LEGISLATIVE COUNCIL

Thursday 13 September 2007

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

VOLUNTARY EUTHANASIA

A petition signed by 135 residents of South Australia, concerning suicide and euthanasia and praying that this council will reject proposals to legalise euthanasia as proposed by the Hon. R.B. Such in the Voluntary Euthanasia Bill 2006, was presented by the Hon. Caroline Schaefer.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the President—

District Council of Mount Barker—Report, 2005-06

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

Reports, 2006—
Flinders University
The University of Adelaide
The University of South Australia.

ROYAL VISIT

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement made today by the Premier relating to a royal visit to Adelaide.

FREEDOM OF INFORMATION

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

Leave granted.

The Hon. P. HOLLOWAY: Yesterday, the former leader of the opposition raised questions regarding the freedom of information process. I would like to place the following on the record. Ms Carolyn Synch did not attend the meeting referred to by Mr Lucas. Mr Lucas should also note that Ms Carolyn Synch is now an accredited FOI officer, and she was at the time the honourable member asked the question but not at the time of the meeting. However, she did not go to the meeting, anyway, so the honourable member was wrong.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: What email?

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, it does not make any difference. It does not matter, because your question was wrong. I realise that there are corrupt public servants who break the law and provide information to the Liberal opposition from time to time.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, they do.

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

The Hon. P. HOLLOWAY: Well, anyone who gets caught should be dismissed. If they break the law and steal documents, they should suffer the consequences.

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

The Hon. P. HOLLOWAY: Yes, but the thing is that the people who gave it to us were actually cabinet ministers in the previous government; that is the difference. That is where we got them from. But, anyway, that is another story.

BUCKLAND PARK

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

Leave granted.

The Hon. P. HOLLOWAY: On 4 January 2007, a land division proposal at Buckland Park was granted major development status. The proposal is for a multi-component residential, commercial and recreation development on land located to the west of Virginia and includes a township of some 7 000 residential allotments, a town centre and associated community and recreational facilities. The proposed development site is close to the coast and currently has rural living allotments with horticultural activities. It is proposed that some of the residential development will include an 'affordable' housing component.

Subsequent to the declaration, an application was lodged by the proponents, and that application was referred to the Development Assessment Commission as required by the Development Act. The commission's role is to determine the most appropriate level of assessment for such a proposal, taking into account the specific circumstances of the proposal. Furthermore, it is required to set guidelines for the preparation by the proponent of an environmental impact statement or a public environment report or a development report, whichever is considered by the independent expert panel to be most appropriate.

The Development Assessment Commission has determined that the Buckland Park country township will be subject to the processes and procedures of an Environmental Impact Statement (EIS) as set out in section 46B of the act. The proponents of the Buckland Park project are Walker Corporation Pty Ltd and DayCorp Pty Ltd, with Stephen Holmes of Connor Holmes Consulting as the planning consultant for this proposed development. The proposal is located on land owned by or under contract to the proponents. The commission has prepared these guidelines based on the significant issues relating to the proposed development. These guidelines identify the potential defects of the proposal and the matters that should be addressed in the EIS. Included in these detailed guidelines is a requirement to determine the flood potential for the area, including detailed flood mapping for a one in 100 year storm.

As I indicated in my press release of 20 December 2006, the key element of the proposal is efficient water management and flood mitigation through the use of wetland and creek systems, aquifer recharge, utilisation of treated water from the Bolivar pipeline (which runs through the proposed development site), and integration with the Gawler River management and flood mitigation work. The guidelines determined by the commission are very detailed and broad ranging and are now available on the Planning SA website. An opportunity for public comment will occur when the completed EIS is released. At that time, an advertisement will be placed in *The Advertiser* and *The Gawler Bunyip* to indicate where the EIS document is available and the length of the public exhibition period, during which time written submissions can be made.

QUESTION TIME

SPEED DETECTION DEVICES

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Police a question regarding the accuracy of speed detection devices.

