LEGISLATIVE COUNCIL

Wednesday 25 July 2007

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

LEGISLATIVE REVIEW COMMITTEE

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

Report received.

PAPERS TABLED

The following papers were laid on the table:

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

Second Review of the National Environment Protection Council Acts (Commonwealth, State and Territory)—prepared for the National Environment Protection Council—June 2007

South Australian Government's Response to the 25th Report of the Social Development Committee (Fast Foods and Obesity Inquiry—July 2007)

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report—1 April 2007-30 June 2007.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J. GAZZOLA: I bring up the report of the committee on an inquiry into the impact of Australian government changes to municipal services funding upon four Aboriginal communities in South Australia.

Ordered to be published.

MURRAY-DARLING BASIN

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to the Murray-Darling Basin plan made in another place by my colleague the Premier.

URBAN BOUNDARY REALIGNMENT

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: The state government has initiated a process to realign Adelaide's urban boundary to include additional land for medium-term urban development. Under the changes, a total of almost 2 000 hectares of land, which is equivalent to a six or seven-year residential supply, will be brought inside the urban boundary and ear-marked for future development. The initiative is designed to provide further certainty and direction for Adelaide's growth over the next 15 to 20 years. When added to the existing stock of 3 000 hectares of vacant residential land already situated within the urban boundary, which is a 10 to 12-year supply, and other development sites like Yatala prison, this initiative will provide a 15 to 20-year vacant residential land supply within the urban boundary.

There is about an additional 1 900 hectares already zoned residential outside the urban boundary in near country towns surrounding Adelaide, including Mount Barker, which is not included in this 15 to 20-year supply figure. The majority (about two-thirds) of the new land being brought within the boundary will be in the north of Adelaide, at Playford North, Blakeview, Penfield, Gawler East and Concordia, with additional land also to be included in the south at Hackham and Bowering Hill (north of Aldinga), and a small parcel to the east at Highbury.

The decisions that have been made confirm that the north will be a major focus of growth for Adelaide over the next 20 years. This is the first major change to the urban boundary since 2002. The urban boundary is essentially a device to better manage the spread of urban growth or sprawl around the outer limits of metropolitan Adelaide.

The current boundary was introduced in 2002 with two major objectives: to promote efficiency in urban management, with an emphasis on residential development in established suburbs and in areas where there is already significant investment in infrastructure (both social and physical); and to protect land use for high value agriculture adjacent to the urban boundary in recognition that this land makes a significant contribution to the state's economy.

When the boundary was introduced it was envisaged that it would be reviewed every five years. This is because the boundary will not always remain in the same place; it must be re-assessed in the context of housing demand and prevailing economic conditions. By strategically realigning the boundary, further urban growth can be accommodated but directed to the most desirable areas in terms of economic efficiency, social benefit and environmental protection.

All the land being brought within the boundary through this decision is adjacent to the existing boundary and well located in terms of augmentation to infrastructure and existing or projected development. It does not include any environmentally sensitive land or land used for high value agriculture, such as the watershed, the Hills face, or the vineyards of the Barossa Valley or the Southern Vales.

The change to the urban boundary will be given effect by amending the Planning Strategy for South Australia. The Planning Strategy is a statutory document published under section 22 of the Development Act to provide state government direction on land use planning and development matters which includes the urban boundary. A draft of the proposed new urban boundary will be released for a formal four-week exhibition period beginning from next Monday (30 July), during which time public submissions will be received and considered.

After the four-week exhibition period, the government will make a final decision on the exact location of the new urban boundary, and then make a formal change to the planning strategy by gazetting an updated document with up dated maps. It is important to note that this process does not change the zoning of the land at this stage but provides for future rezoning. Rezoning will occur through a separate ministerial development plan amendment process, which also involves the issuing of draft documents and mandatory public consultation. It is likely that three separate plan amendment processes will be undertaken to rezone the affected land. I envisage that through this process some of the land in question will be zoned as residential, so that it can be factored immediately into the medium-term supply, while the rest will be rezoned as deferred urban, that is, reserved for future urban use. A requirement for structure plans to be developed in conjunction with local government will be part of the process to rezone any land to residential.

Some people may ask why more land is needed now. As stated previously, currently more than 3 000 hectares of vacant land is zoned for residential development within the Adelaide urban boundary. This represents a supply of around 10 to 20 years for development based on current demand and allotment yields (the number of allotments per hectare). The existing land is owned by private development companies (25 per cent), private individuals (35 per cent), and the Land Management Corporation (33 per cent)—that is, the majority of this vacant land is in private hands. The 10 to 12-year supply inside the urban boundary is supplemented by about a further 1 900 hectares of vacant land zoned residential outside the boundary in near country towns surrounding Adelaide, including Mount Barker. All of that land is owned privately.

The broadacre land supply is also supplemented by land which is redeveloped within the urban boundary. Currently, around half of all new housing in Adelaide is coming from redevelopment rather than greenfields broadacre development. By adding a further 2 000 hectares of land to the broadacre supply, the total supply of vacant land within the urban boundary will increase to between 15 and 20 years. This adds extra certainty to land supply and direction for future growth, provides a secure time frame to plan for infrastructure, and facilitates ongoing housing diversity and choice.

To ensure that appropriate infrastructure plans are in place to support any future communities before the land is developed, there will be a requirement for structure plans to be developed, in conjunction with local government, as part of any process to rezone the land to residential use. It is important to understand that all the land being brought inside the boundary now will not come on stream for housing straight away. This is about future planning, not necessarily for use in the next two to three years, but the land will be earmarked and ready to go as demand dictates.

As outlined above, there is already a great deal of other vacant land zoned residential and available for immediate supply. The available large tract broadacre land within the urban boundary is sequenced for release under the state government's Residential Metropolitan Development program, which is a rolling five-year program. The land identified to be brought inside the boundary now will first need to be rezoned and will then assist the medium-term supply for future sequencing. This means that the vast bulk of it will be developed some five to 15 years into the future.

The question that will inevitably arise is: will this affect housing affordability? Reports this week found that Adelaide had the most affordable housing of any mainland capital and was likely to remain more affordable. The continued release of land within the urban growth boundary will help maintain downward pressure on the price of land and therefore housing affordability. This decision complements ongoing work regarding long-term planning to accommodate a state population of two million people.

South Australia's Strategic Plan includes a state population target of two million people by 2050. The Strategic Plan also includes a target to maintain regional South Australia's share of the state's population at 18 per cent. These targets represent an increase of 450 000 people statewide over the current population of 1.55 million, including an increase in the rural and regional population of 90 000. The two million people by 2050 target will be achieved through a continued migration program targeting younger working-age people, reduced net interstate migration and natural increase. Recent increases in the rate of population growth indicate that the state is on track to meet this target.

At the same time as the state's population increases, a substantial demographic change will occur within the existing population, with large increases in older age groups in both absolute numbers and proportional terms (this ageing of the population is also a key driver for the population growth policy). This demographic change will have implications for household formation, likely to be expressed as a demand for greater housing diversity, that is, increased numbers of smaller households, retirement accommodation and aged accommodation.

Currently, research work is being done to guide planning for long-term urban growth associated with the population target and demographic change. This decision fits with the preliminary research for this long-term planning, which has indicated an anticipated need for more broadacre development in the greater Adelaide area. The government believes that to provide diversity and housing choice we must both plan for broadacre development and continue to encourage redevelopment in a sensible way within existing urban areas that is also respectful of the character of our suburbs. It is not an either/or choice.

This additional broadacre land supply will complement ongoing redevelopment in urban areas, including some higher density development around targeted transit corridors and activity centres. Much of the redevelopment activity will be driven by demographic changes as our population ages and people wish to live in the same neighbourhood but in smaller households. Whatever the form of development, it must be sustainable, involve measures that reduce our ecological footprint, and respect character and heritage. The government is encouraging councils to develop desired character policies to guide neighbourhood development, and looking at means to ensure all urban development is water efficient.

QUESTION TIME

SPEEDING FINE REVENUE

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Police a question about speeding fine revenue.

Leave granted.

The Hon. D.W. RIDGWAY: A few weeks ago, I think while the minister may have been at a police ministers' conference in New Zealand, South Australia Police announced that they would have 20 additional road safety contacts—a requirement of all police officers as they go about their daily duties across South Australia. It was discovered prior to the estimates period that, in fact, the tolerances were to be lowered for speed cameras and speed detection devices in South Australia. I will read from an article entitled 'Fines grab' appearing in *The Advertiser* of 19 July this year. In particular, it relates to a Mr Felix, a metrology expert, who talks about the difficulty of calibrating particular pieces of equipment. It states:

> A paper by Mr Felix handed to the state government in 2004 suggested a policing policy would be to allow 7km/h tolerance at speeds of up to 50km/h and an additional 1km/h for every 10km/h up to 110km/h.

With the state government making an announcement of 20 extra road safety contacts and a lowering of tolerances, it would appear that motorists in South Australia are being

conned. My question to the minister is: if a police officer is on patrol and uses a radar gun over a number of vehicles coming towards him with a tolerance set at, say, 68km/h and registers only one person driving a vehicle at over 68km/h but several travelling at between 65km/h and 68km/h, only one person will receive a fine. In line with the announcement of additional road safety contacts but at the same time a lowering of tolerances, then the other half a dozen people travelling at between 65km/h and 68km/h would now receive infringement notices. Will the minister confirm that this is a blatant revenue grab by this government?

The Hon. P. HOLLOWAY (Minister for Police): Certainly not; it is anything but. It is rather unfortunate that the Leader of the Opposition should quote from an *Advertiser* article that was deliberately designed to generate this issue, rather than quoting from the Police Commissioner's response, which was in yesterday's *Advertiser.* It is a pity that the Leader of the Opposition, instead of referring to an old article of some weeks ago, did not quote from the article that the Police Commissioner had in there yesterday, because he would have seen that question put into perspective.

At the estimates committees the Police Commissioner made quite clear that he was considering the issue of tolerances. He did not say what the tolerances were and he quite rightfully declined to do so because, as he made the point, if one said that the tolerance was 68 or 69 km/h in a 60 km/h zone, people would simply drive to the new limit, and for that reason he did not indicate what the limit was. However, he did indicate that police were looking at the tolerance, taking into account the error that exists within speed measuring equipment.

The article by the so-called expert was really quite mischievous. There is no suggestion made anywhere by the Commissioner as to what that limit might be, and that was quite misleading and unhelpful. Generally, in relation to the police attitude in terms of putting additional effort into roads, I tell the opposition leader that, in the Adelaide Hills police district, Superintendent Tom Rienets, after a spate of accidents within the hills (as there is dangerous driving there and speed limits had been cut in that area from 100 to 80 km/h), announced well over a year ago that they would have a get tough policy in relation to that area.

If you look at the results, a number of young people are alive today who would not be if we had kept the sort of death statistics in that area that we had earlier. The Commissioner has said that all police—and not just those on road patrols—should, as they are driving around in their cars on duty, take responsibility, like the rest of us, for road safety. If they see people blatantly offending, they should ensure that they take action in relation to those offences. If we do so, we will cut back on the number of fatalities and other accidents. That is the sort of money I would like to see us save.

I do not want to raise money from taxes through speeding, but I would much rather save money in this state as a result of reducing the road toll and not spend so much money on hospitals and looking after people, particularly young people, who have to have intensive care and all the ongoing care in many cases because they have been speeding. The police have my full support in reducing their tolerance of bad behaviour as far as driving is concerned.

As the Commissioner made clear during estimates, the impact on revenue raising will be very small, if any. Last year the predicted revenue fell short of targets because there is evidence that people are observing speed limits now because of the fines and are actually following the law and therefore less money came in last year because people are observing the limits. That is exactly what I want to see. I would be delighted if the revenue the government receives from speeding fines falls this year because of increased police activity which has had the impact of encouraging people to drive more safety.

The Hon. D.W. RIDGWAY: Will the minister concede that with tolerances lowered police officers will apprehend more people with the same effort?

The Hon. P. HOLLOWAY: All the Commissioner has said is that he will consider the tolerances. It is a matter for the Police Commissioner.

The Hon. D.W. Ridgway: Be honest.

The Hon. P. HOLLOWAY: The Leader of the Opposition ought to be honest and concede that this parliament, through its laws in the Road Traffic Act, sets the speed limit and it is up to the police how they enforce it. The Commissioner has indicated that the police allow reasonable tolerance, allowing for the possible inaccuracy of speed detection devices. If we have a 60 km/h speed limited zone, it means that is the speed limit. It is set by parliament, not by the police. The police have to enforce it. If people drive over that limit, as I said, the police allow for the fact that there can be errors within devices but, within that—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What the Leader of the Opposition is effectively suggesting is that we should be telling people and that we should have a higher tolerance, so instead of having a 60 km/h speed limit, where the zone says 60 km/h, it should really be 69 km/h, 70 km/h or something higher. All the Police Commissioner has said is that, given the current improvements in technology, he will take into account that improvement and also the issue of speedos. The vast majority of speedos in ordinary cars, if anything, overestimate speed rather than underestimate it. This nonsense that somehow the poor punters out there are doing 68 km/h or 69 km/h when their speedo is showing only 60 km/h is just rubbish. If anything, it is probably showing that they are doing 70 km/h or 75 km/h.

We know that the opposition is desperate to get some issue to go on, but this government is committed to our state target in terms of reducing the road toll and, even though that may mean less revenue for the government in terms of speeding fines, as it did last year, because the police presence is having the effect of making motorists obey the law, so be it. At least this government will have the satisfaction. The opposition may win the politics, but I would much rather rest knowing that a number of people are alive because of the actions of this government rather than have them put their lives at risk.

CANE TOADS

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation questions about cane toads.

Leave granted.

The Hon. J.M.A. LENSINK: Professor Mike Tyler, also known as the 'frog man', is a well-known expert on the subject of frogs, toads and associated beings. He has briefed me on the cane toad issues which may well affect South Australia, stating that the cane toad march is 70 kilometres south of Longreach, which leads into the Innamincka water system and, with a very heavy rainfall, this may well end up

in the Murray-Darling Basin. Professor Tyler is working very hard on means of controlling the cane toads through his olfactory project, which is funded by the federal government, and he is obviously very concerned about this issue. He also says that because the numbers at the fringes are not huge the cane toads can be controlled through trapping but not without public education. My questions are:

1. Can the minister confirm that Professor Tyler wrote to the government seeking to brief the government and that his request was met with a 'thanks but no thanks'?

2. Can the minister advise whether the state government has any flags for the cane toad as a pest in this state and, if so, what strategies does the government have in place to control this potentially very dangerous pest?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her important questions. This is an issue for South Australia as it has been for many other states. We know that the cane toad has been unsuccessfully managed in a number of other states. We are fortunate here in South Australia that, as yet, it has not reached our borders; however, notwithstanding that, there has been an odd incursion that we have been able to trace through the importation of interstate goods and we have been able to respond very quickly to eradicate those single examples of those incursions here in this state. So far we have managed this extremely well. We know that they are slowly moving further south. No other state has been able to prevent the final incursion into their state.

We are doing a number of things, and I am happy to outline them. Cane toads are in the upper reaches of both the Murray-Darling Basin and Lake Eyre Basin and slowly moving downstream towards South Australia. Notwithstanding significant human assistance, such as inadvertent movement in produce and goods, I am advised that it will take the cane toads many years through natural dispersal to cover the distance of about 1 500 kilometres in a straight line from the Queensland Murray-Darling Basin rivers to the Murray-Darling rivers in South Australia. I am advised that the current populations of cane toads are still approximately 400 kilometres upstream from South Australia in the Lake Eyre Basin creeks. The previous single detection of cane toads in Adelaide was the result of an occasional and random inadvertent movement in goods and produce from northern Australia. These incursions, which have not resulted in any permanent populations establishing, were quickly eradicated. I am advised that the sources were able to be identified.

There are no options currently available to prevent the natural spread of cane toads into South Australia via the Lake Eyre Basin or the Murray-Darling system. Current biosecurity protocols in South Australia provide for a framework for a state government response should an incursion via natural dispersal occur. The location and extent of the incursion will determine what control options are feasible, practical and effective, so we have those biosecurity protocols in place.

Natural resource management board officers and Department for Environment and Heritage ranger staff conduct surveillance for cane toad incursions as part of normal inspection and survey work across the state. DWLBC and the South Australian Arid Lands NRM board are working together to develop a regional operational response plan for the Lake Eyre Basin; so that is also under way. DWLBC provides an inspection service for the general public to identify frogs that are suspected to be cane toads; so that educational work is occurring.

Currently, CSIRO and the Invasive Animals CRC are undertaking a range of nationally coordinated research projects on cane toads, using a fairly radical genetic solution; so that research is also under way. Most of this research is being conducted in those states currently affected the most by cane toads. Any successful results from this research will benefit South Australia in stopping natural dispersal towards South Australia. Information on cane toads and reporting procedures has been circulated to the road transport industry, the nursery industry, and fruit importers operating at the Pooraka markets; so a general information campaign also has occurred.

The Hon. J.M.A. LENSINK: I have a supplementary question. Given that Professor Tyler has 50 years' research experience in this area, will the minister or one of her officers agree to meet with him?

The Hon. G.E. GAGO: I am not aware of his approach to my office, nor am I aware of his credentials. I am happy to look into correspondence that he has had with the office or my officers and follow up appropriately.

METROPOLITAN FIRE SERVICE, SEAFORD

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the proposed MFS station at Seaford.

Leave granted.

The Hon. S.G. WADE: Yesterday the South Australian Volunteer Fire Brigade Association expressed concern that the government is ignoring CFS volunteers and called on the government to start listening and consulting, and collaboratively produce a plan for future emergency services delivery in this state.

The southern suburbs working party brought together CFS, MFS, SES and SAFECOM officers to consider the emergency service delivery in the Onkaparinga council area. At the end of 2006 the working party concluded that the data does not support the need for an immediate change to the level or type of resourcing in the council area. The working party acknowledged that the decision may need to be revisited within a two-year time frame. Will the minister therefore advise what new data was available to the government to cause this decision to be reversed within months, and what consultation occurred with CFS volunteers and other parties? Did the government consult with the SAFECOM board before the decision to build the new MFS station at Seaford was made? When was the SAFECOM board first advised of the decision to build the station, and will the minister explain why the government is reluctant to consult with volunteers, not only directly, but even through the board established to coordinate emergency services?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I must be one of the few ministers, surely, to have to get up and defend in this place the fact that we are adding an extra layer of protection and security and are managing risk better than you ever did in this state. What an extraordinary question, Mr President.

The Hon. G.E. Gago: A dorothy dixer.

The Hon. CARMEL ZOLLO: A real dorothy dixer. I should add, a former minister for emergency services has actually been on radio supporting this government, so perhaps you should be listening to people, because clearly you do not have the experience. The government has always been very

frank about the need for a future MFS presence in the southern suburbs. The facts are clear. The risk profile of the area is increasing, and this is not just about the Seaford brigade; this is a response to a regional issue. It is about risk.

Both the MFS and the CFS response times in the region are increasing. The Onkaparinga council area has one of the highest rates of road crashes requiring attendance by emergency services. Planning SA projections provided to SAFECOM indicate that the south coast area of the Onkaparinga council will increase in population by 66 per cent in the next 15 years. This increase in residential population and associated commercial development, transport corridors and public and private infrastructure results in a need for additional emergency services.

I have always made it clear to the Volunteer Fire Brigades Association and individual members of the CFS that the government viewed the greater southern area as a risk and that it would require an MFS presence in the near future. I am advised that the Assistant Chief Officer of the CFS and the CFS Region 1 Commander met with local volunteers from the Seaford brigade and representatives of the VBA many months before the budget. At this time the government's message was that, while there would not be a MFS presence immediately, they should prepare for the possibility within the next five years.

Given the heightened community interest and local publicity about the need for additional resources in the southern area, I arranged a briefing for the four local MPs about service delivery. The members for Mawson, Bright, Kaurna and Reynell were briefed by the Chief Executive of SAFECOM on the development of sector policy in relation to service delivery and heard from the chief officers of the SES, CFS and MFS about operational response, mutual aid and other matters.

On Wednesday 28 March a meeting was held between SAFECOM, the SES, CFS, MFS, the United Firefighters Union, the South Australian Volunteer Fire Brigades Association and the South Australian State Emergency Service Volunteer Association about the southern suburbs. On Friday 29 March I met with the SA Volunteer Fire Brigades Association and the CFS Group Officer of the Mawson Group, of which, of course, the Seaford brigade is a member. Any suggestion that I or the CFS indicated that the government would not consider a new MFS station at Seaford is not correct.

At all times, when speaking to volunteers, CFS staff and I have made clear to any CFS members that there would be a paid, 24-hour MFS station in the southern suburbs in the coming years. I can also advise the council that, as soon as the budget decision was publicly available, consultation arrangements were put in place. Immediately after the budget, my office contacted the CFS Mawson Group Officer to advise him of that decision. My office also provided detailed information to the Volunteer Fire Brigades Association—

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: If you are bored by it, you should not ask the questions. The CFS—

The Hon. Caroline Schaefer: I did not ask the question.

The Hon. CARMEL ZOLLO: Well, you should tell him not to ask silly questions. The CFS chief officer arranged for a meeting with the president, the vice-president and the executive officer of the Volunteer Fire Brigades Association to explain the budget decision. Staff from my office spoke to the VFBA the same day. Staff from my office also met with representatives of the UFU to provide information about the budget decision. The CFS chief officer attended a meeting with the CFS volunteers at Seaford a few days after the budget decision to take any questions. The chief executive of SAFECOM attended a meeting—

The Hon. R.D. Lawson interjecting:

The Hon. CARMEL ZOLLO: I have just told you what we did beforehand. I can repeat it, if you like. The chief executive of SAFECOM attended a meeting of the Volunteer Fire Brigades Association management committee—

The Hon. Caroline Schaefer interjecting:

The PRESIDENT: Order! The Hon. Mrs Schaefer will be bored in silence.

The Hon. CARMEL ZOLLO: The chief officers of the SES, the MFS and the CFS, as well as the chief executive of SAFECOM, attended a meeting at the Seaford brigade two weeks ago to discuss the transition to a dual service (CFS and MFS) in 2009-10. I am advised that local CFS volunteers have expressed a willingness to form a small working group with local MFS personnel to discuss the changing dynamics when the new station comes on line in 2009-10.

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: You asked a question; I am here to tell you what we have done. Over the next two to three years the CFS, the MFS and the SES, led by SAFECOM, will work together to plan for the changing workload and interaction of emergency services in the southern area. To say no consultation has occurred about this decision is just plain incorrect. Extensive consultation has occurred and will occur and, more importantly, will continue to occur over the next two to three years before the new station comes on line. We are committed to ensuring that any issues relating to the protection of the community are discussed with the volunteer representative organisations and the union.

The government, however, has an obligation to make decisions which are based on mitigating risk and protecting the community. They are the only facts which I consider. There is no conspiracy in the government's decision to build a new station. There is no agenda that is being pursued, other than risk mitigation. I would like to think that, overwhelmingly, people would agree that this is a most responsible step to take to recognise that in the next three to five years risks in that area will escalate to a point where greater service is needed—that is the job of government. Had we ignored this risk it would be irresponsible.

I suggest to the honourable member opposite that, rather than responding to negative criticism about a decision that was responsible and sensible, I would prefer to be focusing on the fantastic work that our volunteers do, and taking the pressure off our volunteers. I do not believe that anything can be gained by criticising a decision when, clearly, the right decision was made, and it does nothing to further the cause of our volunteers or give them the recognition that they deserve.

BUSHFIRE PREVENTION

The Hon. R.P. WORTLEY: I direct my question to the Minister for Urban Development and Planning. Can the minister explain—

Members interjecting:

The Hon. R.P. WORTLEY: Can I please have some quiet while I am asking this question, sir?

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: I direct my question to the Minister for Urban—

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

The Hon. R.P. WORTLEY: You might be happy to sit here for the next eight years and get paid for doing nothing, but I am actually here to ask a very important question about bushfires in the Mount Lofty Ranges. So, if you want to sit back and listen and get some education—

Members interjecting:

The Hon. R.P. WORTLEY: Mr President, could you please call the place to order?

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: I direct a question to the Minister—

Members interjecting:

The Hon. R.P. WORTLEY: Mr President, I would just like to bring to the attention of the members here that there are some people in this chamber who are having difficulty hearing, so they might want to listen to this question without the rabbling of the opposition.

The PRESIDENT: Order! The Hon. Mr Dawkins has a point of order.

The Hon. J.S.L. DAWKINS: I think the honourable member was given leave to make an explanation about a question and not lecture members of this chamber. Mr President, you are in charge of this chamber, not the Hon. Mr Wortley.

The PRESIDENT: Yes, and if both sides of the council would recognise that, it would be very silent and would work very well.

The Hon. R.P. WORTLEY: I direct this question to the Minister for Urban Development and Planning. Will the minister explain to the council the efforts this government is making in updating planning and building requirements to manage the threat of bushfires in the Mount Lofty Ranges?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I am delighted to do so. Following the Premier's Bushfire Summit held in 2003, the government initiated a series of three plan amendment reports to introduce and amend the bushfire-related mapping and planning and building requirements in the development plans of 39 South Australian councils identified as being under the threat of bushfire. The first two plan amendments (parts 1 and 2) extended bushfire-related mapping and planning requirements to parts of the state which did not previously have such measures. Those two PARs cover 26 councils on the Eyre Peninsula, Yorke Peninsula, Kangaroo Island, the South-East, the Riverland, Murray Bridge, Mid-North, and parts of the northern outer metropolitan Adelaide region. Those PARs have concluded public consultation and were approved in November and December 2006 respectively, putting in place protection that was previously non-existent.

The third and final plan amendment (part 3) was released for public consultation in late May 2007. The part 3 PAR introduces updated bushfire risk policy and mapping into the 13 development plans that cover councils in the Adelaide Hills and Mount Lofty Ranges region and brings the existing bushfire-related planning terminology and requirements in those development plans into line with the changes recently introduced into the rest of regional South Australia. Councils included in the bushfire management part 3 PAR are the Adelaide Hills, Alexandrina, Barossa, Burnside, Campbelltown, Mid-Murray, Mitcham, Mount Barker, Onkaparinga, Playford, Tea Tree Gully, Victor Harbor and Yankalilla.

Scientifically-based bushfire risk mapping has been undertaken in consultation with local councils, the Country Fire Service, the Local Government Association and the Department for Environment and Heritage to identify bushfire risk areas. The policy contained within the PARs seeks to ensure that new development is appropriately designed in areas for which there exists a bushfire threat.

The part 3 PAR was on consultation during the period 24 May 2007 to 24 July 2007. Two community forums were held in both Hahndorf and Victor Harbor to assist in explaining the policy to the community. The Independent Development Policy Advisory Committee will now consider all submissions received and, in time, provide a report to me on the PAR and the proposed policy change. I will then consider this report, along with all submissions received, before making a formal decision about the plan amendment report. My decision will then be communicated to councils and those who have made submissions, and I will then be in a position to further brief the council. Finally, it should be noted that, along with the policy formulation that will obviously go some way to ensure that we are better prepared for dealing with bushfires, it is important to stress that residents themselves need to ensure that they are suitably prepared for the risk of bushfire.

FIELD RIVER VALLEY

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Police a question about the illegal use of bikes and four-wheel drives in the Field River Valley.

Leave granted.

The Hon. SANDRA KANCK: The Field River Valley (a stretch of land between Lonsdale and Sheidow Park, which runs out to sea at Hallett Cove) covers some 100 hectares and is owned by the Sheidow family. It could potentially be a major natural and recreational asset. It has been designated as metropolitan open space land for a number of years and I understand there are plans also to incorporate it into Adelaide's urban forest. Unfortunately, it is being used as a rubbish tip, and the slopes and river banks are being severely degraded by trail bikes. Locals also suspect that the area is used for illegal activities. The Sheidow family, working closely with the Marion and Onkaparinga council and local environment groups, has done its best to look after this area, including spending $30 000 on fencing and gates, many of which have been deliberately knocked over by four-wheel drive vehicles.

Local government routinely receives complaints from nearby residents about the noise from bikes, but the only thing that has deterred these trail bike and four-wheel drive vandals has been the use of plain-clothes police officers posing as fellow trail bike riders. Approximately 35 offenders were apprehended on each of the four occasions that the Sturt traffic division sent riders in on a weekend. Unfortunately, 18 months ago SAPOL withdrew from this program because of occupational health and safety issues, staff shortages and also a shortage of police officers with appropriate training on off-road trail bikes. My questions therefore are:

1. Does the minister agree that policing of this area could prevent crime by stopping criminals from using it as a meeting place?

2. Since the withdrawal of police patrols 18 months ago, what progress has been made in providing extra police

training and overcoming these occupational health and safety issues?

3. Will the minister now instruct SAPOL to allocate the small amount of resources necessary to training and equipping police officers so that these illegal and environmentally damaging activities can be curtailed?

