LEGISLATIVE COUNCIL

Tuesday 11 September 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.21 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, assented to the following bills:

Appropriation,

Correctional Services (Miscellaneous Amendment),

Criminal Law (Clamping, Impounding and Forfeiture of Vehicles),

Criminal Law (Sentencing) (Dangerous Offenders) Amendment,

Murray-Darling Basin (Amending Agreement) Amendment,

Natural Resources Management (Water Resources and Other Matters) Amendment,

Protective Security,

Public Finance and Audit (Certification of Financial Statements) Amendment,

Statutes Amendment (Budget 2007),

Statutes Amendment (Real Estate Industry Reform).

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions that I now table be distributed and printed in *Hansard*: Nos 334, 371 to 385 and 524 of the last session.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

334 (First session). **The Hon. J.M.A. LENSINK:** Can the Attorney-General advise whether the Statutes Amendment (Relationships) Bill will be reintroduced into the current session of parliament?

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

The government fulfilled its pledge to introduce a Bill to remove discrimination for homosexual couples. The *Statutes Amendment (Domestic Partners) Bill 2006* was introduced on 14 November 2006, and passed on 7 December 2006.

CAPITAL AND RECURRENT EXPENDITURE

371-385 (First session). **The Hon. R.I. LUCAS:** What was the actual level for 2005-06 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which are classified in the general government sector) then reporting to all Ministers?

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

The answer has been prepared on the basis of a comparison of the original 2005-06 Budget and the actual level of expenditure for 2005-06. There are many reasons for a variation to exist. These could include budget decisions taken during the year, carryovers, accounting reclassifications and other external funding (i.e. additional Commonwealth funding). Accordingly, the attached data should be interpreted cautiously as they do not necessarily measure 'underspending' or 'overspending'.

Operating expenses (excluding depreciation) for General Government Sector

Agency	Budget adjusted for non GFS impacting items 2005-06 *	Actuals adjusted for non GFS impacting items 2005-06 *	Variation between adjusted Budget and adjusted Actuals
Adelaide Festival Corporation	4 000	11 833	-7 833
Administrative and Information Services	610 262	587 741	22 521
Art Gallery Board	9 422	8 768	654
Arts SA	103 579	103 035	544
Attorney-General's Department	128 415	136 126	-7 711
Auditor-General's Department	10 255	10 238	17
Bio Innovation SA	8 386	6 644	1 742
Carrick Hill Trust	932	1 161	-229
Country Fire Service	42 205	42 662	-457
Courts Administration Authority	71 328	73 292	-1 964
Dairy Authority of SA	527	492	35
Department for Correctional Services	137 372	145 256	-7 884
Department for Environment and Heritage	124 351	131 172	-6 821
Department for Families and Communities	922 625	947 326	-24 701
DFC Incorporated Disability Services	158 704	175 290	-16 586
Department for Transport, Energy and Infrastructure	595 156	644 971	-49 815
Department of Health	2 469 909	2 471 702	-1 793
Health Regions and Other Health Entities	2 463 924	2 594 546	-130 622
Department of Trade & Economic Development	68 962	61 942	7 020
Education Adelaide	570	2 551	-1 981
Education and Children's Services	1 709 143	1 778 031	-68 888
Electric Supply Industry Planning Council	1 876	1 808	68
Emergency Services Administrative Unit	21 719	0	21 719
Environment Protection Authority	29 069	30 406	-1 337
Essential Services Commission of SA	10 037	9 628	409

Operating expenses (excluding depreciation) for General Government Sector

Agency	Budget adjusted for non GFS impacting items 2005-06 *	Actuals adjusted for non GFS impacting items 2005-06 *	Variation between adjusted Budget and adjusted Actuals
Further Education, Employment Science & Technology	419 112	450 911	-31 799
History Trust of SA	5 150	5 414	-264
House of Assembly	6 761	5 213	1 548
Independent Gambling Authority	1 416	1 539	-123
Joint Parliamentary Services	7 495	6 793	702
Legislative Council	4 157	3 529	628
Libraries Board of SA	27 709	29 694	-1 985
Local Government Grants Commission	114 497	124 864	-10 367
Office of Local Government	2 666	3 705	-1 039
Office of Public Employment	6 890	7 626	-736
Office of Sustainable Social & Economic Development	1 772	1 942	-170
Office of the Venture Capital Board	1 543	1 310	233
Outback Areas Community Development Trust	1 548	2 123	-575
Planning SA	19 725	24 688	-4 963
Playford Centre	630	976	-346
Premier and Cabinet	52 711	61 805	-9 094
Primary Industries and Resources	176 244	194 301	-18 057
SA Country Arts Trust	7 610	10 583	-2 973
SA Film Corporation	4 498	4 464	34
SA Fire & Emergency Services Commission	0	12 057	-12 057
SA Government Employee Residential Properties	17 410	17 094	316
SA Metropolitan Fire Service	77 736	74 544	3 192
SA Motor Sport Board	16 233	19 567	-3 334
SA Museum Board	9 728	12 222	-2 494
South Australia Police	504 362	522 135	-17 773
South Australian Ambulance Service	101 722	92 774	8 948
South Australian Tourism Commission	48 643	55 645	-7 002
State Electoral Office	3 035	10 683	-7 648
State Emergency Service	0	10 705	-10 705
State Governor's Establishment	2 458	2 774	-316
State Opera of SA	4 356	2 718	1 638
State Supply Board	360	690	-330
State Theatre Company of SA	4 273	4 551	-278
Support Services to Parliamentarians	13 278	16 525	-3 247
Treasury and Finance	69 229	68 990	239
Water, Land, Biodiversity & Conservation	116 549	138 220	-21 671
Zero Waste SA	4 973	8 385	-3 412

* The adjusted budget and adjusted actuals columns comprise adjustments for revaluations of financial assets and other revaluation increments.

Capital payments for General Government Sector

Agency	Original Budget 2005-06	Actuals 2005-06	Variation between Original Budget and Actuals
Adelaide Festival Corporation	—	54	-54
Administrative and Information Services	135 242	177 470	-42 228
Art Gallery Board	—	5 296	-5 296
Attorney-General's Department	976	485	491
Auditor-General's Department	335	302	33
Bio Innovation SA	250	—	250
Carrick Hill Trust	—	5	-5
Correctional Services	5 875	4 176	1 699
Courts Administration Authority	5 675	5 734	-59

Capital payments for General Government Sector

Agency	Original Budget 2005-06	Actuals 2005-06	Variation between Original Budget and Actuals
DFC—Incorporated Disability Services	12 531	11 304	1 227
Education and Children's Services	47 526	49 700	-2 174
Electricity Supply Industry Planning Council	70	16	54
Emergency Services Administrative Unit	3 327	—	3 327
Environment and Heritage	10 560	10 618	-58
Environment Protection Authority	723	580	143
Essential Services Commission of SA	101	18	83
Families and Communities	5 335	2 885	2 450
Further Education, Employment, Science and Technology	15 750	12 924	2 826
Health	2 968	3 779	-811
Health Regions and Other Health Entities	111 544	108 978	2 566
History Trust of SA	—	23	-23
Libraries Board of SA	1 295	1 285	10
Museum Board	500	554	-54
Outback Areas Community Development Trust	200	95	105
Planning SA	825	979	-154
Playford Centre	—	107	-107
Premier and Cabinet	5 942	291	5 651
Primary Industries and Resources	7 881	11 094	-3 213
SA Ambulance Service	21 254	15 840	5 414
SA Country Arts Trust	658	—	658
SA Country Fire Service	10 098	12 502	-2 404
SA Fire and Emergency Service Commission	—	167	-167
SA Metropolitan Fire Service	11 435	11 666	-231
SA State Emergency Service	—	3 391	-3 391
SA Tourism Commission	116	372	-256
South Australia Police	18 662	8 627	10 035
State Electoral Office	100	89	11
State Governor's Establishment	90	984	-894
Trade and Economic Development	—	414	-414
Transport, Energy and Infrastructure	230 424	256 305	-25 881
Treasury and Finance	9 654	834	8 820
Water, Land & Biodiversity Conservation	1 436	776	660
Zero Waste SA	—	345	-345

Operating expenses (excluding depreciation) for Public Non-Financial Corporations

Agency	Budget adjusted for non GFS impacting items 2005-06 *	Actuals adjusted for non GFS impacting items 2005-06 *	Variation between adjusted Budget and adjusted Actuals
Aboriginal Housing Authority	28 631	30 484	-1 853
Adelaide Cemeteries Authority	4 766	4 309	457
Adelaide Convention Centre	23 307	25 605	-2 298
Adelaide Entertainment Corporation	8 287	8 910	-623
Adelaide Festival Centre Trust	34 438	24 500	9 938
Forestry SA	101 693	125 043	-23 350
Land Management Corporation	78 001	98 882	-20 881
Lotteries Commission of SA	372 860	351 859	21 001
Public Trustee	14 851	16 078	-1 227
RESI Corporation	3 013	340	2 673
SA Government Employee Residential Properties	17 410	17 094	316
SA Housing Trust	387 148	384 185	2 963
SA Water Corporation	677 874	682 929	-5 055
TransAdelaide	82 866	130 003	-47 137
West Beach Trust	7 483	7 102	381

* The adjusted budget and adjusted actuals columns comprise adjustments for revaluations of financial assets and other revaluation increments.

Capital payments for Public Non-Financial Corporations

Agency	Original Budget 2005-06	Actuals 2005-06	Variation between Original Budget and Actuals
Aboriginal Housing Authority	9 220	11 268	-2 048
Adelaide Cemeteries Authority	446	646	-200
Adelaide Convention Centre	2 463	2 877	-414
Adelaide Entertainment Corporation	410	1 531	-1 121
Forestry SA	18 759	7 129	11 630
Land Management Corporation	12 180	562	11 618
Lotteries Commission of SA	1 871	998	873
Public Trustee	510	284	226
SA Government Employee Residential Properties	7 650	9 436	-1 786
SA Housing Trust	152 843	145 481	7 362
SA Water Corporation	179 637	157 563	22 074
TransAdelaide	19 329	36 894	-17 565
West Beach Trust	3 778	458	3 320

EMERGENCY SERVICES MINISTER, TRAVEL

524 (First session). **The Hon. R.I. LUCAS:** Since March 2002:

1. How many frequent flyer points has the Minister for Emergency Services accumulated from any taxpayer funded travel?

2. Has the Minister used frequent flyer points accumulated from any taxpayer funded travel for travel by the Minister or any other person?

3. If so, will the Minister provide details of any such travel undertaken by:

(a) the Minister; and

(b) any other person?

The Hon. CARMEL ZOLLO: No points accrued as a result of my official travel have been utilised by myself or any person since March 2005.

PAPERS TABLED

The following papers were laid on the table:

By the President—

- Members of Legislative Council Travel Expenditure, 2006-07
- Register of Members' Interests—June 2007—Registrar's Statement
  - Ordered—That the Statement be printed. (Paper No. 134)

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

- Capital City Committee Adelaide—Report, 2006-07
- Electoral Report—South Australian Election held on 18 March 2006
- Electoral Statistics—South Australian Election held on 18 March 2006
- Industrial Relations Advisory Committee—Report, 2006-07
- Report of the Attorney-General made pursuant to Section 48 of the Terrorism (Preventative Detention) Act 1005 for the year ended 30 June 2007
- Regulations under the following Acts—
  - Electricity Act 1996—Licence Fees and Returns
  - Firearms Act 1977—Exemption for Exhibitors
  - Gas Act 1997—Licence Fees and Returns
  - Justices of the Peace Act 2005—Special Justice
  - Public Corporations Act 1993—Port Adelaide Maritime Corporation
  - Road Traffic Act 1961—
    - Ancillary and Miscellaneous
    - Safety Helmets
    - Special Purpose Vehicles
  - Shop Trading Hours Act 1977—Expiry
  - Subordinate Legislation Act 1978—Postponement of Expiry
  - Summary Procedure Act 1921—
    - Industrial Offences
    - Witness Fees
  - Survey Act 1992—General
  - Workers Rehabilitation and Compensation Act 1986—Designated Courts
  - Workers Rehabilitation and Compensation (Territorial Application of Act) Amendment Act 2006—Territorial Application
- Rules of Court—
  - Supreme Court—Supreme Court Act 1935—Bail Review
- Rules under Acts—
  - Road Traffic Act 1961—Vehicle Standards
- Approvals to Remove Track Infrastructure Schedule for the period 1 July 2006 to 30 June 2007
- Government Boards and Committees information as at 30 June 2007 (Listing of Boards and Committees by Portfolio)
- Memorandum of Lease between the Minister for Transport and Genesee and Wyoming Australia Pty. Ltd

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

- Interim Operation of the Land Not Within a Council Area—Eyre, Far North, Riverland and Whyalla Development Plans; Land Not Within a Council Area—Consolidated and Better Development Plan (BDP) Conversion Plan Amendment Report by the Minister—Report
- Regulations under the following Act—
  - Development Act 1993—
    - Commercial Forestry
    - Division of Land

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

- Intellectual Disability Services Council—Report, 2005-06
- Teachers Registration Board of South Australia—Report, 2006
- Regulations under the following Acts—
  - Housing and Urban Development (Administrative Arrangements) Act 1995—HomeStart Finance
  - South Australian Housing Trust Act 1995—Affordable Housing
- Education Adelaide Charter, 2007-08
- Education Adelaide Performance Statement for the financial year, 2007-08

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

- Actions taken following the Coronial Inquiry into the Death in Custody of Stuart Murray Chalklen—July 2007
- Actions taken following the Coronial Inquiry into the Death in Custody of Renato Dooma—August 2007

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

Corporation By-laws—City of Charles Sturt—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Streets and Roads
No. 6—Dogs and Cats
Regulations under the following Acts—
Adelaide Festival Centre Trust Act 1971—General
Liquor Licensing Act 1997—
Clare High School
Dry Zones—Loxton
National Parks and Wildlife Act 1972—Witjira National Park
Prevention of Cruelty to Animals Act 1985—
Electrical Devices
Rodeos
Rules under Act—
Local Government—
Account Based Pension
New Pension Benefits.

SANTOS

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

FIRE AND EMERGENCY SERVICES ACT

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I seek leave to make a ministerial statement on the review of the Fire and Emergency Services Act 2005.

Leave granted.

The Hon. CARMEL ZOLLO: The Fire and Emergency Services Act creating the South Australian Fire and Emergency Services Commission came into force in October 2005. Since that time the emergency services sector has taken great leaps forward. We have created a better resourced and a more strategically focused emergency services framework. The need for collaboration across the emergency services sector has become even more important since new whole of government emergency management responsibilities were transferred to SAFECOM last year. When the act was passed in 2005 it specified that the minister must cause the operation of the legislation to be reviewed after the two-year anniversary of its commencement.

Today I am pleased to announce that on 1 October 2007 the review of the Fire and Emergency Services Act will commence. I have appointed Mr John Murray, a former Assistant Police Commissioner in SAPOL and Deputy Commissioner, Australian Federal Police, to conduct the review. Mr Murray is now an educator and consultant to major projects in safety and security in government institutions and private industry. Mr Murray will formally begin his role on 1 October 2007 and I will make his contact details, consultative arrangements and information about making a submission to the review known at that time. The Fire and Emergency Services Act requires that a review of the act must include:

(a) an assessment of the extent to which the enactment of the act has led to improvements in the management and administration of organisations within the emergency services sector and to increased efficiencies and effectiveness in the provision of fire and emergency services within the community; and

(b) an assessment of the extent to which owners of land and other persons who are not directly involved in that emergency services organisation should be able to take action to protect life or property from a fire that is burning out of control; and may address other matters determined by the minister or by the person conducting the review to be relevant to a review of the operation of this act.

To this end the government will ask that the recommendations from the recently released report into bushfire management and mitigation be forwarded to Mr Murray for consideration as part of the review. In addition, I have set 10 terms of reference to guide the review in fulfilling its requirement to review the operation of the legislation. The terms of reference are:

1. Analyse plans, policies, workforce plans, systems of work, budgets and board minutes to assess the extent to which the creation of the commission has:

(a) improved the management and administration of organisations within the emergency services sector; and

(b) increased efficiencies and effectiveness in the provision of fire and emergency services within the community.