Leave granted.

The Hon. D.W. RIDGWAY: On 23 May 2005 the Leader of the Government in this council, in response to a question from the Hon. Michelle Lensink and a subsequent supplementary question from the Hon. Julian Stefani, made the following statement in relation to speed cameras:

> Fixed-site speed cameras are checked every seven days and mobile devices deployed by SAPOL are checked for their accuracy daily by means of a run-through whereby a SAPOL vehicle with a known speedometer is driven past the speed detection device at a speed set. The speed is recorded and it is checked to ensure that it is accurate. This process is overseen by a supervisor and is repeated during the course of any one day if the device is deployed over more than one shift. The vehicle speed and the vehicle used to conduct the run-through is tested every three months by the RAA. The speed testing apparatus used by the RAA is certified by the National Association of Testing Authorities. The speed camera is immediately defected if there is any discrepancy found between it and the testing vehicle.

On 28 January 2004, some 16 months prior to the minister's statement, NATA (National Association of Testing Authorities) suspended the South Australian police force's accreditation. This suspension included testing equipment used to monitor the accuracy of radars, lasers and breathalysers. My question to the minister is: are you aware that 16 months prior to answering the question regarding the reliability of speed detection devices, NATA had suspended SAPOL's accreditation?

The Hon. P. HOLLOWAY (Minister for Police): Did the honourable member say that the question was in 2005?

The Hon. D.W. Ridgway: Yes.

The Hon. P. HOLLOWAY: Any answer that I provided then would have been on behalf of my colleague in another place who would have been the then minister for police, so I would simply have answered any such question on his behalf.

The Hon. D.W. RIDGWAY: Can the minister guarantee the accuracy and the accreditation of the current equipment being used by SAPOL?

The Hon. P. HOLLOWAY: I do not think that it is up to the Minister for Police to personally guarantee any equipment at all. Clearly, under the act, South Australia Police has the responsibility in relation to that, and I have no reason to believe that that equipment is anything other than accurate. In fact, I think it is worth making the point that just a little while ago members opposite were criticising the Police Commissioner and me in relation to the tolerance that speed cameras have, because the Police Commissioner had made some comments in relation to the tolerance that speed camera devices have. We know that those tolerances are much higher than those used for other forms of speed detection equipment. The opposition made the accusation that somehow or other we were using that as a revenue-raising device. Now the honourable member is saying that—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: There is no evidence at all that the speed camera devices used by the police are not accurate—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, that is the honourable member's claim. The opposition is criticising the Police Commissioner and the government because it says that the tolerances should not be brought down, and we should have this larger tolerance. I put the question to the opposition: do you want to reduce the road toll or not? This state has a State Strategic Plan target to reduce the number of people killed on our roads. As a result of speed camera activities by the police, we have reduced the road toll within our state to the lowest levels ever recorded. People are alive now who would otherwise have been killed if it was not for the action of the police in detecting infringements. If the Liberal opposition wants to barrack for the hoons of South Australia, go and barrack for the hoons, but this government will try to keep South Australians alive.

The Hon. D.W. RIDGWAY: Can the minister assure all South Australians that the speed and traffic offences that have been detected over the past 3½ years have been dealt with fairly and justly?

The Hon. P. HOLLOWAY: I do not preside over the issuing of every speeding fine. I am quite sure that the honourable member knows that there are processes in respect of speed camera detection devices where you can appeal. There are dozens of those appeals because of circumstances—a few of them are upheld, but most of them are not. The honourable member asked me whether I can guarantee that every speed fine that is issued is accredited. How can I do that? There are procedures that people can follow if they believe that there is some error in a speed camera device, and those procedures are used by people—a handful of them are successful but the vast majority are upheld.

