWB issue, when $300 million was paid in bribes to the Australian Wheat Board, and what sort of investigation was—

Members interjecting:

The Hon. P. HOLLOWAY: Sorry, the $300 million paid to Iraq. They are the sorts of issues that have been happening under the federal government.

The Hon. R.I. Lucas: You are a bit flustered.

The Hon. P. HOLLOWAY: I am not flustered at all. I am delighted that the Lazarus leader, the ex-leader who wants to make a comeback, who is waiting in the wings, has raised this. He is a bit like Rod Sawford. In fact, they both entered parliament about the same time, over 20 years ago. Just like the ex-leader opposite who has been very silent but now he is suddenly getting all this publicity. I think my federal colleague is in a rather similar situation. After 20 years he is about to bow out and he has suddenly started, because it suits a particular campaign being run at the moment, to make these comments.

All I can say is that if people like Dean Jaensch—given how often he is so wrong in relation to politics—and Rod Sawford are the best that this campaign to set up an ICAC can come up with, never mind. There is no evidence whatsoever of any corruption, so there must be a very poor case, indeed.

MANNUM MARINA DEVELOPMENT

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about a proposed marina development at Mannum.

Leave granted.

The Hon. I.K. HUNTER: I understand that in March 2005 a proposal by Tallwood Pty Ltd for a marina and residential development on the Murray River at Mannum was declared a major project. Will the minister provide an update on the progress of this major development assessment?

An honourable member interjecting:

The Hon. I.K. HUNTER: You might have missed it last time.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the Hon. Ian Hunter for his question. I can inform the council that an environmental impact statement for this proposed development has today been released for six weeks of public consultation. The EIS is a detailed assessment document required by the state government as part of the assessment process for a proposed major development. The Mannum marina proposal was declared a major development in March 2005 and the EIS has been under preparation since December that year.

As an aside, and given the question we just had from the Hon. Rob Lucas, the fact that the EIS is just now being released, two years after I made the declaration (it was one of the first acts I undertook as Minister for Urban Development and Planning), shows that the major project process is anything but fast-tracking. It also does not imply agreement, and I think comments made by Rod Sawford and others seek to significantly misrepresent the major development process. Today's announcement is a classic illustration of that fact.

To return to the Mannum marina, the company's proposal is to create more than 550 residential allotments, including 160 with water frontage, and 156 houseboat mooring sites, many of which could be used for permanent residential houseboats. The proposed development also includes a commercial centre with a tavern, retail outlets, interpretive centre and tourist facilities. All residential and commercial allotments are proposed to be constructed above the 1956 flood level. Again, as an aside, I can say that the original proposal did not have that; it was one of the aspects of the major development process that I was able to insist that all residential and commercial developments should be constructed above the 1956 flood level.

The proposed site adjoins the Mannum township and comprises disused dairy flats on the flood plain and cleared grazing land on the valley slope. Remnant vegetation is found mainly along the riverbank, which is used for recreation such as houseboat mooring and camping. The proposal also includes the construction of a wetland to improve the quality of water leaving the marina and residential waterways before it re-enters the river, and that would form a buffer between the river and the marina and provide wildlife habitat.

The EIS is being produced by the proponent to explain the proposal and address issues surrounding the potential environmental, social and economic impacts of the proposed marina development. Those issues were identified in detailed guidelines issued to the proponent in December 2005, which are available on the Planning SA website. The EIS is available from today on that website free of charge, or for viewing or purchase at Planning SA or the local Mid Murray Council. Under the major development assessment process, a mandatory public meeting will also be held during the public comment period, at which the proponents will answer questions about the proposal. Details of this meeting are being confirmed and will be advertised shortly.

Following the closure of the public comment period on Wednesday 18 July the proponent will be required to produce a written response document which answers the issues raised in public and agency submissions and at the public meeting. The proponent may vary the proposal in response to the comments. The EIS and the response document will then be assessed by government, with an assessment report issued prior to the Governor making a decision about the final proposal. More information about the Mannum proposal and the major development assessment process is available on the Planning SA website at www.planning.sa.gov.au/go/major-developments.

DESALINATION PLANTS

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

Leave granted.

The Hon. M. PARNELL: Last month at a conference organised by the Conservation Council of South Australia a representative of SA Water said that it was unclear whose job it was to license and regulate desalination plants. It seems that the logical agency, given that brine in large quantities is discharged into the marine environment, would be the Environment Protection Authority (EPA). However, desalination plants are not listed as prescribed activities of environmental significance under schedule 1 of the Environment Protection Act. It seems that the only mechanism by which the EPA would have authority to regulate those discharges into the marine environment would be if antibiotic or chemical water treatments were used and also discharged, because that would bring desalination within the scope of schedule 1 of the Environment Protection Act. My questions are:

1. Will the minister tell the council whether or not she believes the EPA is the appropriate authority to licence desalination plants?

2. If there is uncertainty as to the appropriate or actual regulator, can she commit to changing the regulations to ensure that the EPA has the prime regulatory role over desalination plants in South Australia?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important questions. The advice I have and my understanding is that, in fact, the EPA is required to grant a licence for a desalination plant to be able to operate at the operational stage, but I will seek to clarify that, given that the honourable member has raised that as an issue. In respect of the environmental impact of desalination plants, my advice is that desalination plants are required to meet environmental standards in the same way as other operations are and that there is a capacity to monitor and to ensure that the management of water and the distance that brine is removed out to sea and such like are all matters that the EPA can address. I will get the details to those questions and bring back a response.

MOTORCYCLE GANGS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Police, both in his own capacity and representing the Attorney-General, questions in relation to licensed premises and outlaw motorcycle gangs.

Leave granted.

The Hon. NICK XENOPHON: Following the shooting in the early hours of last Saturday morning of four Rebels motorcycle gang members by two gunmen at a city nightclub, I was contacted by a nightclub proprietor who, for reasons that will become obvious, does not want either himself or his venue to be identified. He outlined a number of concerns that include, first, a frustration that, over a 12-month period, there would rarely be a police presence in or around his nightclub, despite the fact that he and the management of the premises welcomed a regular police presence as a deterrent to motorcycle club members who were congregating at his nightclub. Secondly, he expressed his frustration and fears as to the current Liquor Licensing Act barring orders, with the current form requiring a signature of the licensee or responsible person under the act. Section 125 of the Liquor Licensing Act requires that it be a licensee or a responsible person applying for an order for the barring of a person.

This proprietor tells me that the problem that he and other licensees have had is that it puts an onus on the licensees identifying themselves, and it is a major disincentive in removing undesirable individuals, particularly from outlaw motorcycle gangs. He gave me instances of receiving threatening phone calls from outlaw motorcycle club members as a result of having signed a barring order. He further told me that he and other licensees were not prepared to put themselves at risk by signing barring orders, despite, in many cases, doing so on the advice of the police, and he said that police involvement and their advice was welcome. He said that an alternative method of barring, where the police signed a barring order for a number of venues in a specified area, would be much preferred. My questions are:

1. What details are kept as to the number of police visits to licensed premises, particularly those nightclubs that have been seen to be the target of outlaw motorcycle gangs; and does the minister consider it a priority to increase police presence at such venues?

2. Will the minister raise with the police and the Attorney-General as a matter of urgency the question of amending section 125 of the Liquor Licensing Act so that the process is changed so as to maximise the effectiveness of such orders to keep such undesirable elements away from such licensed premises and to minimise the risk to individual licensees and responsible persons under the act?

The Hon. P. HOLLOWAY (Minister for Police): In relation to the latter part of the honourable member's question, he would be aware that, on his return from leave, the Police Commissioner will be briefing cabinet in relation to a significant amount of work that has been done at his and the government's request in relation to dealing with outlaw motorcycle gangs, and matters in relation to the licensing laws will be part of that. I am happy to consider the measure asked by the honourable member specifically.

I make the general comment in relation to barring orders that, of course, we had the situation of the HQ Nightclub successfully obtaining a number of barring orders in relation to a particular motorcycle gang. They have been challenged all the way through the courts—and that court case was heard only recently. The District Court upheld those barring orders. We are now in the position of waiting for them to seek leave to appeal, so it is still possible that those laws will be challenged. However, given that those laws are now in place, obviously the police will be able to deal with those issues more effectively than they could when that law was under challenge.

The police have an operation, Operation Cornerstone, which specifically deals with the infiltration of bikie gangs into nightclubs. I am sure all members would be aware of the history of this. Several years ago, this government took action seeking to remove people with criminal records from the security industry. As a result, many people who had bouncer licences (if one wants to call them that)—security agent licences—did not seek to renew those licences as a result of the action that was taken.

Let us not pretend that outlaw motorcycle gangs are the only elements of organised crime; there are plenty of other groups. While everyone is focusing on outlaw motorcycle gangs, we should not forget the fact that there are other

criminal groups—some ethnically based—which are also part of organised crime. It is important to note that, in relation to those outlaw motorcycle gangs and these other crime groups, they did seek to infiltrate nightclubs and other venues because they are very fertile ground for promoting the sort of criminal activities in which these groups engage, particularly drugs.

I will now say something about Operation Cornerstone. Operation Cornerstone members visited licensed premises on 181 occasions, ejecting 40 persons from licensed premises, and they conducted six house searches and 46 person searches. Apart from ejecting persons from licensed premises, Operation Cornerstone made 14 arrests, three reports, two expiation notices, two drug diversions, and seized 10 kilograms of cannabis and small amounts of other drugs and three firearms. The police have been very active through Operation Cornerstone in relation to these clubs. The operation also supported licensees in issuing barring orders against motorcycle gang members.

During the operation, 60 barring orders were served on motorcycle gang members, preventing them from attending nightclubs and hotel premises. Serving barring orders is a continuing strategy of the Avatar Motorcycle Gang Section, and 65 have now been served on motorcycle gang members and associates in relation to licensed premise, including Savvy, Tonic, HQ, Vodka Bar, Grand Hotel, Raptures, London Tavern, Alma Hotel and other premises frequented by these groups. Avatar is assisting licensees in drawing up further barring orders for service in the near future. I said that the validity of that law has been clarified following the District Court decision. The recent decision of District Court judge Rice confirmed the validity of this strategy, confirming the barring orders against those three prominent Hell's Angel motorcycle gang members.

It is known that all South Australian motorcycle gangs, including the Hell's Angels, are actively recruiting new members. To become a nominee or a member of a motorcycle gang, we know that a person is required to ingratiate himself with the gang, and this may require him to perform menial or often illegal acts on behalf of the members. Members of motorcycle gangs are known to distance themselves from serious criminal offences, including drug offences, by using non-members to perform high risk tasks, such as carrying or transporting drugs. These are the sorts of factors we are dealing with, and Operation Cornerstone has been very effective in relation—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes—and lots of supplementaries. Operation Cornerstone—

Members interjecting:

The Hon. P. HOLLOWAY: It was a very important question asked by the Hon. Nick Xenophon in relation to—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —the activities of Operation Cornerstone dealing with licensed premises. There is no doubt that the misuse of these nightclubs as a venue for criminal activity is a very strong incentive for these gangs. We can pass all the laws we like in here, but I think that the point the Hon. Nick Xenophon was making was that these groups operate under a code of silence, they do not provide evidence, they intimidate witnesses, and they intimidate nightclub owners. They are not very nice people; in fact, they are the scum of the earth.

Like all criminals, they do not operate by the rules. We have to ensure that not only is there a significant police presence and operations such as Cornerstone dealing with these people but that we also support licensees and their profitable ventures, who must also take responsibility in relation to providing security for the safety of their patrons. As I said, following the recent decision in the District Court by judge Rice, I believe that the use of barring orders will be more effective. However, in relation to the suggestion made by the Hon. Nick Xenophon, I am only too pleased to look at that or any other suggestion to ensure that we prevent the further infiltration and use of nightclubs by these criminal elements.