The Hon. P. HOLLOWAY (Minister for Police): We are aware that, from time to time, there are issues raised by members of the public in relation to vandals—I suppose one could call them—who operate four-wheel-drive and other off-road vehicles in inappropriate places. Indeed, it was reported in *The Courier* this week that local residents of Mount Barker were concerned about the damage being done to some road reserves—which have very unique and rare vegetation—by vehicles going through that area. I am also aware of places such as Port Gawler where there is some environmental damage, as well as the risk of injuries, and so on. When the police have the resources, they pay attention to the issues in all of these areas.

I am well aware of the Field River area's potential to significantly contribute to the metropolitan open space, and I have discussed this with the Marion council on a number of occasions. I am not aware of the background or of any policing efforts there. If it was 18 months ago, it would have predated my time as the Minister for Police, but I am happy to take the information that the honourable member has provided and talk to the Commissioner about that and, if there is an ongoing problem in the area, see how it can best be addressed. I will let the honourable member know when I have had those discussions.

BENTLEY REPORT

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Racing, a question about the author of the Bentley report.

Leave granted.

The Hon. T.J. STEPHENS: It has come to my attention that the selection of board members for the new controlling authority for racing has currently stalled. My advice is that the panel should have met last evening, but the meeting was postponed. This selection process should be one of the last hurdles to jump to ensure a smooth transition into a new era for South Australian racing. My advice is that the proposal to place the author of the study (Mr Philip Bentley) on the South Australian Racing Board could be disrupting the process. Does the minister think it is appropriate for the author of the study calling for racing restructure to be a central part of this restructure, given that his potential inclusion as a board member is causing upset and angst among a number of members of the selection panel and also the industry?

The Hon. P. HOLLOWAY (Minister for Police): Obviously, the detail of that question will have to be answered by my colleague the Minister for Racing in another place. I believe that Mr Philip Bentley has done a great job in terms of the report on the future of racing in this state. We all know that racing, if it is to survive in this state, will need some difficult decisions to be made in the near future, and I think Mr Bentley has contributed significantly towards that debate. Certainly the people to whom I have spoken within the racing industry have warmly welcomed the contribution that he has made towards—

Members interjecting:

The Hon. P. HOLLOWAY: Well, people from the top of the SAJC down have made that clear. As for the detail of the question about board members, that is a matter for my colleague, and I will obtain a response from him.

EMERGENCY SERVICES COMMUNICATIONS

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about communications.

Leave granted.

The Hon. I.K. HUNTER: Increasingly, technology is emerging as an important tool for our state emergency services. Will the minister advise what the government has done to improve communications in respect of the call receipt and dispatch functions for our emergency services?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I would like to thank the honourable member for his most important question. Emergency services call receipt and dispatch is about taking pressure off our volunteers and ensuring a greater level of protection, security and safety for all South Australians. The state government has been preparing for the transition to one emergency services call receipt and dispatch centre for over two years. Previously, all three services' call receipt and dispatch functions were separated. The Metropolitan Fire Service has the most up-to-date technology, following the audio management systems project for the MFS, the South Australian Ambulance Service and SA Police in 2002-03.

The government decided over two years ago to transfer the CFS and SES call receipt and dispatch functions to the MFS. Honourable members may remember, because I am certain I advised them at the time, that the SES call receipt and dispatch was transferred to the MFS Communications Centre on 5 April 2006 to make use of the better technology and facilities available, and in preparation for the transition to computer aided dispatch expected to come online in 2008. The CFS has transferred its call receipt and dispatch group by group and completed this task by July this year. Approximately 40 per cent of CFS CRD traffic was already handled by the MFS. Some groups have had their call receipt and dispatch functions dealt with by the MFS for up to five years; so, for many, this is not new.

I have been advised that CFS regional staff have held regional group and brigade meetings with CFS volunteers to explain the changes, answer questions and resolve any issues. I am advised that teething problems brought to the attention of CFS management are being dealt with. The new Emergency Services Communications arrangements will ensure that we have the most effective dispatch of resources to emergency incidents. The nearest and fastest appropriate resource will be responded to an emergency incident. This will apply for the response of both primary and secondary resources dispatched to an incident. All future revisions of dispatch policies and principles, including the development of the database for the computer aided dispatch, will reflect this principle.

The transfer has been over two years in the making and has involved a great deal of work from all emergency services agencies and volunteers. I know I am joined by all in this chamber in acknowledging the tremendous effort that our volunteers put in on behalf of our community. I try to visit as many CFS stations as I possibly can to meet with and thank volunteers for their tremendous efforts on behalf of all South Australians. CFS staff have transitioned to the new

SAFECOM Sector Communications Centre, which is located with the MFS, and form part of the communication centre team. This has ensured a retention of local CFS expertise, knowledge, practices and procedures. MFS and CFS procedures have been aligned, with the MFS changing some of its practices to suit the CFS operations. There is a range of mechanisms for communication between CFS management and volunteers, including the following: the CFS Strategic Leadership Forum; the CFS Chief Officer's Advisory Council; the SAFECOM Advisory Board; the SAFECOM Board; and the Sector Consultative Forum. Procedures for any issues that are raised are already in place.

If any CFS volunteer has concerns about the new system, they can contact the communications centre or speak to CFS regional staff who will endeavour to have their concerns addressed. Indeed, I would encourage volunteers to do just that. The new singular MFS call receipt and dispatch centre leaves our emergency services with a state of the art facility capable of dealing with the challenges faced by our services and well-placed to integrate to the new computer aided dispatch system in 2008.

I was pleased to receive a briefing on the transition on 2 July 2007 from the chief officer, and on Sunday 1 July the call receipt and dispatch centres for the Metropolitan Fire Service, the Country Fire Service and the State Emergency Service were successfully amalgamated. The MFS and the CFS also used this opportunity to amalgamate their respective incident recording databases into one single web-based incident recording and incident management database that will enable real time reporting and tracking of incidents across the state at mobile, regional or centralised coordination centres. Again, this was the culmination of a two-year project that has greatly increased the efficiency of operational communications for the emergency services sector in South Australia.

The Hon. NICK XENOPHON: By way of supplementary question, to what extent does the state-of-the-art facility the minister refers to facilitate the use of vehicle tracking technology, such as that developed by WARPS, a local enterprise, and does the minister consider the GPS-based vehicle tracking technology desirable, both in terms of safety for fire crews and for the effectiveness of fire fighting?

The Hon. CARMEL ZOLLO: I think I have already responded to the honourable member's question in relation to the WARPS technology and, unfortunately, I had to advise the owner of that company that the system they had provided to be examined by the CFS at that time was not compatible with the SACAD system that will be coming online in 2008, but clearly we will have GPS tracking as part of the SACAD system.

The Hon. S.G. WADE: By way of supplementary question, I note that the minister advised the council that the decision to establish a combined CRD function was made over 2½ years ago. In that context, when was the decision made to effect that transfer on 1 July 2007? Does not the fact that the regional meetings, to which the minister referred, commenced merely two weeks before the implementation and were continuing after implementation indicate that this implementation has been unduly rushed and not properly coordinated?

The Hon. CARMEL ZOLLO: In my first ever briefing as minister that I received from the CFS I was advised that call receipt and dispatch functions in the emergency services sector would be consolidated. That briefing was in March 2005. In August 2006 the SAFECOM sector set the date at the end of June 2007. It was set by SAFECOM as the date when all CRD functions would be transferred to a SAFECOM sector call receipt and dispatch centre in the MFS. This decision has been two years in the making. It is not a surprise to anybody. If the honourable member would like to refer back to the information I have already placed on the record, he will see that it is the case that consultation has occurred. If the honourable member were to look at the South Australian Volunteer Fire Brigades Association newsletter in June he would see a whole page dedicated to CRD.

The Hon. NICK XENOPHON: By way of supplementary question, will the minister indicate what time frame there is for our CFS vehicles to have GPS tracking technology?

The Hon. CARMEL ZOLLO: I will have to come back and give a firm time line in relation to that, because I do not have the information with me.

GRAFFITI PREVENTION

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Police a question regarding graffiti prevention.

Leave granted.

The Hon. A.L. EVANS: I was recently contacted by a volunteer from TransAdelaide's 'adopt a station' program whose job is to remove rubbish and graffiti from the Hallett Cove Beach train station. I am advised that on most Saturday evenings this station is trashed and damaged by vandals, resulting in volunteers having to spend up to two hours cleaning up rubbish and removing graffiti from the platform. The volunteer provided photographic evidence of the vandalism to various branches of the South Australia Police to assist in the apprehension of offenders and implementation of further measures to prevent this anti-social behaviour. To date, he has received no satisfactory response. My questions are:

1. What measures are currently in place to prevent the vandalism of train stations throughout the Adelaide metropolitan area, and does the minister consider these measures adequate?

2. Would the minister consider establishing a password-protected website for volunteers of the 'adopt a station' program to effectively convey intelligence to the transit division of the SA Police?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. Graffiti is one of those annoying crimes that goes into abeyance for a while and then rears its very ugly head again. Obviously, one of the best ways to prevent graffiti is the rapid removal of that graffiti, and a number of community groups do a great job in terms of helping in the speedy removal of that graffiti. In relation to the rail network, obviously my colleague the Minister for Transport has some responsibility, although we have special police resources that are devoted to the trains and other transport systems. Clearly, in dealing with graffiti, it is not just a police measure: it needs cooperation from the community because, obviously, those who perpetrate graffiti will not do so when they are likely to be seen. Of course, that is where other technologies such as CCTV and the like can be very useful in terms of addressing those sorts of problems.

The honourable member asked whether the measures we have are adequate. Obviously, given the size of our public

transport network, it is very hard to put in place the measures which large cities such as Sydney can, although they do not appear to be too effective either because of the scale of operations they have there. They can have stations that have people on them for most of the time but, even then, they have significant problems with graffiti. We obviously need to do more about dealing with graffiti.

As to the particular case the honourable member has related, I am happy to refer that to the local service area to ensure that police are aware of the issue so that they will do all they can. As I said, it is not an easy crime to detect or prevent and, obviously, we have tried a number of measures, including making it more difficult to get graffiti implements (paints and the like). A number of measures have been tried over the past 20 or 30 years since this curse of graffiti came into our community. In trying to eradicate it, some measures have been more successful than others. Often, we can get on top of it for a while and then it will break out again. I am happy to look at the particular case raised by the honourable member and take it up with the police to see what we can do. If there is an issue there, obviously, we wish to help those community groups to combat this matter effectively.

MAWSON LAKES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Road Safety questions about the Mawson Lakes development.

Leave granted.

The Hon. J.S.L. DAWKINS: One of the transport infrastructure targets highlighted in this year's budget papers refers to the completion of Elder Smith Road at Mawson Lakes from Main Street to Main North Road. There has been a significant delay in this project, with work on the junction of Elder Smith Road with Main North Road causing traffic disruptions for the majority of the calendar year so far.

During this period there have been several different variations in the manner in which traffic on Main North Road is directed through the vicinity of the roadworks. As someone who regularly uses Main North Road, I have noticed an increasing level of uncertainty as drivers negotiate this section of road, particularly in peak-hour periods. For example, last night I noted the uncertainty caused by the changes in line marking in that area. My questions are:

1. Will the minister acknowledge that this section of Main North Road has become a threat to road safety due to the protracted roadworks being conducted there?

2. Will she determine the reasons for the long delay in this project?

3. Will she bring back advice regarding the likely completion date for roadworks in that vicinity?

The Hon. P. HOLLOWAY (Minister for Police): I represent the Minister for Transport in this place. It is my understanding that the roadwork is nearing completion, but I will get that information from my colleague in another place and bring back a reply.

NATIVE VEGETATION

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about this government's conservation efforts.

Leave granted.

The Hon. B.V. FINNIGAN: Properly managing and preserving our natural resources, including remnant native vegetation, is vital to the future of our state. Too often in the past, competing needs and viewpoints have been mired in conflict over these issues. Will the minister inform the chamber of changes to the protection of native vegetation?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I am pleased that this government is spearheading even more important conservation initiatives. As members may be aware, during the recent parliamentary break I announced South Australia's nature conservation strategy No Species Loss, as well as some changes to the way in which we manage native vegetation. Members will be well aware that South Australia's landscape has been extensively modified over the past 170 years. With the looming threat of climate change and the already vulnerable state of our remaining native vegetation, it becomes an even greater concern. Much of our biodiversity is clustered in remnant islands of habitat where a big fire, for instance, or an extended drought period could be responsible for wiping out a complete subspecies.

It is clear that a holistic landscape approach to biodiversity conservation is required. Natural resources management and native vegetation management systems need to be better integrated, consistent with the principles of ecologically sustainable development. The No Species Loss strategy is the broad framework on which we will build our conservation efforts, looking at the state as a whole and absolutely consistent with achieving better integration between NRM, native vegetation management and nature conservation. The strategy is built on five goals:

- conserving South Australia's biodiversity;
- addressing the impacts of climate change;
- improving information, knowledge and capacity;
- coordinating the way in which our resources are managed to protect native species; and
- getting the community on board in the campaign to save our species.

The government has allocated $2 million over the next year, specifically towards developing the nature conservation strategy and funding recovery plans for threatened species. This money is in addition to our funded commitments to programs that will assist in delivering the No Species Loss strategy, such as our commitment to delivering 19 marine parks by 2010 (to which we have committed $3 million a year for the next four years). Land-based conservation is being given a boost through a $1.6 million commitment to the five biodiversity corridors, and we are working with private landholders to provide buffer zones and corridors linking areas of remnant vegetation. Since coming to government we have added more than 790 000 hectares to the parks and reserve system.

Mr President, I would draw your attention to the fact that the contribution that the opposition made to this reserve was zero, nil, zilch, nothing; yet, since the Rann Labor Government, 790 000 hectares have been added, with 14 new parks and 17 additions to existing parks. You would also be aware that a review to the administration of the Native Vegetation Act 1991 has been undertaken.

Members interjecting:

The PRESIDENT: If members do not want to waste question time they will come to order.

The Hon. G.E. GAGO: The truth hurts; I have obviously hit a very sore nerve in referring to the contribution to the

reserve system. They are obviously smarting. As I was saying, work being undertaken in recent—

Members interjecting:

The PRESIDENT: Order! The minister's answer will be heard in silence.

The Hon. G.E. GAGO: Thank you, Mr President. As you would be aware, the review of the Native Vegetation Act has been undertaken in recent months, and the feedback received has helped shape some of my thinking. To better draw together NRM and native vegetation considerations, I intend to appoint a member common to both the NRM Council and the Native Vegetation Council. I will also invite regional NRM boards to develop guidelines for native vegetation specific to their region, to identify, amongst other things, regionally significant native vegetation, regional priorities for rehabilitation, revegetation and SEB offsets. It might consider things such as the width of particular fire breaks in a particular region, which is an issue that has been raised on several occasions. On the Native Vegetation Council itself, I intend to separate policy from decision making—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —by asking the council to establish an expert based assessment panel and to delegate its clearance assessment powers to that panel—quite a significant shift that we hope will help expedite the clearance assessment panel job. This will allow the council to concentrate on policy development, and I will also invite local councils to receive delegations for some routine matters such as house sites, subject, of course, to Native Vegetation Council guidelines—again, a very significant shift in policy. I will also be working with the planning minister to better integrate native vegetation into the planning system, to provide earlier and better advice to developers and applicants, to streamline processes and to assist applicants to design right in the first instance so they are better informed much earlier in the process. I firmly believe that these changes will lead to a better, fairer system that will benefit all stakeholders and, importantly, the natural environment.

REPLIES TO QUESTIONS

REGIONAL BOUNDARIES

In reply to **Hon. J.S.L. DAWKINS** (31 May).

The Hon. P. HOLLOWAY: The Minister Assisting the Premier in Cabinet Business and Public Sector Management has provided the following information:

Following consultation with Departments and Senior Management Council, Cabinet approved on 11 December 2006 a proposal establishing uniform South Australian Government Regions to be established by December 2008.

During deliberations it was acknowledged that there will continue to be other legitimate geographic views of the State for various purposes. Natural Resource Management (NRM) boundaries will be aligned where possible but legislation, topography and associated practice will require some activity to be based on NRM boundaries. This is not incompatible with the primary objectives of the proposal.

Cabinet approved Planning SA as the lead Agency responsible for implementation. Planning SA is responsible for providing 6 monthly progress reports on implementation and compliance to Cabinet. The reports will include any significant issues raised by the community together with Departmental impact assessments and Local Council responses.

DP WORLD

In reply to **Hon D.W. RIDGWAY** (29 March).

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

The Minister for Infrastructure and departmental officers have been in ongoing discussions with senior officials of Dubai Ports World (DPW) regarding proposed changes to the *South Australian Ports (Disposal of Maritime Assets) Act 2000*.

The Minister has visited the Head Office of Dubai Ports World (DPW) in Dubai and is therefore well aware of the matters raised by the Honourable Member.

DPW acquired the Adelaide Container Terminal as part of its global acquisition of CSX Terminals. In early 2006, DPW also acquired an interest in the Port of Melbourne as a result of the acquisition of P&O Ports, putting DPW in breach of Section 26.

Section 26 of the *South Australian Ports (Disposal of Maritime Assets) Act 2000* prohibits the simultaneous ownership by a person of an interest in the Port Adelaide container terminal and an interest in a container terminal in either the ports of Melbourne or Fremantle.

The State Government has been consulting with DPW and other relevant parties to explore ways of improving Section 26 of the *South Australian Ports (Disposal of Maritime Assets) Act 2000* to enable the achievement of the dual goals of protecting the State's interests and providing an acceptable level of commercial certainty to the terminal owner.

In this regard, legislation to enact the proposed amendments to Section 26 has been drafted and consultation with DPW and the key interested parties is taking place.

DPW's $30 million plus planned investment in the Adelaide Container Terminal, represents another significant step in the Government's integrated infrastructure plan aimed at making the Port of Adelaide a viable and world-competitive port. That plan has already seen the Outer Harbor shipping channel deepened, a new deep-sea grain wharf built, a new grain terminal nearing completion, and a significant and ongoing investment in rail and road infrastructure servicing the port. The future of the Port of Adelaide is as bright as it has ever been and DPW's long term involvement and commitment to growing its investment in South Australia is very welcome.

The Government maintains a positive working relationship with DPW in progressing these matters and will present the proposed amendments to the House in due course.

VICTOR HARBOR DEVELOPMENT

In reply to **Hon. R.I. LUCAS** (29 March, 29 and 31 May).

The Hon. P. HOLLOWAY: As indicated in my answer to Mr Lucas's question on 29 March 2007 a formal request from the Makris Group for this development to be made a major project was made earlier this year. The application was lodged at my office on 19 February 2007.

As also indicated in my answer on 29 March 2007 I had previous discussions in early 2006 with the Makris Group where they outlined progress on a number of their projects. Whilst briefly outlining the various projects, Victor Harbor was mentioned. However, no representation or any suggestion concerning major project status for this project was made at those discussions.

In my answer to Mr Lucas on 29 May 2007 I reiterated that no representations for major project status had been made on the Victor Harbor proposal prior to the 2006 election.

COASTAL MARINAS

In reply to **Hon. SANDRA KANCK** (3 May).

The Hon. P. HOLLOWAY: The Coastal Marina Strategy involves issues of government policy which need first to be considered by State Government agencies. Once these matters have been considered, public consultation on a draft strategy will be conducted.

MATTERS OF INTEREST

CHILD CARE

The Hon. R.P. WORTLEY: I rise today to speak about the current child care shortage in Australia, in particular, South Australia. I take particular notice of papers covering the Chaffey electorate, which is the electorate that I have taken on as my duty electorate. In the *Loxton News* I came across an article on 11 July titled 'Child care not to be underestimated'. This article goes on to discuss the need for more child care in the district, particularly Loxton. A new child care facility has been proposed and has been welcomed by the existing child care centre, the Loxton District Children's Centre, Woodleigh. The chairperson for the Loxton District Children's Centre, Sheridan Alm, said that the centre welcomes the proposal for another child care centre and that Woodleigh does not see the proposed new child care centre as a threat. Ms Alm states:

> A number of factors continue to contribute to an increasing demand for child care, including the financial pressures upon local families and small business due to the simultaneous downturns in the wine, grape and citrus industries, drought conditions and the resulting water restrictions. The child care shortage is a regional issue.

A recent survey conducted by the Loxton Districts Children's Centre shows a need to increase their child care places, with demand high enough to warrant the centre doubling its capacity. Currently, Loxton Districts Children's Centre has 40 children on a waiting list, with children waiting up to seven months to receive a place within the centre. School holidays see the centre operate at full capacity. With the cost of living increasing, many parents do not have the luxury to stay at home and take care of their children, as many would like. Lack of child care vacancies is also having a great impact on the community, with young people choosing not to move to the regional areas, even though there are plenty of work opportunities. Loxton's population is ageing and, therefore, the prosperity of the town and district relies heavily on the young families moving to the area. Mrs Alm also stated:

> It is important for families and small business alike that sufficient child care places are made available to ensure the future economic development and residential growth reaches its potential in the Loxton district.

The need for more child care places is also felt in other areas of the state. Parents from across Adelaide can wait up to 18 months before securing a place for their child, and are put on waiting lists which have over 300 children. The federal Liberal government, however, insists there is no child care crisis. According to federal families minister, Mal Brough, there is no child care crisis, with up to 12 500 vacancies in child care centres in South Australia. These figures were collected by the Child Care Access Hotline, a service designed to help parents choose a child care centre that suits their individual needs. In reality, there is an over-supply of child care in some areas and shortages in others, which means that providing statewide figures is meaningless because of the big variations in demand. The fact that there are vacancies overall across the state means nothing to parents who live in areas where there are shortages.

Child care centres are required, by law, to provide information to the hotline. This information is very general, only listing the number of vacancies on any particular day, and does not provide specific and relevant information such as the number of vacancies for particular age groups. Goodwood Community Child Care Centre director, Ms Lisa Corigliano, believes that there was a problem in the way information was collected for the government hotline, as follows:

> Data supplied by providers did not take into account children's specific ages and other particulars which would provide the 'real' picture.

Labor's child care spokeswoman Tanya Plibersek said the hotline:

> . . . is not about helping parents, because it doesn't help parents to be given information about a vacancy that they will not be able to use. It's all about helping the government.

The shortage in child care is an issue that will not go away. Without sufficient child care, regional areas, such as Loxton, face great challenges to attract support and retain young families, which ultimately will have dire effects for the future prosperity of the area.

BENTLEY REPORT

The Hon. T.J. STEPHENS: As opposition spokesperson for racing, I wish today to discuss Mr Philip Bentley's study entitled 'A study for the future of the South Australian racing industry', and also to share concerns of members of the industry that cannot be ignored. What has been disappointing was the minister's heavy-handed approach from the start. When minister Wright released Mr Bentley's report in May, he demanded the industry clean up its act and respond to Mr Bentley's proposals within 30 days. The minister explained that should the industry not accept the implementation of the reforms and performance targets it would miss out on TAB wagering tax reforms that could free up around $7 million a year for the industry, which is sorely needed. What real choice did the racing industry have? It was disappointing that an industry which needs more support from the government was essentially backed into a corner. Broadly speaking, however, the end result should be positive for racing, but I do express my frustration with the initial 'do it this way or else' attitude.

Moving on to the formation of a controlling body or super board of thoroughbred racing, the opposition was alarmed that the author of the report, Mr Philip Bentley, has reportedly been approached to stand and has evidently indicated he would be happy to do so. As I explained in a recent press release, this move would simply be inappropriate as it is vital for these processes always to be seen to be above board. The concerns raised with my office from those involved in the racing industry are that the integrity of the report is placed in doubt if its author ends up with a position on the new board, and I would have thought this would be plain for all to see. It is also known that Mr Bentley has stated:

> I have been approached by one of two of the shareholders and have indicated I am available.

However, representatives from the two shareholders (these being the SAJC and the SARCC) have explained that they have had no discussions about this matter with Mr Bentley. It really does beg the question: who actually approached Mr Bentley to stand? One also needs to ask whether the government and minister Wright, in particular, exercised due diligence when engaging Mr Bentley to undertake the study in November 2006. An even more important question is whether the government has conducted due diligence on

whether Mr Bentley is a fit and proper person to take up this role.

I note that Mr Bentley's past roles in public administration have been called into question, including claims aired in the Victorian parliament in December 1988 that, while he was head of the Labour Department of Victoria, the opposition industrial affairs spokesperson described him as the 'master of the expense sheet fudge' and 'nothing less than a plain and simple cheat'. The claims related to allegations that Mr Bentley had used a government limousine and a staff member to cart rocks for his garden.

Two years later, in November 1990, it was reported in the (now defunct) daily newspaper *The News* that it had been claimed in the Victorian parliament that Mr Bentley had made excessive expense claims, including $14 000 for 130 restaurant meals, and $4 400 in taxi fares between his office and restaurants in just one financial year. I repeat: that was back in 1990. In March 1991, it was reported in the *Herald Sun* that Mr Bentley had spent more than $9 000 of taxpayers' money on food, drink and entertainment while head of the Victorian Alpine Resorts Commission. It was claimed in the Victorian parliament that the money had been used improperly.

Mr Bentley has the endorsement of the racing minister, Michael Wright, but is that because of his strong Labor connections since the mid-80s, when he was second-in-charge of the South Australian labour department, or because he does have a genuine ability as an administrator? We do know that minister Wright, who has known Mr Bentley for a very long time, appointed him to the board of WorkCover—and we know how well that body is performing, as it buckles under almost $1 billion worth of unfunded liability.

Is he a good racing administrator? Some racing industry insiders have raised the fact that his time as CEO of Kilmore Racing Club in Victoria was less than successful. This last point is the cause for most concern, given that Mr Bentley is known as a racing consultant and one would hope that he had a history of success within the industry. One would hope he was the very best candidate for the job and that due diligence was exercised in seeking the right candidate for the role.

My latest advice is that the proposed first meeting of the panel formed to select directors of the new controlling authority was to be held last night but was postponed. It is becoming clearer by the day that Mr Bentley's potential selection is causing some angst amongst the selection panel, and I call for Mr Bentley to step back from the process. If Mr Bentley truly has the wellbeing of South Australian racing at heart, he will take a step back.

Minister Wright has repeatedly stated that independence—and I repeat 'independence'—is the key in this process. Mr Bentley must, therefore, accept that it is not in the best interests of South Australian racing for the author of the report, who calls for its restructure, to be a part of this restructure. The racing minister must be at arm's length from endorsing any further favours for his long-time Labor mate.

SAME-SEX COUPLES

The Hon. I.K. HUNTER: I rise today to discuss the HREOC report and the lack of action from the federal government. Recently, the Human Rights and Equal Opportunity Commission released its same sex, same entitlements report which detailed many areas of federal law which deny same-sex couples in Australia access to basic entitlements, all of which are available to heterosexual couples under federal laws.

The inquiry identified 58 federal laws which breach the rights of same-sex couples and, in some cases, the rights of their children. These laws discriminate against same-sex couples in the areas of financial and work-related entitlements such as tax provisions, superannuation, death benefits, carer's leave, workers compensation, veterans' entitlements and pensions. The inquiry also concluded that those laws breach the international covenant on civil and political rights.

The report states that 'simple amendments will remove discrimination' and the authors go on to say:

> It is simple to remove discrimination against same-sex couples in federal financial and work-related entitlements.

The report goes on:

> There just needs to be some changes to a few definitions at the front of each relevant piece of legislation.

Yet Prime Minister John Howard, Attorney-General Phillip Ruddock and the federal government refuse to act. The *Sydney Morning Herald* reported last week that the federal government has specifically rejected any move to change the laws regarding the granting of pensions to same-sex partners in the case of a partner's death.

Justice Michael Kirby (a High Court judge) has, for a long time, campaigned on this issue. He has recently appealed to the government to alter the law so that his partner of 38 years, Johan von Vloten, can receive a spouse pension if he outlives the judge, following his retirement in two years.

When federal parliament reconvenes, it is expected to consider the Judges' Pensions Amendment Bill, which will include a raft of legislative changes to alter technical aspects of judges' pensions. Justice Kirby has quite rightly asked that the equal pension rights for same sex partners be on the agenda. He has done this publicly and formally in a letter to the Attorney-General, yet what has the Attorney-General done? I remind members that this is the same Attorney-General who claims to be a moderate within his own party, and a member of Amnesty International. He has said that the government would not consider extending pension rights to same sex partners as part of the bill. He has put up the lame defence that the issue of pensions for same sex couples is separate from the issue of judges' pensions, and that any changes would be considered separately.

The federal opposition, to its credit, knows that this is rubbish and has called on the government to act on the Commissioner's report. Senator Joe Ludwig has said that the judges bill provides an ideal opportunity for those who support the removal of this discriminatory legislation to stand up and be counted. An amendment to the proposed bill to ensure that same sex couples were treated the same as married couples in relation to judges' pensions would be the easiest thing in the world to do, one would think, as the Commissioner's report has noted. What is really needed is action to amend this sort of legislation across the board, but I suspect that the Prime Minister and his Attorney-General know that time is conveniently running out for them to make such a decision, due to the imminent federal election. They content themselves with soothing noises about considering change but, as ever with this federal government, nothing is ever done in the way of reform.