If the honourable member is trying to suggest that the speed cameras which have been used in this state and which have helped reduce the road toll to record low levels are in some way defective, let him do so. He barracked for the hoons a little while back when he said, 'It's all about revenue raising'. Even though we have got the road toll down to the lowest level ever, he said, 'Don't cut the tolerance on these things', even though, demonstrably, they are reducing not just the road toll but also the number of accidents. He had the same issues when we cut the speed limit throughout the city. If they want to barrack for the hoons, let them go ahead, but this government will try to keep South Australians alive.

The Hon. R.D. LAWSON: I have a supplementary question. When the minister came to the position of police minister, was he aware of the fact that the South Australian police force had lost its accreditation with the national testing body; if so, what did he do about it?

The Hon. P. HOLLOWAY: I am not aware of any situation involving accreditation. Clearly, it is a matter for the police; however, I will seek the information from them. If the opposition is trying to suggest that the speed camera activity by the police is in some way defective, I think that really he is doing a gross disservice to the people of this state. If he wants to join the cheer squad for the hoons of this state, perhaps he should move to the Northern Territory, where they have speed limits of 130 km/h. I would rather have improved safety, having people alive and having my family, myself and others surviving on the roads through the detection activities

of police. It really is grossly irresponsible for the opposition to try to draw questions about the activities undertaken by the police in trying to keep people alive.

FLINDERS CHASE NATIONAL PARK

The Hon. J.M.A. LENSINK: I seek leave to ask questions of the Minister for Environment and Heritage on the Flinders Chase fire.

The PRESIDENT: The honourable member does not need to seek leave if she is asking questions.

The Hon. J.M.A. LENSINK: Has the minister sought a report on this debacle, involving a two-hour 10-hectare planned burn in a national park which turned into a 1 000-hectare fire which burned out of control for four hours?

The PRESIDENT: The honourable member did not seek leave to make an explanation; she wanted to ask a question, so she should ask her question.

The Hon. J.M.A. LENSINK: If so, what is the explanation? Will the minister seek a review of burning guidelines, and does she have an estimate of the value of the damage that has taken place?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I do not have the detail of the responses with me. I am happy to take the questions on notice and bring back a reply.

PRISONS, PORT LINCOLN

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about Port Lincoln Prison.

Leave granted.

The Hon. S.G. WADE: The minister has made public statements that she was personally offended, horrified and outraged by the Jailhouse Rock show at the Port Lincoln Prison on 29 December 2006. In mid-May (some four months ago), on ABC 891 the minister indicated that we would get the results of the investigations by the end of May. Mr Weir (the then acting CEO) said that the investigations were expected to take two weeks. In July (two months later), there was still no report, but the minister advised the Legislative Council that she had seen a copy of the investigation into the matter. My questions are:

1. Two months after the minister's comments in this chamber in July, can she advise when the investigation into the 29 December 2006 event will be finalised?

2. Will the minister commit to releasing publicly the reports of these investigations?

3. Will the minister assure the council that, if fresh allegations are brought up, they will be dealt with separately so that matters, which are already matters of public concern, are resolved expeditiously?

4. Given the comments of the minister and the statements in May by the acting CEO that it is 'not unreasonable for there to be music or properly conducted events, as long as security is not compromised and the behaviours are not offensive', has the minister or her department made any changes to policies or given any guidance to prison management to clarify what is acceptable in terms of recreational events within prisons?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for his questions in relation to the Port Lincoln Prison. I am fairly certain that the last time we sat before the break I advised the honourable member that investigations into the prison were continuing. I have received copies of those reports. I know that it is not appropriate for me to table copies of those investigations as internal reports; clearly, they contain many people's names, people who were interviewed and who, in the end, will most probably not face anything at all but they just provided information.

I advised the honourable member at the time that those files were with the Crown Solicitor's Office; my advice is that they are still there. Until we receive advice from them, I am not in a position to make any other comments on those investigations.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: As to be expected, when the acting manager came into the Port Lincoln Prison all procedures were looked at and, if any changes needed to be made, they were made.