The PRESIDENT: Before I call on Matters of Interest, I point out that only nine questions were asked today, but there were eight supplementaries, seven of which were asked by the opposition, which also asked four of the eight questions. If I were the opposition, I would not whinge too much about it. I intend to give everybody a fair go. Yesterday, the Independents got only two questions; the government, three; and the opposition, five. If the opposition intends to ask supplementaries on every one of its questions, it will miss out on asking a couple of questions.

MATTERS OF INTEREST

HOWARD GOVERNMENT

The Hon. J. GAZZOLA: In the election countdown, we are witnessing the Howard government at its immoral and manipulative best. What the majority of the public knows about the style of the coalition government in past federal elections is now freely discussed in the media by independent observers. Mr Howard makes much of trumpeting spurious claims of threat and danger, but now we are seeing open discussion of the way the federal government operates. This needs to be said: the public need to grasp the full extent of the depths this government will descend into to retain power.

We have a Prime Minister and coalition government who freely exploit and manipulate public opinion through fear—his trump card. Listen to what these independent observers say: 'In yesterday's speech, Mr Howard made it clear that he intends to fight this election on two grounds: the economy and fear,' and, 'He has also signalled that the fear card will be played for all it's worth.' Not just happy to flay the public, the Prime Minister is also happy to whip his own party room into line with wolf cries of electoral annihilation. He is right to be fearful on one thing, though, and that is that one in five voters are sick of him.

The public are now reading the doublespeak of Mr Howard and the coalition over their born-again Greenie credentials; the jazz age budget and its missed opportunities; and the pork-barrelling as revealed in estimates. There is fear and there is real fear. The former is that the public perception of the continuous shadow of fear is skilfully played by the federal government, but there is a far more dangerous and fundamental secrecy that the government tries to conceal, and that is the reality lurking behind its own policies. The government conceals what voters should know, if they were allowed to see the full story, in regard to its hasty and opportunist policies on climate change and energy and its unfair and casual disregard for workers under AWAs, to

name a few. When the federal government got spooked as the reality behind WorkChoices became apparent, it floated the smokescreen of care under the fairness test.

As we know, it takes an impending election and poor polling to prompt this move. A Clayton's name change will give it the imprimatur of decency according to the coalition. But how decent is this government? In beating up fair play, journalist Dennis Shanahan waxing lyrical in *The Australian* after the budget said that the federal government had trumped the federal opposition over IR with its no disadvantage test and tax support for the battlers. The name change, the cynical timing of the change, and the lack of public enthusiasm for the fairness test, as evidenced by a later press report in a less than lyrical Dennis Shanahan apologia, shows that the public is not fooled by this proposal reversal.

What are the facts behind the public's mistrust? First, as Andrew Stuart, Professor of Law at Flinders University, points out, parliament has not defined what fair compensation actually means—a responsibility that will eventually fall to the newly badged workplace authority. If you lodge an agreement but it fails to pass the fairness test and the employer fails to fix it up, the agreement is cancelled and the employee goes back to what he or she was on. The onus then rests on the employee to battle on with their employer or, presumably, settle for what they had. As an employee you take it or leave it.

As it is understood at the moment, the new agreement will give employers increased flexibility to employ and the employee will have the flexibility to say no. This is the reality of the federal government's idea of fair play. There are other issues on which the federal government has not come clean. It has refused to release figures on the consequences of current AWAs on working families, and it is illegal to tell anyone what is in a particular AWA. In closing, there is fear and there is real fear: we just need to discriminate between the shadow and the reality.

MURRAY RIVER

The Hon. CAROLINE SCHAEFER: As we have heard again today, the River Murray has reached all-time low flows; the lowest flows into South Australia on record have been reached this week. This situation will not be changed, unfortunately, by good seasonal rains. We will need above average rains over the catchment area for the Murray-Darling Basin for about three to four years to restore any sort of decent flows. The long term for South Australia is that we must learn to conserve and reuse the water we have and to find new sources of water. With that in mind I asked questions recently of a TAFE lecturer I met, and last week I was privileged to visit the Urrbrae TAFE campus, where they have a water recycling project part way developed. The aim of this project is to make their plant production nursery self sufficient in water. To do this they have been able to capture some 50 per cent of rainwater from surrounding buildings and are recycling the nursery's drainage through a series of wetland modules and a slow sand filter.

The nursery needs 3 000 kilolitres of water each year to function at full capacity. At this stage it would appear that it will not only be able to be self sufficient in water in its nursery but also be able to use some of that water in off peak periods for toilets and in greywater projects. Most of the materials for the project have been funded through a commonwealth community water grant of $50 000, with pumps, control systems and engineering expertise all donated by Grundfos Pumps Limited. As I said, the project is implemented by TAFE SA's Urrbrae Campus with the support of the Nursery Industry Association of South Australia.

While I was there, I was fortunate that a group of landscapers from South Australia and Tasmania were also visiting this project. We were able to see—to use a pun—the cross-fertilisation of their ideas and input into what is an innovative and interesting system of water recycling. The water feeds into rainwater tanks from where it goes out to the nursery. The propagated plants are on stands, and beneath that the ground has been dug out to a depth of about eight centimetres and covered with coarse gravel. The water gravity-feeds down through a series of ponds and is then pumped back and mixed with the original rainwater.

Students have been involved in some aspects of the project and the construction of many of the ponds and will be involved in the ongoing monitoring of flow rates. This system interests me, because I believe it has great potential to be used within the nursery industry, which is one of our bigger users of water. Also, some of the methods that are being developed may well be able to be used on domestic premises and farms. I understand that Mawson Lakes Campus is doing similar work. I think many of us do not understand the amount of work that is being done within South Australia to develop alternative methods of using the limited water resource that we have. I take this opportunity to thank the Urrbrae Campus of TAFE for showing me this project, and I encourage other members to visit what is an impressive piece of work.

GREENHOUSE GAS EMISSIONS

The Hon. A.L. EVANS: I rise today to highlight Family First's concern about the debate over a greenhouse gas emissions trading scheme which ignores the effect such a scheme would have on families. Yesterday (5 June 2007) was World Environment Day. Never before has concern about the environment been so great or debated so much around the world or in this esteemed chamber. A report commissioned by the commonwealth Department of the Prime Minister and Cabinet entitled 'The Report of the Task Group on Emissions Trading' was delivered on 31 May 2007.

In its terms of reference, the report was given three criteria for success. The terms of reference stated that any solution should be environmentally and economically effective and politically acceptable. There was no mention of families. Families are being ignored in the environment debate, despite the fact that the reason we are so passionate about protecting our environment is so that our children and future generations can enjoy it. Not surprisingly, given those terms of reference, the report, which was released last week, does not mention families once.

The Australia Institute submitted that there would be benefit, among other things, of using a tax, a levy or revenue recycling in a greenhouse gas emissions trading scheme to ensure that low income families are not negatively affected. The report contains a quote from the US National Commission on Energy Policy which explains that allowances could be used to compensate those who bear a disproportionate burden under the policy. This group should include, in Family First's view, low income families who cannot afford the rising cost of living plus the flow-on effects of an emissions trading scheme. The report makes clear that families will be disadvantaged. It states:

> . . . consumers will be affected by the introduction of a carbon price through a rise in the cost of electricity and petrol, and through increases in the carbon cost embodied in consumer goods.

Families are already struggling to make ends meet as a result of soaring petrol and grocery prices, yet families will be punished with even higher petrol prices and even higher electricity bills—and that is just the beginning. These policies might not affect people with spare cash, but they will hurt families who are struggling in the outer suburbs and regional areas. Markets do not always serve families well. That is why Family First believes an emissions trading scheme must also include compensation for families, particularly low income families, who could face financial hardship. Will targets or pricing of household consumption of energy take into account the number of people in each house? If not, families will lose.

Family First calls on the federal and state governments to provide genuine relief to families by using revenue from the sale of emissions trading permits to offer innovative financial assistance packages to help families reduce their energy costs, such as subsidies and low interest loans to buy energy efficient products. After all, as the report states many times, changing consumer behaviour (that is, changing family energy and resource usage) will be a primary means of achieving results for the environment.

SPORT SA

The Hon. T.J. STEPHENS: As the opposition spokesperson for sport, recreation and racing, I wish to use my time today to raise awareness about the importance of sport and sporting organisations in our community. Last night I was pleased to attend the Sport SA general meeting; and I thank Sport SA's CEO Jan Sutherland for the invitation. Sport SA strives to ensure that the needs and aspirations of the South Australian sporting community are considered by all levels of government and to develop a stronger future for sport for all South Australians.

The organisation has a large membership, ranging from Athletics SA to Yachting SA and almost everything in between. I learnt about the strategic direction of Sport SA, which includes: to lead and assist in the promotion of best practice in sports management; to maintain and increase the profile of sport in South Australia; to take a leadership role in the provision of facilities in South Australia; to provide a sustainable financial basis for sport here; provide quality training opportunities for the sports industry; and be recognised as the leader in representing sports volunteers in our state.

It was an honour to meet with a number of industry stakeholders last night. I am encouraged by the fact that South Australian sporting organisations are in good hands and that Sport SA has their interests at heart. Sport SA's values, which include teamwork, professionalism, commitment and a healthy lifestyle, are the ideal values for any organisation to have. Many of the values I hold dear and were learnt in my early years of being involved in team sport. Teamwork, acceptance of others and persistence were some of the things taught to me by coaches and teachers; and this is why I am a big supporter of sport. Also, I have had the opportunity to meet recently with a number of other sporting organisations, and I am encouraged by the fact that participation in sport is growing and that these organisations are doing their best to help their communities and, in particular, being really well administered.

One of the most positive things is that members of sporting clubs I have met realise that to encourage as many children as possible to participate in sport greatly benefits the community. These clubs realise that, essentially, they have a duty to promote fitness and activity in their local area. The effects of childhood obesity and the obesity epidemic, in general, are felt throughout our community. Obesity is a ticking timebomb of chronic diseases. It puts people at risk of conditions such as type 2 diabetes, cardiovascular disease, high blood pressure, stroke and even certain forms of cancer.

The health consequences of obesity are serious—deadly serious. Beyond the obvious health effects, overweight and obese people often struggle with feelings of guilt, depression and negative body image. Recent research has pointed out that about 25 per cent of young people in Australia are obese and that probably 80 per cent of these young people will become obese adults. Since the 1980s, the amount of overweight and obese Australian children has more than doubled. Our gradual change in lifestyle, where people are eating more sugary and fatty foods while becoming deskbound and less active, is seriously affecting our waistlines. I know that since becoming a politician my free time has decreased, but functions and meetings (including meals) have certainly increased; and I ask all my colleagues to make sure that they get enough exercise to counter the effects of our lifestyle.

We should all try our best to eat well and be active. Our sporting bodies and teams do a terrific job in making us all aware that activity and sport can have great benefits for our health. I encourage this government to do all it can to assist South Australian sporting organisations, both financially and in promoting the fact that they play a vital role in making our community healthier. To conclude my remarks, I reiterate that the value of sport to young people and, indeed, everyone in our community, cannot be undersold. We face a massive challenge, as leaders in the community, to ensure that we each do our very best to make South Australia an active and healthy state.

LAW AND ORDER

The Hon. R.D. LAWSON: Today when I read *Hansard* I was delighted to have confirmed what I had always suspected; namely, that the Premier spends his time reading my speeches in parliament. I have previously noted his use of verbal flourish and radical style, which can only have derived from a close familiarity with my own contributions in parliament.

Of course, I should not be surprised (and neither should anyone else) to see that the Premier misquoted me and failed to put the correct spin on my observations. However, I am very happy to quote one of the Premier's ministers—namely, the Attorney-General—and quote him in full and not misquote him. I do so in the context of a release issued today by the government, as follows:

> Crackdown on crime brings results. Latest ABS figures confirm crime rates have fallen significantly under the Rann government.

We have seen it all before. We have seen it all time and again before. However, the cat was belled by the Attorney-General on 1 July 2005, when being interviewed on Channel 10, following a similar release of similar crime statistics. He said:

> Yes, there have been reductions in the crime rate in South Australia since our government came to office, but my suspicion is that does not have much to do with our policy.