2. Assess whether there have been improvements and, if so, to what extent, in the provision of fire and emergency services within the community in terms of prevention, preparedness, response and recovery.

3. Evaluate the capacity to which landowners and other people outside the emergency services sector can take action to protect life and property from a fire burning out of control.

4. Analyse the constitution of the commission board and the ability of the current arrangements to implement government policy and reforms implicit in the legislated power and functions of the commission.

5. Evaluate the degree to which the advisory board contributes to the achievement of the commission's goals and its relationship with the SAFECOM board.

6. Examine the structure and the relationship between the individual agencies as legal entities and the commission and make recommendations for improvement.

7. Analyse whether any of the elements of the act could be more effectively established as subordinate legislation.

8. Recommend changes to the act and the operation of the emergency services to better facilitate SAFECOM's role in emergency management planning and policy across the sector and from a whole of government perspective.

9. Comment on the ability of the legislation to protect and support volunteers.

10. Draft a report, making recommendations for change.

These terms of reference will be available on the SAFECOM website from today.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I understand they are very enthusiastic and they are already on there—which I am pleased to hear. The website address is www.safecom.sa.gov.au. Mr Murray is required to complete his report within six months and, as required, I will table a report on his report within 12 days of its receipt.

FAMILIES AND COMMUNITIES DEPARTMENT, DEPUTY CHIEF EXECUTIVE OFFICER

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement relating to the appointment of a new Deputy Chief Executive

of the Department for Families and Communities made on Tuesday 11 September in another place by the Minister for Families and Communities (Hon. J. Weatherill).

WATER SECURITY

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to future directions in water security made on Tuesday 11 September in another place by the Premier (Hon. M.D. Rann).

QUESTION TIME

TASERS

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

Leave granted.

The Hon. D.W. RIDGWAY: In July 2002 South Australia Police introduced a 12-month trial of tasers. Now, 4½ years on, the weapon is still on trial. An official report outlining the effectiveness of the weapon, and addressed to Police Commissioner Mal Hyde, was due in July 2003; however, as at February 2006 it still had not been released and, as result of this, I launched a freedom of information request with South Australia Police. I provided one extension, and now it is again overdue and I still not have had any response in relation to that FOI. The trial was to determine whether South Australian Police would adopt the weapon on a permanent future basis and how it would operate within the force.

It is interesting to note that, in the last edition of *The Police Journal*, the President of the Police Association, Mr Peter Alexander, expressed his disappointment that SAPOL had not extended the provision of taser guns for general police duties. This comes as a disappointment to the association, as the taser guns provide front-line police with a highly effective, even potentially lifesaving tool of the trade. The association will continue to lobby South Australia Police to broaden its provision of the guns. This morning I was alarmed to read a small article in *The Advertiser* entitled 'Two Charged—Cash, drugs found'. The article states:

> A raid on a Mt Barker Springs house has netted the police $70 000 in cash and an amount of drugs.
>
> Capsicum spray, a taser gun as well as four ecstasy tablets and 10 gms of amphetamine were found on the property during the raid about 1.30 p.m. on Sunday.

My questions are:

1. When will the report be released?

2. Given that tasers are now in the hands of criminal elements within the community, as outlined in *The Advertiser* today, why are you as minister denying our police officers this important piece of modern policing equipment?

The Hon. P. HOLLOWAY (Minister for Police): I am not denying the police officers anything. The equipment that police officers use in their duty is a matter for the Police Commissioner, and he is in the best position to determine—

Members interjecting:

The Hon. P. HOLLOWAY: No, I am not blaming anyone else. I am saying that it is up to the Police Commissioner to determine the appropriate equipment for his use. Indeed, in relation to firearms, the Police Commissioner recently announced that he would be looking at the use of semiautomatic weapons on a trial basis. It is appropriate that that be done, given that, while semiautomatic weapons do provide some advantages, certain risks to the public and the police officers are also associated with them. It is important that there be training in relation to those guns. As far as tasers are concerned, it is my understanding that certainly the STAR Force has access to such equipment: it is the group that is best equipped to deal with any offender who is presenting a risk to the public.

Of course, whenever there are those sort of siege situations, the police who are best able, best armed and best equipped to deal with that situation do so. Really, any investigation into the issue of equipment such as tasers is a matter for the Police Commissioner, and appropriately so. It is not appropriate that I should be directing the Police Commissioner on what equipment he believes is best for his troops. If I were to issue a directive to the Police Commissioner, I am sure that members opposite would be the first ones to come in here and to censure me for so doing. These matters have to be matters for the Commissioner, because, after all, the Commissioner is responsible for ensuring that, whatever equipment is available to police, not only is it the best available but that the police officers are adequately trained to use that particular equipment.

I know that the Commissioner has looked at this matter because I was in Europe last year with the Commissioner. We had a demonstration of tasers. I had the opportunity of firing one at a target. I am well aware of the benefits of them. They also have some limitations, and clearly one would not expect them to be used very frequently in relation to police activities. Really, that is entirely a matter for the Police Commissioner, and he has my support in whatever decision he makes in relation to the use of such equipment.

JAMES NASH HOUSE

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Mental Health and Substance Abuse a question about James Nash House.

Leave granted.

The Hon. J.M.A. LENSINK: In estimates on 4 July, the minister advised:

> With regard to the forensic mental health facility, design and construction will continue in 2007-08 subject to the outcome of the Glenside master plan that we expect to release shortly.

She then made a ministerial statement on 26 July in which she advised that the facility at Oakden would be relocated as part of the Mobilong prison service.

Under freedom of information the Liberal opposition has received copies of the mental health business case, and in 2005 I note that there is no reference at all to shifting the forensic service to within the prison system. Furthermore, there is advice that was provided to a select committee into mental health and the prison system. The then director of mental health services, Dr John Brayley, advised:

> . . . views I have heard from practitioners in the forensic mental health system. . . is that they see it is quite important that they are employed by Health and are part of Health in their role, rather than being part of Correctional Services.

He also said:

> With the planned development of the new forensic mental health facility in South Australia, one core function that has been considered has been to have a centre of excellence linked to hospitals and universities.

The Hon. Angus Redford said:

There is enough space around James Nash to incorporate the new facility and even for post release care if required.

Learne Durrington from the department replied:

Yes, we are very lucky to have that site.

My questions are:

1. Why did the minister pre-empt the decision to relocate before the release of the mental health master plan?

2. Given that the minister said over two months ago that she expected to release it soon, can she give us an updated timetable?

3. Given that there is no evidence that either clinicians or the department recommended anything other than a rebuild at the existing site, whose advice did she take and why did she chose to ignore the experts?

4. Will she deny that the government plans to shift forensic mental health from health into the correctional services system?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her important questions. One thing that the opposition just cannot get over is the government's prerogative to govern. We do that in an incredibly responsible way. I remind the opposition that this government has spent more on mental health than the opposition ever spent on mental health, and we will continue to do that. We have not only designed a complete reform agenda for the whole of our mental health service here in South Australia but we have also committed the dollars to go with it. In the past 12 months I remind members we have committed $107.9 million to rebuild a reformed mental health system. It is new money for new services: $107.9 million, whereas when it was in government the opposition allowed our mental health system to be ground into the ground—an absolute disgrace.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. G.E. GAGO: Thank you for your protection, Mr President. So, not only have we put together a blueprint and committed the resources to completely reform South Australia's mental health system but included in that we have also made an announcement for a new facility to be located at the Mobilong site, a 40-bed secure forensic mental health centre. This will be a national benchmark in forensic mental health standards, and it is outrageous to suggest that the location at Mobilong diminishes or in some way does not support the model of this care being developed and modelled by our clinicians. The model of this care is based on our best experts in this state who have already fed into this model design and will continue to do so. This new design will be a centre of excellence. It will indeed provide state-of-the-art services and be a state-of-the-art-design, and its focus will be on rehabilitation and recovery.

An honourable member: That's good news.

The Hon. G.E. GAGO: It is good news. It is outrageous that those sitting opposite who were responsible for the downgrading of our mental health services could have the audacity to criticise this commitment and vision. The prisons have made a decision to locate to the Mobilong site, there is a PPP process and it was timely and responsible for us to consider the forensic mental health services as being part of that PPP.

If we had sat on our hands, like the opposition did, had done nothing and not provided extra funding, we would still have the old outdated services from the opposition. However, we did not sit on our hands. We looked for opportunities and, as there was an opportunity at the Mobilong site, we took the initiative and seized the opportunity of forming a partnership in relation to that PPP. As I have always stressed, and the Hon Michelle Lensink knows this, it will not be part of Correctional Services; it will be a stand-alone facility based on national state of the art forensic mental health standards.

In terms of the consultation, I have been through that in detail before, but I am happy to go through it all again. As part of the significant reforms being undertaken, the government has announced this new forensic facility. In terms of the consultation process that the opposition has asked me to repeat, as I said, I have already put this on the record but, as it has asked me to repeat the details, I will do so. In the first half of 2006, meetings were held with senior staff at James Nash House and with key representatives from forensic Mental Health Services. These meetings focused on the configuration of the new facilities, in particular the mix of acute, sub-acute and rehabilitation facilities. The concept planning at this stage reflected the consultation with senior staff.

In late 2006, as I have previously reported but the opposition is insisting I repeat, further concept development work was undertaken. At this stage, planning assumed that the facilities would be developed at the Oakden site. Following the announcement that the new prison would be developed at Mobilong, the feasibility of locating a forensic campus on that site was assessed. A staff meeting was held on 26 July informing staff at James Nash House of the government's decision to develop the secure forensic mental health facility at Mobilong.

Staff were informed at this meeting that the extensive consultation process will now commence, exploring a range of issues, including further work on the concept design and detailed documentation for the new facility and transport and travel arrangements for patients, visitors and staff. Due to the size of the services planned at the Mobilong site, a regular transport service from Adelaide to Murray Bridge will be explored. This may be accessed by everyone reliant on the provision of public transport services, and the feasibility of this service for staff will also be explored.

Incentive packages will also be considered. These initiatives will be discussed with the unions and it is likely they will be similar to the packages being offered by Correctional Services. Following on from the announcement of the new facility in July, a service modelling advisory group has now been established. This reference group comprises key staff representatives from James Nash House who are providing advice on the design, configuration and operations for the new forensic mental health centre plans for Mobilong. In relation to the Murray Bridge council, departmental officers have met with its representatives on two occasions to discuss the initiative, and a presentation was given at a meeting attended by elected members of the council and local health services personnel on 30 July.

As can be seen, this government has again followed through with its commitment to the total reform of South Australia's mental health system, and included in that is our forensic mental health system. I am very proud to announce that this will be part of a PPP process at the Mobilong site, where a new 40-bed state-of-the-art forensic facility will be developed.

The Hon. J.M.A. LENSINK: Can the minister confirm that the first date on which the staff who work at James Nash

House knew about the relocation was actually on the day that she made her ministerial announcement?

The Hon. G.E. GAGO: As I said, it sticks in the opposition's craw that it is the government's prerogative and responsibility to govern, and that is what we do. We do not resile from our commitment to reform South Australia's mental health system, and that includes our forensic mental health system. It really gets on their goat, because they sat on their hands for eight years and did nothing but allow South Australia's mental health system to crumble and erode—an absolutely disgraceful performance from the previous government.

COUNTRY FIRE SERVICE

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

Leave granted.

The Hon. S.G. WADE: At a meeting at Mount Barker on 28 August 2007, a question was raised in relation to the possibility of retained crews in the CFS. That was a meeting at the Heysen Group AGM. The minister responded that it was government policy to have only one paid firefighting service in South Australia, referring to the Metropolitan Fire Service. The minister's comments ignore the fact that the CFS already has around 30 paid brigades, including Department for Environment and Heritage units, Forestry SA units and private forestry company units. I note that the CFS, our paid firefighting service, has flexible arrangements available to it so that full-time paid firefighters work alongside retained crews. My questions are:

1. Can the minister clarify the government policy on paid firefighters within the CFS?

2. If government policy precludes paid CFS firefighters, are the Forestry SA, Department for Environment and Heritage and private forestry company brigades to be disbanded?

3. If government policy precludes paid CFS firefighters, can the minister explain how the government plans to maximise the efficiency and effectiveness of our firefighting services when one of those agencies is denied the flexibility afforded to the other?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. I was pleased to see him at Mount Barker a week or so ago although, I must admit, somewhat surprised, because I had been invited to address the CFS group that night and I thought it was going to be an informal chat. Not only is it this government's policy to have a metropolitan fire service that is paid, with retained staff as well, but, of course, we have a volunteer firefighting service in the CFS—volunteers to whom all of us in the South Australian community are enormously indebted. One could not possibly put a price on what they do for our community. They are people who are prepared, at the drop of a hat, to make themselves available to make sure that not only their own community is safe but that other communities are safe as well; indeed, often our brigades will travel right throughout the state to assist other brigades in times of need.

The Country Fire Service has a very strong history and culture of volunteerism. That is what the Country Fire Service is indeed all about. To suggest that we should now go down the path of not having a volunteer service in the state, I think, does not do any credit to the opposition. As I said, we are very fortunate in this state to have a volunteer service like the Country Fire Service. It is, of course, incumbent upon this government to ensure that its members are well trained and resourced; we certainly do that, and we appreciate what they do for our community.

I have asked the SAFECOM Advisory Board to provide me with some further suggestions for acknowledgment of the good works of the Country Fire Service. Those recommendations have now been provided to me, and shortly I shall be in a position to make them available. We appreciate the services of all the volunteers in the state; indeed, SAFECOM itself has volunteer support officers. I would point out, of course, that the out-of-pocket expenses of volunteers are met. We should all be justly proud of the Country Fire Service operating in this state.

MINERAL EXPLORATION

The Hon. R.P. WORTLEY: Will the Minister for Mineral Resources Development indicate what impact the boom in minerals exploration and development in regional South Australia is having on the growth in the city of Adelaide?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his important question. The minerals exploration boom in this state, which is fast becoming a minerals development boom, is providing benefits to all South Australians. Yesterday I had the pleasure of officially opening Sinosteel Corporation's office in the heart of the central business district. Sinosteel Australia is a subsidiary of Sinosteel Corporation based in Beijing and is one of China's largest state owned enterprises.

The opening of that office represented a significant milestone for the Sinosteel Corporation and for PepinNini Minerals. The opening of this office is the next major milestone for both companies, following the establishment of their joint venture in June this year. The government also sees this joint venture as a significant milestone for South Australia as it represents the first of what we expect will be many new investments by Chinese companies. We expect other Chinese resource companies to follow Sinosteel's lead and establish a presence in Adelaide. I congratulate both Sinosteel and PepinNini and the staff of these companies for making this significant commitment. PepinNini Minerals Limited is an ASX-listed exploration company focused on mineral exploration, with tenements in the Mid and Far North of South Australia and in North Queensland.

Sinosteel occupies an important position in economic and trade relations between Australia and China. As early as the 1970s, Sinosteel began to import iron ore from Australia. In 1987 Sinosteel and Hamersley Pty Ltd, a subsidiary of Rio Tinto, set up the Channar joint venture in Western Australia, the largest Sino/Australian cooperative project at that time and until today remains one of the largest investment projects between the two countries. The project has received considerable attention and strong support from both the Australian and Chinese governments.

It is very significant that Sinosteel has decided to set up its second office in Australia in Adelaide, and I expect that we will see the advancement and development of several joint venture mineral projects over the next few years, including the Crocker's Well uranium prospect, which lies within the highly prospective Curnamona Province region, and is one of several potential mines that will make an important new

contribution to the economic growth and job creation for the region. We have witnessed extraordinary growth in South Australia's mineral sector during the past 12 months, and the state government is keen for this to continue. The confidence by the resource sector in South Australia's 'can do' attitude is a positive sign for potential future investment.