The Hon. S.G. WADE: By way of supplementary question, the minister seems to have interpreted my last question as being related to Port Lincoln Prison alone. I was thinking of the prison system as a whole. The comments of the minister and the CEO raised questions about what were appropriate acts within prisons. What general advice was there? This is about the prison system as a whole.

The Hon. CARMEL ZOLLO: I did misunderstand the honourable member: I thought he was talking in relation to Port Lincoln Prison. The department has reinforced to all prison managers that no prisoners are allowed to be present at any function at which alcohol may be or is present, except for those prisoners attending leave programs where specific approval has been given by the relevant general manager. No alcohol is allowed within the secure perimeter of a prison and no prisoner should be allowed access to any departmental premises or property outside the secure perimeter of a prison where alcohol is not secured.

MINERAL EXPLORATION

The Hon. B.V. FINNIGAN: Will the Minister for Mineral Resources Development advise on South Australia's strong performance in minerals exploration, as indicated in the recently released ABS statistics on the minerals exploration sector?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his most important question. The release of the latest ABS minerals exploration quarterly figures show South Australia has continued its strong performance over the June quarter, recording its fourth consecutive quarterly increase and confirming that the state's mineral boom is the most sustained in our history. Minerals exploration in South Australia continues to surge, with the ABS figures for the June 2007 quarter (which were released on 12 September) indicating an expenditure of $84 million.

Members interjecting:

The Hon. P. HOLLOWAY: It is worth doing again, because it is such good news for the state.

The Hon. D.W. Ridgway: Mineral exploration has dropped off.

The Hon. P. HOLLOWAY: No, it hasn't, actually. I will be happy to come to that in a moment and enlighten the leader, since he has raised it. If the leader is putting out misinformation like that to the people of this state, it deserves to be corrected. An amount of $24.3 million is identified in

the ABS category for new deposits, while $59.7 million was expended on existing mineral deposits: $24.3 million in a quarter. That is almost $100 million on an annualised basis. That was our target for all exploration, which puts the lie to the interjection of the leader. The figure of $24.3 million was identified in the ABS category for new deposits—a record high for this state.

The figures overall represent a record level of private mineral exploration investment in any quarter since the ABS has been compiling national mineral exploration expenditure figures. While copper, which was 53 per cent of the national spend, and uranium, which was 56 per cent of the national spend, were the main minerals sought during the June quarter, explorers also significantly increased expenditure in the search for iron ore, mineral sands and gold. BHP Billiton has advised that a total of $33.63 million was committed during the June 2007 quarter to resource drilling at Olympic Dam. It is further confirmed that this figure has been reported to the ABS under the category of expenditure for existing deposits. Clearly the expansion drill out of the world-class Olympic Dam deposit is significantly enhancing South Australia's overall level of private investment in mineral exploration.

Excluding the major expenditure and drilling at Olympic Dam during the quarter, a total of $24.3 million, or 48 per cent, of private mineral exploration investment was targeted at new deposits or greenfields exploration during the quarter. The June 2007 quarter figure of $84 million places South Australia second only to Western Australia, with the highest expenditure recorded, maintaining the position for the second consecutive quarter ahead of Queensland.

Mineral exploration expenditure for the financial year 2006-07 reached a record level of $260.7 million, or 15.2 per cent of total Australian mineral exploration expenditure for the period. That is now getting above our land mass share of the continent. This is a record level of expenditure for South Australia, significantly exceeding the South Australian strategic plan target of maintaining expenditure above $100 million per year.

In the financial year 2006-07, South Australia has captured 56 per cent—or $63.8 million—of total expenditure for uranium exploration (60 per cent of the national spend for the June quarter). This is a major success for our state and compares with around 26 per cent being invested in the Northern Territory over the same period.