The Attorney-General went on to say:

> One of the big influences on the crime rate anywhere in the world is the number of young men from disadvantaged backgrounds as a proportion of the total population.

So, the Attorney-General said on that occasion (and this is one of those occasions where he was telling the truth) that government policy does not have much to do with the falling crime rate in Australia.

That clearly is the case because, since the year 2002, the statistical year 2002—actually the beginning of 2001—crime rates in every state in Australia have been coming down. I have not, as yet, studied in detail the figures released today by the ABS but, over recent years, there has been a fall of 12 per cent across the board in every state. Admittedly, there has been a fall in South Australia, in the order of 7 per cent. Whilst it is true that there has been a fall in the crime rate in this state, we are not doing as well here as other states. In other states we do not have governments and Premiers grandstanding to endeavour to suggest to the community that it is their policy and their tough stance that is leading to a fall in the rates.

Crime rates are falling everywhere else because of the good economic prosperity engendered by the policies of the Howard/Costello government. The Premier read into the record in another place some observations that I had made here. I think he must have been handed my speech knowing as I do, of course, that he studies them at night. He must have been just handed the speech because he read a passage which I am sure he did not really intend to read, as follows:

> Over the last few years in this state we have had a government which has sought, for political purposes, to exploit fears about law and order in our community.

I also said:

> Rather than enlighten and reassure the community, rather than support the community to reduce crime, the Premier has sought to exploit the vulnerability of people.

I adhere to those views. The Premier's big conclusion, his denouement, in the House of Assembly was, 'So he [that is, Lawson] believes that crime rates have gone down in this state.' Of course they have; they have gone down everywhere; that is no surprise. They have been going down since before the Rann Labor government came into power in this state. What we need, in relation to law and order and criminal justice policy generally, is a bit of truth and far less spin.

Time expired.

PALESTINE

The Hon. SANDRA KANCK: Yesterday was the 40th anniversary of the commencement of the Six Day War in which Israel invaded Palestine. There are about 3 000 Palestinians and their descendants living in South Australia, so yesterday I joined the Australian Friends of Palestine in a vigil on the steps of Parliament House to draw attention to Palestine's recent and sorry history. We handed out a leaflet which graphically illustrated the stealing of Palestinian land, with a series of maps showing the diminishing land area. I proffered a copy of that leaflet to an MP, who refused to take it, saying that he had Jewish blood in him. As he walked away I called out to him that that did not mean he did not have to uphold human rights.

On the other hand, a woman came up to me and identified herself as a Jew, and said that she wanted a leaflet despite that fact. She then went and spent some time talking to another of the Palestinian members of our group. I wish there were more people like that woman. There are a few; I met them in Palestine in January. There is the Israeli Committee Against House Demolitions, which speaks out against and tries to prevent the Israeli authorities demolishing Palestinian homes; there is also Machsom Watch, a group of Israeli women who bravely go out to the checkpoints each day and monitor the treatment of Palestinians by Israeli soldiers.

Unfortunately, most Israelis never see the misery they are party to. The colonies they have established on stolen Palestinian land, which Israel benignly calls 'settlements', are surrounded by fences and walls up to 8 metres high, and they cut the Palestinians off from their traditional farming land and thereby their incomes. The Israeli colonisers have built separate roads, also on stolen Palestinian land, and Palestinians cannot travel on those. So most Israelis never see a real, live Palestinian; instead they get the government's spin about the need for Israel to keep itself safe from terrorism.

A former Israeli prime minister, Ariel Sharon, told Winston Churchill in 1973:

> We'll make a pastrami sandwich of them. We'll insert a strip of Jewish settlement, in between the Palestinians, and then another strip of Jewish settlement, right across the West Bank, so that in 25 years' time, neither the United Nations, nor the United States, nobody, will be able to tear it apart.

They have largely succeeded. If one looks at a map of the Left Bank (that ought to be called Palestine), the presence of Israel shows up like smallpox scars on the landscape.

I am constantly amazed that Australia has stood by and let this happen. It has not merely stood by: it has actively supported these abuses, and I find it difficult to believe that any Australian member of parliament could justify this—yet it is what the Australian government continues to do. To make this shame worse, the Australian Labor Party inexplicably supports this appalling stance and, as South Australians, we must ask whether our state is playing a part in the continued subjugation of the Palestinian people.

The Rann government has set up the Defence Teaming Centre, which aims to increase exports of defence technology to Asia and the Gulf Cooperation States in the Middle East. It has been impossible to find out whether weapons or components manufactured in South Australia are being used by Israel. Australia has an appalling record of supporting the human rights abuses that have been perpetrated by Israel since 1948, and it is getting progressively worse. I seek leave to have incorporated in *Hansard* Australia's voting record in the United Nations in 2006 in regard to Israel.

Leave granted.

Resolution: Deep concern over Israeli destruction of Lebanese oil storage tanks
61st Session 2006 Res/61/194
Yes: China, India, Russia,
No: Canada, Australia, Israel, United States
Vote total: 170Y 6N 0A

Resolution: The human rights situation arising from the recent Israeli military operations in Lebanon
61st Session 2006 Res/61/154
Yes: China, Denmark, France, Germany, Russia, United Kingdom
No: Canada, Australia, Israel, United States
A: Austria, Belgium, Denmark, France, Germany, United Kingdom
Vote total: 112Y 7N 64A

Resolution: The Occupied Syrian Golan—Concern over military occupation of Arab territory-illegality of Israel's decision to effectively annex the Syrian Arab Golan
61st Session 2006 Res/61/120
Yes: Canada, Australia, China, Denmark, France, Germany, Russia, United Kingdom

No: Israel
A: United States
Vote total: 163Y 2N 16A

Resolution: Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem
61st Session 2006 Res/61/119
Yes: Denmark, Germany, Greece, Italy, United Kingdom
No: Australia, Canada, Israel, United States
A: Dominican Republic, Fiji, Uganda
Vote total: 157Y 9N 14A

Resolution: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan
61st Session 2006 Res/61/118
Yes: Canada, United Kingdom
No: Australia, Israel, United States
A: Dominican Republic, Fiji, Uganda
Vote total: 162Y 8N 10A

Resolution: Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Territory, including Jerusalem, and other occupied Arab territories
61st Session 2006 Res/61/117
Yes: Australia, Canada, United Kingdom
No: Israel, United States
A: Fiji, Uganda
Vote total: 165Y 7N 10A

Resolution: Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
61st Session 2006 Res/61/116
Yes: Cuba, China, India
No: Australia, Canada Israel, United States
A: Denmark, France, Germany, Norway, United Kingdom
Vote total: 90Y 9N 8A

Resolution: Palestine refugees' properties and their revenues
61st Session 2006 Res/61/115
Yes: Australia, Canada, United Kingdom
No: Israel, United States
A: Fiji, Uganda
Vote total: 170Y 6N 8A

Resolution: Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East
61st Session 2006 Res/61/114
Yes: Australia, Canada, United Kingdom
No: Israel, United States
A: Fiji
Vote total: 169Y 6N 8A

Resolution: Persons displaced as a result of the June 1967 and subsequent hostilities
61st Session 2006 Res/61/113
Yes: Australia, Canada, United Kingdom
No: Israel, United States
A: Fiji
Vote total: 170Y 6N 8A

Resolution: Assistance to Palestinian Refugees
61st Session 2006 Res/61/112
Yes: Australia, Canada, United Kingdom
No: Israel
A: United States
Vote total: 173Y 1N 10A

Resolution: Syrian Golan—Israel's occupation of Syrian Golan and Palestinian territory is illegal
61st Session 2006 Res/61/27
Yes: China, Russia
No: Canada, United States Israel
A: Australia, Denmark, France, Germany, Norway, United Kingdom
Vote total: 107Y 6N 60A

Resolution: Jerusalem—Israel's jurisdiction on Jerusalem is illegal
61st Session 2006 Res/61/26
Yes: Canada, Denmark, France, Norway, Russia
No: Australia, Israel, United States
A: Cameroon, Fiji, Uganda
Vote total: 157Y 6N 10A

Resolution: Peaceful Settlement of the Question of Palestine
61st Session 2006 Res/61/25
Yes: China, Denmark, France, Germany, Norway, Russia, United Kingdom
No: Australia, Israel, Marshall Islands, Micronesia, Palau, Uganda, United States
A: Canada, Fiji
Vote total: 157Y 7N 10A

Resolution: Special information programme on the question of Palestine of the Department of Public Information of the Secretariat
61st Session 2006 Res/61/24
Yes: China, Denmark, France, Germany, Norway, Russia
No: Australia, Israel, United States
A: Canada, Fiji, Uganda
Vote total: 157Y 7N 9A

Resolution: Division for Palestinian Rights of Secretariat—Requesting resources and cooperation for the Division
61st Session 2006 Res/61/23
Yes: China
No: Australia, Canada, Israel, United States
A: Denmark, France, Germany, Italy, Netherlands, Norway, Russia, United Kingdom
Vote total: 101Y 7N 62A

Resolution: Committee on the Exercise of the Inalienable Rights of the Palestinian People—Requesting the Committee to continue its work
61st Session 2006 Res/61/22
Yes: China, Mexico
No: Australia, Canada, Israel, United States
A: Denmark, France, Italy, Norway, United Kingdom
Vote total: 101Y 7N 62A

The Hon. SANDRA KANCK: Members will see from this that Australia voted against the continuing resourcing of a UN sub-committee looking at Palestinian human rights, for goodness sake. We were one of only seven nations voting against it. I think it is an embarrassment to be an Australian when you see these figures. That record I have tabled is only about 2006, and it is replicated over the decades. I conclude with the words of BBC reporter Jeremy Bowen from his SBS news item last night about the 40th anniversary of the Six Day War when he said, 'Ignoring the legacy of 1967 is not an option.'

SELECT COMMITTEES

The Hon. B.V. FINNIGAN: I rise today to address the scurrilous accusations made by the Hon. Rob Lucas in the press regarding select committees established by this chamber. The Hon. Mr Lucas has claimed that government members have thwarted the proper operation of these committees and prevented the committees meeting. I reject absolutely this unfounded assertion. I am Chairman of the Select Committee into Allegedly Unlawful Practices Raised in the Auditor-General's Report (referred to by some members as the stashed cash committee) and at no time have I attempted to prevent the committee from meeting, and I have never issued any instruction or asked the committee secretary not to convene a meeting. This is a committee that has been in existence for some years, and I understand it has met a total of 18 times, taking into account the meetings in the previous parliament. The committee received oral

evidence from the then auditor-general on, I believe, three separate occasions, and there are thousands of pages of evidence in written submissions and witness evidence.

It is always open for the Hon. Rob Lucas to move at a committee meeting to establish the date of the next meeting and, if he has the support of honourable members on that committee, it will be carried. The Hon. Rob Lucas has done this regularly in the past with these committees—and I believe you were serving on some of them when that happened, Mr President. In relation to the AUPAG Committee, the parliament is paying a research officer to compile a summary of the masses of evidence, and she is working on that, yet the Hon. Mr Lucas claims that I or other government members have attempted to prevent the committee from doing its job. I certainly want to assure honourable members, especially those on the crossbenches, that, even where government members may oppose the establishment of a select committee, if it is the will of the parliament to establish one, we take it seriously and we allow it to do its work.

Part of the problem is that already in this parliament in just over 12 months the Liberal Party has supported the establishment of no less than seven select committees—and this is on top of the 11 standing committees on which members of the Legislative Council sit. When members sit on so many committees, as well as attending the sittings of this chamber and attending to other duties, the reality of scheduling meetings when members are available and, more importantly, when witnesses are available, is necessarily difficult.

However, if the approach the Hon. Rob Lucas is indicating the Liberals take—that is, if a meeting is scheduled at any time, Liberal members guarantee to attend—we can proceed on that basis. Until now, I believe that the committees have organised themselves in a sensible and cooperative way to ensure that members are available to attend meetings, but, if the Hon. Mr Lucas wants meetings to be set and members be obliged to turn up whether or not it is convenient for them, that is how we can proceed.