One confusing aspect of the Attorney-General's approach is his initial claim that, because of cost pressures, the government would look at legislative changes in this area on a case by case basis. Yet, when he is presented with a perfect

opportunity to approach one particular and specific case, as highlighted by Justice Kirby, he flip-flops and claims to favour a broader approach, saying, 'I don't think it would be appropriate to deal just with high profile High Court officers in isolation.' The dwindling number of true Liberals in the Liberal Party are also confused.

I want to close on what Liberal backbencher Warren Ench had to say to ABC's Simon Lauder last week, as follows:

> This is about financial and legal discrimination, blatant financial and legal discrimination.

Mr Entsch went on to say:

> If we started to discriminate on race, on the basis of race or the basis of gender, or basis of religion or culture, because it was going to cost us too much to make a change, there would be an outrage, an absolute outrage. But it seems that the same level of outrage is not there if it's based on sexuality.

These federal laws breach internationally recognised human rights, and I am glad that some in the federal government are outraged, even if the Attorney-General and the Prime Minister are not.

ZIMBABWE

The Hon. CAROLINE SCHAEFER: As some members in this chamber will know, Senator Alan Ferguson is a member of the federal Joint Standing Committee on Foreign Affairs and part of the Foreign Affairs Subcommittee. He has travelled to Zimbabwe twice (once in 2000 and again in 2002) as a UN observer during the elections and, as such, has kept a number of us informed as to what is happening in Zimbabwe via his newsletters. I thought it was worthwhile to put some of his latest observations on record here.

I remember that when Senator Ferguson came back the first time he was deeply emotionally troubled by what he had seen in Zimbabwe and, according to him, things are only getting worse. Some of the facts contained in his most recent newsletter are as follows:

- life expectancy in Zimbabwe (which was 62 years of age in 1990) has gone down to 37 for men and 34 for women. This is the worst average age in the world at the moment;
- unemployment has reached 80 per cent of the working age population;
- official inflation is the highest in the world at 3 700 per cent (and unofficially it is much higher than that).

Some Zimbabweans who settled in Clare a few years ago talk of having to carry shoeboxes full of cash in order to bribe their way from their homes to the shops. A reputed 42 000 women died in childbirth last year, compared with fewer than 1 000 a decade ago. Senator Ferguson goes on to say:

> Economic sanctions are sometimes criticised because they can often hurt the people we are trying to protect. However, in the case of the population of Zimbabwe, could their living conditions and struggle for survival get any worse?

The leader of the opposition party there said, on 5 April this year, the following:

> I think the economic meltdown will help the political consequences, because if you look, people are in a daily struggle for survival.

Further diplomatic sanctions have also been discussed. Currently, there is a ban on Zimbabwean government ministers, the ruler, Robert Mugabe, and his wife, Grace Mugabe, travelling to Australia. This could be expanded to include ministers' wives and children to prevent them being educated in Australia. Children of Zimbabwean government ministers are currently receiving education in Australia. I am not sure whether refusing to educate children anywhere in the world will help the dire situation of those who continue to struggle to survive in Zimbabwe. I am not in favour of sporting sanctions as a rule, but just the meagre facts with which we are provided, and particularly in respect of the white farmers in Zimbabwe who are suffering under such extreme circumstances, I think that we as Australians have a duty to do what we can to publicise just how corrupt the government and the government system is in Zimbabwe. If that means not playing cricket there, then I think that is a very small price to pay.

ADVERTISING STANDARDS BUREAU

The Hon. D.G.E. HOOD: I rise today to bring to the council's attention the actions of the Advertising Standards Bureau or, rather, the inaction of the Advertising Standards Bureau. The bureau is funded by a mutually agreed voluntary levy contribution of 35 cents for every $1 000 spent in purchasing print, television or radio advertising in the advertising industry. The particular aspect of the bureau's activities about which I am concerned is the hearing of complaints regarding breaches of the voluntary code of practice within advertising.

The bureau received some 2 956 complaints for the 2005 reporting year. Of those complaints, 970 were judged as being outside the bureaus's charter. Of the approximately 2 000 remaining matters, 1 753 were dismissed and 139 withdrawn. In other words, just 94 of the approximately 2 000 complaints were upheld; that is, just 4.7 per cent of complaints were upheld. That trend also holds for the years 2002, 2003 and 2004.

Family First calls that arrogance and inadequate protection. The bureau that self-regulates an industry ruled by a voluntary code of conduct rejected more than 95 per cent of complaints made against it. What is the point of having this bureau? It is ineffective and, frankly, just inadequate. The trend in rejecting viewer complaints filters over to the hearing and determination of complaints about the content of television programs, where, on average, 4 per cent to 6 per cent of all viewer complaints are upheld—just 4 per cent to 6 per cent. That is a consistent trend since the year 2000—quite a considerable length of time. I do not want to sound as though I am against self-regulation. Self-regulation can deliver fair outcomes, but for complaints with just a 4 per cent success rate, as in this case, clearly, that is not occurring. However, there are many instances where self-regulation does deliver adequate outcomes, and I will take the time to acknowledge a few of those examples.

The Press Council of Australia is a good comparison. The PCA represents the self-regulation of print media, such as newspapers. Its rate of upholding complaints is some 56.7 per cent. Half of those upheld were upheld in full, and the other half were partially upheld in the last reporting year—2005-06. For the 17 years from 1988 to 2005, some 40.1 per cent of complaints were upheld either partially or in full—a much more reasonable figure. The Legal Practitioners Conduct Board of South Australia is another good example of self-regulation. Complaints, when laid with the board, are usually made by members of the public who usually feel they have been wronged, or, in some cases, robbed by their lawyer.

In the last reporting year, 434 complaints were made and, by my count, 165 of those complaints were either upheld or resolved through conciliation, which is a total of 38 per cent—again, a reasonable outcome.

A final example: in 2005-06, 95 of the 170 (or some 55 per cent) complaints made to the Medical Board of South Australia were upheld in some shape or form, which again is a reasonable outcome and a big improvement on the 2004-05 figure, where 85 of the 121 complaints were rejected or withdrawn. Self-regulation can work where a body that is self-regulating cares to make it work. What this data tells me is plain and simple: members of the Australian public have a sense of what justice and fair treatment is, and on balance they are reasonable when they make complaints.

The Advertising Standards Bureau is way out of step with community standards. The ASB appears complacent about the sexualisation of women and children, allows alcohol manufacturers to promote their product as being the means to innovation, financial success and even finding a sexual partner in some cases. The ASB has rejected claims of violence, including family violence, without condemnation when complaints have been made.

It is incumbent upon the government to call a stop to this. Given the largely national nature of broadcasting and publishing, it is the responsibility of the federal government to intervene quickly. Family First will watch with interest the actions and policies of the Howard government and the Rudd Labor Party concerning this area in the forthcoming federal election campaign.

The Hon. Steve Fielding, federal senator for Victoria for Family First, has written to both Mr Howard and Mr Rudd. The Family First letter calls upon the government, be it coalition or ALP by the end of the year, to take control of regulating advertising to ensure that it reflects community standards and protects our children against offensive material.

OUR LITTLE SECRET

The Hon. NICK XENOPHON: Today I will speak about a very important book written by local author, Allayne Webster, entitled *Our Little Secret*. It is Allayne's first book and, when she first approached me back in December 2005 to see whether I could provide her with feedback and advice about publishing her first book, I did so. Apart from encouraging her and saying that the topic she was going to write about was an important one, Allayne was very successful in having her book published and it has been done so by Omnibus Books, an imprint of Scholastic, one of the biggest publishing houses in the world.

I recently read *Our Little Secret*; it is a good and compelling read, a remarkable book about a young girl, Edwina, growing up in a small country town where little happens without the whole town knowing. Even though the book is a tale of fiction it is important because it could so easily have been taken from any community, not only in Australia but anywhere, and unfortunately we hear about sexual abuse all too often. Almost every day we hear heartbreaking stories of young children being sexually abused and assaulted and we hear about such things as date rape drugs and how people are abused and their innocence taken away from them.

In the context of the government's own legislation to reform South Australia's rape and sexual assault laws, this book is very timely. The feedback I have received from those who have read advance copies of the book is that it ought to be used as a teaching tool for all school-aged children, males and females, particularly young teenagers, and perhaps it can also be used in terms of counselling services, given this book's strong message of hope and empowerment for young people who have been the victims of abuse.

This book, as I said earlier, is a good read. It is in the voice of Edwina, the young teenage narrator, who tells her story in a way that is compelling, powerful and ultimately has a very strong message of hope. One of the things that makes this book so exceptional is the way Allayne has managed to capture the thoughts of a young girl and depict very delicately how a young girl can in a sense go down a path she did not think was possible.

It tells the story of her feelings and emotions in a way that is at the same time nuanced but also very powerful. It covers real issues of fear, guilt, exploitation and disempowerment and, eventually, empowerment from a young girl's perspective. Not only does this make the book more convincing for us adults but I think that young people everywhere will be able to relate to the characters and understand the message that the author is trying to convey. Having said that, I point out that the book is not all doom and gloom: it is full of humour and many poignant moments. It is full of good humour and rich characters, and we can all relate to characters such as Edwina's mother in terms of her being almost the archetypical mum in a country town, and you need to read the book to put that in context. It is a story that every young person, particularly young girls, should read. I will be very pleased to be launching *Our Little Secret* on 3 August at the SA Writers' Centre in Rundle Street, and I wish its author, Allayne Webster, every success, not just with this book but with her future novels that I am sure she will be writing and publishing with great success.

DEATH CERTIFICATES

The Hon. R.D. LAWSON: The current government should be condemned for its failure to effectively address the ongoing delays in the issue of death certificates through the South Australian Coroner's Court. The death of any loved one, especially where the death is sudden or unexpected, is a traumatic event in the life of anybody. It should be an objective and an obligation of everyone—and, in that, I include every government agency and every elected government—to strive to ease that trauma. Regrettably, this government has failed to discharge that important obligation. It is the fact that many South Australians are still waiting more than a year for autopsy reports and the issue of final death certificates. This problem has been around for some years, but the backlog has now reached record levels. We are told that recently the State Coroner's Office, the Attorney-General's Department and the Forensic Science Centre had a meeting to discuss this crisis.

All members of parliament will have received letters from families over the years complaining about the distress being caused by the failure to obtain a final death certificate. It might be easy to dismiss this as merely an issue which results in financial hardship because the financial affairs of a deceased person cannot in many circumstances be advanced or finalised until the issue of a final death certificate, but more than financial inconvenience can be caused by the failure to issue a final death certificate. There is great personal distress in terms of failure to achieve closure in relation to deaths.

Many of these deaths, where an autopsy is required under the existing legislation, involve unexpected circumstances. If someone has a long history of a heart condition or is suffering from some terminal illness, sad as the death is, it is not so unexpected, and death certificates in those cases are issued relatively quickly, but over 1 400 autopsies are

conducted each year and final death certificates issued after those. That indicates the size of the problem. As I said, the trauma and the distress caused is palpable and, over the years—and over the past couple of years from looking at the records—these issues have been raised with the Attorney-General in questions and in estimates, yet the government fails to provide any satisfactory explanation why it has not provided the resources necessary to remove the backlog.

The Attorney-General's excuses in 2004 were that changes to the Coroner's Act, in particular to the definition of reportable death, meant that there was a widening of the types of death that required an autopsy. The fact is that the only way in which the number of autopsies can be performed—and performed in a timely way—is to increase resources and make resources available through the Forensic Science Centre. Presently, people are waiting at least six months—sometimes over 12 months—for a final death certificate to be issued. It is a deplorable situation. It is one in which only the government of this state has the power to achieve a satisfactory turnaround, yet year in, year out we are hearing excuses as to why the government is failing to meet its obligation to South Australian families. It is a lamentable situation for which the government is deserving of censure.

PARLIAMENTARY REMUNERATION (BASIC SALARY DETERMINATIONS) AMENDMENT BILL

The Hon. M. PARNELL obtained leave and introduced a bill for an act to amend the Parliamentary Remuneration Act 1990. Read a first time.

The Hon. M. PARNELL: I move:

That this bill be now read a second time.

At the commencement of this month, all members in this place received a pay rise of 6.7 per cent. Last year we received a pay rise—again, around this time of year—of 7 per cent. We did not ask for it: it just appeared in our pay packets. The question to be posed is whether we deserved it. Who knows the answer to that question? I think we probably did not deserve it. The difficulty we have is that there is no locally controlled process to determine whether or not we deserve a pay rise and how much that pay rise should be. The timing of this pay rise was quite remarkable in that it came into our pay packets at about the same time that the nurses in this state were in dispute with the government over their pay claim. In fact, they were seeking a similar amount—some 14 per cent over two years—which we got without even asking for it. As members would know, other public servants, including psychologists, were in dispute with the government over pay rises.

Clearly, the current system of parliamentary remuneration does not sit well with most members of the community. The current regime, as all members would know, is that by legislation we receive some $2 000 per year less than our federal counterparts. Because it is fixed by legislation there is no choice we need to make. We do not debate pay rises and we do not vote on pay rises. We simply accept them and say, 'It just appeared in my pay packet; it has nothing to do with me.' I believe that this system needs to be reformed.

My bill proposes three essential reforms. The first reform in this bill is that it breaks the connection between state and federal MP salaries. The second reform is that this bill requires that the determination of appropriate MPs' salaries be determined locally, and by locally I mean the South Australian Remuneration Tribunal as opposed to the current system where we accept down the line findings of a federal remuneration body. So, setting it locally is the second reform. The third reform is that I believe that MPs should be required or at least have the ability to vote on whether or not it is the right time to accept a pay rise and what the extent of that pay rise should be.

So, the mechanism of this bill is quite straightforward. It requires the state Remuneration Tribunal to set the salary. The government then by executive action needs to put that salary increase into effect through regulation, but under this bill the regulation does not come into effect until the disallowance period has expired. In other words, rather than the current arrangement with regulations where the regulation is in force notwithstanding that some member or some house might disallow it, under this bill the pay rise does not come into effect until the disallowance period is over.

That means that any member can move for disallowance and, if the disallowance motion is successful in any house, then the pay rise does not go through. It seems to me a simple arrangement that solves a public relations problem that we have with the community, where members of the public see that we treat ourselves differently from the way we treat our hard working health and education workers. With those brief words I commend the bill to the council and urge all members and all parties to have a good look at whether or not we think the era of automatic pay rises should come to an end.

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

TRISTAR

The Hon. M. PARNELL: I move:

That this council notes—

1. the long running industrial dispute at Tristar Steering and Suspension Australia Limited; and
2. the location in Adelaide of the Company's owners and directors,

and calls on the Premier to convene a meeting of the parties to the dispute, with a view to assisting in its resolution.

Currently in Sydney a human tragedy is unfolding, and it is a human tragedy that has its genesis in Adelaide. Some 29 employees of the Tristar factory in Marrickville are involved in a war of attrition. They are paid to come to work every day to do nothing. Despite there being no work for them to do, the company refuses to make them redundant until the time is reached when it will be cheaper for them to be sacked.

Tristar is part of the Arrowcrest group of companies which is based here in Adelaide, and it is in Adelaide that all the high profile Arrowcrest and Tristar directors live. Meanwhile, the workers that they employ in sydney watch the clock ticking down until their lifetime entitlements are stripped from them and they are made redundant. Despite the federal government's multimillion dollar advertising campaign to reassure Australian workers that their wages, conditions and entitlements are secure under WorkChoices, the Tristar workers are experiencing calculated treatment by their employers that is destroying not only their physical and mental health but also their dignity as human beings.

Yet despite this story rightly dominating the media in Sydney and Canberra and its clear links with Adelaide, it has barely caused a ripple here in South Australia. The truth is that Adelaide is the key to resolving this conflict. As I have said, the people with the power to resolve the dispute, the owners and directors of the company, all reside here. The Greens have been supporting the Tristar workers and the unions that represent them. We want to highlight the plight of the Tristar workers and their families by asking the Rann government to recognise the unique and pivotal role that it can play in helping to resolve this unjust and tragic situation.

A bit of background might be useful to honourable members. Arrowcrest purchased Tristar Steering and Suspension Australia Ltd of Carrington Road, Marrickville, from a United States company, TRW, in December 1999. The company manufactured auto components for export and domestic consumption. It supplied some 300 000 steering gear systems to the four Australian car manufacturers and reportedly turned over $70 million a year. At that time there were more than 600 employees, and the workers' entitlements were guaranteed, both through the site enterprise agreement and a specific account to cover liabilities.

Tristar ceased manufacturing in the first half of 2006 and, effectively, there has been no work for the remaining Tristar employees since that time. Under the Tristar employees' original certified agreement, if the company was to simply shut down its operations they would be obliged to pay entitlements for each year of an employee's service, with forced redundancies to be paid at four weeks pay for each year of service (uncapped) and voluntary redundancies to be paid at the same rate but capped at a maximum of 52 weeks. But there was a lot of money to be saved. The Arrowcrest bosses calculated that it would be cheaper to simply keep these long-term employees on board until their certified agreement expired, rather than pay out the legitimate redundancy entitlements they were owed. The workers could then be terminated with only their bare award payments.

Quite cynically, Arrowcrest provided redundancy payments to their more recent employees because their payouts were not terribly substantial, but they kept the longest serving employees on. The remaining workers are some of the longest serving employees of Tristar and, therefore, are the most expensive to pay out under the redundancy provisions. Some of these employees have been with the company for more than 45 years. One worker, who I heard about today, a woman, has been with the company for 49 years. I thought I misheard it when I was first told that. I thought she was 49 years old, but, no, she has been with the company for 49 years. As Tristar wound down its operations in Australia, it prepared to set up joint venture operations in India and China.

When the workers returned to work after the Christmas break this year, it was to find that all of the machinery had been removed, there was only one toilet for men and women to share and no access to water, other than this one toilet. Whilst there have been some improvements since the workers' union and New South Wales WorkCover became involved, it remains little more than the corner of a huge, empty shed. Everyone who has gone to the Tristar factory, including federal Workplace Relations Minister Joe Hockey, has stated that they can see no current manufacturing at the site and little or no hope of future work.

The company's operations manager has given evidence under oath on two separate occasions that the company has no customers, no clients and no contracts. Those with experience in the industry say that there is no medium to long-term work in this field. The local market is already flooded with cheap imports and most local manufacturing has already gone offshore to China. The workers are, therefore, in every sense, redundant and should be paid their full redundancy entitlements, yet the company refuses to pay redundancy packages to the remaining 29 workers.

I want to speak briefly about the case of one worker, Mr John Beaven. Despite the appalling behaviour towards all the workers, what really hit the headlines, especially on the eastern seaboard, was the company's disgraceful treatment of John Beaven. John Beaven's first and only job was as the accounts manager at Tristar. He worked there his entire working life, a total of 43 years. Then a double tragedy struck: on Christmas day 2005, his wife, who was also the mother of his three children, died of cancer, and then shortly afterwards John himself was diagnosed with cancer of the bowel and liver.

Knowing that he was about to die and desperate to provide for his three children, aged 17 to 21 years, all of whom are dependent students, John applied for voluntary redundancy on 12 December 2006. Although they processed at least 20 other redundancy applications around the same time, and despite knowing his circumstances and his lengthy years of loyal service to the company, the Tristar directors did not approve John Beaven's redundancy payment but retained him as an employee, even though he was in a hospice. It was clearly cheaper to pay sick pay than to pay redundancy. Mr Beaven died in Calvary Hospital at Kogarah, Sydney, on Australia Day this year. He had just turned 61.

In the hours before he passed away, under immense public pressure resulting from the campaign waged by his union, the Australian Manufacturing Workers Union, Tristar finally agreed to pay John Beaven voluntary redundancy. Under the certified agreement, the AMWU says that he was owed more than $200 000 as a forced redundancy payment. In the end, he was paid around one quarter of this amount. 'He will probably be dead in the morning', his brother-in-law John Pert told ABC Radio. 'We got the cheque to him and he said, "Thank you". Those were probably his last words, actually', and that was from a media transcript.

No Australian deserves this undignified exit. The company's actions in this case were abhorrent and morally reprehensible. But there are many more stories. The group of 29 workers, including five women, is made up of mostly post-World War II migrants who began working for Tristar soon after arriving in this country. They came to Australia to escape and to start a new life for themselves and their children. They have worked hard and paid their taxes. If Tristar closes down or terminates them, they will have enormous difficulty finding new work.

Today I was pleased to host Greg and Cristeta Rutherford in Adelaide. Greg is an engineer who has worked at the Tristar factory for 31 years. It was an absolute privilege to meet him and his wife. He is softly-spoken but incredibly articulate about what is happening to him and his fellow workers. He has shown amazing courage in coming to Adelaide to help promote their plight. Accompanying Greg and Cristeta was Aron Nielson, who represents the New South Wales AMWU. Sydney radio journalist, Alan Jones, has said the Tristar site has 'working conditions that wouldn't have passed the factory acts of Britain in the 19th century'.

I think it is important for this council to realise that the redundancy arrangements that were a part of the Tristar certified agreement are not an unusual package in this industry and, since the workers are not well paid and do not

hold large superannuation savings, the redundancy package is and remains quite fair and reasonable. It was a package negotiated and agreed to by the workers and by Tristar. Yet, if the company's strategy is successful, Tristar's remaining workers could end their working lives with as little as 12 weeks' pay. This is a war of attrition in every sense and it is highlighted by the despicable harassment of workers who dare to speak out about their situation.

For example, Simon Kokinovski, who has worked at Tristar for 32 years, told a New South Wales Industrial Relations Commission inquiry that, since the company had warned him off, he has been too frightened to talk to the media. He said, 'I'm scared for my job. For my existence, I'm scared.' Marty Peek, a supervisor and former union delegate, has been with the company for 35 years. He is currently fighting an unlawful dismissal case in the New South Wales Supreme Court, after the company dismissed him for talking to the media. The company has also threatened defamation actions against Marty and a number of journalists. In this context, the courage that Greg Rutherford has shown today in coming to Adelaide is quite extraordinary.

The key reason for my moving this motion is to point out that Adelaide is the key to this dispute. It appals me that in Australia in 2007 this situation could occur and that those with influence have been so loath to do anything to stop it. What is worse is that all of the people behind this shocking story are prominent and respectable South Australians. Arrowcrest remains a highly profitable group. It continues to operate here in South Australia, including an auto component, ROH, and farm equipment company, John Shearer. The key decision-maker is undoubtedly Andrew Gwinnett, who is the ultimate owner and principal shareholder of the group of companies. According to the *Sydney Morning Herald* of 3 February this year, Mr Gwinnett stands to profit directly from the continuing Tristar dispute. Mr Gwinnett has insisted that he has no connection with the day-to-day running of Tristar, since he is simply the chairman of the Arrowcrest group.

However, the Australian Securities and Investments Commission documents show that not only is he a director of Tristar, through two holding companies (GCF Investments and Aroh Corporation): he owns more than 98 per cent of Arrowcrest. The only other Tristar shareholder is Cheng Hong. Tristar paid the men $12.5 million in dividends in 2005 and 2006.

As reported in *The Australian* of 31 January 2007, Mr Gwinnett owns at least five properties in South Australia worth more than $6 million. He has been described as 'a leading figure in Adelaide business circles'. Recently, in February, he was reappointed by Premier Rann to the board of the Art Gallery of South Australia. His term expires in 2010. Another key Adelaide identity involved in this story is Michael Abbott, who is chair of the board of the Art Gallery of South Australia and Mr Gwinnett's lawyer. In recent articles *The Advertiser* and *The Adelaide Review* have listed a number of lucrative SA government contracts held by Gwinnett's group and by individual directors within the group. So, while this travesty is going on in Sydney, in Adelaide the company, its owners and directors carry on their respectable lives as normal without impediment or challenge.

From early on in the dispute, the unions representing the Tristar workers have asked Premier Rann to use his good offices to assist in resolving this dispute. The unions have written to both the Premier and the Minister for Employment, and they have telephoned their offices. The workers themselves have also written to the Premier desperately asking for his support. There have also been letters, including briefings, written to state Labor members of parliament.

The AMWU flew its lawyer and senior officials to Adelaide to meet with minister Wright, and they were granted only a few minutes for an interview, without any offer of support. There has been no follow-up assistance offered since. During the ALP national conference the unions tried to arrange for Premier Rann to visit the Tristar factory, a mere five minutes away from Darling Harbour, where the conference was held. They hoped that such a visit would provide a morale boost to the workers at Tristar and might help Premier Rann better appreciate the impact of the dispute.

Despite a veritable conga line of Labor politicians to visit the Tristar site—including Kevin Rudd, Julia Gillard, Anthony Albanese, Kim Beazley, Robert McClelland, New South Wales Minister for Industrial Relations John Della Bosca, and New South Wales Minister for Education Carmel Tebbutt—Premier Rann could not find the time. By the time the unions were finally able to track down the Premier at the ALP national conference, the media had also taken an interest and the Premier made a hasty departure; again, without offering to assist in resolving this spiralling debacle.

The lack of support from the Rann government has surprised and deeply disappointed both the unions and the Tristar workers. The Premier has a wonderful opportunity to use his personal connection with Mr Gwinnett and other directors to broker a meeting of the parties. In an effort to raise the issue in Adelaide, the unions organised an exhibition outside the Art Gallery of South Australia, where Andrew Gwinnett is a member of the board. The exhibition of 29 giant photos of the remaining Tristar workers was designed to expose the human face of the dispute. The exhibit received good coverage in the media but, apparently, has not changed the minds of either the company or our Premier.

There is another murky and disappointing connection between the Rann Labor government and Arrowcrest. According to the *Sydney Morning Herald*, Arrowcrest has donated at least $26 880 to the South Australian branch of the Labor Party, and $750 to the federal branch of the ALP over the past eight years. The South Australian Liberals accepted $69 001 and the federal Liberals, $2002.

It is disturbing that Labor pockets nearly $28 000 from Tristar's parent company whilst, at the same time, many of its members are expressing concern for Tristar workers. The Greens say that this money should be given to the workers and their families. Whilst this is a deeply human tragedy, it is also a very high profile example of the worst excesses possible under the WorkChoices regime. In *The Adelaide Review* of 2 February this year, John Spoehr said:

> It is clear that WorkChoices is emboldening employers to take mean and capricious action against their employees. The hardship that Beavan and his fellow workers have faced at Tristar is not simply a product of corporate immorality, it is a manifestation of the WorkChoices system which fails to recognise that equality of bargaining power between individual workers and companies is illusory. The Tristar case illustrates this harsh reality. The WorkChoices legislation enabled Tristar to put in place new arrangements that significantly reduced the level of redundancy entitlements available to employees under their enterprise agreement.
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> The unilateral termination by Tristar of the agreement meant that redundancy entitlements were cut from four weeks' pay for every year of service to a maximum of 12 weeks' pay. WorkChoices stripped away the capacity of the Australian Industrial Relations Commission to arbitrate and resolve the case in a fair way. It took intense media pressure on the government to persuade it to intervene.

Indeed, WorkChoices does encourage the very worst in the worst employers. Reasonable employers are forced to

compete with unscrupulous employers who undercut competition through a reduction in wages and conditions now encouraged by WorkChoices, including casualisation, individual contracts and AWAs.

With the stripping away of the powers of the Australian Industrial Relations Commission to be an effective arbitrator and conciliator of disputes, effectively, workers have nowhere to go for independent assistance. Under WorkChoices, there is no requirement on employers to negotiate on the issue of protection of entitlements, and workers can be locked out and have other wages and conditions usurped. Adelaide was at the centre of another similar dispute involving workers' redundancy entitlements last year, this time involving Radio Rentals. If companies like Tristar are able to get away with their current actions, many more employees throughout the country will be facing the same horrible situation of seeing their entitlements stripped away.

The Greens believe that workplace laws should be fair, protect all workers from unjust treatment, promote industrial harmony and enable us to organise collectively to negotiate fair pay and conditions. We believe that WorkChoices and the federal government's other industrial relations law changes have not been in the interests of working Australians, families or small businesses. They will not strengthen our economy or improve our way of life; in fact, they will undermine it by lowering wages and stripping back awards, rights and conditions for which we have fought so hard over the last century. They are a none too subtle effort by the federal coalition to destroy the union movement and to make the already powerful in our society even more powerful. The Greens are part of the campaign opposing these reforms. We are active in workplaces, the community and parliament, defending the rights of working people and our unions.

The motion I move today directly requests the intervention of Premier Rann to assist the resolution of this long-running dispute. I believe Premier Rann has a unique opportunity to help the workers at Tristar. He can, and should, intervene to assist. He has the opportunity and, surely, he has the motivation. Today, when asked in question time by the member for Mitchell in another place whether he would intervene, the Premier said that he could not comment on a matter that is before the federal court. I do not believe that that is a valid reason. Certainly, it has not stopped his New South Wales Labor colleagues from coming out in support of the workers.