An honourable member interjecting:

The Hon. P. HOLLOWAY: The honourable member should understand that Olympic Dam will, perhaps, become the world's largest uranium mine. It will also be the world's third largest copper mine, and it will also be this country's largest gold mine. It does have copper and gold—no wonder the opposition is trying to interject and divert attention from these statistics! The figures for exploration targeted at copper, silver, lead and zinc further emphasise the position in the Australian mineral exploration scene. South Australia captured 49 per cent of the total Australian expenditure for copper exploration and around 38 per cent for copper-silver-lead-zinc exploration for the financial year 2006-07.

The only other significant expenditure figure for copper exploration was achieved by Queensland, with 27 per cent of the total Australian exploration spend. Based on the total exploration expenditure for the financial year 2006-07, South Australia remains third at $260.7 million, being pipped by Queensland with $272.3 million. Western Australia's expenditure totalled $839.1 million for the financial year. A further compelling indicator of the state's mineral exploration boom—independent of the latest ABS figures—is reflected in the substantial increase in mineral exploration licence work programs approved by PIRSA Minerals and Energy Resources Division: 294 exploration work approvals in the financial year 2006-07 against 157 work approvals in the financial year 2004-05.

An even more telling indicator is reflected in the exploration drilling approvals for 2006-07 totalling 914 583 metres for exploration projects across the state against 315 340 metres for 2004-05. The global mineral exploration sector has the highest level of confidence in South Australia's mineral potential. This is recognised in the latest Fraser Institute scorecard for mining jurisdictions around the world. South Australia has moved up to fourth in the world in the category of mineral potential. Analysis of the latest ABS figures for South Australia against other Australian states also confirms our rich endowment of copper, uranium, gold, zinc, mineral sands, iron ore and other metals.

South Australia is leading the rest of the country in copper, uranium, copper-gold and mineral sands exploration activity and in the discovery of world-class copper-gold, uranium and mineral sands deposits. We are also host to the development of one of the world's biggest copper-gold and uranium mines, with the expectation that many more major discoveries and mineral discoveries are to come. The government's successful PACE initiative, underpinned by the outstanding commitment of PIRSA—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —to managing exploration and mining developments in the state and in partnership with a very successful body of small to major exploration and mining companies, has given the government real confidence that South Australia will now have a very long-term, successful exploration and mining industry. The projects underway include:

- BHP Billiton's proposed Olympic Dam expansion;
- OneSteel's project Magnet, which will be commissioned later this month;
- Oxiana's major copper-gold mine at Prominent Hill, which is well advanced in construction with ore material being intersected in the open cut pit in the next few weeks;
- Australian Zircon's new mineral sands mine near Mindarie in the Murray Mallee, which is also well advanced in construction of the processing plant and excavation of the first mineral sands strandline;
- Terramin Australia's new Angas zinc mine near Strathalbyn, which is well advanced in construction of the processing plant and the opening of the new mine Portal;
- Perilya's Beltana zinc mine, which has commenced operations in the far north-west of Broken Hill;
- Uranium One's Honeymoon uranium mine, which plans to commence operations in 2008;
- Heathgate's proposed expansion of the Beverley Uranium Mine in 2008;
- Iluka's proposed development of the world-class zircon mineral sands project in the far west of the state;
- Hillgrove Resources Kanmantoo copper project, which will be seeking mining approvals in 2008;
- Exco's White Dam gold mining project, which is expected to commence construction in early 2008;
- Goldstream's Cairn Hill iron ore project, which is seeking mining approvals in 2008; and
- Western Plains Peculiar Knob iron ore project, which is seeking mining approvals in 2008.

And, certainly, there are plenty of others.

The Hon. CAROLINE SCHAEFER: As a supplementary question: how does the minister explain a reduction of $10 million in new mineral exploration funding last quarter in comparison with the previous quarter, as reported on ABC Radio news this morning?

The Hon. P. HOLLOWAY: That's easy; the ABC simply got it wrong. In fact, the figure for the last quarter was the highest quarterly figure ever. I think the ABC was getting confused with some seasonal adjustment of the statistics. Seasonal adjustments are obviously unreliable in relation to this factor. These are absolute figures. The absolute figures are the highest. If you take the last quarter's figures (the June quarter) for our share of exploration, they give us the highest proportion of exploration spend this state has ever had. It is actually going up. Obviously, if you have had a massive increase over a fairly short period, then seasonally adjusted statistics reveal very little indeed. If one takes the trend or absolute figures, they both indicate the highest levels of mineral exploration ever.