We all know what this is really about: the Hon. Mr Lucas wants his job back—and who could blame him, when we see how the Hon. Mr Ridgway is going and, indeed, how the member for Waite in another place (the Leader of the Opposition) is performing. There would seldom have been a time in this parliament when we have seen such a divided and dispirited opposition. It was very notable this morning during the joint sitting to see the body language of Liberal members opposite as their leader was speaking.

Members of the Liberal Party are quickly realising that they made a terrible mistake in dumping their former leaders, the Hon. Mr Lucas and the Hon. Mr Evans. However, the Hon. Mr Lucas has never been busier. He is certainly not going quietly. In fact, I think he is doing more than has ever done before. Every day, when we pick up *The Advertiser*, it is the Rob Lucas digest: the Hon. Rob Lucas has said this on the budget; he has said that on the committees; and he is doing this and he is doing that. Where are the Hon. David Ridgway and the Hon. Michelle Lensink and, indeed, where is the Leader of the Opposition, Mr Hamilton-Smith? There is no mention of them.

I think that, after a period in which there has been leadership change in the opposition in this place, members of parliament and the community are entitled to ask: who is really leading the opposition in this state? Is it Mr Moriarty on Greenhill Road; is it the Hon. David Ridgway, who enjoys the perks of the office, even though he does not enjoy the authority or does not provide any leadership; is it the increasingly shrill Mr Hamilton-Smith; or, indeed, is it the Hon. Rob Lucas who seems to get more press coverage than the rest of them put together? The question that all South Australians are asking is: will the real Leader of the Opposition please stand up?

Time expired.

TOBACCO PRODUCTS REGULATION (OUTDOOR EATING AREAS) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

Members interjecting:

The PRESIDENT: Order! The Hon.Mr Hood has the call.

The Hon. D.G.E. HOOD: This is a very simple bill which, in essence, seeks to expand the current legislation which prohibits smoking inside venues where food is served: for instance, cafés and the like. This bill merely seeks to expand that provision to include outside the same venues. Mr President, it is not a radical move: it is actually law—and you may feel personally opposed to it and that is quite all right—

The PRESIDENT: It is legal.

The Hon. D.G.E. HOOD: It is at the moment; that is right, Mr President. This bill seeks to change that. It is not a radical law, and it already exists in two states of Australia. Queensland and Tasmania already have legislation which is almost identical to what I am proposing. Of course, it also mirrors legislation in many states across the United States and other countries, including Canada. This bill seeks to insert new section 46A into the Tobacco Products Regulation Act to outlaw smoking in outdoor eating areas. Thursday 31 May 2007 was World No Tobacco Day, a World Health Organisation sanctioned day, which this year has the slogan 'Tobacco: deadly in any form or disguise'. Among other goals, the WHO says that World No Tobacco Day is 'to encourage countries and governments to work toward strict regulation of tobacco products'.

On 1 November this year, a ban on smoking indoors in many South Australian entertainment venues will come into force. We are the last state—only in front of the Northern Territory (which, of course, is not a state) which has no indoor smoking ban—to implement the indoor smoking ban. In 2006, *The Australian and New Zealand Journal of Public Health* found that the new smoke-free workplace laws, including in pubs and clubs, saw no change in patronage in bars and gaming venues; and these same patrons, when surveyed, expected not to change their level of patronage once tougher smoking laws came into effect across Australia that year.

The report also found that the community understood the smoke-free bar and gaming venue laws and were able to anticipate or articulate their impact. South Australia is lagging behind. Other states' anti-tobacco regimes have resulted in the Australian Medical Association awarding the Northern Territory the so-called dirty ashtray award. South Australia was the lowest ranking state, in the AMA's perception, in respect of the awarding of that particular award. This poor ranking for South Australia's anti-tobacco measures matches ratings given by other anti-tobacco lobby

groups. I look to Queensland as an example, which finished second to Western Australia in the AMA's dirty ashtray awards.

I might note that it is understandable that Western Australia is leading the charge after it saw the economic cost of a permissive attitude to smoking. A report called 'Counting the Cost of Tobacco' released in July 2004 identified that smoking had cost Western Australia $1.6 billion per annum, which is equal to half the yearly cost of running that state's entire health system. We are up to about one-fifth of the cost; let us not let it get as bad as Western Australia. Last Wednesday during Matters of Interest, I spoke about the UN's International Day of Families. I am concerned that economics is taking precedence over the family. It saddens Family First that it takes economic arguments such as the impact on our state budget for governments to take action. It should not have to come to that.

Queensland has some comprehensive bans on smoking outdoors, as I alluded to at the beginning of my remarks. The ban Family First is attracted to is banning smoking specifically in outdoor eating areas, that is, wherever food is served. The bill I introduce today is based on the Queensland model, as I said, although it does not go as far as the Queenslanders have regarding fenced areas and some aspects of private residences. In essence, under this bill you will not be allowed to smoke in any outdoor eating area, including partially enclosed and alfresco eating areas and outdoor food courts.

I will cite some important statistics concerning tobacco smoking to add weight to the importance of the bill. ASH Australia reports that smoking causes 20 per cent of all cancers and 21 per cent of all heart disease in Australia. Based on other ASH data, smoking costs Australian taxpayers $865 million per annum, which equates to 7 per cent of state revenue or one-fifth (that is, 20 per cent) of the entire health budget of the state. When you consider that it causes 20 per cent of all cancers and 21 per cent of all heart disease, it stands to reason that 20 per cent of the health budget is taken up with treating the consequences of allowing this practice.

ASH also reports that smoking kills more Australians than the combined effects of falls, drownings, car accidents, suicides, homicides, poisonings, diseases, cancers and other causes, AIDS, and other drug dependence—more than all these combined. If honourable members looked at the amount of time given in this place to the discussion of those subjects, they would recognise that we are really not getting serious about the topic. Given the number of South Australians whom smoking kills and the significant burden placed on our health system, it is time to take some action.

Nonsmokers who suffer from long-term passive smoking—for instance, workers in the hospitality industry—have a 20 to 30 per cent higher risk of developing lung cancer, and the risk increases with the extent of exposure. Evidence also exists that passive smoking can increase the risk of nose and sinus cancers. People who do not smoke but who have worked where so-called second-hand tobacco smoke is prevalent have the risk of contracting lung cancer increased by somewhere between 12 and 19 per cent. Research released late last year by the Hokkaido University shows that young smokers who quit smoking early can experience a remarkable recovery from the arterial damage that has been caused.

In November 2006, the journal *Human Reproduction* published Spanish and Portuguese research which had discovered that heavy smoking in women contributed significantly to infertility. On 16 April 2007, *The Advertiser* reported *Medical Journal of Australia* claims that an increasing number of women are dying from a smoking-related breathing condition called chronic obstructive pulmonary disease—some 2 300 deaths nationally in 2003. Smoking is identified as responsible for more than a 60 per cent increase in the risk of contracting this disease.

Against the background of this data, it would be negligent for us to allow South Australian families to continue to lose mothers, fathers, grandparents or children unnecessarily. Research shows that the more we make smoking unpalatable in the public arena, smoking rates do go down. France, and Europe in general, was once a place where people seemed to smoke everywhere. In fact, I was in France last year and was quite surprised when, whilst having breakfast one morning, a dog came and sat on a stool next to me and joined us for breakfast. I can assure you that there was lots of smoking going on in the restaurant. However, I digress. Even France is cottoning on to this view, with new sweeping bans. The Russian state Duma voted recently 406 to zero to reintroduce a smoking ban in public places—particularly in workplaces, trains, public transport, schools, hospitals, and government buildings. These countries, some of which I have visited, have had appalling attitudes to smoking but are now becoming much more vigilant in terms of reducing the level of smoking in their communities.

I fear that South Australia may not be leading the fight against smoking if we hold back, as we have been for some time. I now turn to some specific aspects of the bill just to be clear about what it does and does not do. The bill does not ban smoking on a park bench in places such as national parks, truck stops, highways or local football parks. For the record, this is not a ban on smoking in outdoor drinking areas. Therefore, outdoor beer gardens, for example, are safe under this legislation, but I will explain specifically what I mean by that.

The Hon. R.P. Wortley interjecting:

The Hon. D.G.E. HOOD: Good question—and I will get to that. If you have, say, a counter meal in that area, it is an outdoor eating area but, if you have prepackaged food, such as beer nuts, potato chips and the like, it is not an outdoor eating area. I make that clear for the Australian Hotels Association and others in the hotel and hospitality industry. Family First is not targeting areas that have been established for outdoor drinking in preparation for the 1 November bans. It is quite simply anywhere that food is served. If it is a designated area, for example, a beer garden, where food is not served, that area would be exempt from this proposed legislation.

I have explained what outdoor eating areas are not, so that it is clear what areas I am talking about in relation to this bill. The primary target is table settings made available outside restaurants or food outlets, whether alfresco dining, food court or whatever. Furthermore, any outdoor eating area made available for employees to eat their lunch must also be smoke free.

The Hon. R.P. Wortley interjecting:

The Hon. D.G.E. HOOD: I state for the record that tablecloths are irrelevant to the legislation. Our reasoning for these decisions is two fold: first, to prevent passive smoking for the likely other patrons in close proximity and the service staff, who are either taking meals to tables or cleaning up people's tables in the outdoor eating area; and, secondly, to a lesser extent, to improve the outdoor dining experience for patrons by not having them put up with cigarette smoke, dirty ashtrays and so on in outdoor eating areas.

In simple terms this legislation will provide that, when people go to cafes, restaurants or whatever that happen to have outdoor dining areas, they will not be able to smoke at those tables. In legal terms, an outdoor eating area is an area that is not enclosed. The definition invokes the present definition in the act that defines an enclosed area as an area that is no more than 70 per cent of the area enclosed against the open air. One of the merits of Family First's proposal is that you do not need to go to the extent of a silly measuring exercise to work out whether an area is 75 per cent enclosed. It is a simple bill: if an area is outdoors and it is an eating area, then under this legislation you cannot smoke there—it is as simple as that. The difficulty at the moment is determining to what extent an area is covered or not covered, as the current legislation requires and is overly complex in my view.

It is worthwhile explaining how things would work in a foodcourt, because some have suggested it is a grey area under this legislation. I do not think that is true. There will be a strict liability offence for both the lessor of the food court area but also every food service outlet if a person is found smoking in that area. However, the defence in subsection (5) to that offence is that they did not provide ashtrays, matches, lighters or any other thing designed to facilitate smoking, and the person was not aware and could have reasonably been expected to be aware that the contravention was occurring, or they saw the person smoking and requested they stop and told them that they would be committing an offence if they did not stop smoking. Therefore, prudent food outlet owners and lessors are safe if they take entirely appropriate and sensible steps to stop people smoking in those areas.

Under this legislation the minister can exempt any person or class of persons from the effect of this bill. I flag on behalf of Family First that it is certainly not our intention that this bill is cosmetic only and we hope that such exemptions would be rare and soundly justified when put in place. In our view the minister's discretion ought be exercised only when there is a strong and compelling case that there ought to be diversion from the general policy of making outdoor areas completely smoke free.

I have outlined the types of outdoor eating areas that are caught but, having considered debate in relation to this bill, if the minister believes an outdoor eating area has been unintentionally caught by the bill and there is a compelling case for leaving it out, the exemption can be granted. Family First thinks this exemption ought never be granted, but it is provided there so the minister has the flexibility to be able to provide for exemptions under certain conditions.

In conclusion, this bill is no more draconian and unreasonable than banning smoking inside passenger vehicles where children are present. I have given the data on passive smoking and the harm of smoking generally and outlined that South Australia is off the pace with respect to anti-smoking reforms. Very simply, this bill expands the no smoking law currently that applies indoors at cafes, restaurants and the like to take it outdoors as well.

I have had very positive feedback from many people—in fact, probably the most positive feedback on any bill I have presented since I have been in this place. I think it is time for us to take a serious approach to this issue. Why should people who are not smokers not be able to go to a café and enjoy lunch with family and friends? Given that only 18 per cent of the adult population are smokers, why should the 82 per cent not be able to enjoy eating outdoors? I commend the bill to members.