Last Wednesday I also had the pleasure of opening the new head office facilities for Terramin Australia in the Westpac building in the CBD. The opening of Terramin's new head office follows on from the commencement of construction of the Angas zinc mine at Strathalbyn. Terramin is to be congratulated for advancing rapidly with site construction, underground development and establishment of the stringent environmental controls and systems that are essential for full compliance with the operating licence conditions for the life of this new mine. The Angas zinc mine has a forecast life of seven years and is expected to employ around 60 people full time in the operational phase and substantially more during the current construction and establishment phase. The Angas mine represents an important new contribution to the economic growth and job creation for that region.

These two significant openings of mineral resource company offices in the Adelaide central business district illustrate the benefits that mining brings to all parts of the state, including Adelaide itself. These new head offices are bringing back a vibrancy into the city, as well as jobs and development in the regions. We can anticipate many more companies following this lead in future.

WATER SUPPLY

The Hon. SANDRA KANCK: I seek leave to provide an explanation before asking the Minister for Environment and Conservation, representing the Minister for Water Security, a question about the allocation of water for new plantings in South Australia and Victoria.

Leave granted.

The Hon. SANDRA KANCK: My constituents in the Riverland regularly report new plantings of almonds, apples and other crops in the Riverland and in Victoria. I have been told that 5 000 acres of almonds were planted at Boundary Bend in Victoria in June 2007 as part of a managed investment scheme, and that stone fruit are being planted around Swan Hill. I verified this by checking news and industry sources and found that these accounts are correct.

A horticulture industry newsletter reports record levels of almond production in the Sunraysia/Mid Murray, Riverina and Riverland districts. AHM Limited is promoting the fact that it has just planted apples at Loxton, and Almondco Australia (a Riverland-based company) reports record intakes of almonds and new plantings of almonds. Also, I am informed of extensive plantings by Timbercorp, particularly in Victoria. This is all happening at a time of severe water restrictions when established producers in the Riverland are having their water allocation limited to just 16 per cent and the Murray is dying. My questions are:

1. Is the minister aware of these new plantings?

2. What principles are being used to determine the allocation of water? How is it that COAG agreements have temporarily forced South Australians to water their gardens using buckets whilst these developments have been allowed to proceed without impediment?

3. Is South Australia lobbying the federal and Victorian governments to cease allocating water to new plantings?

4. Is the minister herself involved in granting water allocations for new plantings; and, if so, have any applications for water for new plantings been refused?

5. Has the minister consulted with existing citrus growers about their opinion of granting new allocations to major corporations?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her questions. I will pass them on to the appropriate minister in another place and bring back a response.

POLICE, REGIONAL STAFFING

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

Leave granted.

The Hon. T.J. STEPHENS: For some time now I have raised with the minister my concerns regarding police numbers in regional South Australia. I have said before that I believe that country police numbers are in crisis. The minister has refused to acknowledge this. Over the break I have had a number of reports of understaffing in regional South Australia. I have reported previously that serious understaffing occurs at Ceduna, Port Lincoln, Port Augusta and the Riverland. I am reliably informed that these stations are still understaffed. The minister and the government currently talk up Roxby Downs and what that community is doing for the state's economy and its massive future potential for growth. The Liberal Party has always championed the cause and development of Roxby Downs. My questions are:

1. Will the minister explain why Roxby Downs has a station complement of 10 officers but currently there are only two full-time resident police officers; and that relief for that station is drawn from Port Augusta which is already under complement?

2. What is the minister doing about inadequate rent subsidies for police—one of the major impediments to attracting any of his much publicised and, I say, highly debatable record police numbers past Gepps Cross?

The Hon. P. HOLLOWAY (Minister for Police): Again, I make the point that there was a crisis in police numbers when they fell to the 3 400 mark in the mid 1990s. There are now over 4 000 police within this state and, indeed, the number is growing. This state is committed to recruiting additional police. Of course, if one looks at the vacancies, every police station in the state has vacancies from time to time because we do not compel police officers to remain in a particular location. They are able to move to seek promotion and transfer to other posts. Clearly, some posts within the state are more difficult to staff than others.

The Police Commissioner is well aware of this situation and is addressing it in his considerations. Obviously, the more remote the police station is the more difficult it is to get permanent staff. For example, the APY lands is one of the most difficult places to recruit police, but, with the support of the federal government, we will be providing new facilities, including housing, at Amata and Ernabella. Obviously we will be providing a new police station at Olympic Dam—that money has been provided in the budget—and, as new facilities are built, we will be recruiting additional police officers.

One of the problems in mining towns such as Olympic Dam, of course, is that police officers will be attracted to the high incomes paid by the mining industry (which is one of the

benefits of the mining boom)—indeed, I understand one of the senior officers at Roxby Downs has accepted a position in the security area of BHP Billiton, and good luck to that officer. However, we (by that I mean the government and the Police Commissioner) are working on these issues. As I said, we are recruiting extra police and are reviewing whatever is necessary in order to make it more attractive to police officers to move into those remote areas.

Of course, from time to time there will be vacancies at all police stations in the state, not just in regional areas. I have provided information which will answer some of the questions regarding specific vacancies at particular locations (I am not sure whether it has been provided to the honourable member yet, but if not he will be getting it shortly), but of course there will be vacancies from time to time in regional police stations as officers move on. If there are temporary shortages, these are backfilled through the police force, and there are ways that officers can move in there until permanent officers are available. Of course, from time to time there will be vacancies at particular police stations, but this matter is being addressed.

As I said, the most important thing we can do is ensure that police officer numbers increase, and this government is doing whatever it can to attract police officers, and they are being distributed throughout the police force. As I said, those figures are being provided to the opposition, but I can say that there are more than 600 additional police officers now than there were in the mid-1990s, and they are distributed throughout the state.

An honourable member: All in Adelaide.

The Hon. P. HOLLOWAY: That is just not true. Those figures have been provided, and they are throughout the state.

Members interjecting:

The Hon. P. HOLLOWAY: It is not surprising that members of the opposition want to hide from their appalling record in the mid-1990s. Of course, we could always do with more police and we would love to have more, and I know that the Police Commissioner is also addressing the issues of recruitment. We are trying to get more local police officers to apply, but the Defence Force is also doing everything it can to recruit at this time, as well as the Federal Police.

The other thing is: does the Hon. Terry Stephens, who asked the question, support the fact that, at the request of John Howard, we have loaned police officers to the Northern Territory to deal with the issues up there? We could have taken a dog-in-the-manger attitude but the fact is that, because of the seriousness of that issue, we did make them available. South Australia Police, through its recruitment and training, supplies police officers for a number of federal functions—for example, something like 20 officers have been provided to the airport. In fact, we were one of the first states to provide police to airports in response to security issues following 9/11—and, of course, today is the anniversary of 9/11, some six years after that time. They are on loan. We have also supplied police officers to a number of overseas operations—again, at the request of the federal government. Notwithstanding that, we have substantially increased police force numbers and those numbers have been distributed throughout the state as well as to specialist forces.

The Hon. T.J. STEPHENS: Minister, if we have two police officers in a 10-man police station, what number do we have to get to before you call it a crisis?

The Hon. P. HOLLOWAY: I was in Roxby Downs township, and there are a lot more than two officers. If the number has fallen to two then that has happened overnight and I am sure the positions will be filled. There are difficulties at Roxby Downs with accommodation—

An honourable member interjecting:

The Hon. P. HOLLOWAY: I will tell you what we are doing. Perhaps one of the best things we could do is change the federal government. That government has created the housing crisis in this country, the worst housing affordability crisis this country has ever faced. Housing affordability is at crisis point. Why do members think that the Prime Minister of this country is now facing annihilation? One of the reasons is the housing affordability crisis that he has created in Australia. He deserves to be thrown out—and the sooner he has the guts to call an election and we can throw him out, the better we can deal with some of these issues.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, no wonder they are embarrassed by it—they are certainly embarrassing. However, in relation to Olympic Dam, as I said, from time to time there will be shortages in the number of officers, but Roxby Downs is an attractive place for police officers to go. As I said, one of the issues with which we are faced is that, because of the high paid jobs in the mining industry, some officers are attracted to moving into that industry. I will find out the numbers of officers in Roxby Downs. I suspect that the numbers provided by the honourable member certainly do not accord with the numbers that were there when I was there just a few months ago. I will supply that information. I will certainly not take the honourable member's anecdotal evidence because we know that, from past history, he is invariably wrong.

AUSTRALIAN SAFER COMMUNITY AWARDS

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the recognition of communities that promote and build safer communities.

Leave granted.

The Hon. B.V. FINNIGAN: Will the minister provide details of any programs that recognise the very valuable work that is done by communities at the coalface towards community safety?

Members interjecting:

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Again, what a shame that the opposition is not interested in all the people who do good works for South Australia. On Friday 7 September, I was delighted to announce the state winners of the 2007 Australian Safer Community Awards. The awards are a program of annual recognition (sponsored by Emergency Management Australia) and are held in conjunction with state emergency management agencies and recognise the best practice, innovation and excellence in the field of community safety. This was the third consecutive year that I have had the privilege to present the South Australian Safer Communities Awards.

Traditionally, the way in which we deal with emergencies has been to rely on the emergency services as the first responders, but now we have moved beyond disaster response and reaction towards anticipation and mitigation. We now talk in terms of comprehensive emergency management and the concept of community focused preparation, prevention, response and recovery (PPRR). It is local communities, with support from the emergency services, government agencies

and local government, that contribute to the ongoing development of safer communities. There was great diversity in the representation of nominees for the awards this year, including emergency services, local and state governments, private organisations and researchers. I was delighted that two of the four state winners were from my portfolio area.

I refer, first, to the Mount Pleasant CFS Brigade and its improving community engagement and recruiting initiative. New residents in the region are provided with education on bushfire risks and responses in a new residents' kit, which is distributed with the assistance of five local real estate agents. The kit also contains recruitment information aimed at attracting new volunteers to the brigade and therefore embracing new residents in that community. This highly successful initiative has now been adopted by other CFS brigades. As mentioned in my response to the opposition earlier, we should be immensely proud of our CFS volunteers—approximately 16 000 of them. I had the opportunity last Friday to meet the brigade captain, Mr Jason Sabeeney, and the group officers as well.

The State Emergency Service and its community response teams (about which I advised the chamber in May last year) was also a state winner. These small community groups in remote areas of the state's north are provided with basic rescue equipment and training, so they can provide a first response to incidents. These teams are very effective where mainstream brigades or units are not close by. There are presently four teams, with a fifth being established at William Creek.

In the local government stream, the Local Government Association of South Australia was a state winner for its development of Human Pandemic Influenza Business Continuity Guidelines for local government. These guidelines encourage individual councils to establish pre-disaster business continuity guidelines in the event of a human influenza pandemic.

Drug and Alcohol Services SA (DASSA), in conjunction with numerous medical and hospitality industry partners, was the state winner in the combination, pre-disaster category. Hospitality First Responder Training is a program coordinated by DASSA in partnership with the hospitality industry and registered first aid training providers, which aims to assist staff and management of hotels, clubs and other licensed venues to better manage the first response to a medical emergency prior to attendance by ambulance officers. Practical hands-on training is delivered to hospitality staff in their own licensed premises. The course is unique in Australia.

While not state award winners, two other projects I would like to make particular mention of include the SAPOL Operation Nomad, which received a Certificate of Commendation. This operation is intelligence assisted policing to provide increased and targeted policing of known bushfire risk areas and persons of interest (including known arsonists) on days of high fire danger. In the last bushfire season, over 8 000 patrol hours were dedicated to preventing and responding to bushfires, and I am pleased that this work was also acknowledged.

The Country Fire Service, in conjunction with the Australasian Fire Authorities Council, also received a Certificate of Commendation for an initiative to introduce common fire hose couplings across Australia. This is a project that seeks to implement the use of two common fire hose couplings and an adaptor in all Australian fire agencies to achieve commonality and interoperability.

I ask members to join me in thanking all those who participated in this important process—all the nominees and the state judging panel—and to join me in congratulating the state winners and wishing them the best as they head to Canberra as finalists in the national Australian Safer Communities Awards in December. Last year South Australia had a national winner with a joint project of the Department for Families and Communities and the Office of Volunteers. It is reassuring to know that our four state entrants in the 2007 national awards will be representative of not only their own initiatives but also of the work that is being undertaken in the South Australian community at large in the emergency management arena.

DRUG SENTENCES

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police a question about the appalling sentences for convicted drug dealers being issued by our courts.

Leave granted.

The Hon. D.G.E. HOOD: I have made a habit of recent times of keeping track of recent judgments as reported by the Courts Administration Authority. Since the start of last month, of the nine cases heard, it appears as though no ecstasy dealers have been sentenced to actual imprisonment by our courts, despite nine cases being heard—not one. In fact, of the nine most recent major indictable ecstasy dealing cases reported by the Courts Administration Authority—and I refer to the cases of Borgas, Galpin-Lans, Dimopoulos, Maglica, Peacock, Scarffe, Kemnitz, Starrs and Colvill—not one defendant has gone to prison. Every single ecstasy dealer was granted a suspended sentence, with the exception of Colvill, who was given only a fine and ordered to complete some 96 hours of community service for dealing in multiple ecstasy tablets. My questions are:

1. Does the minister agree that it is unacceptable that convicted major indictable ecstasy dealers are not being sent to prison as a matter of routine?

2. What action will the government take to ensure that convicted hard core drug dealers actually go to prison, at least occasionally?

The Hon. P. HOLLOWAY (Minister for Police): This parliament passes laws and sets penalties and has made it quite clear that it believes that drug trafficking is one of the most serious of offences and should be treated as such by the courts. Ecstasy has also been brought in under the government's new drug-driving test, because this parliament and this government recognise it as a damaging activity for the public which deserves to be treated appropriately by the courts.

I do not know the detail of the individual cases, and it is probably not appropriate for me to comment on individual cases before the courts. Under our Westminster system, the courts have the discretion obviously to apply what they see as the appropriate penalty. I note the comments the honourable member has made publicly and, certainly, one would have to agree that, at least at first glance, those statistics he is providing are of concern and certainly do not reflect the wishes of this parliament, in that courts should apply appropriate penalties.

As I said, there are always particular circumstances in particular cases and one should not generalise. Certainly, given the number of cases the honourable member refers to, one would have to be concerned at the pattern he is illustrat-

ing. I will refer his question to the Attorney- General, who I think is the relevant person to consider such matters in relation to the appropriateness of penalties applied by the courts and any solutions, should they be required, for that problem.

The Hon. NICK XENOPHON: Given what has been outlined by the Hon. Mr Hood, is the government considering, or will the government consider, mandatory minimum penalties for convicted drug traffickers, if not for a first offence then for a subsequent offence?

The Hon. P. HOLLOWAY: For many years this parliament has had a view on mandatory sentences. There have been some exceptions but, generally, parliament has accepted the courts' discretion and moved away from it. If we were to change that practice, it would obviously be a huge step, not just from the government's perspective but for this parliament as a whole. Again, I will refer that question to the Attorney-General.

POLICE INVESTIGATION PRACTICES

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

Leave granted.

The Hon. R.D. LAWSON: I have been contacted by a constituent, who I will call 'Bob' (not in deference to you, Mr President, but Bob will do). Bob was working as a security officer when a co-worker of his went to the police and made a statement complaining that he had engaged in serious criminal conduct. In accordance with their usual practice, the police prepared an affidavit which, no doubt, reflected accurately the co-worker's allegations. According to my constituent, these allegations were false. The statutory declaration itself was an impressive document. It had the piping shrike largely in the centre of page 1, and it had the name 'Magistrates Court' and looked like a terribly official document. That document, unsigned, was sent to the co-worker ostensibly for the purpose of him checking it and having it signed before a justice of the peace. However, the co-worker copied the document and circulated it around the district, causing Bob immense distress, because these allegations were, as I mentioned, of a very serious nature. He also gave the document to Bob's employer, as a result of which Bob was sacked.