In conclusion, this is an appalling and shocking situation. It has shocked even experienced union officials who have felt personally affected by their inability—despite extraordinary efforts—to resolve this dispute. They, and the families of the workers, have been forced to watch as the workers' health and dignity have been stripped away. It appears that in this case greed has outweighed decent Australian values. The Howard government has been dragged kicking and screaming by Alan Jones, and others, to intervene. Joe Hockey has described the employers as 'criminal' and 'ratbags'. Even John Howard has described the employers as 'immoral'.

The reputation of Adelaide has taken a big hit in Sydney. Alan Jones refers to the Tristar group as 'that lot in Adelaide'. The strong perception many in Sydney have been left with is of Adelaide aristocracy living the high life while Sydney battlers have been screwed. If the solution really is here in Adelaide—as it appears that it is—not only is it appropriate but it is imperative that this council intervene to assist. In particular, I expect the support of the members on the government benches, many of whom have fought similar industrial battles in their working past. I acknowledge the Hon. Russell Wortley and the Hon. Ian Hunter who attended today's briefing.

While the company's course of action appears entirely legal, it is certainly highly objectionable and immoral. Premier Rann, minister Wright, and others on the government benches, are ideally placed to broker meetings and to place pressure on the Arrowcrest group, and Andrew Gwinnett, to do the right thing. The workers and their families have been suffering for many months, and they genuinely believe that Premier Rann is in a unique position to assist in the resolution of this dispute. I strongly urge the council to support this motion.

The Hon. G.E. GAGO secured the adjournment of the debate.

EDUCATION (PARENTAL NOTIFICATION OF NON-ATTENDANCE) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Education Act 1972. Read a first time.

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

That this bill be now read a second time.

Today I introduce, on behalf of Family First, a bill to give parents peace of mind and to help ensure that our kids stay at school when they should be there. This Family First bill provides that parents must be notified if their child is absent from school without reasonable excuse. This is, surprisingly, not currently the case. The bill also provides that such notification can be made by way of SMS messaging technology, by phone call or, in fact, by any other means approved by the minister, and that such notification must occur before the end of the school day in which the absence is detected. Family First acknowledges that the then leader of the opposition and now Premier was once a leading proponent of parental notification of a child being absent from school.

Indeed, whilst in opposition, the Premier issued a press release on 21 October 2001 promising that, if elected, he would 'introduce programs to phone the parents of absent students' and also to 'coordinate street sweeps with police to monitor truancy hot spots like shopping centres'. One other promise was to introduce a pass system for students who were outside of school without valid excuse or, indeed, with excuse; the pass would act as the reason. The pass system has been introduced, to the government's credit, and we commend it for it, but now, some years later, we are waiting to see the other measures introduced.

Family First has also raised school absenteeism as an issue on many occasions in recent years. On 27 June 2005, in response to a question from my colleague the Hon. Andrew Evans in which SMS technology was discussed, the minister indicated that the government's intention was now to allow individual schools to define their own solutions to school absenteeism. The minister stated:

The decision to implement the SMS text messaging program to contact parents/carers of a student who is absent from school without explanation is up to each individual school.

There could very well be reasons for this decision on behalf of the minister and why the position on parental notification has now been changed. It may very well be that the case of implementing a contact system by way of telephone calls in previous years would have been cost prohibitive. Neverthe-

less, Family First raises the issue again in the context of new SMS messaging technology, which is now readily available.

It is a tragedy that, on any day in our affluent Australian society, some 120 000 to 150 000 teenage students are absent from school—the equivalent of 150 large schools being empty across the country on a given day.

Recently reported government figures show that, on average, about 9 per cent or almost one in 10 students are absent from school on any given day. Nearly 37 per cent of those are recorded as 'unexplained' absences. In some schools, one in four students are absent on any given day. Recently reported figures put our worst schools as Smithfield Plains High, where only 77.1 per cent of students attend on average on a given day; Enfield High School, 76.5 per cent; Gepps Cross, 72.1 per cent; Christies Beach, 80.3 per cent; and Fremont-Elizabeth City, 82.6 per cent. Many schools on the APY lands have very poor attendance rates, with a staggering 600 of the 5 400 indigenous students in the state's Far North not attending school on any given day. Government figures show that absenteeism rates range from 7 per cent of students, on average, absent every school day in year 3 to 12 per cent in year 10. The average number of days absent per student ranges from 3.5 days a term in year 3 to six days in year 10. Girls have a slightly higher absenteeism rate than boys—some 9 per cent compared to 8.8 per cent, although the difference is obviously very minor. Student absence is most frequent on a Friday—probably not surprising to some.

Is quite simple to calculate that, if a student is absent for five days a term from reception to year 10, they have missed more than one year of schooling, more than one year of their whole education by the time they get to year 10. As I noted on radio and on television regarding this bill, Family First believes that one of the most important things our society can provide a child is quality education, and they cannot get that if they are not at school. A simple point here is that every single dollar we spend on education is absolutely wasted if children are not at school.

Truancy has quite properly been described as 'the first step in a downward spiral'. Truancy rates have been directly linked with low retention rates, vandalism, shoplifting, unwanted teen pregnancy and crime. For schools, frequent absence makes it difficult for teachers to have to continually reteach materials and skills, and there is also significant cost in time and resources required by school counsellors and parent follow-up.

For employers, truants are often insufficiently educated and require remedial training. For the community, funds used for educating truant students are wasted resources. Further, truancy leads to increased insurance payments and costs in crime and vandalism, as well as increased welfare payments. For the students themselves, there is a very serious and significant lifelong cost in reduced earning capacity and reduced health following from that, with an increased representation in the juvenile justice system and with their capacity to contribute most fully to society reduced for their whole life.

As noted by MGM Wireless, research in the United States has much to offer. The US Department of Health report from 2001 noted that truancy is a clear early warning sign for substance abuse, delinquency, teen pregnancy and school dropout. Three grand juries in Florida's Dade County in 1991 and again in 1993 found that more than 5 000 of the county's most serious juvenile offenders had excessive truancy as one of their three most common traits. In a North Miami Beach scheme, again in Florida, police opened a truancy centre and began picking up school-aged youth on the street during school hours. Police noted that crime diminished substantially in surrounding neighbourhoods. Interference and illegal use of motor vehicle offences dropped by some 22 per cent, and criminal trespass offences (home break-ins) decreased by 19 per cent.

A May 2002 Journal of School Health article, again from the US, noted that truancy is also an indicator for higher levels of illicit drug use. Truant eighth graders were found to be 4.5 times more likely than other students to smoke marijuana. Given the data available, Family First believes that truancy is a serious problem that requires a serious response. In introducing this bill, Family First respectfully disagrees with the Minister for Education, who says that individual schools should implement whatever systems they deem appropriate to combat absenteeism. Family First submits that a mandatory and standard protocol must be implemented in order to be truly effective.

Out of curiosity, I had my staff call around various schools to try to see what systems were being used in schools around the state, and I was surprised at the hotchpotch of different approaches being used. Affluent schools, such as Pulteney Grammar, called parents immediately if a student was absent. Marryatville High School sends an SMS message to parents. Norwood Morialta High also uses the SMS messaging system. Murray Bridge High, like many others in disadvantaged areas that could most benefit from reducing truancy, did not indicate any policy for notifying parents.

One common method for informing parents of their child's absence was to call the parent on the third day of absence. Not only does this do little to dissuade students from missing one or two days from school, and exposes them to risk, but it also means that the true incidence of absenteeism may be under-reported. Studies have shown conclusively that a fixed regime where parents are notified of unexplained student absence results in a marked decrease in absenteeism. Fifty-three South Australian schools, and more than 100 schools nationally, use parental notification technology produced by a South Australian company, MGM Wireless based in Rose Park. I take this opportunity to make it clear that Family First has no financial or any other links with this company, but we appreciate the work that this extremely successful South Australian business is doing. MGM Wireless is now exporting its SMS notification technology around the world. Schools which have implemented the system have universally seen a decrease in absenteeism, and decreases of unexplained absenteeism of between 30 to 80 per cent are common place.

Family First sees benefit in ensuring that all schools across South Australia follow the same protocols for dealing with absent students. We believe the gold standard is with the schools that practise immediate parental notification, preferably by SMS message, and we encourage this protocol to be adopted. Naturally schools will require additional funding to implement the system. Such funding should not come out of our schools' current already stretched resources. Family First believes that the long-term cost benefits in providing this technology more than justify the cost today.

SMS messaging technology improves communication between the school and parents. Current technology—and I am relying on information provided to me by MGM Wireless—can integrate seamlessly with all the student management databases used in SA public schools. It can happen right now. It automatically sends an SMS text message to the parents of students who are late or absent without explanation. It also receives incoming texts from parents direct to

school administrators' computers. To quote from some material explaining the system, the technology has 'proven to deliver dramatic consistent reductions in unexplained absence; improves student attendance, safety and welfare; improves communication with parents and the school community; and delivers significant savings and efficiencies over phone calls and letters home. The vast majority of parents prefer to receive a text message over a phone call. It is discreet and direct and allows the parent to respond appropriately at a time that suits them'.

The Australian Capital Territory has now unveiled a scheme for SMS notifications, announced in April by its education minister, Andrew Barr. Western Australia is now also tendering for a state-wide roll-out of an SMS notification system and I note that MGM Wireless is now the preferred and only tender for all of that state's 800 schools. Such systems, when fully operational, have a secondary benefit in that they can also be used to notify parents of other school situations, meetings and emergencies. I am told that a school in New South Wales, which recently deployed such a system, was able to notify all parents instantly when flooding required an emergency evacuation of the school. This is a very useful benefit. Highgate principal, Mr Peter Hansberry, also appeared in the media some time ago after implementing the technology at that school and indicated that they often used the system to let parents know that a sports practice session had been cancelled, and that the system could also be used to let parents know of a fire or other emergency. He indicated that he had been involved in a bomb scare at a previous school and that the technology would have been very useful if available on that occasion.

Family First believes there are many reasons why students may be absent from school. These include bullying, learning difficulties, self-esteem issues and broader social or family issues. Notification to parents of their child's absence from school can open up the lines of communication so that these underlying issues can be approached and dealt with. We believe this bill will be good for families. The bottom line, the simple plain fact, is that if children are not at school every single dollar we spend on education is wasted.

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

NATURAL RESOURCES COMMITTEE: DEEP CREEK

Adjourned debate on motion of Hon. R.P. Wortley:

That the report of the committee on Deep Creek be noted.

(Continued from 20 June. Page 369.)

The Hon. CAROLINE SCHAEFER: I rise to commend the committee on the findings of the Deep Creek report, and in particular thank the Hon. Sandra Kanck for raising this matter with the committee. As mentioned in the presiding member's foreword, as a committee we travelled to Deep Creek and it seemed to all of us that it was one of those times when commonsense and looking at the actual creek and the impact that was clearly there on what is a beautiful environment was far more easily believed when viewing it than simply reading a number of scientific reports.

Deep Creek is a beautiful part of the state to the south of the city, and we were able to interview people who had lived and worked in the area generationally, and the only thing that had changed was the planting of forestry. I thought that they were particularly rational and reasonable with their requests. They did not expect that the forestry plantings would all be clear felled or any such thing; they simply asked for a greater buffer zone between the catchment area, the creek and the forestry, and that it be cleared back for another 500 metres.

As I said, we saw films of Deep Creek when it ran permanently and, being a country person, I suppose when I went down there I was a bit cynical because we have just endured possibly the worst drought in the state's history; however, that did not account for the drying up of the creek in 20 years and it did not account for the change in the vegetation of the area. As I said, the only thing that could account for that, it seemed to us, was the addition of forestry in the region. We were disappointed as a committee in the fact that the departmental officers who briefed us as a committee in this place were certainly less than cooperative, which would be a kind way of putting it. It seemed to all of us—and it is a committee that has representation from both houses and both major parties and the Hon. Sandra Kanck—that they would either blind us with science or bore us into submission.

Again, I found that during the trip down there in observing what has happened—namely, the effect of the reduced stream flows and the effect on the biodiversity and ecosystem—was clearly there for all of us to see. The recommendations of the people down there, as I said, were not to cease forestry or anything like that but rather to reach a commonsense compromise between the residents, the park management and the farmers and, indeed, those involved in forestry. I hope that the department will take this report very seriously because it is a very special part of the world and, again, I thank the Hon. Sandra Kanck for raising this issue with us.

The Hon. SANDRA KANCK: I have to say that this report with its recommendations is the most satisfying committee experience I have had in my 13½ years in this parliament. I moved the motion two years ago and I was very excited when it was carried, but I have to say that the Natural Resources Committee at that time was not as excited about it as I was. Other things got in the way. We reached the end of 2005, and it was pretty clear that I was the only member of that committee (as we were in the lead up to an election at that point) who was keen for us to continue to meet in January to pursue the inquiry. Obviously, it fell into a heap when parliament was prorogued.

When a new committee was established post-election, I had assumed that the reference would be automatically picked up, but I found that we were dealing with other issues, and I had to argue to get the committee to take up the reference again without having to come back to the Legislative Council to move a motion and all that entails. Fortunately, I was successful.

Although there was an initial lack of enthusiasm from the committee, the departmental officials (a combined deputation from DWLBC, Forestry SA, PIRSA and DEH) won the day on my behalf, because it was their arrogance and obfuscation that turned the committee members, who were prepared to listen and be convinced that my position was wrong, against the position they were taking and much more towards mine.

It was 18 months after the receipt of their initial submission, with the first round of advertising, that they appeared. They said that there was not a problem and, when they came to us with their in-person presentation, they basically had nothing new to say. They failed to validate the claims that they had in their written submission, and I was very surprised

that in putting a group like this together the bureaucrats had failed to include the person who had written the regulations relating to forestry and groundwater in the South-East who, obviously, was the person who would have known the most about this issue. That, in itself, was very strange that they seemed to send us people who did not know much about the issue.

Their approach, to me, seemed to be of telling us the least amount possible so that we did not have any information to work with. It clearly raised the hackles of committee members; we even developed a favourite word to describe these people, which I will not put on the record. However, it resulted in the committee visiting the site on 16 March this year, where there was absolutely no doubting the dryness of the creek and mosses and so on that would normally be green. They only exist in areas where there is always water present and they were all starting to brown off and die. Seeing it on the ground, combined with the presentations from local farmers who have, as the Hon. Caroline Schaefer has said, in generational terms intimate knowledge of the creek and its history, at least in the past 50 years or so, combined with their sincerity, it was an absolute contrast to the departmental presentation. So, I did not have to convince the committee of anything after that. The scientific evidence itself validated it, as the Hon. Caroline Schaefer has indicated. The rainfall records themselves showed that, even though there were claims that the rainfall had diminished, it was not the case.

There was nothing else of any substance, other than the planting of the forest, that could account for it. The departmental people tried to tell us that it might be the construction of dams, but they were unable to give any information about the number of dams that had been constructed over time. It could be that there has been no increase in dams, yet they were arguing that dams might be the cause.

The cream on the cake came with the presentation at Parliament House by Dr Emmett O'Loughlin, who is a retired CSIRO hydrologist and the founding director of the Cooperative Research Centre for Catchment Hydrology. He knew his stuff. I have to say that, if the departmental people had been there, he would have literally run rings around them. The information he gave us is extraordinarily valuable. Already I have forwarded it to people concerned about the Penola pulp mill and the expansion of forestry in that area, and also to people on Kangaroo Island who are concerned about the expansion of forestry there. The information he gave us, while we applied it to Deep Creek, is equally applicable in any area where forestry is about to occur or expand.

The consequence of the evidence is that we have recommended what are probably the worst outcomes for the bureaucrats. The recommendations are groundbreaking in terms of forestry—and not just at Deep Creek. As a committee we have concluded—as I expected we would, once members saw the problems for themselves and heard from local landowners—that the principal cause for the annual cessation of summer flows in Deep Creek for more than a decade has been the inappropriate siting of forestry plantations by Forestry SA in soak zones and tributaries leading into Deep Creek.

Of the 10 recommendations we made, the immediately important one is No. 8: that Forestry SA removes portions of its Foggy Farm plantations to maintain permanent buffers in the hydrologically effective areas of between 20 and 100 metres either side of Foggy Farm tributaries, as detailed in the evidence provided by Dr O'Loughlin. Of course, that evidence is available on the parliamentary website for the Natural Resources Committee. I would hope that the department would get Dr O'Loughlin in and go to the area and take his advice on how far back it should be cutting and removing the trees.

I thank Mr Kevin Bartolo for taking up this issue so doggedly. If I had not read about it in the Victor Harbor *Times* in about 2005, it is unlikely I would have heard about it and the local landowners would still be fighting. I also pay tribute to local landowners Quentin and Jenny Wollaston who never gave up. They spent 15 years writing to various MPs and ministers in an attempt to get action, and I was the first MP after 15 years of their constant lobbying to visit the site. That meeting on the site, which involved about 20 landholders, and the subsequent local media coverage in itself led to the local council taking forestry applications much more seriously.

I recognise that in the tabling of this report the fight is not over. Deep Creek is only halfway saved. The relevant ministers—the Minister for Environment and Conservation and the Minister for Forests—have three months after the tabling of this report to respond. I am sure the bureaucrats will be arguing with their ministers against these recommendations, but I hope that the ministers will withstand the pressure from their bureaucrats and respond favourably to the recommendations. Landowners around Deep Creek have raised a matter of vital concern and we should be grateful that this has been brought to our attention while it is still possible to turn around the damage.

The committee found that the drying of Deep Creek is artificially induced by Forestry SA's operations. If it now takes environmentally responsible action to remove these trees (as recommended by the committee), the flows to Deep Creek will be restored. If it heeds the recommendations in terms of future forestry plantations in the area, we can ensure the long-term survival of Deep Creek Conservation Park and the critically endangered Fleurieu Peninsula swamps.

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

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 June. Page 370.)

The Hon. A.M. BRESSINGTON: I indicate my support for this bill. I have looked at the bill, and I listened to the second reading explanation when the bill was introduced by the Hon. Dennis Hood. It is a commonsense bill. It is not about whether young people decide to have a tattoo or to scar themselves. The crux of this bill is that parents have the authority to say yes or no for underage children to undergo such processes. I support the bill and look forward to the continuing debate.

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

SUMMARY OFFENCES (SCHOOLIES EVENTS) AMENDMENT BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. A.M. BRESSINGTON: I move:

That this bill be now read a second time.

I have introduced this bill as a direct result of concerns expressed by constituents in Victor Harbor who have contacted my office on numerous occasions about the problems they have experienced because of anti-social activities that accompany the schoolies event. This bill aims to take some proactive steps to ensure that future events of this kind limit the negative elements which may be attracted to Schoolies Week by ensuring that gatecrashers and those for whom such events are not intended may be discouraged or excluded from attending. It also aims to ensure that those schoolies who may be tempted to behave inappropriately, disruptively or even criminally are placed on notice as to community expectations and their legal obligations in terms of their conduct at such public events by regulating the conditions under which they can lawfully participate in such events. It seeks to send a clear message that anti-social behaviour will be accounted for through civil or, sometimes the worst possible scenario, criminal legal mechanisms.

My office has attempted to research schoolies events and contact organisers of such events, in both Victor Harbor and Queensland, but have as yet been unable to obtain any direct contact back from the persons approached. Perhaps it may be the wrong time of year to be able to do so. However, I am advised that in many cases local councils have contact with event organisers or input into the organisation of such events in their local areas.

I would like to make it very clear that this is not about banning Schoolies Week or trying to stop young students from blowing off steam in their transition from school into what they may perceive to be freedom and the life that the adults of our community move into. This is about protecting members of the community who, for some reason, somehow, over a period of time, seem to have lost their civil rights to feel safe and secure in their environment because around 8 000 young people invade their town for a period of days and, basically, have carte blanche to destroy property. I have been contacted by one gentleman whose fence has been annihilated three times now, and it has cost him $6 000 to have it restored. It seems to me that a very small element of young people who, given an inch, take a mile. This piece of legislation is to try to send the message that that is unacceptable.

The crux of the bill is that the organisers of Schoolies Week will be required to hold the event in an enclosed area. Rather than having it in a city or town centre park, the event could be moved, perhaps, to the Wayville showgrounds, where the rave parties are sponsored or held, and there is little impact to the rest of the community when that occurs. Alternatively, organisers would be responsible for providing some sort of barricade or enclosure to enable young people to attend Schoolies Week. It is also a requirement of the bill that people who attend Schoolies Week in an enclosed area are required to present a photo ID, perhaps a school card that already exists, which shows that they are in fact an enrolled student at a school in the year that the event is being held. That is to exclude as much as possible the people referred to as 'toolies' who have no business being at an end-of-year rite of passage celebration for school students.

It is not a complicated bill. I have spoken with the RAA about this, which is an integral part of the organisation of the transport for students to schoolies, and it said that it would be difficult to make these arrangements but that it was not an impossibility. As I said, is a simple bill. It requires identification to be shown at point of entry that a person attends a school in the year of the event being held. It also requires the organisers to ensure that the rest of the community is not inconvenienced or put at risk in any way at the time of this event. I commend the bill to the council and look forward to the debate.

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

CONTROLLED SUBSTANCES (CULTIVATION OF CONTROLLED PLANTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 June. Page 371.)

The Hon. SANDRA KANCK: As members might be aware, I have publicly announced that I am preparing a bill to allow for people who have marijuana in their possession to have any fine waived if they are using the marijuana for palliation of identified medical conditions. Ideally, this would be administered through a medically controlled and validated scheme. People who already use marijuana for medical purposes obviously find it cheaper, more convenient and more consistent in quality if they grow their own, rather than having to buy on the street from dealers.

What the Hon. Dennis Hood has in this bill is to increase the penalties for cultivation to a fine of up to $10 000, imprisonment for two years, or both, for growing 10 plants or fewer. It is a 'one size fits all' approach, which is therefore totally counter to what I intend to do in regard to the medical use of marijuana. This bill would drive people away from the admittedly imperfect backyard marijuana into the arms of organised crime, which is a much worse situation.

A submission entitled 'The folly of increasing existing production penalties—at the lower end' (which came to me from a mental health nurse and which I think spells out this situation very clearly) states:

> Soft drugs, cannabis included, must be seen in its proper context. It is primarily a public health and public education issue. To increasingly criminalise the lower levels of production by the introduction of higher penalties—
> - does nothing to reduce levels of cannabis on the street
> - does nothing to reduce the number of people consuming it
> - does nothing to curb organised crimes involvement with it
> - does nothing to encourage or educate people to exercise judgement and responsibility.
>
> In fact paradoxically it does quite the opposite. The higher penalties in fact—
> - Trigger the price to rise on the streets.
> - This in turn encourages more people to become growers and dealers.
> - Encourages greater levels of involvement of organised crime in its production and distribution.
>
> Consequently we end up with—
> - More cannabis
> - More dealers and distribution points
> - Increased promotion and marketing, and increased exposure to those who otherwise might not have come into contact with it.

According to the Hon. Mr Hood's second reading contribution, the rationale for Family First's approach is based on two things: first, the claim that South Australia's fines are too low relative to other states (which the honourable member describes as the most compelling reason for his introduction of this bill) and, secondly, his view that cannabis causes psychosis. In regard to South Australia's being out of step with other states, the figures he provides give some validation to that claim. But just how out of step are we and is that in

itself (being out of step) a good enough reason to support this bill?

So that we have a more complete perspective of the South Australian situation, we should also note, in addition to the references made by the honourable member, the existence of the cannabis expiation notice scheme, which also relates to personal possession, albeit one plant. When the scheme was first established, 10 plants were considered expiable; it was then reduced to three; now it is down to one. The penalty for having one plant is $300. The fine has gone up from $150 in 2002 to the current $300. I note also that the regulations that doubled the expiation fee for one plant also doubled or even tripled the fees for other personal possession offences for cannabis, cannabis resin, for the smoking of cannabis, and for having equipment for the smoking of cannabis.

Under the legislation, if a person has more than one plant, the offence is not expiable, which means a court appearance. Section 32(6) of the Controlled Substances Act is quite specific. It provides:

> (6) Where a person is found guilty of an offence involving cultivation of not more than the prescribed number of cannabis plants and the court is satisfied that the person cultivated the plants solely for his or her own smoking or consumption, the person is liable only to a penalty not exceeding $500.

The crucial words are 'prescribed number of cannabis plants', and the regulations that support the act in turn specify that the prescribed number of cannabis plants is 10. In comparison, Victoria defines a traffickable offence as a person having 10 or more plants, while in Tasmania it is softer than that, with the bar set at 20. Western Australia sets 10 plants as the point at which the presumption is that the person is a supplier.

New South Wales, the Northern Territory and the ACT are tougher in this regard, with five being the magic number for New South Wales and the Northern Territory, while in the ACT it is one plant if the cultivation is artificial and three if it is natural (whatever that might mean). So, in terms of the numbers of plants, it seems to me that South Australia is on par with Victoria and Western Australia, twice as tough as Tasmania, half as tough as New South Wales and the Northern Territory, and only 5 per cent to 10 per cent as tough as the ACT.

The real difference appears to be in relation to what the penalty is when the defined number of plants is reached. In New South Wales an offender could be fined up to $2 200 and/or imprisoned for up to two years; for Victoria it is $2 150 and/or up to one year in prison; for Western Australia it is up to $2 000 and/or imprisonment for up to two years; for Tasmania it is a fine of up to $5 000; for the Northern Territory it is a similar amount, but also including an option of imprisonment for up to two years; and for the ACT the fine is up to $2 000 and/or two years in prison. I have not included Queensland in that because it does not quite compare apples with apples and simply refers to an 'aggregate weight of more than 500 grams' rather than the number of plants and it does have an extreme penalty of up to 15 years' imprisonment.

I know from the little bit of work that I have done on research methods that one normally removes the most extreme results. It is clear that South Australia's penalties are not as draconian as other states, and that brings me to the next question which is: is what the Hon. Dennis Hood intends to do justified? If this bill were to succeed, South Australia would dramatically increase its fines to double that of Tasmania, the Northern Territory and the ACT, and to fivefold that of New South Wales, Victoria and Western Australia, plus there would be an option of imprisonment for up to two years, which is not countenanced at all with the current act and regulation. We would certainly be out of step then, so being out of step appears not to be as important as the Hon. Dennis Hood claims.

Members may have seen a recent article in the *Independent Weekly* which highlighted the potential (under the Criminal Assets Confiscation Act) for someone to lose their home, by growing just four marijuana plants. It will be interesting to see how the Hon. Dennis Hood will argue, when I introduce a bill to amend the Criminal Assets Confiscation Act, to deal with what I regard as extreme heavy-handedness. I will not, at this stage, attempt to put any words into his mouth but it is clear from this bill that family First considers it right that such a person should be fined up to $10 000 and serve up to two years' imprisonment. I remind members in this place, the Hon. Mr Hood and also his Family First party that marijuana users are also members of families, some of whom have dependents.

The second prong of the Hon. Mr Hood's arguments in support of his bill is that cannabis causes psychosis. Given that his amendments would have us out of step on the other end of the scale, this would appear to be his real justification. If his belief is driving this bill, it is important that the parliament should examine the science around any cannabis psychosis link. I do not deny that such psychosis is possible; after all, I have mentioned in this place on other occasions that when I was 19 I was hospitalised with a near nervous breakdown as a consequence of a doctor-prescribed drug. Most other people who are prescribed that drug have no reaction, but I did. We need to be aware that different people have different metabolisms and, therefore, different reactions. I can eat peanuts, for instance, but there are some people whose lives are threatened if they even smell peanuts. So, a one-size-fits-all approach does not work. I suspect that psychosis is a possible consequence of taking any mind-altering drug—and the mental health nurse who wrote to me, in fact, confirms that.

If one looks at the symptoms of psychosis, they are pretty well identical to someone who drinks so much that we say they are blind drunk, or pissed, or stoned. It is because of that risk that I do not advocate the use of mind-altering drugs, and that includes alcohol, except under strictly controlled conditions. However, I think we need to look, in the terms of this bill, at the potential harm of marijuana.

In May 2004 *The Lancet* (which is the British medical journal) published an article written by MacLeod, Oakes, Copello, Crome, Egger, Hickman, Oppenkowski, Stokes-Lampard and Davey-Smith entitled 'Psychological and Social Sequalae of Cannabis and Other Illicit Drug Use by Young People: A Systematic Review of Longitudinal, General and Population Studies'. They reviewed 48 different studies, and their report states:

> Available evidence does not strongly support an important causal relation between cannabis use by young people and psycho-social harm but cannot exclude the possibility that such a relation exists. The lack of evidence and robust causal relations prevents the attribution of public health detriments to illicit drug use. In view of the extent of illicit drug use, better evidence is needed.

Also in 2004 the British government shifted cannabis from a class B to a class C drug on the advice of the Advisory Committee on the Misuse of Drugs, which said that cannabis did not belong in the same category as cocaine and amphetamines. In an update in January 2006, the Advisory Committee on the Misuse of Drugs agreed with studies that suggest that cannabis can increase the risk of developing schizophrenia,

but it also said that the risk was 'very small', that is, about a 1 per cent increase in risk over a lifetime.