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

PASSENGER TRANSPORT (DISCIPLINARY POWERS) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Passenger Transport Act 1994. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

This is another simple bill. Essentially, this bill seeks to force taxi drivers to allow on board their taxi blind people with guide dogs. We have a situation in our community at present where, in relation to visually impaired people with guide dogs, taxi drivers drive straight past or, if they are called to their house, simply refuse to take them on board. My mother is, and has been, legally blind for many years. She does not have a guide dog but, rather, uses a cane. She works at the Royal Society for the Blind at Gilles Plains. Many of her friends have approached me about this matter—which was the impetus for this bill in the first place. I was not aware how widespread the problem was. I have had significant contact with the Royal Society for the Blind during the drafting period of this bill and I have consulted with it extensively. I thank Mr Andrew Daly at the Royal Society for the Blind for his very able and generous assistance in terms of drafting this bill.

This bill will provide that taxi drivers no longer can drive past blind people with a guide dog who want a taxi. Indeed, this bill seeks to bring the taxi industry into line by ensuring people who are blind or vision impaired must be allowed to take guide dogs on board taxis. Family First is committed to ensuring that people with a disability are treated fairly and that they are given respect and full and equal treatment as equal members of our society. That is not something that is happening at present when it comes to taxis. While the majority of drivers and taxi booking services are doing the right thing, Family First is aware that a few drivers in the industry are failing in their obligation to provide dignity to people who are blind or vision impaired.

This simple amendment to the Passenger Transport Act, which was drafted in consultation with the Royal Society for the Blind, will ensure two things: first, it will clarify that guide dogs must be allowed in taxis; and, secondly, it will put the responsibility squarely at the feet of the taxi companies, as well as the individual drivers, to do the right thing by providing for heavy fines on the booking companies if their taxis refuse to comply with the provisions.

I acknowledge that this concern was first raised as far back as November 2004, with the Minister for Industry and Trade, representing the Minister for Transport. In effect, through a member, a constituent complained that taxi drivers would regularly refuse to pick up their guide dog, or they would be rude and pull away from a taxi stand when they saw they were approaching a person with a guide dog, even if the taxi was empty. Anecdotally, taxi booking services will promise to provide a taxi which, however, often drives off on arrival when the driver discovers the potential passenger has a guide dog. Drivers regularly claim allergies to dogs or, in some cases, that their religious beliefs prevent their taking dogs. On some occasions they overcharge blind or vision impaired people who can read the meter.

Of course, the minister explained that those complaints were reasonable and explained that the penalties would be reviewed. Nevertheless, several years later, these complaints remain. I continue to receive a number of calls from constituents complaining that their guide dogs are often refused access to a taxi, or they are told to put their dogs into the boot of the car, for example, which is completely against the training that the guide dog has received. The guide dog simply cannot do that. This is a serious problem for the blind and vision-impaired community, who are made to feel like second-class citizens. Indeed, as I said, I have spoken to a number of vision impaired people who have experienced this themselves. My office also contacted the Disability Advocacy and Complaints Service of South Australia to confirm the extent of the problem and were told that it also continues to receive a steady number of calls about taxis refusing to allow guide dogs on board.

The federal Human Rights and Disability Discrimination Commissioner, Graeme Innes, has even complained about this issue. Mr Innes is blind himself and is reliant on a guide dog. In a *Daily Telegraph* article in May he indicated that he was refused service on average at least once at month. One particular constituent quite rightly brought a complaint to the Passenger Transport Board after a similar experience. The complaint was brought before the Standards Committee in December 2005, but the driver avoided discipline, apparently on the basis that the rules requiring guide dogs to be allowed in taxis were not sufficiently clear—and, hence, the impetus for this legislation. There we have an example of a complaint against a taxi driver for not taking a guide dog in the taxi. Everybody believed the law was clear but, in fact, when the situation went to the Standards Committee in December 2005, the taxi driver (in layman's terms) got off because the legislation apparently was unclear. The purpose of this legislation is to make the legislation absolutely clear.

Regulation 57(3)(e) of the Passenger Transport General Regulations 1994 appears to provide that drivers can exclude non-working animals from their taxi. However, there does not appear to be, on our reading of it, a clear obligation to carry working animals. They can exclude non-working animals, but there is no obvious obligation in the act that they have to carry working animals. One would think that is implied by the words but, again, as I said, there have been cases where taxi drivers have received no penalty and have simply walked away from the tribunal hearings. Some Transport Board decisions have implied a responsibility but, if this constituent's experience is anything to go by, the ambiguity of the regulation is causing some difficulty. Parliamentary drafters have obliged our request to make the requirement for carrying a guide dog clearer. The bill specifies that the Standards Committee can hear a disciplinary action if an accredited person has failed to comply with a provision of the Equal Opportunity Act 1984, an act which includes safeguards for people using guide dogs.

There is a second issue. Taxi booking companies are avoiding disciplinary fines at the moment, because they maintain that they only act as a booking service for their drivers and, therefore, have no responsibility. That issue is important, and the Royal Society for the Blind has made the shifting of responsibility onto taxi booking services one of its key recommendations to resolve this problem. It is one of the two things that will be changed if this bill becomes law. Importantly, this simple amendment also sheets home responsibility to the centralised taxi booking services. Section 29(2) of the Passenger Transport Act provides that the centralised booking services must be accredited and, therefore, parliamentary counsel and our other legal advice assure me that they would now also be liable for discipline by the board should they not comply with a provision of the Equal Opportunity Act 1984.

Family First agrees that one of the best ways to improve the situation for the blind and vision impaired is to start hitting taxi booking services where it hurts, and that is in the hip pocket, so to speak. I can easily imagine that, as soon as taxi booking services themselves have to start paying fines, the quality of their driver training in this area and internal disciplinary procedures will instantly improve. The Equal Opportunities Commissioner, Linda Matthews, is in agreement with this issue. That is at least one thing that Family First and Linda Matthews agree on. Back in May she appeared on radio station FIVEaa, on Leon Byner's program, to make this important point: that taxi companies were dodging their obligation by putting all of the responsibility on the drivers themselves. She said:

> Some of the owners are saying to us, 'It's not our responsibility, because the taxi drivers are the only ones responsible.'

Family First believes that our bill will resolve that concern once and for all. The Royal Society for the Blind has provided free driver training and information for many years, and the taxi industry has promised time and again to lift its game in this particular area; however, in spite of this, some taxi drivers continue to ignore the needs of people who are blind and vision impaired.

I acknowledge the recent Adelaide Cab Drivers Association annual general meeting which discussed this issue, and the Taxi Council Task Force recommendations which include improved driver training. I believe that this bill will work appropriately within those recommendations. The Guide Dog Association recently began printing guide dog friendly stickers for some taxi services. Family First strongly believes that all taxis should be guide dog friendly and that all taxi companies should afford dignity to our blind and vision impaired citizens. As I said, my mother is legally blind and, whilst she does not have a guide dog herself (she does use a cane), we have many friends of the family who are legally blind and who use guide dogs. They have been the main impetus for this legislation.

I would like to conclude by stating plainly and for the record that the overwhelming majority of taxi drivers do the right thing. This is not a bill aimed at punishing taxi drivers themselves or the taxi industry in any way, shape or form. In fact, by and large, we have a taxi industry that does the right thing. Most taxi drivers are more than happy to help people who are visually impaired, whether or not they have a guide dog, but a small number of them simply will not do the right thing, regardless of many attempts at training them or providing different schemes and systems to assist them, and in helping people to have the guide dogs inside the taxis. There is a small number of taxi drivers who simply refuse to do it and this bill will make it impossible for them to refuse to do it. First, it will place the onus on the taxi drivers themselves to pick up somebody with a guide dog and, secondly, it will place an onus on the taxi company to ensure that their drivers are doing the right thing. I commend the bill to the council.

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

ROXBY DOWNS (INDENTURE RATIFICATION) (APPLICATION OF ACTS) AMENDMENT BILL

The Hon. M. PARNELL obtained leave and introduced a bill for an act to amend the Roxby Downs (Indenture Ratification) Act 1982. Read a first time.

The Hon. M. PARNELL: I move:

> That this bill be now read a second time.

The Roxby Downs (Indenture Ratification) Act 1982 was created to fast-track and protect the establishment and operation of the Olympic Dam copper and uranium mine, which was then owned by a joint venture comprising BP and Western Mining Corporation (which later became WMC Resources Ltd). In 2005 BHP Billiton acquired WMC Resources Ltd and the benefits of this act passed to that company.

The bill I have introduced deals with a small but important aspect of the indenture legislation, that is, the parts of the act that provide that this indenture act takes precedence over other laws of South Australia. Section 7 of the Roxby Downs (Indenture Ratification) Act provides:

> The law of the state is so far modified as is necessary to give full effect to the indenture and the provisions of any law of the state shall accordingly be construed subject to the modifications that take effect under this act.

The act, having created that general precedence over other state law, then goes on to list a large number of public statutes that are to be construed subject to the provisions of the indenture. These include the Commercial Arbitration Act, the Crown Lands Act, the Development Act, the Electricity Corporations Act, the Environment Protection Act, the Harbors and Navigation Act (although, given the location of the Roxby Downs mine, one wonders where this act might fit in; nevertheless, it is subject to this indenture), the Mining Act, the Petroleum Act, and it goes on, finishing with the Water Resources Act. These acts of state parliament are secondary to the provisions of the indenture; the indenture act prevails.

The purpose of this bill is basically to say that enough is enough when it comes to exemptions from state law. The deal to get the Roxby Downs (Indenture Ratification) Act through and get the mine up was made in the 1980s. It is 25 years ago now that this bill went through and standards of law, especially environment protection provisions, have advanced greatly in that time. The special exemptions that helped get the Roxby Downs mines up and running are simply no longer relevant or appropriate in the 21st century. In short, the world's biggest miner does not need a free kick from the South Australian government or from this parliament. There is absolutely no reason for the mine operators to be granted special favours that give them a potential commercial gain over other miners and other developers.

It will come as no surprise to honourable members to know that my view that indenture laws are bad law applies to this legislation, as it did to the Whyalla legislation passed before I got here. The issue is one of levelling the playing field, of equity, so that corporate players in South Australia are all bound by the same rules and that we do not have special rules for some players over others. What I need to make abundantly clear is that this legislation is not about repealing the indenture act or about closing the Roxby Downs mine: it purely seeks to remove the special exemptions from state law that apply pursuant to this indenture act.

The uranium industry has also been calling for a level playing field and, as members might recall, one of the key recommendations of the Uranium Industry Framework Steering Group, which was released in 2006 by commonwealth industry minister Ian Macfarlane, was:

> The Australian government and state and territory governments [to] work cooperatively to ensure that, where possible, environmental and other regulatory arrangements across jurisdictions are harmonised.

They are important words. Harmonisation means a level playing field, that the law applies equally to all players. The framework document goes on as follows:

> . . . coherent and consistent policy framework reflecting the respective policy objectives, roles and responsibilities of the Australian government and state and territory governments in relation to the regulation of the uranium industry.

So in a way, my bill puts into effect what the uranium industry itself is calling for—harmonisation and uniform standards to apply to all.

I point out that one piece of legislation which does not apply to Roxby but which would apply to any other miner in South Australia is the Aboriginal Heritage Act. This is the primary piece of legislation in this state to protect our indigenous cultural heritage. However, the indenture act places BHP Billiton in a legal position so that it can choose which Aboriginal groups it acknowledges and consults with, what form that consultation takes, which Aboriginal heritage sites it recognises, and what degree of protection to offer to those sites.

In response to media interest in this bill, Richard Yeeles from BHP Billiton said yesterday in a statement that he released to ABC radio:

> Olympic Dam complies in all respects with Aboriginal heritage legislation—in fact, in making its relationships with Aboriginal groups and protecting Aboriginal heritage, Olympic Dam does much more than the Aboriginal heritage legislation requires.