The co-worker never signed the declaration but, of course, because it was such an official looking document people in the community, as well as the employer, took the view that it was gospel. Bob has made complaints to a number of authorities, including the Police Complaints Authority and the like, regarding the matter. He wrote to the Attorney-General and received a highly dismissive response from him. In his letter of 21 November 2006, the Attorney-General states:

> When a person makes a statement to police, it's common for that person to be given a copy of the statement so they have the opportunity to read and reflect upon it before they sign it. That's what happened in this case. There is, of course, nothing to stop the witness making that statement available to other people if he so chooses.

It is, of course, highly contestable that material of this kind should be circulated in the community when it is prepared for a particular purpose. I should say that the police ultimately never went on with any prosecution against Bob in respect of this matter. The statement of the Attorney-General that potential witnesses can hawk their statements around the community is, I would say, highly contestable. My questions to the minister are:

1. Is he aware of this practice?

2. Does he agree that the practice of the police in sending out official-looking documents which can be misused is a justifiable practice?

3. Does the minister intend to take any steps to ensure that official-looking documents which are not yet signed are not made available to be circulated and cause great mischief to people in Bob's situation?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. It certainly would appear that the good offices and good intentions of the police have been somewhat abused by the individual concerned, if the facts as stated by the honourable member are correct. I am happy to raise it with the Police Commissioner to ensure that these sorts of situations do not occur. Clearly, if people make allegations then the police are obliged to investigate those; and, of course, to have them acted upon they need evidence, and a statutory declaration signed by a witness is important.

It seems to me, on the facts that the honourable member has put, that it is really a gross abuse and almost defamation against the individual. I do not think anything he has stated would suggest that the police have done anything improper other than, perhaps, sending the form out rather than having it signed in the person's presence, or something like that, and maybe that is where the solution lies. If the honourable member can provide me with more information—or even on the general facts he has presented—I am happy to take it up with the Police Commissioner to ascertain whether there is a problem in this regard and to see how common that practice might be.

I would imagine that 99 times out of 100, if that practice were to occur, the person involved would sign it and the appropriate action would be taken. I guess you will always have somebody who will seek to abuse official processes. If that is the case here, then if we can take steps to stop that happening again so much the better. I think it is something that is best taken up with the Commissioner to see whether any steps can be taken to prevent the abuse of official processes, or even perhaps to make it an offence, if that is possible, as it may well be.

The honourable member is an eminent lawyer, and I am not sure whether he is aware of the use of such documents being an offence but, again, it may well be hard to establish. I would have thought that if it is not an offence to circulate information in that way then perhaps it ought to be.

COAST PROTECTION

The Hon. I.K. HUNTER: I direct a question about coastal protection to the Minister for Environment and Conservation. Will the minister inform the council of the latest coastal management programs being undertaken by the government?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question. I am pleased to announce that the state government is today continuing an important safety program on our southern coastline. Today I am announcing grants of almost $400 000 for continuing work to stabilise the sea cliffs in the Onkaparinga area to deliver a series of works planned by the Onkaparinga council. These grants will see work continue

through to 2009-10, and they follow a 16-month study into the causes of cliff instability within the City of Onkaparinga.

We all love and enjoy Adelaide's coastline and it is one of the most loved features of this beautiful city but, unfortunately, from time to time our southern cliffs and caves can become a danger to the public. Recent investigations by the City of Onkaparinga and the Department for Environment and Heritage have highlighted a number of potential risks along our southern cliffs and we have decided to act. I am referring to unstable cliff faces, cliff overhangs and caves, and a number of different approaches will be employed to deal with these issues, including filling dangerous cavities and extensive revegetation.

Work will be carried out by the City of Onkaparinga over the next three years, and already funding has been made available for this most important work to commence. We have committed the bulk of this money—almost $220 000—this financial year to this important public safety project. Work will take place at Witton Bluff South and the Onkaparinga Estuary at Port Noarlunga near Perkana Point at Maslin Beach South. Work will be carried out under the observation of the Coastal Protection Branch of the Department for Environment and Heritage. Not only will these works improve the safety of the area but revegetation works will also improve the visual amenity and provide habitat for local wildlife, especially coastal birds, insects and reptiles. I am sure many members will appreciate the importance of preserving wildlife habitat in these public safety programs.

This is not a new problem. Adelaide's soft partly sandy cliffs are slowly eroding by normal environmental processes, and these natural processes of erosion become a problem when we choose to live and play around our coastal cliffs. Thanks to the latest in coastal management techniques we can achieve a safe and sustainable balance. Successful management of Adelaide's beaches requires a detailed understanding of local coastal environments and processes and we are glad to be working with the City of Onkaparinga and coastal protection groups on this important public safety campaign. It is a great example of collaborative effort between the state government and the local council. Although the natural amenity of this area must be considered with minimal impact from stabilisation works to existing flora and fauna, we must recognise the risk to the safety of people using the beaches, which is why we have chosen to act.

CHILDREN, STATE CARE

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the minister representing the Minister for Families and Communities questions about children in the care of the state.

Leave granted.

The Hon. A.M. BRESSINGTON: On 20 August this year the President of Children in Crisis, Nina Watson, sent a letter to the Hon. J. Weatherill, of which I and other members of this chamber were provided a copy, regarding the number of children who have been removed from their parents and who are currently being accommodated by the state in serviced apartments and motels. For the benefit of members who did not receive a copy, I will read the letter as follows:

We have recently received alarming information which suggests that there are currently 600 children being cared for in serviced apartments. This figure appears to be exceedingly high, and we can only assume that it must be incorrect. Could the minister please provide us with information regarding the current number of children being cared for in apartments, motels and caravans, plus figures over the past 12 months? It is worrying that we have also heard information which indicates social workers are frequently faced with the dilemma of whether to place children in a substandard foster home or a serviced apartment with paid caregivers. It appears that the latter may indeed be the preferred option if the figure quoted above is correct.

Of course that would suggest that we have many foster families that are not suitable to care for children in need, as they do not meet required standards. We would like to know exactly what the current required standards are when children are placed in foster homes. In fact, where are the new alternative care standards that have now been in the development stage for several years?

I have received an email from a former social worker with Families SA who has told me of a particular incident where one child was placed in hotel accommodation—bed and breakfast for six months—and that the total cost for that child for the six months period was $96 000. So, if 600 children are in this type of care—and for one child the cost was about $96 000—we are looking at in excess of $50 million in a financial year for the care of these children. My questions to the minister are:

1. How many children, whether or not they are wards of the state, are currently being accommodated in serviced apartments, motel rooms, caravan parks or other like facilities?

2. During the 2006-07 financial year, how many children were accommodated in serviced apartments, motel rooms and other like facilities?

3. During the same period, what was the total monitoring cost of housing children in such accommodation?

4. What measures are being taken to attract foster carers into the system and provide support, both financial and in-kind, to ensure that their lives are not negatively impacted upon by becoming foster carers for disadvantaged children?

The PRESIDENT: Before the minister answers, I remind the honourable member that there is a select committee on Families SA. I do not know whether the Hon. Ms Bressington is a member of that committee. I do not know how much of that question concerns the committee, but I remind the honourable member that there is a committee on that reference.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her question. I will refer it to the Minister for Families and Communities in the other house. Members should bear in mind that a select committee is in place at present.

DICKSON, Mr G.

The PRESIDENT: On behalf of all members, parliamentary staff and chamber staff, I congratulate and welcome Guy Dickson, who was successful in becoming a parliamentary officer. I wish him a healthy and enjoyable time in his new role.

REPLIES TO QUESTIONS

LOCAL GOVERNMENT DISASTER FUND

In reply to **Hon. CAROLINE SCHAEFER** (30 May).

The Hon. P. HOLLOWAY: The Minister for State/Local Government Relations has provided the following information:

On 18, 19 and 20 January 2007, flooding occurred extensively across council areas in the northern area of the state and to one council area south of Adelaide. Those councils primarily affected were Flinders Ranges, Pt Pirie, Orroroo Carrieton, Mt Remarkable,

Peterborough, Whyalla, Kimba, Coober Pedy, Roxby Downs, the Outback Areas Community Development Trust, Goyder and Yankalilla.

The Local Government Disaster Fund Management Committee provided an independent engineer to inspect the flood damage and to assist councils in planning to restore the damaged infrastructure, providing advice where appropriate. Each affected council assessed the extent of the damage to council assets and this formed the basis of any submission for funding assistance.

Eight councils made an application to the Local Government Disaster Fund Management Committee for consideration of financial assistance. Applications were received from Flinders Ranges, Pt Pirie, Kimba, Mt Remarkable, Peterborough, Yankalilla, Orroroo Carrieton and Goyder.

The Local Government Disaster Fund Management Committee met on 24 April 2007 to assess the claims. The Committee approved all claims in principle. Additional information was sought from each of the applicant councils prior to Committee meeting of 21 June 2007 that recommended the following payments:

- Flinders Ranges Council $1 952 986;
- Kimba $84 250;
- Mount remarkable $26 050;
- Peterborough $64 550;
- Port Pirie $1 032 352;
- Yankalilla $134 700;
- Goyder $5 062; and
- Orroroo Carrieton $856 900.

Immediate steps were taken to expedite funding and address infrastructure repairs. In late January, the Minister for State/Local Government Relations provided interim funding assistance totalling $150 000 to Flinders Ranges and Orroroo Carrieton Councils ($100 000 and $50 000 respectively). In June, the Minister for State/Local Government Relations provided an additional interim funding amount of $300 000 to the Flinders Ranges Council. The funds were provided in advance of the final consideration of applications by the Disaster Fund Management Committee and were made to assist the councils manage their cash flow and swiftly respond to some of the most pressing flood damage.

These interim amounts are part of the recommended payment totals.

WALKLEYS ROAD EXTENSION CORRIDOR

In reply to **Hon. J.S.L. DAWKINS** (21 June).

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

The 1.2 hectare property is a parcel of residentially zoned vacant land located on Bridge Road, Ingle Farm and abuts an undeveloped public road corridor vested in the name of the City of Salisbury.

It was originally purchased by the Commissioner of Highways for the construction of the North East Ring Route (NERR), a proposed road connecting Walkleys Road to Port Wakefield Road, intersecting with Bridge Road, Main North Road and Salisbury Highway.

As part of negotiations with the Mawson Lakes Joint Venture in 2000, the State Government realigned the NERR between Main North Road and Port Wakefield Road, creating a new road (Elder Smith Road) connecting Main North Road, directly opposite Maxwell Road.

As a result of this realignment, there is no longer the need to provide a continuous road connection between Walkleys Road and Port Wakefield Road and other land that the Commissioner of Highways owns between Main North Road and Bridge Road.

As part of the government mandated disposal process (Cabinet Circular 114), Planning SA carried out a Strategic Land Use Assessment on the parcel to identify any strategic significance it may have and concluded that "Lot 5 is appropriate for residential purposes……and could be sold on the open market for residential purposes".

In accordance with Cabinet Circular 114 details of the property were circularised to other Government Departments and the City of Salisbury seeking expressions of interest in purchasing the land.

As a result of the circularisation process, the council registered its interest in purchasing the property. It subsequently advised that it proposed to develop the land for residential purposes.

Pursuant to Cabinet Circular 114, local councils may not be offered surplus government land on favourable terms for uses which would compete with private sector activity, such as residential, industrial or commercial purposes and the council was advised that it would need to bid for the land in an open process with the private sector, given its intended use of the land.

A real estate agent was appointed in April 2007 to market the property for sale by public tender and the land is now under Contract for Sale to a private developer.

ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 July. Page 569.)

The Hon. J.M.A. LENSINK: I indicate the Liberal Party's support for this bill, contingent upon certain amendments being included in the bill—and I will go into them in some detail later. This bill has had a very long gestation. South Australia is the last jurisdiction in Australia to enact a piece of legislation that deals with site contamination prior to the implementation of the Environment Protection Act. My understanding is that the EPA is unable to pursue certain polluters who polluted pre 1995. As many people would understand, there are winners and losers in these situations, but the community recognises that we need to take action to clean up these sites. I am pleased that the bill takes a risk-based approach—which is quite pragmatic—in that if the pollution is not causing anyone or the environment any harm it does not need to be cleaned up to a pristine state, whereas that has been the case in other jurisdictions and it has proven to be incredibly costly and not very useful. In that sense the priority is that the resources to be applied to cleaning up pollution will be applied to those areas of priority.

I thank members of the EPA and the minister for their cooperation in helping me to understand this legislation, which, I think, is technical in many ways, and also a range of stakeholders whom I have met over the break and who have given me their opinion on the bill. I would like to go into those areas, just for the record. Business SA is generally supportive of the bill, believing it provides clarity regarding retrospectivity, and it has no outstanding issues with any particular clause of the bill, having put in substantial submissions to previous iterations of the bill. The Local Government Association is also generally supportive, although it has some concerns and has flagged a couple of areas in which we will be proposing amendments. The Engineering Employers Association is the only organisation I consulted with that is quite opposed to the bill, on the basis of retrospectivity.

The Property Council is supportive because it believes it gives certainty to the property sector, but it would like some amendments, and the Housing Industry Association supports the introduction of a legislative measure to address contamination but has some concerns with the audit process. Master Builders supports the bill but would like amendments regarding the EPA powers, and the Motor Trades Association supports the bill but would like some reassurance that an owner's efforts to do the right thing will also serve as a defence. That is the broad range of stakeholders with whom we have consulted.

I now turn to the major elements of the bill, but I will not go into it in great detail because I believe it is the role of the government to outline these. In relation to the divisions, there is a definition of site contamination which will be contained

in new section 5B of the Environment Protection Act. Notifications are contained in section 83A regarding underground water, and division 1 relates to the interpretation and application of site contamination. Division 2 relates to appropriate persons to be issued with orders and liability, division 3 to orders and other action to deal with site contamination, division 4 to site contamination auditors and audits, and division 5 to reports by site contamination auditors and consultants.

I understand that local government has had some responsibility for monitoring sites through development approval processes; however, local government (being as diverse and as diversely staffed as it is) can be highly variable between local government jurisdictions, and this bill is intended to ensure that site contamination issues are considered if and when land is rezoned.

Site contamination is one area that has benefited from escalating property values. The rezoning of some of our former industrial and commercial areas for residential developments—particularly areas close to the CBD with high market demand—means that the escalating prices have allowed the costs of remediation to be absorbed without the necessity for government intervention. The EPA provided a number of examples, in the briefing, where the price of the land ended up taking care of that funding issue.

I understand that, because the bill is risk based, it does not say that site contamination is the same as polluter-pays and, therefore, it is not dependent on what pollution exists at the site. For instance, a site may contain any volume of carcinogens but, if no person is to enter it and the pollution is not harming the environment, it will not be considered to be contaminated. The issue depends on what the site is to be used for—in particular, if the site is to be developed or redeveloped for sensitive land use (that is, residential, primary school, a child-care centre or nursing home) the site contamination process will be triggered. The standards for industrial-zoned land, obviously, are not as high as they are for sensitive land use.

There is the issue of who will be asked to assess site contamination and clean it up—that is, who pays—and this is one of the areas that many of us struggled with in terms of the innocent owner versus the concept of 'buyer beware'. I understand that, in the first instance, the notice will be served on the appropriate person, that is, either the original polluter (the person whose activities introduced the chemicals to the source site) or, if that person is unavailable, the owner of the source site.

These provisions will not proceed if the appropriate person has died or, in the case of a body corporate, ceased to exist, cannot be located or does not have the financial resources. Furthermore, a person who brings about a land use that is a rezone that results in site contamination becoming relevant (for instance, a developer who wants to convert an old industrial site into residential housing) will be deemed to have caused site contamination.

So, the issue of the appropriate person, as I said, is a somewhat vexed area in that there are people who believe that people who introduce contaminants at a time and in a means that was acceptable at the time should not be punished, versus those who say (such as in the case of Mobil, which I understand will be captured by this legislation) that such people ought to be made to clean it up if they did not take appropriate measures or were perhaps in some way careless in the way that they disposed of waste, particularly noxious waste.