There was an article in *Cosmos* in the August-September 2006 edition which quotes a visiting Oxford scholar, Les Iversen (who is head of the UK Medical Research Council), as saying that marijuana is somewhat more harmful than aspirin. That article observed that aspirin causes 50 deaths per annum in Australia, although there are no deaths attributable to marijuana. The *Cosmos* article also quotes Wayne Hall, a former director of Australia's National Drug and Alcohol Research Centre. Mr Hall said:

> It's hard to get the real message out because the debate is so polarised. If it is perceived to be harmful, people want to go to war and lock up every user. If it is perceived to be harmless, they want to legalise it completely. The truth is that cannabis is a drug like any other—some people will experience difficulty.

In 2006 the Birt report from the SU Drugs Project in the UK was leaked. It observed that the key risk factors in becoming what they termed a 'high harm causing user' (that is, as distinct from a recreational user) are coping skills not developed in the first few years of life, (the report really pressed that as the most important factor), low parental income, family conflict, poor parenting, low parental expectations and peer group pressures, and it said that prevention would be better achieved through early childhood intervention programs.

More recently we have seen *The Lancet* article of 23 March 2007 entitled 'Development of a Ration Scale to Assess the Harm of Drugs of Potential Misuse'. That article was written by Professor David Nutt of the University of Bristol; Dr L.A. King of the Forensic Science Service, London; W. Saulsbury of the Police Foundation, London; and Professor Colin Blakemore of the Medical Research Council. I have included the places at which these people work so that members can be quite clear that we are talking about solid peer-reviewed research, which is really important when we discuss an issue such as this.

That article ranked 20 drugs, with No. 1 being the most harmful and No. 20 being the least harmful. Heroin was given the No. 1 ranking. It is important, also, that members are aware that alcohol came in at No. 5, benzodiazepines (that is, tranquillisers prescribed by doctors) came in at No. 7, tobacco at No. 9 and cannabis (which is what this bill deals with) at No. 11. There is not a better analysis of harm of drugs than this one as far as I can tell from looking through a great range of the literature. It is a ranking that we should look at very carefully in considering this bill.

I note the Hon. Mr Hood's comments in last weekend's *Independent Weekly* of 21 July. The Hon. Mr Hood said:

> When I hear a claim made that these drugs are more dangerous because the statistics show that more people are harmed by them than illicit drugs, it just ignores one of the main reasons, which is that they are widely used. So then to lead to the conclusion that alcohol is more dangerous than heroin is just ridiculous.

I think it is important that the Hon. Mr Hood and other members of this parliament understand the details of the research. First, they did not make any claim that alcohol is more dangerous than heroin. As I say, they gave it a five ranking as compared to the one ranking of heroin. Secondly, the analysis was done on the basis of physical harm, dependence and social harm. That included things like how quickly the drug cuts in—the rush—because, if there is a rush, it makes a drug more attractive when users know it is going to impact them quickly; how intense the effect is, that is, the high; how long the effects last; issues such as health care costs, psychological dependency, physical dependency, reduction of life expectancy as a consequence of taking the drugs; and damage to family structures, for instance. None of the measures was related to availability. Each indicator was given a mark out of three. Cannabis had a score of 0.99 out of three for physical harm, 1.51 for dependence and 1.5 for social harm.

I note the Hon. Mr Hood's quote in his second reading speech about research. I caution him that quoting from a newspaper article can be unreliable. If he is not aware of the treatment I was given by the media after my address in reply last year, I can assure him that journalists have a habit of taking comments about drugs out of context and/or distorting them, particularly if they can get a page 1 story out of them. It is best to go back to source, and that is what I have attempted to do, at least in terms of one of the matters of research that the Hon. Mr Hood referred to.

Some research that the Hon. Mr Hood talked about was done by Dr Cyril D'Souza of Yale University. He first published in July 2004, and these are quotes from Dr D'Souza and his co-researchers, which come from the website, ScienceDaily. Under the heading 'Study finds cannabis triggers transient schizophrenia-like symptoms', the article states:

> New Haven, Conn.—The principal active ingredient in marijuana causes transient schizophrenia-like symptoms ranging from suspiciousness and delusions to impairments in memory and attention, according to a Yale research study. . . D'Souza and his co-researchers administered various doses of delta-9-THC, the main active ingredient in cannabis, to subjects who were screened for any vulnerability to schizophrenia. Some subjects developed symptoms resembling those of schizophrenia that lasted approximately one half hour to one hour. These symptoms included—

and I would like members to listen to these symptoms, because they define psychosis—

> suspiciousness, unusual thoughts, paranoia, thought disorder, blunted affect, reduced spontaneity, reduced interaction with the interviewer, and problems with memory and attention. THC also induced euphoria and increased levels of the stress hormone cortisol. There were no side effects in the study participants one, three and six months after the study.

Those symptoms that effectively describe drug-related paranoia are, I think, identical to the many symptoms that people experience when they have been drinking heavily.

Building on the research from 2004, further research was published by Dr D'Souza in the *International Review of Neurobiology* in an article entitled, 'Cannabinoids and psychosis.' I will read one paragraph. If people want to read the whole article, I welcome them to obtain a copy from me. I doubt that many will want to read it, but this is a significant paragraph:

> . . . not all patients with psychosis have been exposed to cannabis and not all cannabis users develop psychosis. Furthermore, there is a disparity in the incidence and prevalence of cannabis use (7-12 per cent) and that of schizophrenia (1-2 per cent), and despite different rates for cannabis consumption across the globe, there is relative uniformity in the incidence of schizophrenia. Further, the increase in cannabis use and the use of more potent forms of cannabis in certain geographical areas has not been accompanied or followed by a commensurate increase in the rates of schizophrenia. (Degenhardt et al., 2003). Similarly, if cannabis use is associated with an earlier age of onset, then the increased rates of cannabis use should result in a trend towards a lower age of onset of schizophrenia. This does not seem to be the case.

Additionally, Dr D'Souza co-authored an article with Dr Asif Malik, who was, at that stage in April 2006, a fourth- year resident in psychiatry at Yale University. This was published on the website PsychiatricTimes.com. Some of it replicates

what I just read, but in some ways it enlarges upon it. It states:

> . . . if cannabis causes psychosis in and of itself, then one would expect that any increase in the rates of cannabis use would be associated with increased rates of psychosis. However, in some areas where cannabis use has clearly increased (e.g. Australia), there has not been a commensurate increase in the rate of psychotic disorders. (Degenhardt et al., 2003). Further, one might also expect that if the age of initiation of cannabis use decreases, there should also be a decrease in the age of onset of psychotic disorders. We are unaware of such evidence. . . Nevertheless, in the absence of known causes of schizophrenia, the role of component causes such as cannabis use remains important and warrants further study.

Professor Robin Murray, who is a doctor at Maudsley Hospital in London, was interviewed about schizophrenia on the *Health Report* on 28 August 2006. He states:

> Cannabis consumption is a bit like alcohol consumption, in that the vast majority of people who take alcohol have nothing but benefit from it. But the more people drink, then the more casualties we see. And I think it is the same for cannabis; 90 per cent of those who take cannabis will never come to any harm, they'll enjoy being chilled out and the relief of anxiety but there will be a small proportion of individuals who will go psychotic.

I do not deny that a link between cannabis and psychosis exists, but whether it is a causal link is the key question. It is clear that the evidence is not there to support it. If, however, in the light of further research it is ultimately decided that there is a causal link, as law-makers we will need to decide if we respond to this as a health problem or a law and order problem. Many people would argue—and I am one of those—that, if psychosis is the issue, then it is a health problem.

There is certainly also evidence that a significant number of people with mental illness self-medicate with both tobacco and marijuana. I think there is a real opening for some research to be done on the link between nicotine and psychosis. Recent studies have found that an ingredient of marijuana, CBD, inhibits psychotic symptoms among schizophrenics; so while there might be some ingredients in the marijuana that lead to psychosis, there are other ingredients that produce positive medical outcomes—which takes me back to my initial comments that I would not be able to support this bill because it runs counter to my proposal for medical marijuana use. From that perspective, supporting this bill would be throwing out the baby with the bath water. But I also hope that members will have seen from my arguments that the two basic premises of the Hon. Dennis Hood's initiative are not as strong as he might think.

I conclude by directly quoting the authors of the March 2007 *Lancet* article I referred to previously, as follows:

> Discussions based on formal assessment of harm rather than on prejudice and assumptions might help society to engage in a more rational debate about the relative risks and harms of drugs.

A further quote from the article is as follows:

> Our methodology offers a systematic framework and process that could be used by national and international regulatory bodies to assess the harm of current and future use of drugs.

That is what I would very much like to see in this state, that is, a proper assessment without moral judgments, rather than the one-size fits all approach, as epitomised by this bill.

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

GAMING MACHINES (HOURS OF OPERATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 May. Page 197.)

The Hon. A.M. BRESSINGTON: I rise to indicate my support for this bill and, again, I will be brief. I worked in hotels for about 15 years and, in one particular venue in the northern suburbs, I was a gaming machine manager. That venue made it a point to be open at 8 o'clock in the morning, and I saw some tragic cases of people who were gambling and poker machine addicts. The children of those families suffered greatly because of the hours of operation of that venue. Mothers who were on their way to drop their kids off at school would come into the venue to have a quick flutter and to reserve a machine before they took their kids to school. They would be back within 15 minutes, and they would sit there until 3 o'clock when it was time to pick up the kids. They would drop their kids off at home and would regularly return to the venue and stay until almost closing time. Goodness knows what was happening to those children while those mothers (and, after work, the fathers) were playing the poker machines.

I also recall travelling from Queensland to work for a hotel down here just before poker machines were introduced into South Australia. The prime object of the proprietor of the hotel at that time was obviously to make money, which is not a bad thing. However, his focus was on making it a family-friendly hotel and a place for people to gather, with activities such as raffles in the front bar to feed social clubs and whatever else, as well as pool competitions and other things. However, once pokies came in, all the socialising aspect of being a hotel owner ceased and the sole aim was to put as many poker machines into that hotel and reap as much profit as possible for the least amount of effort. In order to coax people into the pokies room, free meals were offered, and half the people would not even finish their meal before they were up and playing the poker machines.

There has been a significant change in the social aspect of hotels since poker machines were introduced. I recall one Christmas Eve when a client had, for the first time in five years, overcome a drinking problem and had secured a job for himself. His father-in-law had, some would say stupidly, gone guarantor for him with a credit card provider so that he could have a Christmas with his children where they would actually receive Christmas presents. This gentleman came up to me in the front bar and asked me to direct him to the pokies room and, being an employee of the hotel, I was bound to tell him. However, I said to him, 'Perhaps you should think twice about venturing in there, given your past history. You wouldn't want to do anything to blow this Christmas for your children.' His comment to me was, 'I have absolutely no intention of playing the pokies; I just want to have a quick glance at the renovations that have been done to the hotel before I go home.'

So at midnight I transferred from the front bar into the pokies room and at 12.30 this gentleman approached me to give him cash from his card. He was drunk and when I asked him how much of the money on the card he had spent on poker machines he had no idea, but it worked out that he had only $200 left on that card and that was his children's Christmas down the drain. The shocking part of it was that, when I refused to give him the last $200 on the card and told him to go home and think about it, the owner of the hotel

came to me and asked me what the problem was. When I explained the situation, his comment to me was, 'For God's sake, get off your soapbox and give him the money.' That shows the moral decline of a business owner—someone I knew for many years before I came down here to work—and it shocked me that in a very short period of time the dollar pay-off had become more important to this person than being a responsible member of an already economically and socially compromised community.

I left that hotel eventually and went to work for another, and the attitude of the owner of that hotel (which had as many poker machines crammed into it as was absolutely possible) was very similar to that of the previous hotel owner. The comments the Hon. Dennis Hood made in his speech last time on this issue are relevant: that he drives past hotels and at 6 a.m. people are lined up to go into these rooms and are more than willing to put their money into these money guzzlers.

I believe that there is a call for regulation of gaming machine hours of operation, and over the past years the government and perhaps even this place have been a little lazy in recognising the negative social and family impact these machines are having on vulnerable people within the community. There is no difference between gambling addiction and other addictions. It is all very well for people who have not experienced addiction to say that there is a choice there, but once addiction kicks in choice is taken away and it becomes a form of entrapment for a lot of people. I urge the government to support this bill and to take some steps to regulate the hours of operation of gaming machines.

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

CRIMINAL LAW CONSOLIDATION (REASONABLE CHASTISEMENT OF CHILDREN) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 198.)

The Hon. A.M. BRESSINGTON: I am a little bemused about the need to introduce a bill to give parents permission to smack their children, but I am also very much aware of why the Hon. Dennis Hood introduced this bill: basically to secure the right parents have to use reasonable chastisement with their children without fear of prosecution. Although I know it has been said that there is no risk of legislation similar to that of New Zealand being introduced in South Australia, I guess the honourable member decided that he had to play it safe just in case.

As with the piercing and scarification bill, this is no more than a matter of reaffirming parents' rights, and that is why I support this bill, even though I believe that the Hon. Dennis Hood also thought it was a somewhat funny bill to introduce. There is a need, I guess, to assert that parents still have rights to raise their children and discipline them in a reasonable manner, as has been done for centuries.

It does seem to be a bit of a trend—not so much here but overseas—that parental rights are being stripped away and are becoming a matter of legislation. I guess this is a case of governments over-reacting to the prevalence of child abuse in society at the moment; we tend to swing like a pendulum and either underdo or overdo some things. It seems to be very difficult to find actions, legislation and policies that will meet in the middle and create the balance we are all looking for when we introduce legislation around child protection.

I support the bill, although I think it is a shame that there seems to be a need to legislate for such things. As I said, I can appreciate the reason—that it is, basically, to head off any legislation that may be drawn up in the future that is similar to New Zealand's. Again, I look forward to the debate.

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

SUMMARY OFFENCES (DRUG TESTING ON ARREST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 202.)

The Hon. D.G.E. HOOD: I congratulate the Hon. Ann Bressington for introducing such a sensible and important bill, and I indicate Family First support for the second reading and, indeed, for the bill itself. Family First believes that illicit drugs cause misery and damage and it supports the strongest measures to combat the plague of drug use within our community.

Since 1999 the Australian Institute of Criminology has published yearly statistics on drug use amongst police detainees. In the context of the honourable member's bill, I was interested to receive update No. 75, dated 18 June 2007, which contained the result of some 4 555 drug tests from nine police stations around the country. The results were that 55 per cent of arrested persons tested positive to cannabis use, 23 per cent to methylamphetamine, 20 per cent to benzodiazepines, 8 per cent to heroin, 2 per cent to MDMA and 2 per cent to cocaine. The report found that 47 per cent of prisoners had taken drugs immediately prior to committing the offence with which they were later charged, and it also found that, of the prisoners who had used a drug in the past 12 months, only 14 per cent were receiving treatment.

I find those results staggering, and I find it equally staggering that there are currently no formal procedures to drug test all prisoners on arrest. As the Hon. Ann Bressington points out, such a measure would be of immense assistance to a judge or magistrate in deciding to impose bond conditions for drug treatment. It may also be that a drug test on arrest would provide important evidentiary material for use during the trial phase of some cases. Family First therefore sees many positive aspects to this proposal.

Prisoners are already subject to a number of tests, including forensic tests. They have personal descriptions and identifying marks, such as tattoos, examined and recorded. Drug tests were once complicated and it would have been impractical in the past to have a nurse at each police station administering a blood test; however, given the non-invasive swab tests that are now widespread and available at a relatively low cost, I can see little reason why drug testing should not also be mandatory upon arrest. If it is good enough for law-abiding motorists to submit to a swab test then it is good enough for people arrested for violent crimes.

I also had the opportunity to note *Crime and Justice Bulletin No. 97*, which observed that the number of arrests for amphetamine-type stimulants had dramatically increased in recent years from 4 214 in 1995-96 to 10 068 in 2004-05. While the report was unable to infer one way or another any direct connection between increased amphetamine use and corresponding increases in violent crime, it did find that the

risk of violent crime increased in cases of drug induced psychosis. It is also a well-known fact that prisoners in police detention are four times more likely to be drug users than people in the general population. There is little doubt that drug use is a major factor in crime and, to my mind, there is little doubt that we should be attempting to identify and mark users for mandatory treatment once arrested. I commend the Hon. Ann Bressington for introducing this worthwhile measure. Family First supports the bill.

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

[Sitting suspended from 5.56. until 7.45 p.m.]

PRIVILEGES COMMITTEE

The Hon. R.I. LUCAS: I move:

That this Council notes—

1. That the Legislative Assembly in Western Australia, on 21 June 2007, agreed to the recommendations of a Privileges Committee into the leaking of a chairman's draft report of a parliamentary committee without authorisation of the committee.
2. That the Legislative Assembly—
   (a) found the chair of the committee guilty of contempt of parliament in that he had deliberately disclosed confidential proceedings of the committee by releasing a chairman's draft report without authorisation;
   (b) disqualified the chair of the committee from membership of any parliamentary committee for the remainder of the 37th Parliament;
   (c) suspended the chair of the committee from the service of the House for a period of seven sitting weeks or 21 sitting days, whichever is the longer;
   (d) banned the chair of the committee from entering the parliamentary precincts until the above suspension period had expired.
3. That the contents of this motion be conveyed to the Hon Russell Wortley MLC, Chairman of the Select Committee on the Atkinson/Ashbourne/Clarke Affair.

One or two members of the media and others have asked me what the purpose of this motion is and what the relevance of this motion might be.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: He is reading *The Financial Review*, but it is upside down. Mr President, can you direct the Hon. Mr Wortley to turn *The Financial Review* the right way up so that he can read it?

The Hon. Caroline Schaefer: In this case it may not help.

The Hon. R.I. LUCAS: Before addressing the Western Australian experience, I want to look at a hypothetical example in South Australia. I hasten to add that this is a hypothetical example. For example, say, in South Australia we had a committee of inquiry—a standing committee or a select committee—and the chair of that committee was required to produce a draft report for that committee. As I said, this is a hypothetical example.

Let us say that the chair of the committee asked government spin doctors to assist in the drafting of that report and the recommendations for that report. Hypothetically, one or more of the government spin doctors might be, or previously have been, attached to the office of a minister who might be the subject of that hypothetical committee's inquiry. This hypothetical example continues in that the chair of the hypothetical committee tables the report in a deliberative only session of that committee; and, to conclude the hypothetical example, the chair of that committee, within minutes of tabling copies of that particular report, hypothetically, then either himself or herself causes a copy of that report to be leaked to the media or oversees its distribution to the media by one or other of the government spin doctors. If that hypothetical example was to occur here in South Australia, then the sorts of circumstances that I am about to outline in relation to Western Australia would, in my view, most likely apply to the chair of the hypothetical committee here in South Australia.

Let us turn to what, indeed, occurred in Western Australia. What occurred in Western Australia was not hypothetical. Indeed, a chair of a standing committee in Western Australia, under a Labor government, leaked a copy of a draft report to persons outside the committee and without the committee's authorisation. The particular member, a Labor member of parliament, leaked the copy of the report to persons associated with Mr Brian Burke in Western Australia. It was the subject of criminal justice commission inquiries. I do not propose to go through all the details of how it was discovered and how the tawdry set of circumstances were unravelled, but suffice to say it was sufficiently serious that the parliament in Western Australia, again a parliament under a state Labor government, in the legislative assembly established a procedures and privileges committee—what we would know in South Australia as a privileges committee.

That committee was asked to investigate the behaviour of the chair of that committee and, in the end, it came forward with some recommendations in relation to that person's behaviour, and also that of some other persons, including a former member of parliament and a government lobbyist. For the purposes of my motion, I propose only to talk about the actions as they relate to the chair of the parliamentary committee and the recommendations as they relate to that particular person.

To be fair, comparing it to my hypothetical example, it is important to note that in Western Australia, as noted by the privileges committee, not only was there the additional (as they used the term) aggravation in terms of leaking a copy of a parliamentary report without the authorisation of the committee but also there was the aggravation of its being leaked to persons associated with Mr Burke and the particular financial and pecuniary interests as they related to those persons and the companies they represented, and the capacity for that group to influence the drafting of the report without the knowledge of the other members of the committee.

Again, for those who are interested in this case, it is worth while reading in terms of the consideration by the privileges committee, but I do not intend to go through all the background circumstances relating to it. However, as I said, the essential core of the offence that was committed relates to the leaking of a confidential committee report without the approval of the committee and how one parliament (the Western Australian parliament) has treated that. I acknowledge, as I said, that there were additional factors relating to the politics of Western Australia at the time and the activities of the criminal justice commission.

I propose to read section 4 of the Procedure and Privileges Committee's report to the Western Australian parliament, report No. 2 of 2007, presented very recently on 20 June 2007. It is entitled Procedure and Privileges Committee, Inquiry into the member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters, and was presented by the Hon. Fred Riebeling MLA, Speaker of the Legislative Assembly, who chaired the Procedure and Privileges Committee in Western Australia.

This section of the report I think is a very concise explanation on the seriousness of the offence of leaking a draft report without the authorisation of the committee. There has been much good-natured ribbing from some, and chuckling from others, in relation to this issue, but I think for anyone who thinks through and listens to the arguments in the Procedure and Privileges Committee they should—and, I hope, will—acknowledge the seriousness of the offence that was committed in Western Australia and the seriousness of the offences I hypothetically outlined should it ever occur here in South Australia. Chapter 4, Unauthorised Disclosure, reads:

> 4.1 Principles behind prohibition of disclosure
>
> Western Australia inherited the immunities, rights and privileges of the United Kingdom House of Commons and they now apply as they stood in the UK as at 1 January 1989. Among those is the right to deal with contempt of parliament. Erskine May's *Parliamentary Practice* notes—
>
> > 'Any act or omission which obstructs or impedes either house of parliament in the performance of its functions, or which obstructs or impedes any member or officer of such house in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent for the offence.'
>
> From as early as the 17th century, the House of Commons has regarded it as a constructive contempt to prematurely disclose committee proceedings, which includes disclosing a draft report.
>
> The broad principle behind the prohibition on disclosure of a draft report is that committee members must be free to argue points of view in a robust and forthright manner, and to change views dependent on the evidence they receive and the weight of arguments put to them. Members must feel free to canvass the full range of options before them.
>
> The reason it is considered to be a possible contempt of the parliament to disclose a draft report to a third party is that disclosure may prejudice the proper functioning of the parliament, which includes its committees. The proper functioning may be prejudiced in many ways.
>
> Unauthorised disclosure may cause members of committees embarrassment about internal disagreement, about particular views or about changes of view. The possibility of disclosure is likely to diminish the robust exchange of views that is a great strength of the committee system.
>
> There is a trust built up between committee members on the basis of this prohibition. Breach of that trust has broader effects than any particular harm which comes from any specific breach. Members on all committees will be concerned about the extent to which their deliberations are being relayed to others. The public is highly likely to be concerned about who has special access to the parliament's system of inquiry that is denied to others.

Then I will quote part, but not all, of section 4.2, which states:

> Specific concerns
>
> The [Parliamentary Privileges Committee] considers that the actions of Mr Bowler—

the chair of the committee—

> represent a serious breach of process and trust. In order to prevent such instances occurring in future it is necessary to reinforce the principles behind the processes designed to protect members' capacity to carry out their business in a free and frank manner.
>
> Members source information for debates and amendments in the house and in committee from a broad range of areas. They are not required to say who has drafted those amendments or helped them form their views. In this case, however, the PPC believes that other members of the EISC were entitled to expect that if Mr Bowler brought to the committee the written views of an interested party to the inquiry, especially in the form of proposed amendments to the report, he should have made that clear.

There is then a continued discussion about amendments and drafts, etc., in relation to the report. Section 4.3 reads:

> Effects of unauthorised disclosure
>
> Although this committee considers Mr Bowler's unauthorised disclosure of the chair's draft report has had several effects, it is difficult to quantify the extent of those effects.
>
> In particular, the committee considers the actions of Mr Bowler in particular have:
>
> · diminished the standing of Legislative Assembly committees;
> · diminished the standing of the Legislative Assembly;
> · reduced confidence of the public in the capacity of the parliament to undertake its work in a fair and impartial manner; and
> · undermined trust in the capacity of individual members to properly represent the people of Western Australia.

Then there are some findings, which I will not read into the record. Finally, section 4.4, 'Action to be taken by the Assembly':

> After these matters became public, the Premier removed Mr Bowler from cabinet and Mr Bowler resigned from his political party.

I will repeat that, Mr President: the chair of the committee—and the issue may well have been encouraged—took the decision himself to resign from his particular political party, the Labor Party, and he was removed from cabinet by the Premier. It continues:

> There is little doubt that the public revelations have caused Mr Bowler great personal distress and he has expressed feelings of shame and embarrassment. In a statement to the Legislative Assembly on 28 February 2007, Mr Bowler apologised to the members of the EISC, to all members of parliament and to his electors in the seat of Murchison-Eyre. In giving evidence to the Procedure and Privileges Committee, Mr Bowler indicated his understanding of the impropriety of his actions. It is proposed that action against Mr Bowler be taken with the aim of protecting the functioning of the parliament and its committee system. As part of that action we consider it important on this occasion that the house record its view of the effects of Mr Bowler's actions and then suspend him from the service of the house to make it clear to members and the public that the house will act to protect its processes.

They were the supporting findings for the recommendations of the Procedure and Privileges Committee, and the specific recommendations from that privileges committee were then ultimately adopted by a Labor-controlled Legislative Assembly. Now, bear this in mind: this is a Labor speaker, a Labor-controlled privileges committee, a Labor-controlled Legislative Assembly, and a Labor chair of a particular committee who had behaved disgracefully in leaking a draft copy of a committee's report.

The Legislative Assembly then passed, in June of this year, a series of motions which instituted the most punitive actions possible, short of expelling the member from a house of the parliament. Those particular decisions were taken as they related to the chair of that particular committee who had been found (by the privileges committee) guilty of contempt of the parliament, contempt of the Legislative Assembly, in that he deliberately disclosed confidential proceedings of that committee by releasing a draft report without authorisation of the committee. That was the offence that the privileges committee recommended and was ultimately adopted by the Legislative Assembly; that is, he had deliberately disclosed confidential proceedings of a committee by releasing a draft report without authorisation of the committee.

So, he was found guilty of contempt of the parliament for that particular offence. There is then a section which relates to 'the contempt was aggravated' and its relation to a personal friend, the Hon. Julian Grill, and the commercial interests of a number of companies, and I will not go into the detail of those. The next section which is relevant is that the parliament to 'strongly censure the member for Murchison-Eyre for his actions which have diminished public trust in parliamen-

tary institutions and processes.' Then we come to the three specific penalties that were imposed upon the chair of that particular committee.

The first one would be particularly painful for any member who is enjoying the additional remuneration and benefits of parliamentary committees. Just as an example: in South Australia some chairs of committees, I understand, receive some 14 to 17 per cent of a backbencher's salary as additional pay for being a chair and some members of committees are paid between 10 and 12 per cent. So, as a hypothetical example, if a member of parliament had a chair's position and a committee position, they might be receiving an additional 30 per cent of a backbencher's salary as a result of committee positions. This recommendation in Western Australia was that it disqualify the member for Murchison-Eyre from membership of any parliamentary committee for the remainder of the thirty-seventh parliament. So, in our hypothetical example, if there was a privileges committee and those sorts of circumstances, the chair of that committee, if found guilty, would be banned from serving on any parliamentary committee, paid or otherwise, for the remainder of this parliament and through until March 2010.

That is a very significant financial penalty for that person not only in the short term but also, potentially, in the long term with respect to the impact on that member's superannuation and other entitlements. The next provision states:

> (e) suspend the Member for Murchison-Eyre from the service of the House for a period of 7 sitting weeks or 21 sitting days, whichever is the longer;

In South Australia's circumstances, 21 sitting days might be a much longer period than seven sitting weeks—and members knowingly nod. It could be a suspension of three, four, five or six months, depending on the scheduling by this Labor government of a particular session. So, the member is suspended from parliament for 21 sitting days or seven sitting weeks, whichever is the longer. An interesting issue (and I assume they have a similar provision to South Australia) is that, if a member does not attend without valid reason for 12 days, they lose their seat in the parliament. If that were to occur in South Australia, if the Privileges Committee did not want to see that member lose his or her seat forever, in some way it would have to get around that provision of the standing orders (that is, for them to be suspended) by accepting that this was some lawful excuse.

The Hon. R.D. Lawson: Gail would not be searching for a reason.

The Hon. R.I. LUCAS: The Hon. Gail Gago would probably not be searching for a reason, but others might not be, either; I will turn to that in a moment. The last provision is that the Legislative Assembly directed that the member for Murchison-Eyre was not able to enter the parliamentary precincts until the suspension period in paragraph (e) had expired. In essence, in South Australia's circumstances, that would mean that the hypothetical chairman we are talking about would not even be able to attend his office in Parliament House for a period of two, three, four or five months (that being the period of the suspension) and would not have access to their office during that time.