My response to that is to thank Richard Yeeles, because that is exactly my point, that is, the indenture act is an anachronism. If we do not need these special privileges, let us get rid of them. It should not be up to BHP Billiton to determine which laws it complies with in this state and to what extent it complies with them. So, I am as one with Richard Yeeles. If he is saying that BHP Billiton is already complying with the law, let us remove the exemption from the indenture legislation.

The Environment Protection Act is another act of this parliament that is part of the exemption in the indenture act. Some aspects of the mine's operation are monitored by the EPA, but one environmental aspect that is outside that is water resources. The water resources laws now contained in the Natural Resources Management Act do not apply to the Roxby Downs mine. As members would know, because it has been mentioned in this place many times, whilst irrigators and householders are suffering water restrictions, BHP Billiton's arrangements provide that it gets its water for free and there is no risk to the quantities it can take. That is directly against the national water initiative which says that, when we need to reduce allocations, we need to share the pain of those cuts around. This particular corporate operation does not need to share any of the pain of water cuts to which irrigators and householders are subject.

One question honourable members might be asking themselves is: why bother with amending this indenture act now? Clearly, if and when the expanded open-cut mine is given approval, we will need to rewrite the laws anyway

because, clearly, the current indenture act does not apply to a big open-cut mine. The current indenture act applies to a mine with a production of 350 000 tonnes of copper per year, and it is limited to the current method of operation, which basically means that it is underground mining. The Olympic Dam mine currently produces some 235 000 tonnes of copper, and the expansion is projected to increase its output to 500 000 tonnes—and possibly up to one million tonnes—and that will be through an open cut, which will necessitate a review and updating of the act to apply to the mine's changed circumstances. However, I think it is important that we consider now the appropriateness of an approach that exempts a corporate player from complying with the laws of this state. If the Roxby extension goes ahead, we can reflect the decision we make now in any new arrangements that are put in place.

I do not propose to go into a lot of detail about the explanation of the clauses of the bill. It is a very simple bill. There are two main operative sections, the first of which amends section 7—modification of state law. The key elements of my bill are that five named acts are removed from the power of that exemption. So, two Aboriginal heritage acts, the Development Act, the Environment Protection Act and the Natural Resources Management Act will apply to the Roxby Downs mine.

In addition to section 7, the bill also provides that the secrecy provisions contained in section 35 of the indenture do not apply in relation to freedom of information applications. I think that is important because the Freedom of Information Act is the standard the law of this state applies to disclosure of information, and it is unfair for secrecy provisions to override that public law. That is not to say that, by making section 35 of the indenture subject to the Freedom of Information Act, it will be open slather; it will not be. The protections in the Freedom of Information Act in relation to commercially confidential material, for example, would continue to apply. However, the message it sends is that the documents BHP Billiton provides to government are equally able to be disclosed under freedom of information as those of any other mining company.

The second main operative provision of the bill is clause 5, which repeals section 9 of the act, which modifies the Aboriginal heritage legislation as it applies to this project. So, again, it levels the playing field and it says that this mine is subject to the Aboriginal heritage legislation in the same way as any other miner would be. In summary, I think most members of the South Australian community would be very surprised to discover that a 25 year old piece of legislation that allows the biggest development in South Australia to follow the least amount of rules is still in place.

It seems very clear to me that there is no financial argument at all for a need for these exemptions. There is no need for BHP Billiton to be given special treatment. This is one of the world's richest companies. It announced, as I recall, a half year profit of some $8 billion. I do not believe that we do need to tread on eggshells when we are negotiating with large manufacturing corporations such as BHP Billiton. There is no question at all that, in its view, it is here for the long haul, and there is no risk of its taking its bat and ball and going somewhere else because it is being made to comply with the general laws of South Australia. With those comments, I commend the bill to the council.

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

ENVIRONMENT PROTECTION (COMMISSIONER FOR THE ENVIRONMENT) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

The need for this bill has arisen out of the frustration that so many local communities have experienced in dealing with the government on environment and planning issues. This bill creates a body—an entity—called the commissioner for the environment. One could think of it as being like the Auditor-General for the environment and, like that position, it is not answerable to government but instead is answerable to the parliament. The environment commissioner could be the Eliot Ness of the environment for South Australia. The key to the effectiveness of this position is that, just like the Auditor-General, it is accountable to the parliament and reports to the presiding officers of both houses of parliament and not to the government.

I want to detail some of the litany of frustrations that have led me to introducing this bill. In 2004, this parliament passed legislation to give greater independence to the EPA. Many people were excited about that prospect and thought that a lot of good would come from it. The EPA began to exercise its independence by placing tougher, but eminently sensible, licence conditions on OneSteel at Whyalla. OneSteel put pressure on the government and the government responded by introducing an indenture bill, which, effectively, prevented the EPA from playing a role in protecting the environment—and by definition that is part of the EPA's brief. This strongly impacted on the health and welfare of east Whyalla as a consequence.

From that point on, we have seen a reticence on the part of the EPA to take strong action against industries which are polluting the environment. Kilburn residents, for instance, have long held concerns about the air they breathe as a consequence of the inappropriate location of the Bradken foundry adjacent to suburban homes. Plans to increase the size of the foundry have only increased their concerns. In 2000, the EPA declared a half kilometre buffer between the foundry and residential development, but that has been ignored. More recently, four days of environmental monitoring data conveniently was lost. An environment commissioner would most certainly have something to say about that and could conduct its own investigation.

Residents in Devon Park were informally told by the EPA that, if they did not like the pollution coming from the EnTech factory nearby, they could sell up their homes—homes that have already lost value as a consequence of the pollution—and to get out of the area. When nearby factories found themselves experiencing the fallout from Smorgons at Port Adelaide resulting in damage to paintwork on cars, amongst other things, an EPA officer, admitting defeat before he even started, told the complainant that it was very difficult for them to deal with big companies. In regard to the Upper South-East Dryland Salinity and Flood Management Scheme, we have seen the way the government has ignored the advice of experts within the Department for Environment and Heritage, and we know of reports which did not fit the government's world view on this scheme and which were suppressed.

Locals have been calling for an independent environmental audit, and a commissioner for the environment would be able to do that and reveal the suppression of evidence, just as an Auditor-General can reveal money tucked away in trust funds. On Kangaroo Island we have seen the go-ahead for the Baillie Lodge development. We know that native vegetation will be destroyed in the process of building that by agreement with the government. For two months I have been trying under FOI to obtain details about the deal worked out between the government and Baillie Lodge about this impending native vegetation destruction.

To add insult to injury, yesterday the government announced a donation of $375 000 for the building of a powerline to the site! No doubt more native vegetation will be destroyed in the process of creating that easement, when, if it was truly an eco-lodge, it ought to be creating its own electricity on site from wind and solar sources. I am sure that a commissioner for the environment would have something to say on that. RINWAI (Residents of North-West Adelaide Incorporated) told email recipients in January this year of their growing anger at the lack of substantive action regarding a nearby glass factory. They say that, when evidence was provided to the EPA about residents experiencing breathing difficulties, that body failed to advise the environmental health service and that the smokestack of the glass factory is monitored for quantity and not quality.

They say that, over the years, when residents have contacted the EPA, they have been fobbed off and told to contact their local council or, when they have followed up on an earlier complaint, they have been told that there was no record of that earlier call. The people of Penola would have been able to take their concerns about process to an environment commissioner, if we had one, a long time ago.

I began the process of preparing this bill in the light of these types of issues and people involved in some of them expressing their frustrations about the way the government, through its agencies, has persistently trampled on the rights and freedoms of ordinary citizens—so often coming out on the side of the rich and powerful. I considered a bill to amend the Environment Protection Act so that the EPA would report to parliament; indeed, in November last year I issued a media release to that effect. The People's EPA contacted me and suggested that we needed a bill to let the Auditor-General monitor the EPA. In starting to combine these ideas, it seemed that we needed something much more substantial than merely giving the EPA the independence to report to parliament. After looking at a number of these instances, it is clear that, as the EPA itself is under fire, the New Zealand model (which I already admired) seemed to be the way to go.

I know that Mike Rann recently suggested that the Auditor-General is the state's crime fighter and that we have no need for an ICAC as long as we have an Auditor-General. I hope that we are not going to be given similar arguments that the Auditor-General's job is to look at environmental impact as well because, clearly, it is beyond the brief of that position. We need a body that looks specifically at environmental issues. What portfolios would the commissioner for the environment look into? Just as the Auditor-General can look at the fiscal activities of all government entities, so the commissioner for the environment could look at all environmentally impacting activities of government entities.

For instance, in the transport portfolio, the commissioner might make comment about the amount of infrastructure the government has been providing for cars and the associated greenhouse impact of that, compared with the lack of funding for public transport. In regard to some of the major projects, such as proposed new marinas, they might comment on the impact of sea level increases. In regard to the Olympic Dam project, I am sure that they would get better information about the impact of water depletion on the Great Artesian Basin. The destruction of native vegetation as part of the proposed open cut at Olympic Dam would also be something that a commissioner for the environment could investigate. In other words, their role would be wide and not focus just on environment or urban planning portfolios.

It is important that the reports of the environment commissioner not go to government ministers; that is what happens in government departments now, and it allows the opportunity for ministers to insist on the rewriting of reports so that the government is not embarrassed, or it allows the minister to sit on a report—sometimes so that it never gets out. By contrast, we should look to the reports that come from the Auditor-General as an example of what independence can bring. When those reports arrive in this chamber, they are eagerly received, and ministers, as well as backbenchers, are just as interested in them. It is not unusual for ministers to find themselves on the back foot as a consequence of revelations, and it brings a level of accountability to the government, and so it ought to be with environmental issues.

The Auditor-General and the Ombudsman are examples of publicly funded bodies that are able to examine some of the activities of government entities. A commissioner for the environment would not duplicate the activities of the EPA but could assist that body, to the extent that government attempts to restrict its activities would be publicly exposed. I believe an independent commissioner is the model for the future. It is groundbreaking legislation for South Australia, but I am amenable to amendments that improve the bill. I look forward to hearing the contributions from other members so that we can come up with the best version possible.

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

SECURITY AND INVESTIGATION AGENTS ACT

Order of the Day, Private Business No.1: Hon J. Gazzola to move:

That the regulations under the Security and Investigation Agents Act 1995, concerning licensed agents and process servers, made on 8 February 2007 and laid on the table of this council on 20 February 2007, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 192.)

The Hon. D.G.E. HOOD: I rise on behalf of Family First to indicate our strong support for this bill, which seeks to amend the Casino Act 1997 and the Gaming Machines Act 1992 and to implement various reforms proposed by the Hon. Mr Xenophon. I will endeavour to go through his reforms sequentially, although not exhaustively, as they appear in the bill. The first category is the Casino Act reforms themselves, and I will look at specific aspects of the bill. I think that it is

entirely appropriate that it be mandatory that surveillance tapes are retained for one month and available for request, as required by the Hon. Mr Xenophon's legislation. I would be surprised if such a thing was not already happening for the casino's sake in the event that someone was suspected of swindling money from the casino using some technology or some clever scheme.

The Hon. Nick Xenophon interjecting:

The Hon. D.G.E. HOOD: That is right. The Hon. Mr Xenophon says that currently they keep them for only two weeks. We would certainly support that aspect of it. It is surprising that they are required to keep the tapes for only two weeks, and we would certainly support that aspect.

The poker machine playing hours reform for the casino goes further than the reform in the bill I put up last week, because my bill left the casino alone. By contrast, the Hon. Mr Xenophon says that these machines should not be able to be played before midday. In principle this is a worthy idea and, whilst the legislation I proposed did not specifically go that far, the Hon. Mr Xenophon certainly has a point and we will support that aspect of the bill as well.

Amendments to section 42A of the bill would retire the present provision limiting the amount a person can withdraw from an on-site automatic teller machine to $200 or such other amount required by regulation. The Hon. Mr Xenophon says that on the retirement date no ATM should be available on premises and any EFTPOS facility must not be used for cash withdrawals. Family First agrees with this sensible approach. A constituent has described to me how in the heat of the moment it seems like a good idea to get a bit more cash out of the machine and keep playing a little longer, and the cycle repeats itself. This is the exact behaviour the Hon. Mr Xenophon is targeting with this legislation.