In regard to the issue of the innocent purchaser, many would say that you should exercise due diligence, which means that you should examine it properly. On this side of the council we believe that it should not necessarily be a function of the EPA to determine who should be liable and what is a genuine arm's length sale and that it should be a matter for the courts to determine, because for many hundreds of years the courts have been utilised to determine particular issues in relation to the law of contract and we do not see that that should be taken away from the courts and placed in the hands of the EPA, which probably does not have the resources to fulfil its current set of tasks, let alone take on additional areas of responsibility.

I have stated that I am appreciative of the minister's comprehensive replies to a number of questions raised by my colleagues and others but, for the record, I will ask them again so she can address them in her response before we go into committee. They are:

- If someone disposed of waste in accordance with community expectations and the environmental standards of, say, 40 or 50 years ago, will they be liable for clean-up at today's costs?
- How is it to be calculated that an individual is in a financial position to pay for a clean-up some 40 to 50 years later?
- What is the impact of this legislation on the Port Stanvac site and Mobil?
- Do rural property owners need to identify buried rubbish, chemicals, old vehicles and the like, usually from the activities of previous generations and, therefore, dig up their whole property?
- As a hypothetical, if someone owned a property on which they polluted, say, 30 years ago, and sold their land based on a discounted value, say, 10 years ago, and it has subsequently been sold five times to different owners, if that polluter is still alive and has sufficient funds, could they potentially be pursued to pay for the clean-up? Also, what would be the likely sequence that would lead to this outcome?
- If the owner of the source site is too poor to pay, how will the government assess this, and under what circumstances will the government pay for the clean-up?
- Can the minister provide examples or hypotheticals of sites which currently cannot be pursued by the EPA until the legislation is amended?
- Can the minister provide the locations of the six sites in the EPA briefing, which is page 3 of the benefit cost analysis attachment provided at the briefing?

There were also some issues that the minister took the initiative of raising in her correspondence to me, which were: clarification of the roles of the bill and planning system, planning process and audit system; potentially contaminating activities; and auditors and the cost of development—the auditors being one of the issues that was raised in our consultations as being of concern to various industry groups in particular.

I flag that instructions have been sent to parliamentary counsel that the clauses that we will be seeking to amend are, first, in relation to section 5B. Secondly, the issue of the language of the bill 'actual or potential harm to water that is not trivial' and clauses 103D, 103E, 103F and 106 are areas in which we will be seeking amendment. An additional question is whether a draft of the regulations is available because, when this bill comes into operation, a significant

amount of the implementation of this bill depends on the regulations. With those comments, I endorse the bill.

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

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I would like to make a few comments. I also indicate that the opposition has only just become aware of a number of amendments: a last minute one by the minister and one by the Hon. Dennis Hood. I know the Hon. Sandra Kanck provided the opposition with a copy of her amendments yesterday, but I think they have been added to. On the basis that we have not seen the bulk of those amendments, it does present us with some difficulties. However, the opposition is quite concerned that this bill leaves way too much to the discretion of the regulations, and in fact two major stakeholders have raised significant concerns with us. They are very concerned, if you like, that the devil will be in the detail with the regulations and that, as yet, the regulations have not been drafted.

We sought a briefing—and I thank the minister and his team for the briefing we received last week. I refer to some inquiries we made concerning the regulations, and in particular one that disturbed me—even though the opposition would always be seen as a party that is very much pro development—whereby under this legislation people will be able to pay into an urban trees fund. Although local government is not required to set up the urban trees fund, members of the community who wish to remove a regulated tree can do so by paying into an urban trees fund.

The opposition, and I think most of the major stakeholders, were of the view that, while it did present some problems with councils having different values of trees, we were advised that it would be done by regulation and that we would still see some monetary value placed on trees to reflect their worth in the community and their worth as far as their contribution to the biodiversity of the local community and the local environment; and, if they were to be removed, their dollar value would reflect their worth in such a fashion that, if other trees were planted as a result of the urban trees fund, the contribution would be significant enough to replace that worth.

The opposition was quite alarmed when we were advised that it was likely that there would not be a tiered system: it would just be a couple of hundred dollars per tree. That is likely in the regulations, but we do not know exactly what will be in the regulations, and I suspect the government does not know what will be in the regulations at this point. There are also some other issues with the make-good orders which a court may give under the circumstances that a breach of the act occurs by means of a tree damaging activity. This order may include to plant new trees; to remove buildings, works or vegetation; or to nurture, protect and maintain any trees until they are established. If a person ceases to be the owner or occupier of the land to which the make-good order applies, the court may authorise a person to enter land to comply with the order and/or land specified in order to comply.

That seems totally unworkable, and I will give an example. I can own a property, build a new house on it, quickly cut down a tree in the back yard, build a shed, put the property on the market and sell it. The neighbours are outraged, a process is undertaken at the local government level and eventually I am issued with a make-good order. I am then required by law to enter somebody else's property, pull down the shed, remove the shed and then make good. I am not sure how. I asked the minister in an earlier contribution how you actually replace a 25-year old tree with another tree that makes good its original condition.

We have a number of significant concerns, and we have not seen any of the regulations or been given any guarantees or surety from the ministerial advisers. I know a couple of the major stakeholders have said—and this is no reflection on the individuals involved—that they have a low level of trust in the regulations reflecting the good intentions with which they were made. They simply do not trust the government and would very much like to see the draft regulations before we proceed. For those reasons I indicate that the Liberal Party at this point does not support the bill in its current form.

The Hon. SANDRA KANCK: During this period of non-sitting over the past few weeks I have consulted with a number of groups. I had a meeting about a week and a half ago which involved members of the Conservation Council, the National Trust, a local government councillor who was not there representing the council concerned but who nevertheless had great concerns over the legislation, the South Australian Society of Arboriculture, the Save Our Suburbs Nature Conservation Society, the Belair Residents Association, the Local Government Arboricultural Officers Group, and I think there might have beeen a couple of others whom I have not yet managed to bring to mind. What eventuated out of that meeting was a determination that this bill is far worse than the current act. All those people attending that meeting have gone away with a sense of urgency, I think, and some of them have already contacted a number of MPs to indicate that that is their concern.

I note also that today I have received an email from the Local Government Association which was addressed to the Hon. Paul Holloway and CCd to the Hons David Ridgway, Ann Bressington, Andrew Evans, Mark Parnell, Nick Xenophon and me, expressing its concerns, particularly, as the Hon. Mr Ridgway has said, about how much is left to regulation. Also, it is seeking an amendment to clause 6. I think we need to take that on board. I have not had time to read that and decide whether I would be willing to incorporate such an amendment amongst my own amendments.

One of the other things these people attending the meeting last week expressed a great deal of concern about was the fact that so much of this current bill will be pushing more costs on to local government. Despite the minister's amendments (and any that have gone on file and any amendments from the Hon. Mr Hood), my position remains as it was when I spoke to the second reading, which is that it is better that this bill be defeated. However, I have put up 5½ pages of amendments in the event that the opposition decides that it will support the bill going through at the end. I think, at this stage, we really ought to be not proceeding beyond clause 3 today so that everyone has a chance to look at everyone else's amendments.

The Hon. P. HOLLOWAY: It is extraordinary that we have just had a five-week break and this bill was introduced in this parliament back in 2006. It has been here for almost one year and it has been in circulation all that time, but the

Hon. Sandra Kanck puts amendments here today. I filed my amendments on the last day of sitting five weeks ago.

The Hon. Sandra Kanck: You are so good!

The Hon. P. HOLLOWAY: No, you are so bad; that is what it is. It is not that I am so good; it is that you are appalling, absolutely appalling. You do not want this; you never did want it. We can go back to the Di Laidlaw policy, but let us not do so on the gross misinformation we have just heard, such that it is going to cost local government more. That is complete and utter nonsense. The basis on which they are saying that is that, because we no longer require an aborist's report, local government seems to think that they will want one. The whole point of this bill is to remove the need for an arborist's report where it is not required.

If we are going to have a situation now whereby every piece of legislation will no longer pass the Legislative Council unless we have regulations, then so be it, but legislation in this state will become impossible; we will become the legislative backwater of this country. The Hon. Rob Lucas and his cohorts—and I see he is back again; he is going to be around and displace the real leader over there, the interim leader, the Hon. David Ridgway, sitting here for a couple of years until he comes back. What a pitiful, gutless reaction from members opposite. They can veto any legislation. Any piece of regulation can be disallowed by the upper house but, instead, they are saying we should have this.

The Hon. Sandra Kanck: It is a bad bill.

The Hon. P. HOLLOWAY: You think it is bad, Sandra, and that probably means that, if you think it is bad, then I am quite pleased, and you should go out and tell everybody else. If you tell the public that you think it is bad, I think 99 per cent of the public will know that it is good, because they know what crazy ideas the Hon. Sandra Kanck has. Of course, you think this is a bad bill; you disagree with it. Vote against it, but at least be honest enough to say, 'I want to keep every tree regardless. I think every tree is sacred.' That is the Sandra Kanck policy: every tree is sacred.

The fact is that we have to deal with what is happening out there. If we go back to the existing system, so be it. I have tried for 12 months to address the concerns expressed by a number of MPs and other members of the committee who think that the current legislation we have is ineffective. Why do they think it is ineffective? Because all the discretion is with local government, and local government interprets it differently. You have as many different interpretations of the significant tree legislation as you have councils. Some councils are basically letting anybody cut down any tree at any time, while other councils are putting every stringency they possibly can in the way of doing so. That is why we have to have more regulations.

The reason we have to do it is to try to get some rationality, so we have to start talking about species. What we will do in some of the regulations is talk about exempt species, and we do need some significant discussions on what they are. Some species people may agree with. They might agree that radiata pine is not appropriate and acceptable as a species that is exempt from tree protection legislation, but there will be debate on others. What about some of the fast-growing eucalypts? One has to consider carefully what species will be in there.

In principle, the reason why we need to have regulation to specify species is to make the operation of this legislation more uniform. Instead of some councils just using the current legislation to do what they want, whatever their particular bias might be, we can get some uniformity and commonsense into the way tree legislation works. If the parliament does not want it, so be it; we will go back to the ad hoc way, but do not come in here complaining to the government if some councils are letting every tree get cut down; or do not come here complaining that you have constituents coming into your office because they have a huge tree that is cracking their driveway and they have to pay thousands of dollars to get some report to do it. That is what is happening at the moment: there are all of these inconsistencies within the legislation.

I have made it quite clear that I do not think it is possible to get any legislation on significant trees that will really satisfy everyone's concerns. It is not an area where legislation really works well. It is a bit like heritage issues. The value of a tree is very much in the eye of the beholder. What is an extremely valuable tree to some people is a nuisance and an annoyance to others. It depends on people's views of different types of trees; some people love them and some people hate them. We have to try to get legislation that will bring some uniformity into it.

The evolution of this legislation is such that it has become more complex perhaps than I would have liked, but I believe it is necessary. If you cannot allow the discretion, because that is not working, and if you have all the absurdities that have arisen under the current legislation—the lack of consistency between councils and all of the additional costs that are imposed on landholders because they have to get arborists' reports, even if they really are irrelevant to the issues being considered—if in spite of all that the only way one is going to resolve that is by being more prescriptive in the way the legislation operates, that will require more regulation. If people want to go back to the adhocery that we have now, where councils basically either let trees be chopped down at will or else preserve everything regardless of whether or not it is a weed, then so be it.

They are the two alternatives. However, I do not believe that we can have a situation where we can get some improvement into significant trees legislation—or regulated trees legislation, as I should call it—unless we put some of this detail, such as the types of species that might be exempt, into regulations. How else are we going to simplify the law? If someone has a better idea, let them come up with it and produce the legislation.

I have consulted incredibly widely on this matter. I have spoken to local government bodies on this matter numerous times. If, at the last moment, this bill is going to be jeopardised, then so be it. However, I am not going to back off. If the council wants to defeat this legislation, if they want to go on with the existing unworkable system we have at the moment, if they want to put the constituents of South Australia to unnecessary expense through arborists' reports—if they want to put them through all of this stuff, then so be it. However, I intend to proceed with this bill on the basis that it is the only opportunity, I believe, to try to get some rationality into the system. It will not only resolve some of the issues where people have to go to enormous expense to remove trees that should never have been planted: at the same time it will give better protection to some native vegetation, particularly in places like Mitcham where you have stands of trees that are small in diameter; it has the capacity to give them some protection which they do not have now. At the end of the day, it is up to the parliament, and I am not going to lose any more sleep over it.

The Hon. D.W. RIDGWAY: I indicate to the minister, as I said before, that significant stakeholders have raised with the opposition concern about what would be in the regula-

tions. My understanding of the time frame involved would be that if this piece of legislation is passed then the regulations are drawn up and then at some point it comes into practice. I see no reason why the regulations cannot be drawn up prior to our passing the bill. I suspect that the minister may find that there is some goodwill amongst a number of us in this place to see a positive outcome, but in the absence of those regulations we do not know exactly what is proposed. I am sure there has been some discussion and some thought involving people in the minister's office and in Planning SA and they may well have done some preliminary work on it.

This bill has been on the *Notice Paper*, as we know, since late last year and we had the minister's amendments tabled on the last sitting day (five or six weeks ago) and we have some more that have only just been tabled today. Another couple of weeks, or a month or so, is not an unreasonable delay, given that it has been around for so long, to give the minister and his department a chance to draft those regulations and then we can have a look at them.

The Hon. P. HOLLOWAY: How can we draft regulations for a bill when we do not know the form the bill will be in? This Legislative Council has the capacity to introduce last-minute regulations. The Hon. Sandra Kanck has pages of them. Whether or not they get carried will determine what the regulations will be. I am not going to waste the time of parliamentary counsel by asking them to draft regulations for a bill that may very well change in form. Why should they waste their time? They have enough to do. It is a wonder we have any counsel left to draft any legislation, with all the bills that private members are putting up. It is just a waste of resources to expect regulations to be drafted for a bill, the final form of which we do not know. It is just irresponsible to suggest this course.

I am not going to set the precedent because, once we set this precedent of drafting regulations on bills whose final form we do not know, then really we are just signalling the end of the democratic process.

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: The Hon. Ann Bressington should just reflect for a moment on just how stupid the point is that she is making. She is saying we should draft regulations—

The Hon. A.M. Bressington: I haven't said a word.

The Hon. P. HOLLOWAY: Sorry; I do apologise to the Hon. Ms Bressington. I could hear the noise coming from that direction but it was obviously the Hon. Sandra Kanck over there who was saying that we should be drafting regulations for a bill which we do not know the final form. All sorts of amendments could be made to this measure. If this place does not like them then it has the capacity to disallow them. Does anybody seriously suggest that in the area of significant trees, regulated trees—call them what you like—until those regulations have gone through the process, any great damage will be done to the community if the usual process is followed and the motion for disallowance comes when the regulations are put up? We are not dealing here with life or death issues. I challenge anyone to argue that the current significant trees legislation is working well, and that is whether you come from an environmental point of view or a totally pro-development point of view; it is not working, really, for anyone at present. If we are to improve that we will have to get into the detail of regulations.

The Hon. D.W. RIDGWAY: I guess that the two areas about which the opposition has the most concern are the species and the dollar value; two pretty simple areas, I would have thought. I am sure that some preliminary thought and discussions have already taken place on those two particular issues. The opposition seeks to get some information from the government on those particular areas.

The Hon. P. HOLLOWAY: Just speaking generally in relation to fees, we can find out. I guess one of the matters we will be looking at is what arborists' fees are. Obviously, the desirable contribution in relation to fees has to be less than what an arborist's fee would be. That obviously needs some consideration, but the principles there are clear enough. In relation to the species of trees, that is something with which certainly local government should be involved. I do not know where we are going to get agreement. Even with radiata pines, I know that some councils in the hills have said, 'Well, National Parks have been cutting them down even if they are well over two metres in girth.'

We are trying to eradicate them from some of our national parks where they have tended to take over, but at the extreme end of the debate it is obvious what some of those trees will be. But, what about some of the fast growing eastern states' gum species, like spotted gums and lemon scented gums that have been planted around some of our suburbs, often inappropriately planted next to houses where they create all sorts of trouble as they grow big quickly, which has an advantage of being able to be replaced quickly, unlike other trees?