The Western Australia parliament only as recently as last month looked at this set of circumstances and stated that this was a grave contempt of the parliament and that it was a grave threat to the operation of our parliamentary system when any member would so disgrace himself or herself by seeking partisan political advantage by leaking a copy of a draft report, which perhaps had not even been considered by the other members of the committee—perhaps in the hypothetical example I was talking about, where it was claimed that the report was already in the hands of the media within minutes of the hypothetical chairperson leaving the committee, when the other members of the committee had not even read the report at that stage. That is the offence that occurred in Western Australia.

The purpose of this resolution today is to highlight, I hope, to newer members of the parliament, particularly those not members of the major parties, that this is not a laughing matter. This is not something to joke or to snigger about in the corridors, 'Chuckle, chuckle, we've managed to get one over on the other side. We have a leaked report. We got a headline in the newspaper,' perhaps, in the hypothetical example I am talking about, on page 3 of the daily newspaper and perhaps hypothetically, claiming that a minister had been cleared. This is not something to laugh about. This is serious if you want the committees of the Legislative Council in particular but of the parliament as a whole to operate effectively.

A number of us in this chamber, whether we are in the government, in the opposition, or certainly in the minor parties, have a fundamental commitment to the healthy working of our parliamentary systems and processes. We have a fundamental commitment to the importance of the committees of the Legislative Council, whether they be the standing committees, such as the Budget and Finance Committee or the Statutory Authorities Review Committee, or whether they be select committees of the Legislative Council. If any member (hypothetical or otherwise) was to so demean this process, to so disgrace himself, his party and this parliament by seeking partisan political advantage by leaking their own musings—their own thoughts—which have not even been considered by any other member of that particular committee, then they are a disgrace to themselves, they are a disgrace to their party, and they are a disgrace to the institution of the parliament.

In relation to this issue, it is appropriate to comment that, as recently as a month ago, we had an example of this occurring. In my concluding remarks I want to remind members of this chamber that friendships and associations and allegiances in this parliament change. I suggest that some people should remember that a former member of this Legislative Council (the Hon. Terry Cameron) was once a prominent and significant member of a dominant faction within the Australian Labor Party—the centre left. He was a state secretary of the Labor Party but when circumstances changed he was ultimately expelled from his party because of a view that he held, and friendships and allegiances changed. Knowledge that he had at the time when he was secretary, and on the inside, was knowledge that he still had when those friendships and allegiances changed.

The message I leave for certain members of this chamber is that if they are not much loved members of particular factions, or if they have a tendency to be moving around the factions, or if, over a period of a few years, they have already moved from one faction to another and a third faction and those members have no long-term friendships and allegiances, then there may be information that those members and staffers have. I remind members that, in relation to the circumstances that we have in the hypothetical example that I have talked about, if a report has been drafted by government spin doctors, in association with the chair and directly or indirectly in association with ministers under investigation, there will be emails, there will be tracked copies of draft

report changes, there will be notes of telephone conversations, there will be recollections of staff members and other members who have been associated with what has gone on in relation to this hypothetical example over recent weeks and recent months.

My cautionary note to members is not to assume that your friends within your factions in the Labor Party are the ones that are going to remain your friends and colleagues forever. At some time in the future, if somebody decides that they want to even up with this hypothetical chair of the committee, if they are a staffer or a member they will, at the moment, be putting aside copies of their emails, copies of notes of their telephone conversations, recollections of discussions that they have had, tracked changes of copies of the report—all of that—and they will keep it for a time when they might need it for leverage.

All I can say is that if, at some stage in the future, we were to establish a privileges committee in relation to a committee report in South Australia and if at that privileges committee the hypothetical chairman and staffers all denied knowledge and said they did not have any evidence or knowledge of how it was leaked, but then subsequently—a year down the track or three or four years down the track—the sort of circumstances that I have talked about occur, and someone releases a copy of an email, or the note of a telephone conversation, or a recollection, or changes their particular evidence, then my cautionary note is that that particular chair or member will have been guilty of lying to a privileges committee of the parliament.

Subject to the decision of the parliament, that would result in punitive sanctions as great as those talked about in Western Australia, possibly even as serious as losing a seat in the parliament—possibly as serious as that. I urge all members to consider this motion and, as the motion indicates, the substance of this motion should be particularly conveyed to the Hon. Mr Wortley. I hope that the Hon. Mr Wortley and, indeed, other members will take some notice of not only the terms of the motion but also the context of the statements I have made this evening in support of the motion.

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

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) 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.

This Bill seeks to amend the Authorised Betting Operations Act 2000 and the Casino Act 1997 in line with measures announced in the 2006-07 State Budget.

In the 2006-07 State Budget the Government made a decision to recover the costs incurred by the Office of the Liquor and Gambling Commissioner in regulating both the TAB and the Casino.

The Liquor and Gambling Commissioner will be required to notify the two gambling licensees in writing before the commencement of each new financial year of the amount to be recovered. These amounts are required to be approved by the Minister.

The Bill also clarifies probity reviews regarding the suitability of the two major gambling licensees and their close associates to continue to hold the major gambling licences. These reviews will be undertaken by the Independent Gambling Authority with the costs of these reviews to also be recovered from TAB and the Casino. The on-going suitability reviews are necessary to enable the Authority to remain confident that the relevant licensee remains suitable.

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 *Authorised Betting Operations Act 2000*

3—Amendment of section 3—Interpretation

4—Amendment of section 21—Applications

5—Amendment of section 22—Determination of applications

These clauses make technical amendments to ensure that the application process for approval of directors and executive officers of the licensee extends to persons of any other class designated by the Authority for the purpose of section 20 of the Act.

6—Amendment of section 25—Costs of investigation

Section 25 currently provides that the Independent Gambling Authority must require an applicant to meet the costs of an investigation in connection with an application under Part 2 of the Act. As a consequence of the amendment made by this clause to section 25(1), the Authority must also require the licensee to meet the costs of an investigation in connection with the continued suitability of the licensee or the licensee's close associates. (The Authority is required under section 23(2) to keep under review the continued suitability of the licensee and the licensee's close associates, and carry on the investigations it considers necessary for that purpose.)

The Authority may require a licensee to make specific payments towards the costs of an investigation and recover any unpaid balance of the cost of an investigation from the licensee as a debt due to the State.

7—Substitution of section 26

Section 26 currently requires the Authority to notify the applicant and the Minister of the results of an investigation in connection with an application under Part 2. This clause recasts section 26 so that the Authority is also required to notify the licensee of the results of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates.

8—Insertion of Part 2 Division 10

Division 10 of Part 2 of the Act, inserted by this clause, deals with the recovery of administration costs from the licensee.

Division 10—Recovery of administration costs

33A—Commissioner to recover administration costs

Section 33A provides that the Liquor and Gambling Commissioner must, not less than 1 month before the commencement of each financial year, provide the licensee with a written notice of the amount fixed by the Minister as the recoverable administration costs for that financial year. Administration costs are the costs of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

The licensee is required, in each month of the financial year, to pay to the Commissioner one-twelfth of the amount specified in the estimate.

The Minister may vary the amount fixed as the recoverable administration costs for a financial year. In that case, the Commissioner must notify the licensee in writing of the variation and the amount to be paid each month is adjusted accordingly.

If the whole or a part of an amount payable by the licensee to the Commissioner is not paid as required by section 33A, the amount unpaid may be recovered from the licensee as a debt due to the State. In proceedings for the recovery of administration costs, the Commissioner's certificate is to be regarded as conclusive evidence of those costs.

Part 3—Amendment of *Casino Act 1997*

9—Amendment of section 22—Investigations

This clause amends section 22, which requires the Authority to carry out investigations and make enquires in relation to applications under Part 3. The amendment has the effect of

imposing an additional requirement on the Authority, that is, to keep under review the continued suitability of the licensee and the licensee's close associates, and carry out the investigations it considers necessary for that purpose.

The section as amended allows the Authority to obtain from the Commissioner of Police such reports on persons as it considers necessary for the purposes of investigations. Subsection (3), which is new, retains the existing requirement in subsection (2) that for the purposes of an investigation into an application under Part 3 of the Act, the Authority must obtain from the Commissioner of Police a report on anyone whose suitability to be concerned in or associated with the management and operation of the casino is to be assessed by the Authority.

10—Amendment of section 24—Results of investigation

Section 24(1) currently requires the Authority to notify the Governor and the applicant of the results of its investigation. As recast by this clause, subsection (1) requires the Authority to notify the Minister of the results of all investigations. The Authority is also required to notify an applicant of the results of investigations in connection with the applicant's application and the licensee of the results of investigations in connection with review of the continued suitability of the licensee or the licensee's close associates.

11—Amendment of section 25—Costs of investigation

Under section 25(1), the applicant for the grant or transfer of the licence must pay to the Minister the costs of an investigation for the purposes of Part 3.

This clause amends section 25 by the insertion of a new subsection (1) that has the effect of requiring an applicant to meet the costs of an investigation in connection with an application and the licensee to meet the costs of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates.

Under section 25(2) as amended, the Authority may require the applicant or licensee to make specified payments towards the costs of an investigation and recover any unpaid balance of the cost of an investigation from the applicant or licensee as a debt due to the State.

12—Insertion of Part 5 Division 3

Division 3 of Part 5 of the Act, inserted by this clause, deals with the recovery of administration costs from the licensee.

Division 3—Recovery of administration costs

52A—Commissioner to recover administration costs

Section 52A provides that the Liquor and Gambling Commissioner must, not less than 1 month before the commencement of each financial year, provide the licensee with a written notice of the amount fixed by the Minister as the recoverable administration costs for that financial year. Administration costs are the costs of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

The licensee is required, in each month of the financial year, to pay to the Commissioner one-twelfth of the amount specified in the notice.

The Minister may vary the amount fixed as the recoverable administration costs for a financial year. In that case, the Commissioner must notify the licensee in writing of the variation and the amount to be paid each month is adjusted accordingly.

If the whole or a part of an amount payable by the licensee to the Commissioner is not paid as required by section 52A, the amount unpaid may be recovered from the licensee as a debt due to the State. In proceedings for the recovery of administration costs, the Commissioner's certificate is to be regarded as conclusive evidence of those costs.

Schedule 1—Transitional provisions

The Schedule deals with transitional arrangements for the recovery of administration costs for the 2007/2008 financial year. The provisions ensure that the legislation only operates for the period of that financial year that falls after commencement of the measure.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 June. Page 346.)

The Hon. P. HOLLOWAY (Minister for Police): I thank all members for their contribution to this bill, which has now been before this chamber for some considerable time. A number of issues have been raised, and I propose to respond to these issues in order to assist in the debate in the committee stage, which I expect will be when we return in September. I also bring to the attention of members the fact that I will soon be filing in my name a number of amendments to the bill. These amendments take into account the comments of members of this council and other stakeholders.

I confirm the comments from a number of speakers that this bill is intended to overcome misconceptions and inappropriate administrative practices that have been established in some areas as a result of the current significant tree provisions in the Development Act. It is disappointing that a simple process of assessing an application to remove a significant tree against the policies in a development plan has grown in some areas to a situation where:

- some have presumed the current provisions mean that a significant tree cannot be removed unless it is dying or subject to white ants;
- some require that all applications be subject to an arborist's report before they will be considered by the council; and
- some have claimed that no buildings can be erected within a set distance of a tree.

All these presumptions are incorrect. It is unfortunate when provisions in the Development Act are used for other agendas. It has been stated by some members that there are some species of small trees which are important in particular locations but which will never grow to the regulated tree threshold of two metres in circumference. The bill in clause 4 enables the regulations to add specific species in particular locations. The grey box in the Mitcham hills area has been suggested as an example of being worthy of consideration.

The bill also enables smaller trees or stands of trees to be listed as significant trees in a development plan through the development plan amendment process; thus the regulation and development plan options address the issues raised by the Hon. Andrew Evans. I point out that the regulations can also exempt trees. It has been suggested, for example, that pinus radiata trees should be considered for exemption. While lists of significant trees can be included in development plans, I point out that the listing process includes safeguards. For instance, the listing process in clause 5 (with amendments filed in my name) is on the basis of professional investigations against the criteria in the bill as it is appropriate for the community and landowners to have confidence in the listing process. The landowner of a proposed listed tree must be notified during the public consultation period and have an opportunity to make a submission on the proposal. The bill, with the amendments, refers to stands of trees, so that whole

suburbs cannot be listed as a means of circumventing proper investigations.

Concern has also been expressed by some people that the bill will result in wholesale felling of large trees in urban areas. The Hon. Andrew Evans sought a response to these concerns. I do not support this assumption. Previous investigations, and recent stakeholder concerns, relate to the unnecessary cost of having to provide an arborist report on all occasions. It is the process that is being addressed. Assessment decisions will still be on the basis of policies in the development plan. I intend to introduce the policies through a ministerial development plan amendment in order to promote consistency and certainty on the day that these amendments come into operation.

In addition, this bill promotes the planting of replacement trees by the applicant, and ensures that the removal of these replacement trees would require approval. Alternatively, the council will have the opportunity to plant replacement trees using the tree fund. Hence, this bill promotes a new generation of trees rather than just controlling the removal of existing trees. There is a range of matters in this bill which work against the wholesale removal of large trees in the urban area.

The Hon. Andrew Evans also raised concerns that families have been put to the high cost of funding an arborist report when seeking to remove a tree in their backyard. As I stated earlier, this has not been a legislative requirement but something that has been imposed. As a consequence, the bill focuses the first test for any tree-felling application on whether the removal of the regulated tree would have a major adverse impact on the amenity of the area. This is a planning issue so, in such a situation, an arborist report is not required. After all, an arborist specialises more in the health of trees rather than planning expertise. If the tree is listed, or deemed to be a significant tree, there is still no mandatory requirement for an arborist report. Once again, the assessment is based on the policies in the development plan. There is no need to put the applicant to the cost of an arborist report if it is not central to the information required by the decision-making process.

The bill refocuses the assessment back onto planning issues, thus providing certainty, reducing red tape and reducing time lines. In addition, the refocusing on the processes is less likely to discourage people from planting trees, or less likely to encourage people to apply to remove existing trees because of the fear of the uncertainty currently prevailing.

The Hon. Andrew Evans also raised the potential problem of an arborist report being prepared by the same person who may be engaged to remove the tree, thus creating a conflict of interest. It is important that there is no conflict of interest in the decision-making process. The code of conduct being gazetted applies to council development assessment panels and delegated staff to avoid conflicts of interest in the decision-making process. There is also scope to introduce a regulation to ensure that any professional report prepared to assist in the decision making is also free from conflict of interest. Accordingly, I believe that the issue raised by Family First is, or can be, addressed.

As a result of the comments made by some members of this council—including the Hon. David Ridgway—in a number of submissions, I will table amendments to the bill which specify that the level of the tree fund contributions will be set by the regulations rather than by individual councils. This amendment has the benefit of providing greater certainty and consistency for applicants in the community. The amendment will still enable justifiable variations between areas if a sensible case can be made. It will also ensure that fees are not set at exorbitant levels.

The fund contribution is not to compensate for the value of the tree but to assist councils in the normal role of planting trees on reserves and along watercourses as part of their recreation and urban forest programs. This should result in more trees in our urban environment over time but, hopefully, planted in much better locations than has been the case in the past. This means that the amenity of an area can be enhanced without appropriate safety or development being put at risk.

The setting of the tree fund contribution level will also address the concerns raised by Family First that the tree fund should not be used as a right to buy the removal of a tree that is important to the amenity of an area. In saying that, it is not the case that only unhealthy trees should be removed. There is a wide range of matters that the planning authority needs to take into account in balancing all the policies in the development plan. A number of questions have been raised concerning the provisions in clause 7 relating to replacement trees. An amendment will be filed in my name that clarifies that any replacement tree is to be of a kind that will grow into a large tree. This will address the issue raised by the Hon. David Ridgway. The planting of the tree will form part of the commitment in the application, or be a condition of approval or a determination of the court, thus removal of such a tree would require approval.

The amendment clarifies that the applicant or council, in regard to the tree fund, will not be required to pay the high cost of transplanting a mature tree. The intent is to ensure that there is an ongoing supply of large trees in an area over time. The bill also provides the ERD Court with scope to issue make-good orders if trees are felled or damaged without approval. The bill does not prescribe what make-good orders are to be made. The bill provides scope for the ERD Court to judge each case on its merits and to make the appropriate and clearly specified orders. This approach can be taken, given the high regard in which the ERD Court is held in South Australia.

The court can determine the level of maintenance requirements to be set; however, it is my understanding that most trees do not require supplementary watering after initial planting and a settling-in period. If such an order is made, then approval would need to be sought from the planning authority to fell the tree in the future, as is the case for any condition of approval or court order. I point out that a notice of an order or condition should be included in any section 7 notice prepared as part of any sale of the subject land. In this way, prospective purchasers are likely to be aware of any maintenance and retention requirements prior to purchasing the property. In regard to the question raised about the policing of the illegal removal of regulated or significant trees, the staff of each council is responsible for investigating and reporting on such matters. In addition, members of the public report such activities to the council.

Any compliance fines go to the council concerned and, hence, should encourage compliance investigations. In addition, section 106 of this bill significantly increases the scope for the ERD Court to ensure that there is no economic incentive to illegally remove or damage trees without the appropriate approval. In regard to a neighbour's tree causing damage to a property, there are a number of options available under the legislation. If the neighbour's tree is a regulated or significant tree, then either the tree owner or the neighbour

can seek approval to remove the tree. The bill also enables the regulations to exempt certain trees from requiring approval under these provisions. It may be that one of these exemptions is trees within a prescribed distance of an existing dwelling, thus eliminating the need for the landowner or neighbour to gain approval. In the event of the neighbour refusing to remove the offending tree, the normal legal avenue available for neighbourhood disputes applies. It is not considered appropriate that the Development Act should be turned into an alternative avenue for resolving neighbour disputes.

Once again, I thank members for their contribution, and I state my desire that this bill proceed as soon as parliament resumes in September in order to overcome the administrative problems associated with the current provisions in the Development Act as they relate to significant trees.

Bill read a second time.

ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 June. Page 409.)

The Hon. NICK XENOPHON: I will be brief in my remarks in support of this bill, which I believe is long overdue. I commend the government for introducing this legislation, and the fact that this bill is retrospective in scope. I understand the reluctance that we all should have with retrospective legislation, but in this case it is entirely appropriate for the measure to be retrospective in its scope, given what it intends to remedy; that is, site contamination. In terms of what is set out in this particular bill, I look forward to the committee stage. The bill will clearly apply to sites such as Port Stanvac. It would be remiss of me not to mention that the remediation of the Port Stanvac site has been a matter of great concern to the community, particularly those who live in the southern suburbs. I still cannot fathom the deal that the government, and the Treasurer in particular, did with Mobil with respect to the very extended deadlines for the remediation of that site.

My colleague the Hon. Mark Parnell has raised issues about how this bill would work in the context of enforcement and related matters, and I look forward to any amendments the Hon. Mr Parnell might table. I would like to ask the government during the committee stage how this bill compares to those in other states that have dealt with contaminated land and what the government has been able to glean from the way in which similar legislation operates interstate in the context of effectively managing the issue of contaminated land and having an effective legislative regime to deal with it. I look forward to the committee stage of the bill.

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

CRIMINAL ASSETS CONFISCATION (SERIOUS OFFENCES) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.D. LAWSON: I move:

Page 2, line 3—Delete 'Serious Offences' and substitute 'Miscellaneous'

This amendment is the first of a series of amendments, all related to the same very important issue, an issue that has been foreshadowed by this government and in other jurisdictions. Indeed, it is an amendment which will include provisions which already exist in Western Australia. The subject is unexplained wealth declarations, and the regime which is sought to be included by my amendments is one which will empower the court to make an unexplained wealth declaration if it is satisfied that it is more likely than not that the total value of the wealth of the person against whom the order is sought is greater than the value of that person's lawfully acquired wealth. Measures of this kind have been found to be an essential weapon in the war against organised crime, especially the war against organised drug crime, which is extraordinarily lucrative. It is well known, and we have not only the South Australian Police Commissioner but also the Premier and police ministers around the country talking about the illicit wealth of so-called outlaw motorcycle gangs, and governments around the country are grappling with an appropriate regime to address the issues raised by the criminal activities of outlaw motorcycle gangs.

One of the measures being considered is whether or not they be declared in a legal sense outlaw—made illegal organisations—and it be an offence to belong to those organisations, and to attack the organisations themselves. There is yet another and more effective means of attacking these criminals, namely, by attacking the assets which they hold and for which they have no explanation as to the reason why they hold them. We all know the story of the celebrated gangster in the United States, Al Capone, who, despite all the efforts of Eliot Ness and others, was unable to be nailed with any particular criminal offence, but the taxation authorities of the time were able to get him behind bars for tax evasion, based upon the fact that he had unexplained wealth.

The clause I am moving now is really a test clause. If the committee is in favour of adopting this measure, then I seek the support of members for this amendment. Because it is a test clause, with the indulgence of the committee I propose to outline in a little more detail the elements of the scheme we support. As I mentioned earlier, the essential key is the power of the court in proposed section 117A to make an unexplained wealth declaration. The application for the declaration is made by the Director of Public Prosecutions. The onus is cast upon the person against whom the order is made to satisfy the court that the wealth was lawfully acquired, and that is contained in subsection (2) of proposed section 117A, which provides that 'in making this determination the court will presume that wealth is not to have been lawfully acquired unless the respondent establishes to the contrary'.

It is true that the standard of proof included in this provision is the civil standard of proof, namely, not proof beyond reasonable doubt, which is the criminal standard, but on the balance of probabilities. That is reflected in proposed section 117A(1), namely, 'if the court is satisfied that it is more likely than not that the total value of the respondent's wealth is greater than the value of his lawfully acquired wealth'. That, in essence, is the scheme.

It requires definitions and they are set out first in proposed section 8A, which lists the constituents of a person's wealth as not only the property that the person owns in their own name but also property which they effectively control, whether through the medium of companies, trusts and other corporations. It also includes property that the person has given away—property that has passed through their hands—

because it is clear that criminally acquired property is frequently not retained within the hands of the criminal who directly acquired it but is passed on to others who may not be similarly tainted. So there is a wide definition of what is a person's wealth.

Proposed section 8B then goes on to define unexplained wealth by providing that 'for the purpose of this act the person has unexplained wealth if the value of the person's total wealth is greater than the value of the person's lawfully acquired wealth.' These provisions already apply in Western Australia and, as I said during my second reading contribution, the annual reports of the Director of Public Prosecutions in that state indicate that, as a result of provisions of this kind, much property has been confiscated. Under our proposed regime, section 117(c) will provide that the unexplained wealth is payable to the Crown. It is also important to indicate that there are appeal provisions in the proposed regime.

The minister, in summing up the debate at the second reading stage, indicated that the government does not propose to support this measure at this time, and I think that is regrettable. He indicated that, in the government's view, these provisions should be included in some legislation that is to be introduced later this year as a comprehensive package; however, we believe the government ought to put its money where its mouth is. It talks all the time, whenever it is given the opportunity, about how tough it will be on organised crime—and on bikie gangs in particular—and foreshadows amendments of this kind but it never introduces them.

The Liberal opposition believes that here is a perfect opportunity; the criminal assets confiscation legislation is open for the purpose of the literary proceeds orders, which are being extended for the political purpose of indicating that the government is not supporting the cause of David Hicks (and the Premier is very clear about that, notwithstanding the urgings of his colleague the Hon. Russell Wortley). We believe that, whilst the act is open, now is the perfect opportunity—not to seek publicity, not to grandstand on the issue. It is open and it is appropriate that we include these provisions rather than hold them off until some stage-managed exercise later this year. I urge support from members.

The Hon. P. HOLLOWAY: As I said during the second reading debate, the government has indicated on a number of occasions (as has the Police Commissioner) that it agrees in principle with unexplained wealth orders and that they ought to be addressed. However, this particular bill in its original form is a relatively simple one; as the Hon. Robert Lawson has just suggested, it seeks to look at literary proceeds orders and it deals specifically with that particular issue. The Hon. Robert Lawson proposes to introduce a whole new section into the Criminal Assets Confiscation Act and, ultimately, that may be the way we should go. Nevertheless, one of the regular questions asked by the Hon. Robert Lawson on the Attorney-General's bills is whether we have consulted with the Law Society and other people involved in it. This amendment has really just lobbed here today—although the Leader of the Opposition did give an indication of it—and if the Legislative Council were to support this amendment the government would, between houses, have to examine the measure and the whole bill would inevitably be delayed.

Introducing something as significant as this—namely, a whole new section in the bill dealing with unexplained wealth orders—as much as we agree with that in principle, we really believe requires some detailed consideration, in particular, to whom it should apply and all sorts of other issues. I accept that this legislation has probably been borrowed directly from other states and, therefore, there might be some track record in relation to it but, given our own legal history here and the differences in our laws, it would be remiss of any government to accept such a major and substantial amendment to a law, particularly in something as significant as unexplained wealth orders, without giving it some considerable consideration and in giving all the relevant agencies—namely, police, Attorney-General's Department, the Law Society, judges and others—the opportunity to comment.

As to the other bills that we have been dealing with here in the past few days, we have made significant changes as a result of the approaches made by the judiciary and others, and that is appropriately so. With these bills, that is a thoroughly proper thing to have happen but not by way of amendment in order to introduce such a major new section of the bill. Having said that, the government concedes there is a need for us to do something in that area, but I think it would be remiss of us to do it in this way. Certainly, before we get into the detail of these amendments to see whether they are adequate, I think that significant further work would have to be done.

On those grounds, I urge the committee to reject the amendments at this stage, but I can assure members that in relation to the legislation that the government has foreshadowed for dealing with outlaw motorcycle gangs, at this moment, we have a task force within the Attorney-General's Department. The head of the Operation Avatar section has been seconded from police and other senior officers from the Attorney's department will be looking at this sort of legislation. It may well be that they come up with something that is similar or identical to this legislation but, at least, it would be out of a process that properly considers all the relevant facts as they relate to this state. I ask the committee, therefore, to allow that proper process to happen, rather than jumping in here.

If the committee were to support this on the basis of a few hours' notice before this was properly considered in detail, all it would do is delay the specific measures in the bill as it came from the other house as they relate to the literary proceeds orders. For those reasons, at this stage, I ask the committee to reject the amendments, notwithstanding that I think we should be considering similar measures in the near future following detailed consideration.

The Hon. SANDRA KANCK: These amendments went on file only yesterday, and I have to confess not to have had time to examine their full impact. They appear to me to be reasonable. I accept in a way what the Hon. Mr Holloway has said about the need for further consultation on it, which means that it puts those of us on the cross benches in a somewhat difficult position. My inclination would be that, if the Hon. Robert Lawson wanted to report progress at this stage so that consultation could occur between now and when we resume in September, I would certainly consider that motion favourably. I will wait to hear what others have to say about the amendments but, as they appear, in the limited time I have had, I cannot see a problem with them. The minister is arguing that we need more time to look at them, so I will wait to hear a few more comments teased out.

The Hon. M. PARNELL: My views are similar to those of the Hon. Sandra Kanck. It seems to me that the absence of unexpected wealth provisions in this legislation is a hole that needs to be plugged. I have looked through the Hon. Robert Lawson's amendments and they seem fairly straightfor-

ward—a fairly simple arithmetic exercise. What wealth does a person have? What wealth did they acquire lawfully? What is the difference that is unexplained?

I accept what the minister has said; that is, the minister fully intends to bring provisions dealing with this topic to the parliament at a later stage. I support the minister's desire to consult fully, in particular with organisations such as the Law Society. I do not know whether what we will see eventually from the government will be much different from what is here. My view is that, if this legislation is to be pushed through now, then I will be opposing these amendments. If it does not go through in this current sitting period but, rather, after the winter break, in order to give us time to consult more widely, then I will consider them on their merits.

The Hon. R.D. LAWSON: I am grateful for the expressions from the Hons Mark Parnell and Sandra Kanck. I believe that there will be ample opportunity (without this committee delaying procedures) during the forthcoming break for the government to undertake the sort of consultation that the minister has indicated. If this measure is passed, including these provisions, the bill will go to another place and there will be an opportunity for the government, after consulting with its own people, such as the Commissioner of Police and others, to indicate when parliament resumes that it supports this measure. The measure will remain before the parliament. There will be opportunity for the government to consult. Hopefully, the government in another place, after that consultation, will agree—as inevitably it will—that provisions of this kind are appropriate. It is for that reason that I urge members (who might want to think about it a little further) to keep the bill alive and make further investigations and inquiries for themselves. The way in which to do that is to support the amendment. The government will have the opportunity to consider the provisions during the break.

The Hon. P. HOLLOWAY: I think it is disingenuous of the Hon. Robert Lawson to introduce a whole new clause to the bill. It is a simple bill. It was introduced for one purpose, which relates to literary proceeds orders as they would apply to individuals who might profit from crime overseas. This is introducing a whole new bill by way of amendment. The Hon. Robert Lawson talks about keeping the bill alive. The bill is very much alive. It is about a simple thing. He is seeking to introduce a whole new area of law. It is an area of law, which the government on a number of occasions has stated that it supports in principle; and we are likely to do so.