INDEPENDENT GAMBLING AUTHORITY

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Gambling, questions about the Independent Gambling Authority's codes of practice and related enforcement issues.

Leave granted.

The Hon. NICK XENOPHON: In Tuesday's *Advertiser* in an article by Craig Bildstien—

Members interjecting:

The PRESIDENT: Order! We are on the next question now; I ask you all to keep up and adjust accordingly.

The Hon. NICK XENOPHON: In Tuesday's *Advertiser* in an article written by Craig Bildstien entitled—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Xenophon should have another go.

The Hon. NICK XENOPHON: Third time lucky, Mr President. In Tuesday's *Advertiser*, in an article written by Craig Bildstien entitled 'Lucky Hand', it was reported that almost 500 clubs and pubs have used a loophole to avoid a range of harm minimisation measures proposed by the IGA on the basis that hotels and clubs signed on to the GamingCare or ClubSafe programs, both gambling intervention schemes run by the AHA and Club One respectively. Signing on to these programs would exempt venues from proposed codes of practice requirements to ban loyalty programs, ban internal and external signage, screen sights and sounds of poker machines and relocate automatic coin dispensers. The Secretary of the advocacy group for problem gamblers Duty of Care, Sue Pinkerton, has likened the measure to telling someone if they join AA they can get away with drink driving.

Earlier this week on the Leon Byner program, the General Manager of the AHA in SA, Ian Horne, was asked by Mr Byner how many patrons of hotel pokie venues had been the subject of intervention in the past year. Mr Horne was unable to provide specific details but did say that every venue had been visited by GamingCare or ClubSafe representatives four or five times in the past two years. My questions are:

1. What is the level of scrutiny of the GamingCare and ClubSafe programs by the IGA in terms of both the quality and effectiveness of the programs and resources being employed? Further, what expert advice have the minister and the IGA obtained in assessing the effectiveness of such programs? For instance, what has been the number of interventions by those programs since their inception?

2. To what extent is information currently being provided by those programs to the IGA and/or the minister to allow for an evaluation of the effectiveness of those programs, and is any further information or evaluation foreshadowed by the IGA?

3. What information and expert advice did the IGA rely on in deciding to grant an exemption for the four measures proposed if venues signed up to GamingCare or ClubSafe?

4. Will the IGA commission independent research on the impact of early intervention and problem gambling on those venues that comply with the four measures referred to compared with the venues that sign up to GamingCare or ClubSafe instead?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his many questions in relation to the Independent Gambling Authority's code of practice. I will refer his questions to the Minister for Gambling in another place and bring back responses for the honourable member.

DRUGS, ADVERTISING

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Substance Abuse a question regarding advertisements concerning the drug ice.

Leave granted.

The Hon. D.G.E. HOOD: The minister will no doubt recall my previous questions about the Montana meth project and the merits of using the type of advertising material featured in that campaign to deter people, in particular young people, from using the illicit drug commonly known as ice. Last month, the federal government, to its credit, via minister Christopher Pyne, launched television advertisements of the kind Family First has been calling for for some time now. In her answer to my question of 30 May concerning the Montana meth project, the minister said that the advertising was 'compelling to watch and quite powerful' (and I am pleased the minister took the time to watch the advertisement), and she said that she had asked her department to look at the advertising to fully assess its suitability for South Australia. My follow-up questions to the minister are:

1. What is the status of her department's investigations into these advertisements?

2. Will the state government run its own television, radio and print media campaign against the use of this drug?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. I have looked at this project, which I am informed commenced in September 2005 in Montana, USA. As the honourable member has said, the campaign included a mass media campaign and other policy and law enforcement initiatives. The program states on its website that the methamphetamine use by young people in Montana is drastically higher than the national average and that the state is in the top 25 per cent of states in the USA for methamphetamine misuse.