We should not forget that when the Hon. Diana Laidlaw introduced this originally it was made clear (and had the support of the opposition) that essentially it was to protect native species, in particular the river red gums. The issues that brought this to a head, particularly in the eastern suburbs, were those river red gums and other native indigenous species such as blue gums, which in some cases are hundreds of years old. Some were being cut down without any consideration as to their value. Essentially, that is why the legislation was introduced.

Some issues have arisen because the legislation has been applied in some cases rigorously to trees that are much less old but are quick growing trees planted inappropriately in people's backyards, particularly on smaller allotments, where they have created a lot of difficulty. In the end councils almost always give permission for them to be removed, but only after receiving arborists' reports and the like. A lot of issues are addressed in this bill as often the people giving advice on the trees will have a vested interest because often they are the people who earn the fees for cutting down trees. Many of these things are addressed in the bill or its amendments.

The other issue (and there is a lot of anecdotal evidence) is that, as many people are aware of this issue, if they have a tree or are buying a property, they measure a tree around the girth and, if it is close to two metres, will immediately bring out the chainsaw and cut it down so they will not have the bother of dealing with the council and this legislation. Whereas the current legislation was to protect native species of large trees, in some cases it can have the reverse effect because people cut down trees before they are two metres in girth in order to avoid this legislation. That is not serving any benefit. I can remember years ago receiving letters from lower house Liberal members making that very point: that the current legislation is not working the way it should be.

It is up to this parliament. We can let councils muddle on with total inconsistency in how the legislation works, and we know that in many cases it will have the reverse impact of what the legislation intends as it will encourage people to cut

down rather than keep trees approaching two metres on properties, which is happening and will continue to happen, or we can try to deal with the legislation. I do not expect that this legislation, whatever comes out of this parliament, will be perfect in regard to trees because it is difficult to get any sort of legislation in areas where there is a lot of subjectivity as to what is valuable and what is not. We are trying to get as much objectivity into this area as we can, and that can be done only by specifying in legislation those matters that need to be considered.

I do not know that I can add any more to the general debate. There are divided viewpoints on this issue and we will not get everybody to agree to it. Whatever legislation comes out of this place will not be totally satisfactory—I accept that—but we should try to address some of the more obvious problems we have with the current legislation.

Clause passed.

Clauses 2 and 3 passed.

Progress reported; committee to sit again.

MARINE PARKS BILL

Adjourned debate on second reading.

(Continued from 20 June. Page 381.)

The Hon. CAROLINE SCHAEFER: The former Liberal government initiated discussions to form marine parks in South Australia in 1995, with the intention of introducing legislation to meet international and national marine conservation standards at that time and into the future. It intended to introduce a framework which provided certainty—and I stress the word 'certainty'—for all stakeholders. In 2001, the minister for the environment (Hon. I. Evans) and the minister for primary industries (Hon. R. Kerin), together with key stakeholders, including the Conservation Council and the Seafood Council, announced agreement and a broad framework to proceed. When Labor took power in 2002 the legislation languished. The government was subject to considerable criticism from the opposition and stakeholders for its lack of action. Eventually, in March 2005, it announced the intended Encounter Marine Park, which encompassed much of the southern coast and part of Kangaroo Island. All hell cut loose, so the government shelved that plan and, supposedly, has been consulting since—although there is still much criticism of its method of consultation. It has been put to me that consultation has not included negotiation.

Minister Gago tabled the current bill in June 2007. The aim of the bill, to quote the minister's second reading explanation, is to provide 'effective management to protect our (marine) environments and the plants and animals that depend on them from increasing human pressures, whilst ensuring opportunities for ecologically sustainable development, use and enjoyment'. However, there is still enormous anxiety within the community as to the processes, procedures and eventual outcomes of that aim. There are to be 19 multiple use marine parks. However, the government does not intend to announce any boundary until the legislation is proclaimed. The boundaries will be announced concurrently and will be released for a mandatory minimum of six weeks' consultation. Marine park management plans, including zoning, will then be introduced concurrently to be in use within three years. However, I add here that there are no definitions of the various types of zones, so there is no guarantee that South Australian zoning will have any parity with national or international standards.

Regional consultative committees—to be appointed by the minister—are to have input into plan development, and a further six weeks' consultation period is to take place with regard to the plans and zoning prior to their adoption. They must be laid before both houses of parliament within 12 sitting days. What stakeholder involvement will occur in the development of the draft of boundaries or the development of zones? We all witnessed the debacle which occurred with the introduction of the so-called consultative group at the introduction of the Encounter Marine Park. The minister must 'consider' all comments received but is not bound by them, and this is where the community is fearful that its best efforts can be totally disregarded.

In spite of these supposed consultation processes, I have received numerous submissions and complaints about the consultation process so far and faults in the bill which have not been addressed by the department or the minister. A letter widely circulated by the South Eastern Professional Fisherman's Association sums up the frustrations of many of the organisations to whom I have spoken and from whom I have received submissions. I will read this letter into *Hansard* as follows:

> The South Eastern Professional Fisherman's Association (SEPFA) represents rock lobster licence holders in the Southern Zone rock lobster fishery. This is the most valuable state-based fishing sector.
>
> In this capacity SEPFA has dealt with numerous organisations both government and non-government over many years and successfully overcome all challenges, usually in a transparent partnership.
>
> We do not take our sustainability and environmental responsibilities lightly as evidenced by the very tight fishery quota management arrangements that our industry operates under and our purpose built Clean Green environmental program.
>
> We also take the Marine Protected Area matter very seriously and we expect to be treated in a respectful manner by your department, after all our livelihoods and the communities that depend on the industry are on the line.
>
> I am writing to provide feedback about the above meeting—

the meeting about the communication planning workshop held at Millicent on 30 July this year—

> which was attended by our delegates. We came away with the clear belief that your department is not interested in dealing with the very real concerns of the people of this area.
>
> It was apparent that your department is pushing ahead with its own agenda toward the outcomes that your department seeks. Specifically the issues raised in the stakeholder summit meeting held in November 2006 have not been addressed.
>
> Most importantly we were advised that displaced effort is being dealt with, when we know that the proposed act says the minister 'may' deal with it if the minister sees this as 'appropriate'.
>
> The uncertainty surrounding this provision is unacceptable, damaging and must be dealt with.
>
> At the meeting your representatives called for building of a relationship of mutual trust and respect when your department is not prepared to make a serious effort to meet with our industry representatives to work through our issues and to attempt to come to a mutually agreed outcome.
>
> The upside of the meeting however is the encouragement we took from knowing that other stakeholders such as the local government bodies in our area do take our concerns very seriously and do in fact share many of the same concerns.
>
> Once again I need to advise that our industry supports sound conservation of the marine environment, however we stand by the outcomes of the November 2006 summit.
>
> We will not move forward on this issue until our concerns are dealt with in a serious and respectful manner and it now appears there is little choice left but to do this through the parliamentary process.
>
> This is disappointing and does not augur well for negotiations when the legislation is passed.

There is an enclosure of the summit outcomes with the letter, which is signed by Joel Redman, President. That letter was widely circulated to the press and we have heard Mr Redman on regional radio since then. I will inform the council of some of the groups that have expressed their concerns with regard to this legislation. They include: the Eyre Peninsula Local Government Association, Grant District Council, the Wilderness Society, the Conservation Council, the Seafood Council of South Australia, the South Australian Fishing Industry Council, the Aquaculture Council, the South Australian Recreational Fishing Advisory Council, the South Australian Survey Charter Boats Association, the South Australian Rock Lobster Advisory Council, the Abalone Industry Association of South Australia Incorporated, the South Australian Marine Scale Sardine Industry Association, the Spencer Gulf and West Coast Prawn Fishermen's Association, the South Australian Blue Crab Pot Fishers Association, the Seafood Processors and Exporters Council Inc., the Marine Fishers Association and the South Australian Oyster Growers Association.

It is safe to say that no one is happy with the bill as it stands. Having said that, neither are they, in general, opposed to marine protected areas; they simply want transparency, certainty and input—none of which are afforded to them in this bill. There are many concerns, just some of which I will attempt to outline now. The primary objective of the legislation does not adequately acknowledge the specific objective of ecological sustainable development (ESD) and the use of the marine environment, and the stakeholders have put forward that, as it is structured, ESD is a secondary consideration. It is important that ESD is elevated and acknowledged to ensure that future decisions about marine protected areas take account of ESD objectives in balance with other listed objectives. In other words, stakeholders want equal weighting given to ecological sustainability and development as well as conservation, where appropriate—not one taking precedence over the other.

There is reference in the bill to the vital issue of the cost of managing marine parks and charges to stakeholders and local communities. While we all support the cost of restoring the damage being borne by those who caused the damage, we cannot support the cost of what is a state, national and even an international program being the responsibility of local regional stakeholders. Most user groups—for example, fishermen and aquaculture—are already managed under appropriate separate legislation with cost recovery adequately dealt with. Importantly, the bill does not guarantee stakeholder involvement in managing marine parks and the costs involved, and I will return to that in some detail later.

The representative system of marine parks is a whole-of-state initiative for the benefit of the state. Equity principles dictate that the state should bear any cost of management, policing, research and displaced fishery; regional communities and industry should not pay for the cost of parks established for wider state interests. I have been assured by the department that the permit system processes referred to in the bill will not apply to any current commercial activities and will not be a way of introducing a recreational licence by stealth. That then begs the question: to whom will they apply? The answer given was perhaps the odd underwater film crew. Well, I am sorry but I am not convinced that there are sufficient film crews to warrant this inclusion in the act. Once it is there the door is open to all sorts of inclusions to pay fees. I ask again: how does the minister intend to use permits and charges, and how will they be determined and managed?

There are widespread fears across all stakeholder groups that local economies and the people affected by them will have little say in the design and ongoing management of marine parks. It is unusual for the peak bodies for fishing, recreation, aquaculture and conservation to be at one, but in this case they all agree on the need for more certainty. Stakeholders agree that the overall process falls short and does not guarantee the level of involvement needed to ensure 'ownership' of marine parks by those who will have to live with them. It is important that all stakeholders have a proper involvement in the development and management of marine parks. The process must have advice available to the minister from not just the agency but also from a representative body of key stakeholders. This will ensure that the minister is presented with a balanced understanding of the issues when making the final decision on both boundaries and on specific arrangements for a park.

To this end, I will move that a marine parks council be provided for in the legislation. This council will be the vehicle to guarantee stakeholder involvement in developing and managing marine parks in this state. The council will have the responsibility for overseeing the preparation of park management plans, ensuring consultation with and engagement of stakeholders, overseeing preparation of impact statements, plan reviews, and for providing advice to the minister on these matters. The council, while expertise-based, would (as with the Fisheries Council) be mostly formed by nominations to the minister from key stakeholder groups. The council would be compelled to give advice based on the best scientific information available.

Social and economic impact statements are not provided for in the bill and must be prescribed as part of the management plan development process. To give an example, the member for Flinders has raised with our party the possible effect this legislation would have on families and communities within her electorate. It is widely touted that 11 of the 19 marine parks would be on the West Coast or along the coastline that is part of the electorate of Flinders and, as we all know, that whole region is largely dependent upon marine industries and farming. As a result of the drought, farming is at the point of collapse on Eyre Peninsula at the moment, and much of the economy is based on either fishing as it applies to tourism (and the spin-off industries involved with that) or commercial fishing. It is therefore vital that these people have some idea of just how they will be affected by this legislation.

The addition of a marine parks council has the support of all stakeholder groups, and I hope the minister is amenable to this change. If this major amendment is successful the minister of the day, and future ministers, will have the advantage not only of departmental advice but also of an expert stakeholder group to share responsibility for the marine park process.

The issue of affected statutory authorisation is key to business, industry, regional economies and communities. Our fisheries are generally sustainable but fully fished. Therefore, the implementation of total exclusion zones will impact on commercial fishing in those areas. If the commercial and recreational efforts of those who would normally fish in those exclusion zones are merely shifted to another area, they will place further pressure on the areas outside the marine parks. Reference to compensation within the bill and further information I have received from the department indicates that very few will be affected by the exclusion zones, but the method of deciding on compensation and a mandatory obligation to provide for it is vital for the future of our

fisheries and regional economies. Displacement of aquaculture interests needs the same consideration if we are to see continued investment and development of aquaculture.

I must also raise the concerns of the many who make a living from recreational activities such as caravan park owners, bait and tackle shops, boat yards and regional tourism operators who, although compensation will not be provided, may also lose their livelihoods, unless we get the boundaries and the zoning right in the first place. Currently, the bill states:

> . . . the minister may, if the minister considers it appropriate to do so, acquire the statutory authorisation or pay compensation to the holder of the authorisation (or both) in accordance with the regulations.

This is simply not enough to allay the fears of those who can be so severely impacted by these decisions. We will seek amendments which will make this process water tight. Currently, feedback is that it falls well short at this time. I hope I have covered many of the concerns raised with me by the people of South Australia.

In summary, these objections apply to definitions such as 'critical terms', 'comprehensive', 'adequate' and 'representative' within the proposed objects of the act, 'without proper consultation with key stakeholders', and 'ministerial authority'. The proposed legislation presently rests authority for the management and regulation of economic operations within marine parks in only the environment minister and overrides such acts as the Aquaculture Act and the Fisheries Act. This is yet another reason for the introduction of a stakeholder driven council. Other concerns are: the future access to marine parks; cost recovery (about which I have spoken); consultation, or the lack of; compensation; socioeconomic assessment; zoning; data confidentiality; duty and care of civil remedies; and the power of officers.

I will be endeavouring to introduce changes to this bill which will guarantee true stakeholder input via a ministerial advisory council and which will define the duties of that council. I will move for the introduction of the world conservation union protected area management categories (that is, IUCN) to define zoning so that South Australia has internationally and nationally recognised definitions of the various zones. I will seek to have the minister compelled to pay compensation, where appropriate, to those displaced by marine protected areas—not just a 'may' but a 'must'. I will seek to ensure that socioeconomic impact statements are always done at the planning stage and that they are transparent and taken into account, along with conservation values and ecological sustainability.

The Liberal Party is not opposed to this bill; in fact, as I stated earlier, we were involved in the original planning of marine protected areas in this state. I am sure that we all seek a sustainable marine environment for South Australia, and I seek the minister's cooperation in ensuring that this takes place with genuine input from all quarters.

The Hon. SANDRA KANCK: I begin by asking the question why we need marine parks. Basically, it is the same reason that we need land-based ones. It is because we know that the environment is precious and that we as a species are utterly dependent on it. We recognise that it is under increasing pressure as human population grows and that, unfortunately, we have to fight to maintain it with any sense of representation of the biodiversity it once might have had. I downloaded a statement from the government's website which says:

> Humans are having an ever-increasing impact on natural resources, and the marine environment is no different. Fishing industries have grown and harvesting methods have become more efficient. Pollution from the land is affecting marine ecosystems and coastal development has escalated. A growing and mobile population will continue to increase competition for space and resources.
>
> MPAs are now regarded internationally as a pivotal tool to conserve examples of our marine realms in an undisturbed state, much like National Parks and Reserves do on land. Simply, MPAs are needed as an insurance policy to guarantee that future generations can continue to use and enjoy the marine environment.

Given that that statement has come off the government website, I wonder how the government can justify the years of delay it has taken to get this bill together and bring it to this parliament.

The IUCN says that marine species are proving to be just as much at risk of extinction as their land-based counterparts, and they argue for urgent action such as agreed non-fishing areas before it is too late. I would add the impact of climate change as another pressing imperative for the need for marine parks. We know that, with the warming of the oceans, we have increased acidification and that, in turn, will lead to shellfish not producing their shells. I think that there are many foods which we eat on our table and to which we can kiss goodbye under those circumstances. We are in a unique situation.