It is possibly true that gaming machine operators would like to shirk this responsibility and avoid this whole issue, but surely there is a moral argument against profiting from someone else's misery, as is happening. Family First has never been comfortable with family savings being accessible at the site of a gaming venue, and we have considerable sympathy for this reform. Family First is also favourably disposed to the concept in proposed new section 42AC of removing coin exchange machines. This move is obviously targeted at poker machines, and members know that we are strongly opposed to poker machines in this state. This reform is sensible because it then requires forward planning by the poker machine player, that is, that he or she must get coins together before entering the casino and have to make a decision before getting involved in gambling as to what is a reasonable amount to put through the machines at that time. We certainly support that initiative.

We have also heard stories of VIP treatment that some problem gamblers have received which simply encourages them to take a higher risk, gamble more and put their family's livelihood in greater jeopardy. We have little sympathy for the loyalty schemes targeted by the Hon. Mr Xenophon's proposed new clause 42AE of this bill, and we support the Hon. Mr Xenophon's initiative. He also proposes that no promotional material should be sent to a person who has been barred from the casino. This makes sense and I was surprised to hear of occasions when this has not occurred—another sensible reform Family First would support.

Looking at the Gaming Machine Act reforms specifically, I will address the first reform of this legislation as it is tied to the last reform regarding opening hours for poker machines outside the casino. The Hon. Mr Xenophon and I are seeking to achieve the same thing—a happy coincidence. I do not necessarily mind what legislation gets through; I just want to see it changed, and I know that the Hon. Mr Xenophon feels the same way. We certainly support that reform as it mirrors aspects of my bill that I introduced last week. It is a sensible reform and alone will make a significant difference, so we wholeheartedly support it.

I will briefly discuss the comments of the Hon. Mr Xenophon in respect of the Independent Gaming Authority's disdain for suggestions by some that you need poker machines open in the early hours for shift workers and the like. I commend the IGA for taking such a stance as it is sensible. Surely gaming machine operators wink, wink at each other using this sort of argument. It is a weak argument in our view, and the IGA and the Hon. Mr Xenophon are quite right in rejecting it. I hope we will not lose Mr Stephen Howells, as is presently rumoured: he has done a great job in his current position and, if he does go, I hope we get somebody equally as tenacious and sensible as he has been in respect of this whole issue.

The Hon. T.J. Stephens interjecting:

The Hon. D.G.E. HOOD: There you go. I will speak briefly on this section of reforms to the Gaming Machines Act because the Hon. Mr Xenophon said in his second reading contribution that they mirror the Casino Act reforms. On the whole, Family First is satisfied with the merit of all these reforms, having looked at them closely, and that is limiting the availability of ATMs, EFTPOS and coin machines on gaming machine premises and scaling back the inducements associated with this activity.

We also consider favourably banning the sending of promotional material to banned persons. Some of these people have banned themselves, so it is remarkable that venues would then send them material to encourage them to come back when they have said to the management, 'I do not want to come back; please stop me coming back.' We would wholeheartedly support that reform. I will pick up on another point made by the Hon. Mr Xenophon in his second reading speech where he said, 'It seems that the only measure that will definitely see a reduction in poker machine losses in this state, as has occurred in other states, is a ban on smoking in pokies rooms as of 31 October this year.' Family First is optimistic that we can introduce many more measures in addition to this.

The Hon. Nick Xenophon interjecting:

The Hon. D.G.E. HOOD: I was about to go on and say that I am sure that is what you meant. With respect to the bigger picture, we will see tomorrow in the budget that the long-term forecast for 2009 to 2010 for gaming machine revenue is expected to pick up some 6 per cent again after the 15 per cent reduction from 31 October 2007. So, I think there is merit in rolling out the next measure of reforms, such as this one, to keep the reform agenda going.

I would like to finish with an explanation from a Finnish study—excuse the pun—a study done in Finland, published in the *Psychological Medicine* journal in May this year. The study was of some 9 000 Finnish twins and it showed that chronic smoking predicts the development of depressive symptoms. To be more precise, it led the author, Dr Korhonen, to say to Reuters on 2 June, that is, last Saturday:

> Although nicotine in cigarettes has some mood-elevating properties, in the long-run chronic exposure to cigarette smoke may have a more important role in the etiology of depressive symptoms.

I therefore commend the government in getting smoking out of pokie machine venues and the reforms that have already

been adopted by the government, because if this Finnish study is correct it is not a healthy mix to put problem gambling and chronic smoking together because, according to this study at least, the consequences can be dire. In short, we support this bill wholeheartedly. They are very good reforms and I certainly hope that the government sees fit to support them as well.

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

CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.P. WORTLEY: As members will recall, the government did not oppose this bill in the last session, to enable the bill to pass to the second reading stage. I did state at the time that the government would give its response in clause 1 of the committee stage. In 2005 the government amended the Criminal Law Consolidation Act to provide a system of aggravated and basic offences of various kinds and systemise the kinds of factors that would aggravate a basic offence. This bill seeks to provide for aggravations for the general offence of serious criminal trespass—non-residential buildings. In addition to providing for the application of the general list of aggravating factors listed in section 5AA of the Criminal Law Consolidation Act, it has also provided that the general offence be aggravated if—to paraphrase—the serious criminal trespass occurs in a pharmacy or any other premises which house a business in which controlled drugs or controlled precursors are lawfully stored.

The government supports the idea that those who manufacture and deal in illegal drugs, including the various amphetamines, should be strongly and harshly dealt with. The Hon. Mr Hood deals in detail, in his second reading speech, with the recent rash of serious criminal trespass offences involving pharmacies, which it is said, and probably rightly so, are aimed at stealing precursor drugs for amphetamine manufacture. The government supports the idea that those who break into places of business to get illegal drugs and precursors should be strongly and harshly dealt with. Under the current legislative scheme offenders can be charged with the offence of serious criminal trespass—non-residential buildings. That offence carries the maximum penalty of 10 years imprisonment.

The government is satisfied that these current criminal laws are sufficient and, indeed, strong. The government does not support the addition of another aggravation point, being that the non-residential building was, at the time of the offence, used to carry out a business consisting of or involving a pharmacy, or for the storage of a controlled drug or a drug containing a controlled precursor. In providing for a special factor of aggravation, as here, one must provide a good reason not only why this factor should be chosen but also why this one in particular, as opposed to others. For example, the special aggravating factor for serious criminal trespass in a residential building amounts to an attempt to define what is colloquially known as a 'home invasion'.

In choosing to single out this factor as one of special aggravation, the law has responded to a general and commonly held social value that appeals to the sanctity of the occupied home. The person committing the offence of aggravated serious criminal trespass in a residential building may either know that someone is lawfully in the home at the time or is recklessly indifferent as to whether that is so. Alternatively, on finding someone in the house they may inflict harm on that person. The horror of a home invasion cannot be underestimated. The physical and mental scars of such an ordeal last long after the event. Indeed, such an offence is markedly different from stealing goods from an empty pharmacy, often in the middle of the night when there is little chance of people being present.

The government is aware that pharmacy break-ins are a problem and a matter of concern to the public. The offices of the Minister for Health and the Minister for Mental Health and Substance Abuse have been working with the pharmacy industry to develop strategies to protect pharmacies from attack. It is generally agreed that the introduction of restrictions on the sale of products containing pseudoephedrine were a contributing factor in the increase in pharmacy break-ins. Those restrictions, developed by the pharmacy industry together with the government, included the adoption of Project Stop by pharmacies—a realtime web-based database that permits pharmacists to recognise high purchases of pseudoephedrine—the use of phenylephrine as a substitute for pseudoephedrine (where appropriate) and several legislative changes through the Controlled Substances (Serious Drug Offences) Amendment Bill 2005 (passed by both houses of parliament on 1 December 2002) to tighten sales of pseudoephedrine and to enable pharmacists and medical practitioners to be warned of individuals who are suspected of pseudoephedrine diversion.

The government has encouraged pharmacists to adopt their own code of practice to minimise stock held and quantity of stock on display in order to try to prevent break-ins. SAPOL has provided advice on security to individual pharmacies, and the industry reports that this has been useful. These efforts, together with the pharmacy industry-led initiatives, have led to a significant reduction in the number of break-ins. There is now simply little for the criminal to steal. In short, this is not a problem that a responsible government ought to pretend can be fixed by legislation. The bill should be opposed.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment; committee's report adopted.

The Hon. J. GAZZOLA: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

Bill read a third time and passed.

PSYCHOLOGICAL PRACTICE BILL

In committee.

(Continued from 5 June, Page 276.)

Clauses 41 to 45 passed.

Clause 46.

The Hon. J.M.A. LENSINK: I move:

Page 29, line 26—Delete '3' and substitute '4'.

As the spokesperson for the opposition in another place indicated, this is another of the suggested amendments from the APS which the Liberal Party supports. It seeks to increase the number of members of a disciplinary tribunal from three (only one of whom is a psychologist) to four, with two being psychologists. One of the broad reasons for this is that the

people who are best able to understand appropriateness and scope of practice are people who belong to the same profession. I urge members to support this amendment.

The Hon. G.E. GAGO: The government does not support this amendment. The current requirement is that there is a member who is a legal practitioner (or deputy) and one psychologist. The provisions are silent on who the last member should be, giving the board the flexibility to select the most appropriate board member, depending on the nature of the matter. If it is a professional practice matter then the board is likely to select another psychologist. If it is a matter of professional misconduct the board may select either a peer or another member of the board who is not a psychologist.

The proposed amendment was considered by the Minister for Health as part of the submission from the Australian Psychological Society to the department during consultation on this bill. This particular amendment is not supported by the government. There is capacity in the provisions to allow a board constituted for disciplinary proceedings to access the expertise of other psychologists when required. With the exception of the Medical Practice Act and the Dental Practice Act, all other health practitioner registration acts initiated by this government have the same provisions as drafted in this bill.

The differences arise from the need to respond to the greater number of specialities and complexity in the medical and dental professions. There are no special requirements of the profession or the Psychological Board which warrant the special consideration proposed by this particular amendment. The registration board responsible for administering the act and conducting disciplinary inquiries supports the provisions drafted in this bill.

A psychologist has, under part 5, a right of appeal to the District Court against decisions of the board. An increase in the number of persons on the board for the purpose of proceedings would increase costs and would, ultimately, be borne by the profession.

The committee divided on the amendment:

AYES (10)

Dawkins, J. S. L.	Lawson, R. D.
Lensink, J. M. A. (teller)	Lucas, R. I.
Parnell, M.	Ridgway, D. W.
Schaefer, C. V.	Stephens, T. J.
Wade, S. G.	Xenophon, N.

NOES (9)

Evans, A. L.	Finnigan, B. V.
Gago, G. E. (teller)	Gazzola, J. M.
Holloway, P.	Hood, D.
Kanck, S. M.	Wortley, R.
Zollo, C.	

PAIR

Bressington, A.	Hunter, I.

Majority of 1 for the ayes.

Amendment thus carried.

The Hon. J.M.A. LENSINK: I move:

Page 29, line 28—Delete paragraph (b) and substitute:
(b) 2 will be members who are psychologists.

This amendment is consequential.

Amendment carried; clause as amended passed.

Remaining clauses (47 to 73), schedule and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

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

RESIDENTIAL PARKS BILL

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

CRIMINAL ASSETS CONFISCATION (SERIOUS OFFENCES) AMENDMENT BILL

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

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

The background to the conviction of Mr David Hicks is well known. The question has arisen whether, under South Australian law, he may profit from accounts of his experiences.

The State Government has decided that Mr Hicks will not be allowed to profit from any account of his exploits. The existing structure of the *Criminal Assets Confiscation Act 2005* should apply according to its terms to this question. The simple solution is that 'serious offence' should be amended to include any foreign offence declared by the regulations to be a serious offence.

It is not a device to prevent Mr Hicks writing about his exploits or publishing his story, but it does seek to prevent him profiting from it. It is not a 'gag order' in any sense of the words.