Why should we delay the passage of this bill? The only purpose of this will be to delay bringing the bill into law. If it passes tonight it will become law very soon. If it is delayed it means that that will not be possible. In any case, by the time we come back later this year, in terms of a package of other measures to deal with organised crime, the government will have a comprehensive package which will include unexplained wealth orders. It is a bit disingenuous to suggest that we need to keep the bill alive. In fact, the Hon. Robert Lawson is doing the opposite: he is actually sinking the bill.

The Hon. R.D. LAWSON: The minister indicated that the bill introduced by the government is for a simple purpose. It is for a simple purpose, as the government acknowledged: to prevent Mr Hicks from profiting from the sale of his memoirs, if he were minded to do that—and we do not know whether he is. Certainly, during the six weeks or so that the parliament will be adjourned, there will be no opportunity for Mr Hicks, who is incarcerated at the Yatala Labour Prison, to publish his memoirs. No harm would be done by delaying the introduction of this bill. I should remind the committee that the Hon. Nick Xenophon (and I am sorry that he is not here at the moment) raised the question of unexplained wealth declarations and issued a statement on this subject some weeks ago. On that occasion, he was supported by the shadow attorney-general, Isobel Redmond, and there was some publicity about unexplained wealth declarations.

This was in the context of claims by the government of introducing legislation to address issues around outlaw motorcycle gangs. There is no particular harm in delaying the introduction of these new criminal assets confiscation provisions. The minister is almost cajoling the committee into saying, 'We will pass these, anyhow, at a later stage'. If you are to do it, anyhow, at a later stage, why not introduce it now? You will have an ample opportunity to consult and perhaps improve the Western Australian scheme. This is not a scheme that has been dreamt up by me. This is taken directly from the Western Australian provisions. If they need to be adapted to South Australian conditions and, frankly, I cannot see any reason they would need to be adapted, but if the government finds some need to make alterations and suggestions, no doubt we will be able to consider those when the bill comes back from another place.

The Hon. D.G.E. HOOD: Family First is attracted to the proposed amendments of the Hon. Mr Lawson, but I think the Leader of the Government has a point; that is, it is really not what this bill is about. Having said that, will the Leader of the Government put on record some sort of indication as to when the government would be likely to introduce a bill dealing with these unexplained wealth measures? We would not like to miss this opportunity that is being presented to us now to get some unexplained wealth provisions within the law—

The Hon. Sandra Kanck: You don't know what's going to be in the government's bill.

The Hon. D.G.E. HOOD: No, we do not. That is right; that is a very good point. Will the Leader of the Government expand on that issue? First, will he give us some indication of a time frame; and, secondly, as the Hon. Ms Kanck indicates, will he perhaps give a general overview as best he can—that is, on the spot—in respect of what that bill might look like?

The Hon. P. HOLLOWAY: I suppose that, if we knew what the bill would look like, we would be in a position to deal with it now because, as I said, a package of measures is needed to deal with organised crime. As the Hon. Robert Lawson said, he has borrowed this from the Western Australian legislation and it is probably likely that any legislation we put will be very similar, although there are some differences between jurisdictions which might be incorporated. The government has made it clear that we would be introducing a package of measures in the latter half of this year. The timing of those is largely a matter of how long it takes to complete the drafting processes and the consultation.

Certainly, I can assure the honourable member that police officers have been seconded to the Attorney's department and work is well underway on a series of measures at the moment. In a sense, it is a phoney argument to say that this is the only opportunity we get, given that the government has not had a chance to look at these in any detail, although I am sure the people drafting the bill have looked at the Western Australian model closely and other models—and they may well consider there is a better model. If this were to pass now and there was a better model, we would simply have to come back and amend it all, anyway. So, I do not know what we really gain by doing it.

I am pleased that the opposition has indicated its support for unexplained wealth measures, as the government has done, and I think we all agree in principle that we should make some move in this area; but exactly the best way to go is something we believe would be better to take advice upon as broadly as possible. We certainly would like to have legislation when we come back in September—perhaps not on the first day, but I hope we would be in a position to have a package of measures later this year.

Apart from that, it is a bit difficult to comment on what it might be because, obviously, that depends on what these high level officers within government who are working on this come up with. They obviously would be looking at a range of different legislation, not just from Western Australia. Certainly we know that the Northern Territory is another state which has it, and we do not know about other states, but I am sure there are other jurisdictions in the world, so one would hope the committees that look at this will examine all models.

But, what else do I say? The government has put up in good faith a bill about literary proceeds orders for cases such as the Hicks case and other similar situations that might arise where people wish to sell stories, and that is really all this bill is about. Where would this process end? Every time we bring in a bill, if the opposition introduces whole new tracks of things, where is the parliament going? Certainly, I can assure the council unequivocally that there will be other opportunities to debate criminal assets confiscation issues. That is a surety.

The Hon. SANDRA KANCK: My thinking is advancing as I listen to the arguments. In whatever form this bill goes through, I will oppose it, with or without these amendments. Having said that, the question that really is before us probably relates to the fact that we do not know what the government's legislation is going to be, when it introduces it, regarding, I suppose, bikies and organised crime. If the government's amendments do not have this in it, we will have passed up an opportunity. So, if the Democrats were to support these amendments tonight, that would possibly ensure that the Liberal amendments would then become part of law. If we do not support them tonight and the bill goes through in its current form and we find out when the government introduces its own bill that it has not taken up these sorts of provisions, then effectively we will have been dudded.

We can go through the process, I think, of supporting the opposition amendments and the bill will go in its amended form to the other house and those amendments will be considered; and we will go through the process just as we have done, for instance, with the real estate industry bill over a couple of months where the assembly can come back to us and say it does not like particular amendments, and we can discuss that. In that time period between our making a decision to incorporate those amendments and the House of Assembly considering it, we can also go through that process of further consultation, and when an amendment comes back to this council I will then be in a more informed position to be able to say whether or not I really want it.

If I vote against it now, that cuts out that opportunity completely, so the conclusion I have come to is that I will support the amendments for those reasons—so that we can have the consultation that is necessary with the groups that have knowledge of this area and still keep it alive.

The Hon. D.G.E. HOOD: Whilst we are attracted to the amendments, Family First will oppose them. I make it clear that that is on the understanding of the assurance that the minister has just provided, that a bill to deal with unexplained wealth will be brought to this council certainly before the end of the year, or thereabouts. On that basis, we are happy to oppose the amendments and support the unamended legislation.

The Hon. M. PARNELL: My initial reaction to these amendments is a fairly standard reaction I have two things that I have only just seen, which is to say: if I have had no time to think about it properly or to consult anyone on it then I will oppose it. But I have listened carefully to what the Hon. Rob Lawson and the Hon. Sandra Kanck had to say, and I can see that supporting the amendment does achieve the purpose of putting the government to its proof in a way, and that is that when we come back in September, if this bill is still alive, either we will have some government provisions to look at on this same topic or we will have bought ourselves some time to do proper consultation on the Hon. Robert Lawson's amendments.

Similar to the views expressed by the Hon. Sandra Kanck, I made it very clear in my second reading speech that I do not like the David Hicks provisions. It seems to me that, if there was a possibility of getting rid of the David Hicks provisions and keeping only the Hon. Robert Lawson's provisions, then all of a sudden there is a bill that is far more deserving of serious scrutiny. It seems to me that the only prospect of that happening would be to support the Hon. Robert Lawson's amendments now and we report progress or, as the Hon. Sandra Kanck says, we will go through the 'between the houses' process and hear from the other place as to whether they agree with the amendments or whether they ask us not to insist upon them, in which case we will then have a proper debate but we will have the guidance of submissions from various interested parties such as the Law Society. So, having heard the debate of honourable members, I am now inclined to support the Hon. Robert Lawson's amendments.

The Hon. P. HOLLOWAY: I think it is worth commenting that the traditional role of the Legislative Council has supposedly been to tidy up legislation. Here is a case where we are actually saying: 'We have legislation; no-one has read it.' The two members who have just spoken have not read it but they are saying they will put it in. What about safeguards? Suppose the government decides—

The Hon. M. Parnell: I have read it. I just haven't consulted on it.

The Hon. P. HOLLOWAY: Of course you have not consulted on it. Suppose the government says: 'We have found that actually there should be some safeguards in there but we will accept it anyway and we will make it law.' Then those people who have supported this now will be responsible for putting that into law. It is almost turning on its head the traditional role of this place, which is to filter legislation. Rather than passing whole new sections of legislation with limited notice, it is supposed to filter the legislation and add to it. I just find it extraordinary that members of the minor parties, who are the most vocal in support of this place, should actually turn the traditional role of this chamber on its head. But, nonetheless, if that is what they wish to do—

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: But reporting progress effectively defeats the purpose. The other thing the Legislative Council ought to do is actually pass or reject government legislation, or amend it. It should do one thing, but what it should not be doing is delaying it and holding it up. There is no purpose to be gained from this process. If the majority of people in this council agree with the parts of this bill which relate to the literary proceeds order then they should pass it.

They should not tack whole new bits of legislation onto it as some sort of bargaining chip. If that is the way we are going to deal with legislation in the Legislative Council, so be it; but if we are going to do so then let us end all this pretence that somehow or other this chamber has some virtue as a legislative filter. I am not sure what the numbers are here. I am not sure whether the Hon. Nick Xenophon is around or whether he has a position on this amendment. It would be useful to hear those views, and then we would know what the numbers were and, at least from the government's point of view, we could make a determination.

The Hon. A.M. BRESSINGTON: I rise to indicate that I will not be supporting the opposition's amendments to this legislation. Although, as the Hon. Dennis Hood said, they are attractive, they are not on song, if you like, with the intent of the bill. Again, I hold the Hon. Paul Holloway to his word to provide measures for this bill, as he has promised to do when we come back. I am prepared to accept the bill as it stands.

The Hon. R.D. LAWSON: I gather that the minister will move to report progress, pending discussion with the Hon. Nick Xenophon. However, I should say this: there is some suggestion that the government is caught by surprise. In my second reading contribution of 20 June, I outlined very clearly, and in great detail, what we proposed doing and the fact that our amendments would be based on the Western Australian scheme, and that is exactly what we have done. If the government was serious about this, it had a good opportunity in the last month to examine those issues and come back with a response that is not simply, 'Well, we are going to do something about this next year when we have formed a working party,' and all the rest of it.

Frankly, I do not accept the minister's statement that the traditional function of the Legislative Council is merely to filter and improve. We know that we can introduce legislation, and the government itself introduces legislation here. It can be introduced in this place. We are equal with the House of Assembly in a legislative sense, and to suggest that we should abdicate our responsibilities in this way is simply unacceptable. I urge members not to be swayed.

The Hon. P. HOLLOWAY: No-one is saying that the Legislative Council cannot introduce legislation: of course it can, and it has done so on a number of occasions. It is also true that the Hon. Robert Lawson did indicate that he would move amendments. The point is that we have seen them only in the last day or so. Again, I make the point that they really do go well beyond the scope of this bill.

The Hon. M. PARNELL: I would like to comment briefly on something the minister said in relation to the role of the Legislative Council. One of the things I have tried very hard to avoid in this place is unduly to delay legislation when important time limits determine that something should go through in a hurry. In fact, we agree to the postponement of private members' business so that we can get government business a bit higher up the list. When pressing dates, such as the start of the new financial year, determine that a certain piece of legislation needs to go through in a hurry, I believe that most of the crossbenchers go out of their way to make sure that they do not unnecessarily stand in the way.

In terms of the timing of this legislation, I think that the point has been well made that the bill is primarily aimed at Mr Hicks. He is in gaol, and he will not be doing book tours, speaking engagements, writing pornographic or any other literature on scraps of paper, or whatever they do in prison.

The Hon. Sandra Kanck interjecting:

The Hon. M. PARNELL: Or handpainted Christmas cards. It seems to me that no great harm is done to the legislative scheme of South Australia if these changes do not come into force before September, as I believe that they are likely to, even though I have put on the record that I do not like these provisions at all. I cannot see that we are unduly delaying legislation in any meaningful sense if we either report progress or support the amendments which effectively keep the entire bill alive until perhaps September. That would still give plenty of time before Mr Hicks came out gaol for the legislation to be assented to and brought into operation. I do not believe that the Legislative Council would be acting irresponsibly if either of those courses of action—supporting the Hon. Robert Lawson's amendment or reporting progress—were to be taken.

The Hon. NICK XENOPHON: The nub of the issue here is not just whether this place supports the concept of having an unexplained wealth clause: it is also whether it is appropriate in the context of this particular legislation. I am on the record as stating that we ought to follow the lead of Western Australia and the Northern Territory, which have unexplained wealth provisions. In fact, several weeks ago (in the context of outlaw motorcycle gangs) I spoke to the media about it and have instructed parliamentary counsel to prepare legislation in the context of unexplained wealth declarations.

I believe that the current provisions are not broad enough and, in fact, I have had brief and informal discussions with the Attorney in relation to this and I know it is something the government is considering. As I understand it, the Premier and the Attorney, in comments made to the media, said that this item is very much on the agenda. My reservation is whether this is the appropriate vehicle in which to push this through. I understand that sometimes this is a mechanism that is used to try to broaden a bill to get items on the agenda, and I can understand that and it is something I myself have done.

In terms of this particular bill and this amendment of the Hon. Mr Lawson, and as to how it will work in the context of our current legislative framework, I have some reservations about proceeding with it at this stage. On the other hand, I do not want to be seen to be knocking back something that I have already been on the record as saying that I support. My position is that I will not oppose this amendment; I will support it but only for the purpose of keeping the amendment alive.

I would like to have the opportunity to further discuss the issue with the government and the Hon. Mr Lawson. I still have reservations as to whether this particular amendment, in the context of this bill, is appropriate. However, I do support the general principle of unexplained wealth declarations, for the simple reason that the current provisions to deal with the confiscation of assets in the context of drug dealers, outlaw motorcycle gangs and the like, are inadequate. Senior police officers have spoken to me privately and expressed their frustration in terms of the current legislative framework.

I am concerned about this amendment in this context. However, given what I have said publicly about unexplained wealth, I will support this amendment, but with reservations. I hope there can be some discussion between the relevant parties in relation to this in the meantime so that they can be dealt with.

This bill has effectively been instigated in relation to the David Hicks case. Mr Hicks will not be released until a little after the federal election, or just before Christmas, and so I do not believe there will be any great harm in taking the approach that I have taken. That is my dilemma but, with

reluctance, I will support this amendment. However, I do not want to indicate that I will be wedded to it in the context of this bill with respect to what the Hon. Mr Lawson is trying to achieve.

The Hon. P. HOLLOWAY: As the numbers are now, it is obvious that, if we were to vote on this, it would be carried. I think the most sensible thing to do in this case is probably to move that we report progress and revisit the issue later.

Progress reported; committee to sit again.

JULIA FARR SERVICES (TRUSTS) BILL

In committee.

(Continued from 21 June. Page 422.)

Clause 1

The Hon. SANDRA KANCK: When we last met to debate this bill I agreed to its adjournment to see whether it was possible to resolve this debenture issue and, in a sense, get a better deal for the Julia Farr Association. I met yesterday with a representative of the Julia Farr Association, and I have come to the conclusion that we will not be in a position to bring about those changes that would have been very nice to have. Yes, as an association, it would have liked not to have those restrictions hanging around its neck. The fear is that the bill would be lost. If the bill was lost it would mean that, as an organisation, it would have to go repeatedly to the court to get determinations on various donations, the application of money and that sort of thing. Given that that is the position of the Julia Farr Association itself, and it is clear that the government is not going to budge, I indicate that the Democrats will support the passage of this bill.

The Hon. P. HOLLOWAY: I indicate that when we last debated this bill, as I understood it, the opposition said that it agreed with the bill but that it would not vote for it because it wanted certain other things to happen in relation to debentures and the like. As has been indicated by the Hon. Sandra Kanck, and as I understand it, the board has voted itself out of existence and there really is no purpose that I can see in holding this up. As I said, I would hope now that the committee would enable this bill to now pass with the amendments. As I understand it, the government has amendments of its own and we agree to the opposition's amendments. I would have thought that it was in the best interests of Julia Farr that, now that it is out of existence, we swiftly resolve this issue, and I hope the committee will agree to that.

The Hon. S.G. WADE: This bill provides for the transfer of non-government funds—current and future—to the non-government Julia Farr Association. The bill is a component of a broader agreement between the government and Julia Farr Services. The Liberal Party agreed to support the bill, as the minister indicated, subject to the government agreeing to:

- commitments relating to the ongoing residency of Highgate Park residents.
- the removal of a veto in the hands of the Attorney-General on changes to the objects of the Julia Farr Association; and
- removal of debentures on the transfer of housing assets transferred to the Julia Farr Housing Association primarily on the grounds that, otherwise, the deal unfairly undervalued the Fullarton campus that would transfer to government.

The minister's advisers indicated substantial agreement to the first two conditions. On 21 June 2007, in the face of government opposition to the third condition, all non-government members of the council supported the opposition in its insistence on the third condition by agreeing to defer consideration of the bill. I would ask members to reflect on that fact. All non-government members of this council felt that there was sufficient doubt that the deal was fair, and they used the processes of this parliament to cause a pause in proceedings so that all parties could consider their position again. Yet, merely four days later—surely hardly enough time for the *Hansard* ink to have dried—the minister visited the board.

In the meantime, the shadow minister for disability had written to the chair of the board of Julia Farr Services, the chair of the board of the Julia Farr Association and the chair of the board of the Julia Farr Housing Association. The letters were in similar terms and indicated that the parliamentary Liberal Party was reconsidering whether or not the party should maintain its support of the bill. It sought an opportunity for members of the opposition to meet with the representatives of the boards of Julia Farr Services, the Julia Farr Association and the Julia Farr Housing Association at the earliest, mutually convenient opportunity to discuss the bill and other elements of the package for the transfer of the Home for Incurables Trust.

Later that day (that is, 25 June 2007), merely four days after the parliament had made a strong statement about its concerns in relation to this package, the Minister for Disability Services met with the board of Julia Farr Services. I understand that the minister insisted that the board continue with the deal as it stood. Following the minister's departure, the board decided to proceed to dissolution on 30 June, as scheduled, and transfer the assets. The board made that decision in spite of the parliament's expression of concern in relation to the deal, the lack of outcome in relation to the trust bill, and in spite of a letter from the shadow minister for disability requesting a meeting.

I indicate my grave disappointment in the actions of the board. I am not surprised that the government did not back off. You do not expect bullies to back off, but you do expect people to stand up to bullies; it is the only way they stop. I am gravely disappointed that, when the parliament gave the board the opportunity, it did not challenge the government. At least it could have shown sufficient respect for its accountabilities not to proceed to dissolution while the parliament considered this bill. Considering that the main asset has now transferred to government and Julia Farr Services has dissolved, the parliament has been deprived of the opportunity to consider this deal. The deal is effectively irreversible; after all, one of the contracting parties no longer exists. Julia Farr Services dissolved as at 30 June 2007. In a political sense, too, any leverage that this parliament had to restore equity to the deal has been removed.

The government has the asset, it has freehold to the Fullarton campus, and it has got away with only giving Julia Farr the use of community housing stock, subject to debentures. The government stands condemned and, in my view, so does the board. I do not make such statements lightly. In the second reading of this bill, I went out of my way to stand up for the board. I said that, having led the board for three years, I respect the board as a group of talented, creative people, but I still believe that talented and creative people make mistakes.

The Liberal Party will hold the government accountable for its greed. It has plundered 125 years of benevolence and philanthropy by the people of South Australia and, to the extent that the government has ripped off the board and Julia

Farr, it has done a raid on the legacy of generations of South Australians. This parliament, I am proud to say, took a stand against this asset-grab. It took a stand to protect the integrity of philanthropy in South Australia, to protect the millions of dollars that South Australians have donated to Julia Farr over 125 years, and to protect those who may consider making charitable donations in this state in the future.

The Liberal Party will continue to hold this government accountable for the use of the Fullarton campus and the services that are delivered on the campus. In that regard, I note the contribution made by the Hon. Nick Xenophon to ensure that this council, even this week, has been holding the government accountable to services delivered on the Fullarton sites. I consider the fact that the board, when it agreed to dissolve in spite of the concerns expressed in the parliament and the lack of resolution on the trusts bill, was not acting in the best interests of current and future clients of Julia Farr and was disrespectful to the parliament. In this context, the board should not be surprised if this parliament wants to look more closely at its performance.

The behaviour of the board raises questions as to whether it intends to operate as a true non-government organisation. I understand that a key concern for the board is to maintain a positive relationship with government, to maximise grants and housing asset transfers. That is the responsibility that weighs heavily on many boards of non-government organisations. Many organisations work very hard to maintain positive relationships with government, but most are subject to accountability to clients, families, carers and interested members of the public through their own governance arrangements. The board of the new non-government entity, the Julia Farr Association, consists of former members of the Julia Farr Services Incorporated board. About half of those would have been appointed by the minister, and about half by community organisations and residents.

The constitution of the new association provides for the board of the Julia Farr Association to appoint and reappoint all its own members. Certainly, the board of a community organisation may take a stand in support of the government against the prevailing view of its client group but, in the end, when members of the board are up for re-election or re-appointment, the board members need to justify their decision in the context of all the circumstances. The Julia Farr Association board members are not subject to any such countervailing responsibility. It is self-appointing: members of the board can reappoint themselves as a board. In those circumstances, I think it is very concerning, and we as a parliament should think very carefully before we agree to non-government funds transferring to a board which is effectively pseudo government, not really community.

The pressure to agree with government is normally tempered by community organisations accountable to the community through their own mechanisms. The fact that the board of the Julia Farr Association is self-appointing means that the board is subject to the pressure of government without the protection of countervailing community accountability. The proposal of the Liberal Party is that we intend to invite the Julia Farr Association to consider its constitution to provide for community election or appointment of board members. We do not believe that it is appropriate that a significant amount of community funds should transfer to a self-appointing body. We think that it is appropriate that the Julia Farr Association—if, indeed, it wants to be the custodian of large portions of community assets into the future—should change its constitution. Our party will not be supporting this bill until the Julia Farr Association has proposed changes which, in our view, install appropriate community accountability of the association.

The Hon. P. HOLLOWAY: What an incredibly petulant display by this born-to-rule opposition. Aren't they incredible! How dreadful that an organisation should actually agree with the government, because perhaps it just happens to be in the best interests of that board and the people it claims to represent! But, of course, the Hon. Stephen Wade would not allow for that. Basically, because the board would not go along with Liberal Party politics, he uses parliamentary privilege to attack their integrity. That is disgraceful; it is a despicable and disgraceful act.

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: I heard you in silence; why do you not have the decency to do the same? I know that you are embarrassed by it, having made an incredibly disgraceful attack on a number of individuals who give their time to help disabled people within our community. Just because they might not go along with the political games that the opposition is seeking to play—the Hon. Stephen Wade himself gave that away when he said that the shadow spokesman had written to the board and was seeking for it to behave in a certain way—it does not mean that they have not acted appropriately.

As has been pointed out in this chamber on a number of occasions, an agreement was entered into over 12 months ago. I think those people on the board are probably honourable enough to go along with the agreement they originally made. Surely, it is time to end these stupid political games and get on with the business of government and pass this bill, which the opposition itself says it has no problem with.

The Hon. S.G. WADE: I would suggest that the Leader of the Government has just misrepresented our position. We do not say that we have no problems with this bill now. Originally, we were very keen that a fair deal be done for a community organisation. However, the behaviour of this board has highlighted the fact that the governance structure the government incorporated health unit has set up for a so-called community organisation fundamentally makes this community organisation vulnerable to inordinate pressure from government. In my second reading speech on the primary bill, I indicated the lengths to which this government went to put pressure on the board. I will not detail them again, but it was clear and persistent, and no government member has tried to disagree, because they are the facts.

What we are saying is that, faced with this persistent government bullying, it turns the spotlight on the corporate governance arrangements that have been put in place for this new association. I ask members to reflect on the following. If you had a self-appointing board in perpetuity—former government appointees—that then start appointing itself indefinitely, would you really call that a community organisation? We in the Liberal Party want Julia Farr to return, as the government argued in its second reading explanation, to the community sector. A self-appointing board is not community accountable, and we will no longer support this bill until we can be sure that Julia Farr, going into the future, will be a community organisation.

The Hon. A.M. BRESSINGTON: I also met with a member of the board of Julia Farr yesterday and heard his account of the proceedings and also the decisions that have been made. The wishes of the existing board are that this bill not be delayed and that we do not put it into a position where it will basically be dumped. However, I do share the concerns

of the Hon. Stephen Wade about what has appeared to me over the last 18 months to be a slow absorption. However, in the face of that we have heard from the Julia Farr Association's representative, who, as I have said, requested that we not delay the bill and that we do not force it to be dumped by the government. I support the bill, however reluctantly, and I share the concerns expressed by the Hon. Stephen Wade. However, we must take on face value the views of Julia Farr's representative who came to see us.

I believe it is our job as a Legislative Council to represent the interests of the board whether we agree with the structure or whether we agree with the appointment of the board and how that will continue. I do not believe that is the core business of this council; that is a matter between the board and the members of the Julia Farr Association.

The Hon. S.G. WADE: By way of clarification, I would respond to the Hon. Ann Bressington's point about the members of the association by saying that that is really the point, that is, there are no members of the association. What we have is former members of an incorporated health unit which is now self-appointing. I remind members that I can see no detriment to Julia Farr by delaying this bill in the sense that two of the three or four trusts that were going to go over from government have gone over.

In fact, Julia Farr could resort to the Trusts Act in the normal way, even if this bill was not passed. It will certainly make it easier for Julia Farr to make sure that trusts that are directed its way find their way, but unlike the transfer of the assets and transfer of the Home for Incurables Trust, to delay passage of this bill would not cause significant detriment to Julia Farr Association or its clients but, in fact, would give Julia Farr Association an opportunity to put its house in order to make sure the community funds transfer to a community organisation.

The Hon. P. HOLLOWAY: I make clear that the effect of the opposition's argument is simply to put at risk and to put to significant expense all trusts intended to benefit residents of the Julia Farr premises. It will not resurrect the board nor lead to amendment of an agreement but will simply diminish the benefits for Julia Farr residents; that is all the opposition argument will achieve. It is an act of petulance by the Hon. Stephen Wade because he appears not to have got what he thinks should happen, and it is grossly irresponsible.

The Hon. S.G. WADE: I have a question for the minister: what costs and detriments does he see the Julia Farr Association facing in that it could access the Trusts Act in the period before this bill is passed and considering that, within a month or two, the board could amend its constitution and this bill could be passed, surely well within the time that any legal proceedings could be affected, anyway.

The Hon. P. HOLLOWAY: Obviously this bill has one purpose, and that is to facilitate the transfer of assets. If you do not pass the bill, that is made more difficult. Is it not about time that we had a vote one way or the other? If the committee thinks we should delay the bill, so be it, but the government's position—and it is obviously the position of members of the Julia Farr board—that it is in the best interests of people whom Julia Farr represents that this bill be passed as soon as possible. That is the government's position. If the committee does not agree with that position, so be it, but let us have a vote on it.

The Hon. SANDRA KANCK: I thank the Hon. Mr Wade for putting on the record some of what happened since we last debated this bill. I was not aware of that process of writing letters, seeking appointments and the rest that he described. I was disappointed to hear the minister describe what Mr Wade is saying as petulance. I do not confuse petulance with caring and we see too little caring in this parliament. Clearly Mr Wade cares for what is happening to Julia Farr Services (or what was Julia Farr Services). This organisation has had a decade of bullying from governments of both persuasions. In going to the negotiating table, Julia Farr Services had one hand tied behind its back at all times and it would have been difficult for it to refuse what was offered in the end.

I cannot see that voting against the legislation now would leave us with anything but a scrambled egg. We cannot unscramble it; the board has been dissolved and we have to go forward. It is great that the Hon. Mr Wade has stuck up for this organisation in its dying days and done it with a degree of passion that is so lacking with this government, which seems to make decisions so often from a very utilitarian motive and methodology.

The Hon. M. PARNELL: Like all members, I received the letter dated 27 June from Julia Farr Services, and I appreciate the Hon. Stephen Wade's filling in the gaps between the lines regarding what happened because, looking at the letter, at face value it all seems very straightforward. The letter, under the hand of Peter Stuart, board chair, includes the comment that the Julia Farr Association 'appreciate the concerted effort made in parliament to ensure that government reform receives appropriate scrutiny.'

I guess at one level we can look at this and say, 'Well, the Hon. Stephen Wade has thrown them a bit of a lifeline and they have chosen not to accept it', and we could argue about the reason they have chosen not to accept that opportunity to renegotiate a deal that was, perhaps, not optimal. It may be the bullying to which other members have referred—I do not have a history of engagement with that organisation so I do not know whether that is the case—but I do not for one minute doubt that the Hon. Stephen Wade's commitment to this issue is anything other than for the organisation and its clients. Similarly, I have no reason to doubt that Peter Stuart and the other members of the board are equally well motivated to what they see as the best interests of the client base, albeit in a pragmatic fashion. However, the crux of the letter is the following sentence:

> I therefore would like to take this opportunity to advise you that the bill has the support of the board of JFS and the board of JFA.