I was explaining to someone earlier today that, if you imagine Australia as a rectangle and South Australia is on the base of that rectangle, we have the colder waters coming up from the Antarctic and that land mass forms a block that will have a tendency to keep the water slightly cooler and therefore less acid as climate change impacts, which means that we have a chance of being able to preserve some species that may not be able to be preserved on the west and eastern coasts of Australia. The minister's speech begins:

> South Australia's coastal, estuarine and marine environments are unique and precious resources, containing some of the most biologically diverse waters in the world. The majority of southern Australia's marine plants and animals are not found anywhere else in the world.

She also goes on to say that this legislation 'provides a sound framework for the dedication, zoning and management of parks. . . with clear objectives for the protection and conservation of biodiversity; to ensure marine parks have secure status which can only be revoked or altered by parliamentary process. . . ' That is an important point because, when you analyse the legislation, you see that that is not entirely the case.

Despite the knowledge of marine species extinction, this bill has been a very long time in coming. Nine years ago, back in 1998, a South Australian coastal and marine conference strongly recommended that a new coastal and marine planning and management act be introduced to replace the then coast protection act 1972. The Rann government went to the 2002 state election with undertakings in its 20-point so-called green plan which read in part as follows:

> 12. Develop a Marine and Coastal Biodiversity Strategy which identifies management, research and monitoring policies to best protect South Australia's marine and coastal habitats; and
>
> 13. Create marine parks, in consultation with all stakeholders, in recognised areas of outstanding marine conservation value which are under threat from coastal development and human activities.

That was 5½ years ago. As the Hon. Caroline Schaefer has observed, her party in government really took the bull by the horns and was well ahead of where this government is, even now. It undertook to declare the first marine protected area (MPA) in the Mid and Upper Spencer Gulf in 2002-03, the

Gulf St Vincent and the Lower Spencer Gulf in 2003-04, the South-East and Lower East by 2004-05 and the Far West and West Coast by 2005-06. So, if we still had a Liberal government in power the process would have been all but completed by now. It is interesting to observe that it did not need the creation of a marine parks bill to do that. We already have about 4.5 per cent of our marine waters under protection, and that protection occurs under the National Parks and Wildlife Act, the Fisheries Act and the Historic Shipwrecks Act, so the Liberal Party was not going to be held back by not having a marine parks act; it would do it under existing legislation. I do wonder whether in fact the 5½ year delay to get us to this point has been a deliberate delaying tactic by the government.

A consequence of the years of government inaction and delay is the lack of protection afforded to unique marine areas in South Australia and at the same time the approval and intrusion of development activities that impact on our marine environments. Again, I wonder whether that inaction was by accident or by design. We have, for instance, seen the approval of aquaculture leases just over a kilometre away from the third largest breeding sea lion colony in Australia, at Anxious Bay. The fact that it is a breeding sea lion colony itself is important because, due to human interference, a number of sea lion colonies around Australia are no longer breeding, so this is a very important site. Only time will tell us whether the arguments presented by the environmentalists about the inappropriateness of this location are right or wrong. What is clear is that, when we locate aquaculture so close to precious marine environments as this, we are playing a form of Russian roulette with the environment.

In early 2004 I moved a motion of referral on marine parks to the Environment, Resources and Development Committee, which reported with its 25 recommendations in September 2005. I added a dissenting statement to that report, not because I disagreed with those 25 recommendations but because I thought there were a few issues that the committee did not go far enough with, in my opinion. Some they bypassed or, you might say, jet skied by. One of those was the issue of members of the public being able to nominate areas for inclusion in marine parks, so I am very pleased that the government has taken notice of environment groups and included this in the legislation. Like all nomination procedures, it does not guarantee anything as far as inclusion is ultimately concerned. As proof of that, it is almost a decade since the Flindersian Isles were nominated for protection under the Wilderness Act, and still nothing has happened. Nevertheless, despite the limitations of the process, it does mean that, from time to time where members of the public become aware of the need for the protection of environmental values of a marine site, it will at least be drawn to the government's attention.

In the evidence that the ERD Committee took on this particular form of action, that is, members of the public being able to nominate areas for inclusion in marine parks, it was interesting to observe that in New Zealand the last two nominations up to that point of the committee's decision making had been nominated by fishers. I indicate that, while I am delighted that this is part of the legislation, I think it needs some fleshing out, perhaps with a committee to oversight the process, and I will have an amendment to accord with that. I note the Hon. Caroline Schaefer's statement in her second reading speech that she is going to introduce amendments to ensure that the categories that we use for our zones are the categories used by the IUCN. I also intend to move an amendment along those lines, because it just makes sense to use the categories that everyone else is using; otherwise, when we start looking at what we are doing, it will be different from what is used in other states and other nations.

One of the outstanding concerns I had at the time I moved the motion for referral to the ERD Committee still is an outstanding concern. This was another of the issues that the ERD Committee was not prepared to confront, and that was the issue of other developments proceeding in areas of high conservation value while the clock ticked over on the preparation for, and protection of, marine parks. The then executive officer of the Conservation Council of South Australia, Ms Michelle Grady, issued a media release in 2002 which stated:

> In seven years DEH will be breathing the dust of the exclusive rights being given to aquaculture operations. Now the only areas left to marine parks will be those not worth having.

She was talking about 2009 and she could not have known, at that point, that the state government's stated timetable for marine parks by 2006 would blow out to 2010. What she said was very prescient. We could be in a situation, by the time we get to the declaration of marine parks in 2010, where all of the most valuable marine environments will have developments on and in them.

I think the situation is potentially worse than what the Conservation Council said back then because it involves not just aquaculture operations, as Michelle Grady was talking about, but potentially oil and gas exploration and also submarine cables and pipes. For instance, a couple of days ago I heard someone suggesting that we need to build such a pipeline from Tasmania to get water over to South Australia. It also includes the threat of coastal desalination plants, such as the one proposed near Whyalla, which could threaten the unique giant cuttlefish which breed there.

This lack of protection up until the point of proclamation remains one of my greatest concerns and, without some sort of interim protection, this legislation is a signal to the proponents of those activities that I have just mentioned to get going while there is nothing to prohibit them from doing so and there are no impediments. Get your applications in and, over the next three years, before marine parks are declared, you will be able to get in, damage the marine park (or the area that would be a marine park) and, with any luck, it will be so degraded that there will not be a marine park there to declare.

I asked the minister what, if anything, she will be doing to protect such areas, as there is nothing that I can see in the legislation to provide any sort of interim protection. In her speech, the minister said that the government can give interim protection to a declared park once it has been proclaimed, but what I am asking is: what will happen over the next three years before that proclamation occurs?

I know the Wilderness Society has emailed MPs expressing its concern about the boundaries of zones within (and I stress the word 'within') any proclaimed marine parks. It is saying that it cannot support the legislation without this protection. I want to explore this a bit more so that members, when we get to the committee stage, where I will most likely have an amendment to address this, can understand what is going on. Clause 4, headed Meaning of the Zone, states:

> For the purposes of this act, a zone is an area within a marine park that (a) has boundaries defined by the management plan for the marine park; and (b) is identified by the management plan as a particular type of zone depending on the degree of protection required within the area.

It is intended that the regulations will make provision for the following types of zones: (1) general managed use zones; (2) habitat protection zones; (3) sanctuary zones; and (4) restricted access zones. Then 2(b) states:

> Apply various prohibitions or restrictions to the different types of zones for the purpose of protecting and conserving marine biological diversity, marine habitats or features of natural or cultural heritage significance.

It is perfectly possible that the four categories of zones mentioned there within clause 4 could be all within one marine park. Within a particular marine park you might have a central sanctuary zone with a habitat protection zone outside of that and so on.

Clause 10 gives the minister or the Governor the power to declare, by proclamation, the abolition of a marine park or the boundaries of a marine park, the name of a marine park, and to vary or revoke an interim protection order contained in a proclamation under this provision. However, clause 9 goes on to provide that such a proclamation must not be made unless it has been dealt with by both houses of parliament; that a resolution has been passed by both houses of parliament. However, it does not deal with the issue of those zones within the marine park.

If you go to clause 13(1)(b) it provides:

> A management plan for a marine park must identify the various types of zones within the park and define their boundaries.

We will not know what the zones are within the marine park until the management plan is prepared and put into effect.

The next thing members need to understand in relation to this is that clause 14(9) provides that the minister must, within 12 sitting days after a management plan is declared to be an authorised management plan, cause copies of the plan to be laid before both houses of parliament. That is the end of the process. There is no opportunity for parliament to have any say about those zones, so parliament is going to be completely sidelined from this process. For that reason, the Wilderness Society is saying that it cannot give its support to the bill in its current state and, because of that, I will be having an amendment drafted to deal with this sidelining of parliament.

You simply cannot allow these zones, which include the most sacrosanct areas, the sanctuary zones, to be suddenly wiped out by the preparation of a new management plan—because that is all it will require. We might get one management plan that has a sanctuary zone in a marine park and then the minister can simply lodge a new management plan with the parliament and that will be it.

From the point of view of what the Hon. Caroline Schaefer has said, she might be concerned, in fact, that an old management plan might not have a sanctuary zone but a new one that the minister lodges on us does have a sanctuary zone. We must have something that allows parliament to approve those management plans. It is not good enough simply to have them tabled.

There are a number of concerns, as I have indicated now, that I have with this bill which I plan to be addressing with amendments, but I indicate support for the principle of establishing marine parks. It is why I moved the motion of referral to the ERD Committee back in 2004, because I was so concerned about the delays. Because I do support the establishment of marine parks, I will be supporting the second reading and hoping that I will be able to get some improvements with the amendment that I will have prepared.

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

STATUTES AMENDMENT (PETROLEUM PRODUCTS) BILL

Adjourned debate on second reading.

(Continued from 24 July. Page 439.)

The Hon. CAROLINE SCHAEFER: This legislation was originally introduced as the Motor Fuel Distribution Act in 1973. The prime aim of the original legislation was to regulate the number and location of fuel retail outlets. Interestingly, South Australia is the only state with such regulations, with other states using planning legislation administered by local government as the sole measure regulating the establishment of retail fuel outlets. The Petroleum Products Regulation Act 1995 has been reviewed under the Competition Principles Agreement, and the government has seen fit to significantly amend the act to narrow the scope of regulation within the industry.

With the average annual net rate of closure of fuel outlets since 1997 being 22, it is recognised that, as per interstate experience, marketing forces are the more powerful tool to manage the number and location of fuel outlets. Similarly, the Petroleum Products Retail Outlets Board now seems to be superfluous. It has been recognised that regulation for the purpose of safety of persons and property will be more appropriately managed under the Dangerous Substances Act. Consequently, licences to keep and/or convey petroleum products will be administered under that act. Similarly, provisions regarding correct measurements are already covered under the Trade Measurements Act.

After repealing those portions of the act pertaining to the above matters, the act will now have two primary functions only: first, to manage the subsidies paid to wholesalers or retailers where the wholesaler has no entitlement to subsidy. Following the High Court challenge which cast doubt on the states' ability to collect excise on, amongst other things, petrol, the commonwealth agreed to collect moneys previously raised by the states on their behalf. The previous excise regime differentiated by various geographical locations. The subsidies paid since the 1995 amendments are designed to maintain the net impact on the cost of fuels across the state. Secondly, the act will give powers to allow for the rationing or restriction of sales from time to time if and when fuel supplies demand. The Liberal Party supports the bill without amendment.

The Hon. D.G.E. HOOD: I rise to support the second reading of this bill. The bill seeks to amend the Controlled Substances Act and the Petroleum Products Regulation Act, largely due to recommendations of the National Competition Council, to bring our industry-specific legislation into line with other states. I reflect that we are dealing today with an industry very different to the petroleum industry that we were dealing with in the 1970s when this kind of regulation was deemed necessary. Back then we had, first, petrol bowsers outside of general stores and beginning to proliferate in all sorts of places; secondly, accordingly, a relatively large percentage of small business owners selling wholly, or as part of their business, petroleum products. Nowadays, particularly in the case of the Shell/Coles alliance and Caltex/Woolworths alliance, petrol retail is big business with very few small operators remaining. The SA Farmers Federation is one that

comes to mind. Thirdly, those were the good old days of the so-called 'service station', with actual driveway service. Finally, petrol sniffing in Aboriginal communities was a problem but perhaps not as well understood as it is today.

Big business is not necessarily good business. Family First is concerned for all the small business operators who are being pushed out of the petrol market by big business. Our principal concern is the ongoing survival of family businesses. The Motor Trades Association in its 2006-07 annual report commented on the federal precursors to the present bill before us, and I think it worth reading into *Hansard* what it said:

> The federal government's decision to remove the Petroleum Retail Sites Marketing Act 1980 and also the Petroleum Retail Marketing Franchise Act 1980 and their replacement with a new oil code has again played into the hands of the big oil companies at the expense of small independent operators. The MTA will continue to take up the issue of abuse of market power and predatory pricing by the oil majors with the federal government, which does not seem to understand that small business creates effective competition and innovation while big business leads to oligopolies and price rises.

I agree and stand by the small independent petrol operators referred to in the above passage. Further to that, reduced competition in petrol retailing has a flow-on effect for families as consumers; namely, rising petrol prices. Family First, I think, ought to win the broken record award, if there was such an award, for calling on the federal government time and again to reduce petrol prices by reducing the petrol excise by 10¢ a litre.

Recent inflation figures have demonstrated the crippling effect that rising petrol prices are having upon family budgets. Accordingly, we think that ensuring competition, rather than having just two or three big market players, will help drive petrol prices down. I know that the matter of petrol prices has also been raised by the Hon. Mr Xenophon in this place as a major concern that he holds. He has also had media attention, and he was probing the fact that regulations with respect to petrol prices must be adhered to and must be increased.

I join with him in being vigilant to ensure that consumers are not taken for a ride by petrol retailers. Vigilance is necessary. Let us not fool ourselves that bodies like the ACCC will be able to protect small players. There was the recent famous case of the ACCC being sent from court with its tail between its legs when it tried to prosecute Geelong petrol retailers for price collusion. On the ACCC's watch, petrol prices continue to rise out of line with the Singapore oil price on occasions. Family First research indicates that some 70 per cent of the petrol retailing sector is controlled between Shell and Caltex alone, involving Coles and Woolworths respectively. The ACCC has failed to prevent Coles and Woolworths taking control of the supermarket sector itself, those brand names in the 20th century, of course, having been more traditionally associated with supermarkets.

Family First lobbied in federal parliament to protect smaller players by ensuring that they could collectively bargain against the big players, despite that activity otherwise being illegal under the Trade Practices Act. We were successful with that amendment to the federal bill, and I understand that collective bargaining is now under way in that situation. There is the underlying assumption in this bill that suggests that the law of the market—or perhaps the law of the jungle, if you prefer—will prevail to ensure appropriate levels of petrol outlets and industry participation. The market can be brutal to families and small operators, and we record concern at the free market approach being adopted.

I turn now to another aspect of this bill that Family First gladly supports, section 4, amending the Controlled Substances Act. These sections, in essence, get tough on people who buy petrol to provide for others' petrol sniffing or those who sell petrol to minors. This will require petrol station operators to be on their toes, wherever their station might be, irrespective of the perceived prevalence of petrol sniffing in their area. The minister has flagged that 16 years of age will be the threshold. I raise a concern—not that we oppose the bill—for consideration, and perhaps the minister may address it in his summing up. I can picture a situation where a young lad might be mowing a lawn for his father for some pocket money and run out of petrol in the mower and in the shed and, if he is under 16 years of age he will not be able to go to the service station, as is common practice now, to purchase petrol to put it back in the mower and continue mowing the lawn. Or perhaps consider the model aeroplane or boating enthusiasts.

I raise those scenarios because they represent sad casualties of the petrol sniffing scourge in this state, and I hope that one day we might be able to repeal that section of the legislation. Surely our hope must be that this provision on sale to minors will not remain on our statute books for all time, but I hope that through intervention programs we can one day remove this provision once we have minors responsible in the use of petrol. I would, nonetheless, appreciate some indication from the minister of the awareness programs the government will run for both retail outlets and the general public concerning the criminal law aspects of this bill, if any are planned.