The device used under criminal assets confiscation legislation to deal with profits or benefits obtained by exploitation of illegal activity is what is called a literary proceeds order under Division 2 of Part 5 of the *Criminal Assets Confiscation Act 2005*. A literary-proceeds order is made against (relevantly) the proceeds from the commercial exploitation of the person's notoriety resulting from the person's committing a serious offence. A serious offence means an indictable offence and some listed summary offences, which are not relevant to this Bill.

The phrase 'indictable offence' must mean a South Australian indictable offence. Mr Hicks has committed no offence against the laws of South Australia. That being so, the Act does not now apply to him. Other difficulties arise. It may be that Mr Hicks has committed no offence against the laws of Australia. It is commonly said by the Commonwealth Government that that is why he could not be brought back to Australia and tried here.

The Commonwealth has evidently tried to deal with Mr Hicks. The Commonwealth *Proceeds of Crime Act 2002* extends similar literary order provisions to foreign indictable offences.

The meaning of a foreign indictable offence is set out in section 337A. It covers offences of a law of a foreign country. The section was intended to pick up offences dealt with by the U.S. Military Commission but may not do so now. Section 337A(3) extends the Commonwealth regime to an offence triable by a military commission of the United States of America established under a Military Order of 13 November, 2001 made by the President of the United States of America and entitled "Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism". This is the correct reference to the regime that applied before it was declared invalid by the United States Supreme Court and re-established by subsequent legislation.

The State Government has determined that it will not wait upon the Commonwealth Government. Nor will it take the chance that a gap be left unfilled. Therefore, this Bill proposes that the *Criminal Assets Confiscation Act 2005* be amended so that 'serious offence' includes any foreign offence declared by the regulations to be a serious offence. This will include an offence against the law of a foreign country or an offence against international law. The proposed amendment is, therefore, general in nature and covers not only any prisoners in Mr Hicks' position but also, potentially, an offender

subject to foreign law or a norm of international law that may be the subject of any other regulation made in the future.

The regime of the *Criminal Assets Confiscation Act 2005* is a civil-enforcement regime. It no longer relies upon conviction or proof of conviction in any sense. All that is required is that the court be satisfied on the balance of probabilities that the offence was committed. Nor should it matter when the offence was committed. What counts is when the proceeds or benefits are derived.

A regulation will then be drafted (and subsequently promulgated) declaring any offence triable by the United States Military Commission constituted under Title 10 U.S.C. Sec 948d, the *Military Commissions Act 2006*. That will match the specification of the charge on the indictment to which Mr Hicks pleaded guilty.

That provision will not only apply to works by Mr Hicks. The provision and the legislative regime do not prevent Mr Hicks from publishing whatever he likes. What it prevents is the profiting from it by Mr Hicks in any way, whoever writes or publishes it. The current literary proceeds provisions of the *Criminal Assets Confiscation Act 2005* operate so as to prevent any person profiting on behalf of the defendant. Section 110(3) of the Act says:

A court may, in determining—

(a) whether a person has derived literary proceeds; or

(b) the value of literary proceeds that a person has derived,

treat as property of the person any property that, in the court's opinion—

(c) is subject to the person's effective control; or

(d) was not received by the person, but was transferred to, or (in the case of money) paid to, another person at the person's direction.

It follows that if, for example, Mr Hicks', father or the media profit from the story, the profits will be subject to forfeiture if the profits are controlled by Mr Hicks (whoever actually possesses them or receives them) or if they are directed by Mr Hicks.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Assets Confiscation Act 2005*

3—Amendment of section 3—Interpretation

This clause amends the definition of ***serious offence*** in section 3 of the Act to include foreign offences declared by regulation (and introduces a consequential definition of ***foreign offence***).

4—Amendment of section 10—Application of Act

This clause amends section 10 of the Act to make it clear that the Act applies in relation to offences declared to be serious offences, whether committed before or after the making of that declaration.

The Hon. J.M.A. LENSINK secured the adjournment of the debate.

HARBORS AND NAVIGATION (AUSTRALIAN BUILDERS PLATE) AMENDMENT BILL

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

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

The Government is committed to promoting recreational boating safety and the safe, responsible use of the navigable waters of the State. As part of this commitment the Government has introduced this Bill which adopts the *Australian Builders Plate Standard* as developed by the National Marine Safety Committee, in consultation with the recreational boat building industry.

Each of the Australian States and Territories (except the landlocked Australian Capital Territory) are to adopt the *Australian Builders Plate Standard* in a manner consistent with the national Model Legislative Provisions developed by the Committee and approved by the Australian Transport Council.

Despite public perception, there are currently no mandated standards in Australia for the construction of recreational vessels. Mandating a construction standard in a manner similar to the Australian Design Rules applicable to motor vehicles is not nationally favoured by the maritime industry or governments at this time. The preferred approach is to require the affixing of a product plate to the vessel prior to sale to inform potential purchasers of certain safety features of the vessel.

The *Australian Builders Plate Scheme* requires a plate (an ***ABP***) to be affixed to a recreational vessel constructed after the proposed Act commences in accordance with the *Australian Builders Plate Standard*. The ABP is to state the vessel's loading capacity in terms of the number of passengers and maximum load, outboard engine rating, and engine weight. For vessels less than 6 metres, information about the vessel's buoyancy performance is also to be included. The need to specify buoyancy requirements arises from studies conducted into the use of recreational vessels and marine incidents. It was found that recreational vessels less than 6 metres in length are at greatest risk of capsizing. A vessel that remains afloat enables the occupants to either remain in the flooded vessel (level flotation), or to hang onto the hull of the vessel (basic flotation) while awaiting rescue.

The *Australian Builders Plate Standard* specifies the Australian and International Standards to be used in calculating the information required to be displayed on the ABP, that is, the vessel's loading capacity, outboard engine power rating and engine weight, and whether the vessel has level or basic flotation. The name of the person or business determining the information on the ABP is also to appear.

The information set out on the ABP will:

- ensure that prospective purchasers of recreational vessels are informed of the basic safety information about a vessel at the time of sale;
- provide information to the boat user about the capacity and capability of the boat;
- help boat owners to avoid the inadvertent overloading of their vessel;
- promote the safe, responsible use of recreational vessels in State waters.

As the intent of the *Australian Builders Plate Scheme* is to inform the purchaser of a new recreational vessel of the minimum safety features of the vessel, it is an offence under the Bill to:

- sell or supply a vessel unless an ABP is affixed, and the information on the plate is correct;
- affix an ABP to a vessel knowing that it contains incorrect information;
- alter an ABP affixed to a vessel knowing that it would result in the information on the plate being incorrect;
- remove an ABP affixed to a vessel, except to replace it with another or with the approval of the Chief Executive Officer (the marine authority under the principal Act);
- deface or conceal an ABP that is affixed to a vessel.

The ABP will not need to be affixed to a vessel if it is to be used for racing in organised events or destined for export overseas.

A person building a boat for his or her own use will not need to affix an ABP unless the vessel is sold. If an owner-builder sells his or her boat, it is appropriate that an ABP be fitted so that the purchaser is informed of the basic safety characteristics of the vessel.

The Bill will be supported by variations to the *Harbors and Navigation Regulations 1994*, which will contain much of the detail of the *Australian Builders Plate Scheme*. This includes the types of recreational vessel not required to affix an ABP, compliance with, and modification to, the *Australian Builders Plate Standard* to fit within the drafting style of the State, and transitional matters.

The Bill is consistent with the intent of the national Model Provisions as approved by the Australian Transport Council, but some variations are necessary to ensure the amendments are in keeping with the principal Act and the drafting style and practices of the State. Other variations ensure that the *Australian Builders Plate Scheme*, as adopted in South Australia, is fully robust and workable from the State's perspective.

These variations do not detract from the purpose of the *Australian Builders Plate Scheme*, that is, to inform the purchaser of a recreational vessel of the basic safety information about their boat at the time of sale.

Neither the Bill nor the proposed Regulations will contain a discretion to refuse registration in the event that a vessel does not have an *Australian Builders Plate* affixed. Refusal to register a vessel

penalises the owner (user) and not the seller of the vessel. To do so would be to penalise the purchaser and would be contrary to the intent of the *Australian Builders Plate Scheme*.

Based on consultation with industry, minor amendments were made to the *Australian Builders Plate Standard* to redefine terms and insert further information and requirements for the purposes of clarification and efficacy.

The Bill also provides for amendments to the principal Act which will assist with the ongoing administration of the Harbors and Navigation legislation. These amendments:

- update the regulation making powers of the Act in keeping with current practice to enable the Governor to make "such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act", rather than the more limiting making regulations "for the purposes of this Act". This will enable the Government to better respond to operational issues;
- inclusion of a specific regulation making power for the *Hull Identification Scheme*, in order to remove any uncertainty regarding the ability to make regulations for this purpose as a prerequisite of registration.

The *Australian Builders Plate Scheme* was developed in consultation with industry and marine authorities at a national and state level, including the Boating Industry Association of South Australia Incorporated, the peak body for the recreational and light commercial boating industries in this State.

The National Marine Safety Committee has been engaged in a public education strategy over the last two years, involving national and state launches of the *Australian Builders Plate Scheme*, and media releases.

The *Australian Builders Plate Scheme* targets safer boating, applying minimum safety standards to some key elements of design of recreational vessels.

The information on the ABP will help members of the public to make informed choices in the purchase of a recreational vessel.

Greater disclosure of a recreational vessel's basic safety characteristics will lead to improved safety and reduced risk of injury on the State's navigable waters.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Harbors and Navigation Act 1993*

4—Amendment of heading to Part 9

This clause consequentially amends the heading to Part 9 to reflect changes to that Part made by the measure.

5—Insertion of Part 9 Division 4

This clause inserts new Division 4 of Part 9 of the principal Act. This Division establishes the scheme whereby certain vessels are required to have an Australian Builders Plate (***ABP***) affixed.

New section 64A provides that the new Division applies in respect of vessels of a class declared by regulation to be a class of vessels in respect of which an ABP is required, and does not certain other provisions of the principal Act.

New section 64B provides that a person must not, without the approval of the CEO, sell or supply a vessel to which this Division applies unless an ABP is affixed and the information on it is correct. The maximum penalty for such an offence is a fine of $10 000. The section does not, however, apply to second hand vessels or vessels constructed before the commencement of the proposed section.

Further offences regarding affixing, altering, removing and defacing etc an ABP are set out, carrying a maximum penalty of a $5 000 fine.

New section 64C provides a general defence to a charge of certain offences against the new Division.

Further provisions in relation to the scheme are to be contained in the *Harbors and Navigation Regulations 1994*.

6—Insertion of section 86

This clause inserts new section 86 into the Act, providing that, if a corporation commits an offence against this Act, each director of the corporation is guilty of an offence and liable to the same penalty as is fixed for the principal offence unless it is proved that the principal offence did not result from failure on the director's part to take reasonable care to prevent the commission of the offence. This is a standard provision relating to such liability.

7—Amendment of section 87—Evidentiary provision

This clause makes a consequential amendment to allow a certificate apparently signed by the CEO or a delegate of the CEO certifying an approval or lack of approval under this Act to be, in the absence of proof to the contrary, proof of the matter certified.

8—Amendment of section 91—Regulations

This clause amends section 91 of the Act, conferring a regulation making power in relation to regulating the sale of vessels to which Part 9 of the Act applies, and also makes an amendment conferring a power to provide for and regulate the affixing of a plate to the hull of vessels of a specified class for the purposes of identifying the hull.

Schedule 1—Validation provision

This Schedule validates the operation of Part 9 Division 1A of the *Harbors and Navigation Regulations 1994* (which relates to HIN numbers) due to uncertainty over the validity of regulations purportedly made under the principal Act prior to its amendment by clause 8 of this measure.

The Hon. J.M.A. LENSINK secured the adjournment of the debate.

ADJOURNMENT

At 5.40 p.m. the council adjourned until Thursday 7 June at 2.15 p.m.