Now, I take the Hon. Stephen Wade's comments in relation to self-appointing boards seriously as well. Having spent most of my working life in non-profit community organisations (most of which were democratic in that people had a right to join them and had a right to stand for office as a member of the board), I have supported that model and have spent a great deal of time trying to help people to break into inaccessible boards. Attempts to get people who were pro-cycling onto the RAA board and attempts to get people who were perhaps a bit critical of some of the approaches the RSPCA takes onto the board of that organisation were difficult fights. However, I also accept that it is a new issue in a way.

It seems to me that with the fait accompli we have, and with assets already having been transferred, there is little purpose in reopening this dispute on the basis only of the structure of the board. No-one seems to be batting for it, other than perhaps the Hon. Stephen Wade and others; I did not get letters from dissident members of the board telling me that they were dudded or bullied, or whatever, and who knows why that is. Perhaps they were so cowed or bullied that they

could not speak out; I do not know. However, on balance it seems to me that we have given this a good chance to see whether we can do better but, with the dissolution of one of the parties and the transfer of the assets, there now seems to be little purpose in not simply allowing the bill to go through, as requested officially from the boards of both Julia Farr Services and the Julia Farr Association.

The Hon. D.G.E. HOOD: On behalf of Family First I too would like to commend the Hon. Stephen Wade on his passion. As a former chairman of the Julia Farr board, his commitment to the organisation is not in question. I think the delay that has taken place since we last examined this bill has been healthy, because it has enabled other facts to come to light. Family First also received the letter to which the Hon. Mark Parnell referred, and for us the simple facts are that we have an organisation itself—that is, the board of Julia Farr—saying that it agreed with the arrangements. Frankly, who are we to stand in its way? For that reason we too will support the legislation.

The Hon. NICK XENOPHON: I share the sentiments of my cross-bench colleagues and commend the Hon. Stephen Wade for his contribution, scrutiny, passion and compassion in this debate. It is a fait accompli, as the Hon. Mr Parnell has said. Because a dissolution has occurred, we could not go back on that even if we wanted to. As to the point in relation to the self-appointed board that has been made by the Hon. Mr Wade, is the minister in a position to state whether that is something that will be looked at so that there will be a more robust structure for the board rather than the current structure? Is it in the nature of an interim structure so that those in the community sector or those who have an interest in Julia Farr can be assured that the board will go down the path of not being self-appointed and have some mechanism that is democratic and more accountable in the context of the Hon. Mr Wade's concerns?

The Hon. P. HOLLOWAY: In relation to that, all I can say about the board is that it is legally incorporated. I am not quite sure what role it has. I point out that, as I understand it, when the Hon. Stephen Wade was chairman of the board it was a government appointed board in those days. I do not know whether it was a community board then, but perhaps the Hon. Mr Wade can clear up that matter. I do not really see how the government has much role in relation to this association. It is not a government association.

The Hon. S.G. WADE: I agree with the minister. It is a non-government organisation now. As I indicated, I do not believe it is a community organisation, but I indicate to the council that I will certainly be conveying my views to the association to suggest that it might review its constitution to make it more community based.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. P. HOLLOWAY: I move:

Page 2, after line 6—Insert: designated date means 1 July 2009;

In speaking to this amendment, I intend to move four amendments. The first, second and fourth are related. The purpose of most charitable trusts cannot be changed by the trustees by themselves despite changes in circumstances. Generally, they need to apply to the Supreme Court or the Attorney-General for approval of any changes to the purposes that they propose, depending on the value of the trust.

Although clause 5 of the bill will deal with most of the problems that would otherwise arise because of the dissolution of Julia Farr Services, because of past changes in the bodies that have run Julia Farr, there may still be some cases in which the trustee would need to apply for approval to vary the purposes of a charitable trust that can no longer be used according to the donor's original intentions. The circumstances in which approval can be given, and the procedure for applying for approval, is set out in section 69B of the Trustee Act 1936. Clause 5 of the bill will give the board of Julia Farr Association Inc. the ability to deal with some variations without having to expend trust or fund money in applying to the Supreme Court or the Attorney-General for approval, but there might be some cases in which clause 5 will not be enough.

Also, there may be other trusts for which the settler or testator has appointed other trustees such as a trustee company. The bill as introduced will exclude the operation of section 69B of the Trustee Act 1936 and, instead, it has its own provisions for the variation of trusts for the benefit of Julia Farr, the Julia Farr Services, the Julia Farr Centre Incorporated, the Home for Incurables Incorporated and the benefit of any patient or residents. This is clause 6 of the bill. It is similar to, but not the same as, section 69B of the Trustee Act. An important difference is that the Trustee Act authorises the Attorney-General to approve the variation of the purposes of a charitable trust if the value of the trust assets is $300 000 or less, whereas the bill would give an attorney-general authority to approve a scheme of variation for any sized trust.

There are also some small differences in the circumstances in which the trustees can apply for approval of the variation. Amendments Nos 1, 2 and 3 would make special provisions for the variation of trusts that cannot be dealt with by the board of Julia Farr Association Inc. applicable until 1 July 2009. After that, clause 6 would cease to operate and section 69B of the Trustee Act would apply. Thus the amendment would provide a two-year time frame for Julia Farr Association Inc.—that is, from 1 July 2007 until 30 June 2009—during which it could use the special provision. The same would apply to any other trustees. On reflection it has been decided that it would be better to allow section 69B to apply after this transitional period. It is now thought to be better in the long term not to set a precedent of excluding permanently the operation of section 69B, which is a provision that has stood the test of time and applies generally to charitable trusts in this state. I trust that, in talking to those related clauses in terms of dealing with clause 1, I will not need to contribute further to those other clauses.

The Hon. S.G. WADE: As I indicated in my second reading contribution and on clause 1, subject to other matters, the opposition does not have a fundamental objection to this bill. It is a sensible procedure to ensure equity in terms of the trusts that will need to be restructured as a result of the transfer of Julia Farr to the community sector, and also to deal with future trusts. I thank the government for its consultation on the amendments. I indicate that the opposition will be supporting amendment No. 1 and also amendments Nos 2 to 4.

Amendment carried; clause as amended passed.

Clause 4.

The Hon. P. HOLLOWAY: I move:

Page 2, after line 23—insert:

(4) Subsection (3) will expire on the designated date.

(5) On and after the designated date, references in section 69B of the Trustee Act 1936 to the original purposes of a trust will, if relevant to an application under that section, be

construed after taking into account the operation of section 5 of this Act.

Amendment carried; clause as amended passed.

Clause 5.

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

Page 3—
Line 3—Delete 'or patients' and substitute ', patients or other recipients of services'
Line 4—Delete 'or patients' and substitute ', patients or other recipients of services'
Line 7—Delete 'residents or patients, or classes of residents or patients' and substitute 'residents, patients or other recipients of services, or classes of residents, patients or other recipients of services'.

This clause refers to residents or patients of Julia Farr. The nature of Julia Farr Services, even now, before the reorganisation, is that there are clients of Julia Farr who are neither residents nor patients. Not everyone with a disability has a health complaint that requires care. The opposition believes it is appropriate to use terminology in legislation which reflects both people with a disability with health needs and people with a disability without health needs. The first amendment—and subsequently Nos 2 and 3—suggests words that would enable the bill to be more reflective of the range of clients of Julia Farr.

The Hon. P. HOLLOWAY: The government supports the amendments.

Amendments carried.

The Hon. P. HOLLOWAY: I move:

Page 3, after line 12—Insert:
(1a) JFA must, in acting under subsection (1)(c), make a nomination that accords, as far as reasonably practicable, with the spirit of the original testamentary disposition, trust or fund.

Clause 5(1) of the bill would confer power on the board of management of Julia Farr Association Incorporated to nominate by resolution the residents or patients, or classes of residents or patients, who should benefit from any testamentary disposition, trust or gift made in favour of the residents or patients of the designated entity or for the benefit of residents or patients of any place (or places) or facility (or facilities) owned or operated by a designated entity, given that we have just extended that definition with the Hon. Mr Wade's amendment. This would apply, for example, to gifts and trusts expressed to be for patients of the Home for Incurables at Fisher Street, Highgate.

The intent of this is to avoid the need for JFA to use up funds given for the benefit of residents or patients in making applications to the Supreme Court for directions. It is also to avoid the need for JFA to make applications to the Supreme Court or the Attorney-General under section 69B of the Trustee Act for approval of proposed variations for the purposes of charitable trusts for such purposes. This amendment is to make it clear that, when the board of JFA makes a nomination about who is to benefit under this provision, its nomination is to accord, as far as reasonably practicable, with the spirit of the original testamentary disposition trust or fund. Thus, the board is to respect the intention of the donors or settlers so far as it can. This is consistent with the common law and with section 69B of the Trustee Act.

It is thought necessary to include an expressed provision in the bill confirming that this is the obligation of JFA. This is particularly so because clause 5 would operate outside section 69B of the Trustee Act not only for the transitional period but for an indefinite time in the future. Also, it may give some comfort to donors (past and future) that their intentions are to be given effect, if reasonably practicable.

The Hon. S.G. WADE: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. P. HOLLOWAY: I move:

Page 4, after line 29—Insert:
(10) This section will expire on the designated date.

I have already explained the reasons for this amendment in my explanation of the first amendment.

The Hon. S.G. WADE: The opposition supports the amendment.

Amendment carried; clause as amended passed.

New clause 6A.

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

Page 4, after line 29—Insert:
6A—Maintenance of purposes
Subject to any variation of the terms of a trust under section 6 or the Trustee Act 1936, JFA cannot apply any trust or gift for a purpose that is outside the ambit of an object of JFA existing—
(a) at the time of the commencement of this act; or
(b) at the time that JFA becomes the trustee or receives the gift (as the case may be),
whichever is the later in the circumstances of the particular case.

For fear of being accused of being petulant, I indicate that the reasons we seek to insert new clause 6A are very similar to the reasons the minister gave in relation to the previous amendment. The whole intent of this bill is to ensure that the intention of the benefactors of Julia Farr is respected, and that is the intention of new clause 6A also.

The Hon. P. HOLLOWAY: We support the amendment.

New clause inserted.

Clause 7.

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

Page 4, line 32—Delete paragraph (a)

This amendment deletes paragraph (a) in relation to the proposal in the bill that any rule of Julia Farr that provides for the objects of JFA needs to have the approval of the Attorney-General. We consider that in the context of a community organisation that is not appropriate. My understanding is that the government is comfortable with that in the context of the other protections, if you like, for the intentions of the benefactors.

The Hon. P. HOLLOWAY: The government supports the amendment.

Amendment carried; clause as amended passed.

New clause 8.

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

Page 4, after line 37—Insert:
8—Annual report
(1) The administrative unit of the Public Service that is primarily responsible for assisting a Minister in relation to the provision of disability services in the State must include in its annual report for each financial year a statement that sets out, insofar as is reasonably practicable, the following information, as at 30 March of the financial year to which the report relates, with respect to the persons who are residents of the Fullarton campus on 30 June 2007:
(a) the number of persons resident at the Fullarton campus;
(b) with respect to the persons resident at a place other than the Fullarton campus, a broad description of the nature of their accommodation;
(c) during the preceding period of 12 months—
(i) the processes used to plan and implement the relocation of any person to accommodation other than the Fullarton campus;

(ii) the number of persons who returned to accommodation at the Fullarton campus, and the circumstances of their return.

(2) A report under subsection (1) should be prepared in a manner that does not identify a particular person.

(3) In this section—

Fullarton campus means the property that has, until 30 June 2007, constituted the main facility for the designated entities at the corner of Highgate Street and Fisher Street, Fullarton.

As I indicated in my second reading contribution, in relation to the move to develop community living options for people with a disability, the reform process regarding Julia Farr has been progressing for some time. In fact, I well remember, as chair of the board, the leadership provided by the then minister for disability (Hon. Robert Lawson) in 2001 when plans were put in place to expand the community living options.

So, this is not a new project, but certainly right through the process it has been vital for residents, carers and family members to know that their home at Fullarton in the Highgate Park campus, as it is now known, is secure as long as they choose to live there. There are people who perhaps might not make a choice to live at the Fullarton campus now for whom, when they had to make a choice some years ago, that was the only choice available, so circumstances are such that it is now their home. They feel safe there. They do not choose to move to the community. That has been an accepted principle of the Julia Farr community, the board and the government over the years. For shorthand purposes, I will call it the commitment to heritage clients.

The government has indicated in relation to our condition number one during the second reading stage that it was happy to restate its commitment to heritage clients and that heritage clients would be able to reside at Highgate Park for as long as they so choose. The government, as I understand it, wants to stop short of putting it in the legislation. I think the parliament has the right to ask: why would you want to stop short of putting it in the legislation? After all, if you intend to honour that commitment, why not be accountable for it? We suggest the proposed new clause 8 as an appropriate accountability mechanism. We are happy for the government to suggest better ways of expressing its understanding of its commitment, but we believe it is appropriate not only to have the commitment but also to have accountability for it.

Let me give a very recent example as to why it is important, because the commitment has already started to fudge. As recently as December 2006 the Minister for Disability gave the assurance on radio that people who are resident at Highgate Park would be able to continue to live at Highgate Park as long as they chose—that was in December 2006. Yet, in a communication that was distributed to residents of Julia Farr, I understand, in June, the heritage commitment was expressed in terms of people who were resident of Julia Farr at November 2003. Having been on the board at that time I know why that date is significant. That date is significant because that is the date that the board held its heritage commitment to. But the government, for whatever reason, in 2006, restated the heritage commitment to residents as at December 2006 and yet now, six months later, we have the heritage commitment wound back to the old board commitment of 2003.

The opposition, in terms of its designated date, has not chosen December 2006 or, for that matter, November 2003. What we have chosen is the date of the dissolution of the Julia Farr Services Board, the date by which the government is completely responsible for the services delivered to Highgate Park residents. So, we submit that 30 June 2007 is an appropriate date. If the government wants to amend that to November 2003 or—perhaps to honour the minister's commitment on radio—to December 2006, I would indicate that the opposition would be very open to such an amendment but, because of the need to ensure accountability for government commitments and because of the process of fudging of the commitment that has already started, I would urge the committee to vote for this amendment.

The Hon. P. HOLLOWAY: The shadow minister in another place asked that the minister give an assurance that the heritage residents, those who were living at the Fullarton campus before November 2003, will be guaranteed a place there indefinitely. The opposition's amendment No. 7 seeks to insert a new clause into the bill reflecting its position that a report on the numbers and status of those heritage clients be made each year in the Disability SA annual report. The government repeats its assurance that those residents will be able to live at the Fullarton campus for as long as they wish.

I am informed that the Department for Families and Communities annual report would include information on those heritage residents, as well as the numbers of people living in the community. This information is also fully available under freedom of information legislation, and the opposition is free to ask for this information at any time. The minister has indicated that it will be supplied to the shadow minister. For those reasons, and while the government endorses the spirit of this amendment, we will not support it because matters of what information to include in annual reports and how it is presented should properly be matters of policy and not legislation. It is very bad legislative practice indeed to start getting down to the detail of what is in annual reports. The government has no problem with the spirit of it but, please, let us not start to get into this sort of detail or we really will have lost our way.

The Hon. A.M. BRESSINGTON: I rise to indicate that I will be supporting this amendment. I support it for a number of reasons. First, as everybody knows in here, I have been a member or the chair of a non-government organisation for a number of years and what is being requested in this amendment is not excessive and is not out of line with what people would expect to be reported on when they are providing a service to a vulnerable group in society.

I would like to make the comment that the minister says that all of this information would be available under the Freedom of Information Act. To me, that is an absolute joke, having put in probably about 24 freedom of information requests about other various services over the past 18 months to a number of government departments and not receiving one reply. It is because of the way the Freedom of Information Act is used by bureaucracy that we have to become far more prescriptive with our legislation and reporting requirements in matters such as this.

The Hon. P. HOLLOWAY: I just think that again it really comes back to whether or not we need a Legislative Council. If we are getting to the stage where one of its roles is to start prescribing what is in annual reports, where does it end? Just imagine if we became perhaps the only democratic place in the world where the time of its parliament was spent on prescribing within legislation all the detail that needs to be in annual reports! Where are we going with this? It is just nonsense of the greatest order. No other legislature in the world would be involved in this sort of craziness. This place needs a reality check.

The Hon. A.M. BRESSINGTON: In response to the comments just made by the minister about where we are going in the Legislative Council if we start prescribing in legislation the detail in annual reports, as I said, the access to Freedom of Information through requests does not work. If you would take your Public Service to task to learn the intent of the Freedom of Information Act, prescriptive legislation like this would not be necessary.

The Hon. S.G. WADE: I find the government's position bemusing. It is telling us that the information will be produced because we will be able to obtain it through FOI. If the information is going to be produced, it is not arguing that it is a particularly onerous duty; in fact, it is saying that it will be fulfilled anyway. So, why not put it in the annual report? We believe that it is more than appropriate that a government commitment to a vulnerable group of people should be honoured through accountability. The government is assuring us that there will be no additional resource allocation as it will produce the information anyway, in which case, why put us to the expense of $25.75 to FOI it every year? Why not just stick it in the annual report?

The Hon. P. HOLLOWAY: Let us get the FOI laws right. I do not think too many MPs pay; they are exempt from it. If we start prescribing everything, where does it end? What would happen is that our legislation would just explode, and we would have the largest amount of legislation in the world. If we carry this on and set this sort of precedent, where do we go? You could use the same argument for every annual report: let us start putting it all into legislation. It just defeats the whole purpose and goes against hundreds of years of parliamentary practice, democracy and everything else.

As I said, it is sad that the Legislative Council has come to this—that it is such a hick place. We are really getting to the stage where we are prescribing in the minutest detail what has to go into annual reports. Have we really lost our way to that extent? Have we so little else of substance to do that we focus on this sort of stuff? It is mind blowing. I just wish that the public of the state could come and see this sort of nonsense, but I suspect that they will not because that in itself is probably what turns them away.

The Hon. NICK XENOPHON: Further to the Leader of the Government's last comment, I hope that the government supports the Speaker in the other place, who is interested in live streaming parliamentary debates on the internet. I think that the greater the amount of accountability and access to the public of what happens here the better. In that respect, I agree with the Leader of the Government. I support this amendment for a number of reasons: first, I do not believe that it is unduly onerous and, secondly, whilst it is prescriptive, I think that it is important, given that we are dealing with a number of—

The Hon. P. Holloway interjecting:

The Hon. NICK XENOPHON: I hear the Hon. Mr Holloway's comments but I believe it is justified in this case because of the nature of Julia Farr Services, the residents and their vulnerability and, indeed, the unique relationship that this particular service has with the South Australian community. In recent times I have been contacted by a number of parents and, indeed, some residents of Julia Farr in relation to changes, particularly with respect to ward 3A, the behavioural unit, where most of the individuals are there because of an acquired brain injury.

I do not think this is particularly onerous. This is something that has to be done anyway. It is not unreasonable to prescribe it, given the unique nature of its vulnerability, the services that are provided by Julia Farr and the fact that there have been significant changes. This very bill evidences significant changes to the structure of Julia Farr and mechanisms of accountability. This is not onerous, and I believe that we ought to support it.

The Hon. P. HOLLOWAY: We are not dividing on this, as it is obvious where the numbers lie. I think it is important, though, that we do make the point for the future. As I said, if we had the largest volumes of legislation in the world full of intimate detail, at least somebody would have stood up for commonsense, but I will not bother to divide on it.

The Hon. M. PARNELL: In light of what the minister has just said, my contribution will be very brief. I was interested in the bigger picture issue that the minister painted in relation to the appropriateness of dictating in legislation what should be included in an annual report. It seems to me that the annual reports of many government agencies are primarily self-promotion documents designed to publicise the good things and to downplay the bad things and difficulties. I do accept that this is more prescriptive than others, but I am familiar with other pieces of legislation where we do actually dictate how certain funds might have been expended and that it needs to be included in the annual report. There is a range of measures, but in terms of efficiency it does seem to me that, if the information is collected anyway, putting it into an annual report saves money—and not just the freedom of information applications.

If anyone were to lodge a freedom of information application they would be referred to the exemption in the freedom of information laws which says that if it is published in an annual report you do not get it under FOI. There is no point even applying under FOI, you just point to the annual report. I am not a big fan of FOI. It is a last resort for very specific information that no-one else wants. I think what we are talking about here is information that is more of community interest, especially with some of these so-called heritage clients. Their fate is important to all of us and I do not see that, even though this might be more prescriptive than we are used to putting in legislation, it is such an onerous provision, so the Greens will be supporting the amendment.

New clause inserted.

Title passed.

Bill reported with amendments; committee's report adopted.

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

That this bill be now read a third time.

The Hon. S.G. WADE: I would like to speak on the third reading. This bill is the conclusion of the de-amalgamation, if you like, of the government and non-government elements of Julia Farr Services. I do not intend to revisit my views on the way in which the government has managed that process. I think it is important to look to the future. In that context, I think the events of this week have highlighted one of the business risks that Julia Farr Association faces as it moves forward, that is, that the government has been using the Julia Farr name in relation to Highgate Park. The parliament is well aware of the concerns so ably raised by the Hon. Nick Xenophon in relation to the treatment of residents of ward 3A—people with a disability who also have behavioural problems.

I commend him for his advocacy on behalf of those residents, but it has meant that, on a number of occasions this

week, we have had news stories talking about Julia Farr doing this and Julia Farr doing that. With all due respect, Julia Farr had nothing to do with it. This is a government which, through Disability SA, is now managing services at Highgate Park, the Fullarton campus. I ask the minister: what steps will be taken by the government to ensure that the community appropriately understands that the services at Highgate Park are government services and that the Julia Farr Association is no longer responsible for them? I was advised by the table staff that I can ask questions.

The PRESIDENT: No.

The Hon. S.G. WADE: Okay. Rather than making it a question, I will make it an expression of concern. I ask the government to take all necessary steps to make sure that Julia Farr Association is not held accountable for its management of the Highgate Park campus.

Bill read a third time and passed.

STATUTES AMENDMENT (BUDGET 2007) BILL

Adjourned debate on second reading.

(Continued from 24 July. Page 446.)

The Hon. P. HOLLOWAY (Minister for Police): I understand that no other members wish to speak to this bill. Yesterday during the Appropriation Bill I put on record some of the questions asked by members of the opposition when this bill was before the House of Assembly. I would like to continue putting the rest of those comments on record and also address some of the issues raised yesterday by the Hon. Rob Lucas.

One question the opposition asked in the House of Assembly was: will the Adelaide Zoo, the RSPCA, Greening Australia and the Animal Welfare League remain liable for payroll tax and what would be the cost to revenue of exempting them from payroll tax? From 1 July 2008 wages paid by charities in respect of employees directly undertaking the charitable activities of the organisation will become exempt from payroll tax. The exemption for charities has an estimated cost of $1 million per annum.

Organisations such as the Animal Welfare League, the RSPCA, the Royal Zoological Society of South Australia and Greening Australia are likely to obtain the benefits of this exemption. A number of questions were asked on land tax when this bill was before the House of Assembly, which I would also like to address. Will it be possible for the provision of the new section 13A inserted by a clause 6 to be used by the Commissioner to permit retrospective or amended assessments for past periods; in other words, to go further back? The answer I have is that the amendments will only operate prospectively and will come into effect for land tax assessments from the 2008-09 land tax assessment year.

There is reference in the clause to interest created before the commencement of the provisions, but this is only to clarify that, from the 2008-09 financial year, minor interest will be disregarded no matter when they come into existence. The next question was: will the decisions of the Commissioner under new section 13A be subject to any form of review, such as on objection or judicial review? If they are not subject to any sort of review, perhaps they should be. There is a question as to whether or not it makes sense for the Commissioner to issue a notice under new section 13A(7) or 13A(8), and whether it will be preferable that it be linked to the review process of the Taxation Administration Act.

The answer that I have been provided is that any decision made by the Commissioner under section 13A will be subject to the normal objection and appeal provisions of the Taxation Administration Act 1996. The Commissioner is required to issue a notice under section 13A(7) and 13A(8) in order that taxpayers are informed of the grounds on which the Commissioner has made his decision, or formed his opinion, to disregard a minor interest. This will assist the taxpayer in formulating grounds of objection if they chose to take that course of action.

The next comment raised in the House of Assembly, which I seek to address, is the following: in new section 13A(2) I see the words 'is satisfied there is no doubt'. I raise concerns about them in the context of taxation law. I have had some advice that ordinary litigation in taxation matters is based on the civil level of proof being on the balance of probabilities. The bill seems to take the level of proof beyond even a criminal level of proof, which is beyond reasonable doubt. The bill requires no doubt in the mind of the Commissioner. I am curious as to how a taxpayer might prove otherwise. There is a feeling that this section should be opposed, particularly in the absence of any legislative guidance as to what matters the Commissioner should or should not consider.

The answer that I have been provided is that the provisions are anti-avoidance provisions which are drafted in a robust manner deliberately so that, where a minor interest of 5 per cent or less exists, a high burden of proof is on the taxpayer to show that the interest was created for a legitimate purpose. The intention behind the provision is that, where a minor interest is less than 5 per cent, the interest will be disregarded unless it is absolutely clear that the interest was created for a legitimate reason. Whilst it is acknowledged that it may be difficult for a taxpayer to discharge that burden, it will be possible where there is clearly a legitimate purpose for the creation of the interest. It is considered that this approach will ensure that the provisions are effective in achieving their purpose.

Clause 13A(4) provides legislative guidance as to what matters the Commissioner should consider in deciding whether a minor interest should be disregarded, namely, the nature of any relationship between the owners of the land, or between the owners of two or more pieces of land; the lack of consideration or the amount, value or source of the consideration provided in association with the creation of the interest; the form and substance of any transaction associated with the creation or operation of the interest, including the legal and economic obligations of the parties, and the economic and commercial substance of any such transaction; the way in which any transaction associated with the creation or operation of the interest was entered into or carried out; and any other matter the Commissioner considers relevant.

As I indicated yesterday, the Hon. Rob Lucas asked some questions, which I will now refer to. The honourable member asked a question in relation to the onus of proof in sections 13A(2) of the bill. The query was also raised in the lower house and the answer is contained in the answers that I have just provided. Post 1 July 2008, with a levy rate of 5 per cent, what would be the annual cost per year of implementing the Business SA policy of increasing the threshold from $504 000 to $800 000? The full year cost in 2008-09 of lifting the payroll tax threshold from $504 000 to $800 000, with a payroll tax of 5 per cent, is estimated at over $50 million.

As previously advised, the full year cost in 2008-09 of reducing the payroll tax rate from 5.5 per cent to 5 per cent is estimated to be $86.6 million. The Hon. Rob Lucas asked:

I would be interested to know what the total full-time equivalent staffing complement of the compliance section of Revenue SA is, and what is the total cost of compliance in South Australia?

Successive governments have continued to focus on resources to support compliance with the state's taxation laws, and Revenue SA conducts risk-based compliance programs across the full range of taxes. The total revenue collected from compliance enforcement activities for 2006-07 was $53.1 million, and approximately 60 FTEs are currently allocated to compliance and debt management activities.

For 2006 and 2007, the following costs were attributed to direct compliance and debt management activities: employee costs, $3.8 million; accommodation, $0.309 million; general administration, $0.258 million; IT expenses, $0.069 million; contractors, $0.003 million; and capital, $0.016 million. Compliance activity is structured through a risk management approach identifying areas of risk and potential risk and targeting high risk industries or client sectors with planned compliance programs. Data matching principles are also used to identify those clients with a high potential for non-compliance. Compliance activity is conducted with an awareness, wherever possible, of the cost of compliance to the taxpayer.

The government undertakes to provide the honourable member with the breakdown he has requested in relation to the additional staff resources allocated to compliance within Revenue SA over the past 10 years. This information will take some time to put together, however, and will probably be best provided by the Treasurer, as the question has been directed to him. The Hon. Rob Lucas asked the following:

An additional $2.3 million over the forward estimates has been provided to the Department of Treasury and Finance for what is deemed land tax anti-avoidance measures for additional staff in Revenue SA. I seek a response from the Leader of the Government and the Treasurer as to whether or not this is specifically referring to this provision—I suspect that it is—and to have the government outline how many additional staff have been approved for this compliance crackdown and the type of staff who are to be employed in the Treasury.

The answer with which I have been provided is that the $2.3 million figure refers to the land tax anti-avoidance measures. The additional resources are not for compliance investigators, however, but are for up to six taxation services officers and associated system and support costs necessary to deal with the work associated with aggregating the relevant ownerships and assessing the merit of requests for exclusion from the provisions. Existing compliance resources will be applied to these new provisions based on the Commissioners' existing risk-based methodology for targeting potential non-compliance state tax laws. I trust that that addresses the issues raised. For anything further, we will deal with it later during the committee stage. But, for now, I commend the bill to the council.

Bill read a second time.

ADJOURNMENT

At 10.38 p.m. the council adjourned until Thursday 26 July at 11 a.m.