In closing, Family First supports this bill, and I raise these matters as matters of interest and concern and not as objections to the bill. The bill is a good measure, it makes sense and Family First supports its passage.

The Hon. P. HOLLOWAY (Minister for Police): I thank the Hons Caroline Schaefer and Dennis Hood for their indications of support for this bill. I am happy to address the matter raised by the Hon. Dennis Hood during committee. I thank members for their contributions.

Bill read a second time.

In committee.

Clause 1.

The Hon. P. HOLLOWAY: To respond to the issue raised by the Hon. Dennis Hood, it is my advice that the bill essentially maintains the status quo in relation to provisions such as the age of people who can purchase petrol. I understand that the age of 16 years is in there by law because that is the age at which people can get a driving licence and purchase a car and petrol. It has been that way to correspond with the age at which people need to purchase petrol if they are driving a car.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. SANDRA KANCK: This clause interests me the most in the whole bill—and is one I suspect the minister would be interested in as police minister—regarding petrol sniffing on the APY lands. There are penalties for supplying petrol for the purposes of inhaling, with a maximum penalty of $10 000 or two years imprisonment. When we are talking about petrol being used for inhaling purposes we are talking about a substance of addiction. I am not sure how these fines fit with other substances of addiction. I would probably compare the physical impact and bodily degradation that

occurs through sniffing petrol as being akin to ice. How does the fine compare with fines for using that type of illicit drug? I am interested in a one size fits all approach. If there are a couple of people on the lands and a 21 year old passes some petrol on to his 18 year old friend, that is not as bad a crime as the one we recently heard of with the man at Oak Valley providing petrol to minors for sniffing in exchange for sex. Perhaps there needs to be a slightly different way of viewing this. I am interested in hearing from the minister about how he sees the penalties being applied so that it is not a 'one size fits all' approach.

The Hon. P. HOLLOWAY: Clearly, the supply of petroleum products into the APY lands has been a significant problem. The fact that Opal fuel has created such a massive reduction in petrol sniffing on the lands indicates how prevalent the problem was and how necessary it was to deal with it. I do not have with me the penalties for other substances, but obviously the $10 000 or imprisonment for two years—the fine versus imprisonment—is the standard government ratio. I would think that would be similar to comparable drug offences.

The Hon. Sandra Kanck: Write me a letter.

The Hon. P. HOLLOWAY: I am happy to do that. I would be happy to correspond with the honourable member and indicate what they are. It would seem to me that that is a reasonable penalty. As far as the application of penalties is concerned, as the Hon. Dennis Hood raised in question time today, in relation to whatever we prescribe, it appears the courts take their own view of the seriousness of these issues. The Hon. Sandra Kanck made a fair point in relation to the recent case of the Aboriginal person. I think that person was given a severe prison term in relation to the 'sex for petrol' offence and I think it was entirely appropriate, given the age of the people involved. I think that was the key factor rather than the substance that was provided. Whatever penalty we provide, obviously the courts will use their discretion. What is important are the measures already taken and, in particular, the change to Opal fuel has been successful. It is interesting that there is a lesson for us all as legislators that often changing technology can be far more effective than changing law.

Clause passed.

Remaining clauses (5 to 21) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

CRIMINAL LAW (UNDERCOVER OPERATIONS) ACT

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to the Criminal Law (Undercover Operations) Act 1995 made earlier today in another place by my colleague the Attorney-General.

STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 24 July. Page 439.)

The Hon. R.I. LUCAS: I rise on behalf of Liberal members to support the second reading of this bill. The bill has passed the House of Assembly and the opposition, in general terms, is in agreement with the legislation. However, there are one or two questions and issues that we will raise and pursue in the committee stage. I think all members will support the general principle of the bill to introduce an arrangement into the state public sector superannuation schemes to enable eligible members to voluntarily retire and transition to retirement; that is, they will reduce their hours to part-time work and access some of their superannuation so they can protect some of the income they might lose through the loss of paid salary. That is the principle aim of the bill and I think all members, in general terms, would support it.

I indicate at the outset that this bill has been introduced as a result of reforms undertaken by the commonwealth government in recent years. The commonwealth government introduced new standards for the superannuation industry as recently as July 2005. I will not go into all the detail of the changes the commonwealth government introduced but, as a result of those changes, state governments and state parliaments are in a position to consider these sorts of sensible changes. The precise detail in terms of preservation ages, and so forth, has been outlined by the minister in the second reading explanation, so I do not intend to go through all the technical detail in my second reading contribution.

I would like to clarify one point. I believe I have understood the second reading explanation, but I think most of the debate has centred on a person who might be working full-time and decides, for example, to work three days a week and what he or she might do to access some of their superannuation to offset the loss of salary. As I understand it, there is a provision in the bill which allows someone who might be employed at an executive level position of $100 000 or $200 000 a year in the Public Service to remain in a full-time position but to take a lower paid position. That is, a lower-level executive position or a senior administrative position within the Public Service.

I would like the minister to clarify whether or not it is the case that this bill caters for not just the example canvassed in the debate in the House of Assembly of one moving to a part-time position but also for the possibility of someone stepping down from a senior position to a less senior position. If that is the case, could the minister outline the circumstances of that? Would it be something where someone voluntarily handed up a position or, for example, could it occur when someone applied for renewal of their contract at a certain level but was unsuccessful and reverted to a substantive position at a lower level, or when someone was disciplined and lost their more senior position to drop back to a substantive position at a lower level? Indeed, one can contemplate any number of circumstances where a public servant in one position at a higher salary may end up in another position at a lower salary level. I accept that these scenarios relate to people in the eligible age range but, for those persons, I ask the minister: have I read the bill correctly, and precisely what are the circumstances where that might occur?

Another question comes to mind for those newer members of parliament who are in something akin to the Triple S scheme of the state public sector and who are currently receiving a 9 per cent superannuation contribution from their employer. The prospect of a member of parliament of eligible age transitioning to retirement by going part-time is, perhaps, a little hard to contemplate, but one could certainly contemplate someone at a higher salary level (such as a minister, a speaker, a president, or a chair of committees) transitioning

to retirement by moving down to the position of a humble backbencher who is just a member of a committee.

The Hon. S.G. Wade interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Wade says that it does not apply to the parliamentary super scheme, but I seek clarification from the minister—particularly for those newer members who are, in essence, in exactly the same position as state public servants with 9 per cent superannuation. Is there an argument that, if that applies to public servants, it may not apply to the newer members of parliament who have a much lower level of superannuation benefit than those members who are in the older schemes?

As I said, the general principle of the government's legislation applies to members of the three state schemes—the Pension Scheme, the Lump Sum Scheme and the Triple S Scheme—and the second reading explanation goes through a number of examples where, in general terms, it demonstrates that a particular public servant could end up with somewhere between 70 per cent and 80 per cent of their pre transition-to-retirement salary through a combination of salary and access to superannuation.

Certainly, some of the documentation that government advisers provided to the Liberal shadow ministers indicated that in some cases (and again, depending on examples) a public servant could access somewhere between 60 per cent and 80 percent of their pre transition-to-retirement salary through the provisions of this bill. The second reading explanation makes it quite clear (as I am sure Treasury would wish) that the proposed arrangements have been developed on the basis that there would be no increase in the overall cost to the government in providing superannuation benefits. So, the government does not have to pay any more; if there is any benefit it is being provided to the individual public servant and is offset by a reduced level of benefits later on when that public servant goes into full retirement.

The bill also includes a number of other technical amendments which do not relate to transition-to-retirement issues. One example refers to the provision of death and invalidity insurance for public servants who may have a short period of non-employment between successive employment contracts. The most obvious example of that is teachers who may have a year or a term contract within the school system that concludes in November or December, and who do not get another contract again until February or March. The government's intention here is to provide a three-month buffer period at the conclusion of the first contract to provide those officers with death and invalidity insurance. Again, that benefit is being provided to assist teachers and some others within the education sector, in particular (it may well apply in other sectors, I am not sure), and it is certainly something the opposition will support.

The obvious question is that a number of people may well conclude a contract in the government sector with no intention of having another contract, and we will not be able to distinguish those from the example that I gave before. The scheme will be providing an additional three months of death and invalidity insurance for a range of people who have concluded a contract and who have no intention of having another contract in the public sector. That is an additional cost to the scheme. I cannot think of a way for the government to distinguish between the two examples; that is, the genuine example and the one where someone is just getting an additional benefit. However, I do put the question to the government as to whether its advisers have looked at that issue and whether they have any estimate of what the additional cost to the scheme will be in terms of providing that additional benefit to persons who are not really the ones designated to be the type of recipients who need to be covered in the circumstances outlined in the second reading.

There is another provision in relation to voluntary separation packages. The second reading indicates that several members have not indicated which of the options they wish to accept and this provision is seeking to provide them with a limit of three months within which they have to nominate their option. Will the minister indicate exactly how many members are covered by this provision and the person who has been in this position the longest? There is another amendment in relation to the judges' pension scheme. It raises the obvious question that, if a person was a crown solicitor within the state public sector and entitled to a pension and he or she became a state judge and was entitled to a state judicial pension, and then was fortunate enough to be appointed to the High Court and ultimately entitled to a federal judicial pension, am I correct in assuming that that person might be in the position of receiving three separate pension entitlements? If that is the case, how are they impacted by the provisions of the bill before us?

The government indicates in the second reading that the Superannuation Federation, the PSA, the AEU and the South Australian Nursing Federation have all been consulted. I specifically ask whether or not those particular bodies have all agreed to the provisions of the legislation or whether they have raised concerns? I am certainly aware of concerns of the Superannuation Federation to which I will turn briefly, but my questions are particularly directed at the PSA, the AEU and the Nursing Federation as to whether or not they have agreed to all provisions in the legislation.

I turn now to some of the issues that have been raised by the South Australian Government Superannuation Federation. It sought a meeting with the Treasurer in relation to its concerns. It wrote to the Treasurer on 22 May. The Treasurer responded in June, indicating that he was unable to meet with the representatives of the South Australian Government Superannuation Federation. He outlines his response to the concerns that they raised in that letter. The Superannuation Federation indicates that the commonwealth Superannuation Industry (Supervision) Act 1994 permits employees who have attained the age of 55 to have access to their full accrued superannuation, even though the employee may not have reduced their level of employment. The Treasurer acknowledges that, but then sets up his explanation as to why he does not agree with the position of the Superannuation Federation.

I will outline another couple of examples of the Superannuation Federation's concerns. It says that it has reviewed all the superannuation funds similar to the lump sum scheme and the Triple S scheme in other state government jurisdictions. Its contention was that none of its transition to retirement rules require changes to a fund member's working conditions. I note that the Treasurer's response is that the majority of state governments have not dealt with transition to retirement. I am wondering whether the government can indicate specifically which ones have dealt with transition to retirement schemes; and, for those that have, are the claims made by the Superannuation Federation in its letter to the Treasurer correct? Essentially, the Superannuation Federation is making a point; and, perhaps, it is also supported by a regular correspondent on superannuation issues to the Hon. Sandra Kanck and me, Mr Ray Hickman.

In particular, Mr Hickman is looking at the Triple S scheme. He has highlighted a piece of financial advice which

appeared in the *Sunday Mail* of 29 July, and I will put that on the record. The question to his financial adviser, Glenn Todman, is:

> I am 62 and still working earning $90 000 per annum. My wife is 63 and retired. I have $420 000 in my work super and my wife has none. My understanding of the new super rules (that is, the commonwealth super rules) is that I can salary sacrifice $60 000 per annum. This will save me more than $11 000 a year in tax. I can then draw a tax-free pension from my super to replace the after-tax income I have forgone. Forgive me for being cynical but this sounds too good to be true. Are my assumptions correct?

Mr Todman's answer is:

> You are absolutely correct.

I will not go into the rest of Mr Todman's reply, but the contention from Mr Hickman is as follows:

> The bill in question will prevent Triple S members from making effective use of the saving incentives inherent in federal superannuation tax legislation that Todman refers to. Over the long term this will cost tens of thousands of Triple S members tens of thousands of dollars each in extra tax they will pay compared to members of similar private sector and government schemes in other states.

Also, I highlight to the government that an article appeared in the *Saturday Age* by Money Maker George under the heading 'How to make the most out of transition to retirement'. The article was written by George Mileski, a certified financial planner with Mercer Wealth Solutions. Again, I will not go through that, but he canvasses similar advice and issues to the advice that Glenn Todman has raised. My first question to the government is: if this legislation was not to pass, would the members of the Triple S scheme, as a result of commonwealth legislation (the SIS scheme), be able to do what Glenn Todman, the financial advisers, Ray Hickman and the Superannuation Federation are asking for?

Is it this piece of legislation we are being asked to support that will prevent that, or, if this bill did not go through, would these Triple S scheme members still not be able to do that? Is it the presence of this legislation that is restricting it or, if we wanted to agree with the position of the Ray Hickmans of this world, would we need to pass this legislation in an amended form? Advice from Mr Hickman to members is that the bill in question will prevent Triple S members from making effective use of the savings incentives inherent in federal superannuation.

The inference from that is that this bill is preventing it. As I said, that can be interpreted in two ways. It might be that, in its present form, the bill is preventing it and therefore if it is amended we can make those options available to those members. According to Mr Foley, in advice to the Superannuation Federation, the government acknowledges the following:

> It is true that there would be no additional costs in allowing members of the Triple S scheme to fully access their accrued benefit at age 55 without there being a reduction in their level of employment.

He went on to say, 'It is not correct to say that there will be no cost for the state lump sum scheme', and he said that the cost of the scheme to the state government would be $70 million. However, Mr Hickman and co. are specifically looking at the Triple S scheme.

As best as I can understand why the government is opposing it, it is, again, something that appears in the Treasurer's letter to the Superannuation Federation, where he indicates that the government would not wish to be involved in any arrangement that enabled a section of its workforce to minimise tax obligations. With the greatest respect to the Treasurer, I suspect that he and everyone in this place, and everyone with whom he associates, minimise their tax obligations. There is nothing illegal about minimising tax obligations. If someone is in bottom of the harbour schemes or if they are avoiding tax or are involved in fraud, that is another matter. However, the Treasurer's letter states that the government would not wish to be involved in any arrangement that enables a section of its workforce to minimise tax obligations, and that seems to be an extraordinary proposition. The government has only recently endorsed salary sacrifice arrangements for members of the Public Service, which is all about legally minimising tax payments in certain circumstances.

The Liberal Party's position has been to support the legislation. That is still the position, but I raise these issues because, on the surface, it appears that some Public Service members are saying, 'We can make some changes to the legislation', which would be to the benefit of these Public Service members. It does not cost the state government anything. It is not illegal. It is, in fact, encouraged and endorsed by the commonwealth government's superannuation changes. They claim that superannuants within the private sector and in state government schemes in other states are entitled to access these benefits, and they say that this bill is preventing them from accessing those benefits.

On the surface of it—to me, anyway—that is a reasonable case where I think the government should explain, if those statements are correct, why it is opposing it. I know the government does not like the PSA and public servants, but that is probably not a good enough reason to say, 'Go away; get nicked. We are not going to look at your proposition,' even though the Treasurer has told them, 'Go away; get nicked. I am not prepared to meet you,' which I thought was a bit extraordinary, because it is a representative body of all public servants. If the government's proposition is as the Treasurer says—that it will not be involved in any arrangement that enables a section of its workforce to minimise tax obligations—and that is the reason why, that certainly does not hold much water with me. I find that hard to accept as the reason why the government is not prepared to consider these pleas from retired public servants.

As I said, that is the issue that seems to have attracted most attention from the Superannuation Federation and people such as Ray Hickman and the people whom he represents and others. It certainly has been written about in newspapers in general terms, with respect to people being able to access this sort of benefit. I leave those questions for the government, and I hope that during the second reading reply, and maybe the committee stage, we might be able to further pursue those matters.

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

PENOLA PULP MILL AUTHORISATION BILL

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

JULIA FARR SERVICES (TRUSTS) BILL

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

ADJOURNMENT

At 5.51 p.m. the council adjourned until Wednesday 12 September at 2.15 p.m.