The project has a goal of reducing the prevalence of first-time users of methamphetamine by trying to change the attitudes and beliefs of young people and to raise awareness of the risks associated with the drug. The campaign is based

around a 'Meth not even once' slogan. However, the advice I have received is that it is not clear whether this campaign has directly impacted on the prevalence of methamphetamine use in Montana. The 2007 Montana Meth Use and Attitudes Survey report stated, 'Usage appears to be neither higher nor lower than in past surveys.' However, the survey does indicate changes in perceptions of risk associated with methamphetamine use by young adults and parents.

I have been informed that the Montana campaign was not designed for dealing with circumstances surrounding methamphetamine use in Australia or with consideration of Australia's National Drug Strategy. The rates of methamphetamine use in Montana differ quite considerably from those in South Australia. In 2005, Montana's Youth Risk Behaviour Survey found that 8.3 per cent of Montana high school students had ever used methamphetamine, which is an alarming rate, whereas here in South Australia, lifetime use of amphetamines was reported by 4.5 per cent of students. So, South Australian rates are not significantly different from Australia's rate as a whole. As I have pointed out, this contrasts to Montana, where the rate of methamphetamine use in Montana is drastically higher than the national average.

For social marketing campaigns to be effective, they must be tailored to suit the particular audience, and the Australian government focus-tested two of the advertisements for the Montana meth project as part of the development of the current phase of the national illicit drug campaign. The advice I have received is that, according to the focus test results, the materials were considered to be attention grabbing but were also found to be lacking in credibility, particularly with high risk groups. So, the focus-test data completed by the federal government does not present a very encouraging application of this campaign in Australia and, for that matter, South Australia.

As members would know, the third stage of the National Drug Campaign, which aims to prevent young people using illicit drugs, was launched in August this year. The campaign includes a new methamphetamine commercial called 'Don't let ice destroy you,' and features a clinician in an emergency department who treats someone suffering from psychosis caused by using a form of methamphetamine called ice. The campaign's advertising will run in the print media, television and online. We are very pleased to have that strategy which has been funded by the federal government and which has been tailored and designed to particularly resonate with Australian young people.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about suicide prevention.

Leave granted.

The Hon. J.S.L. DAWKINS: In February this year I asked questions of the minister regarding suicide prevention and, particularly, the successful Tasmanian community-based program known as Community Response to Eliminating Suicide (CORES). In particular, I asked whether the minister would take steps to research the manner in which the CORES scheme was developed and whether she would also consider providing funding to local government and/or community organisations to develop a similar program. Such a program would train volunteers to identify the signs that indicate a person may be considering suicide and be able to refer them to the relevant health professionals.

Further to those questions, I wrote to the minister on the same day to outline in more detail the CORES program. Subsequently, I received a written answer from the minister in August which indicated that a suite of government programs and services cover the activities of the CORES program. What the minister's response failed to acknowledge was the unique community-based and readily identifiable features of CORES. In addition, her public comments before that letter was received were dismissive of the merits of CORES.

Since I first raised the CORES program in this council, South Australia has seen what promised to be a good agricultural season deteriorate significantly. In addition, many communities are also significantly affected by severe restrictions on irrigation entitlements. These factors have resulted in considerable concern about the welfare of many primary producers, small business owners, and other rural residents in this state. With this in mind, I ask the minister whether she will reconsider providing funding for the establishment of CORES programs in rural communities, given that the emphasis of CORES is on a broad-based community membership, which is as identifiable in the community as members of the CFS, the SES, sporting clubs and service organisations.

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his question, which I believe I have already answered, including in writing to him. Again, it goes to the nature of the previous question that I answered regarding Montana meth. It is most important that we tailor messages that are consistent with and suitable for local communities and local audiences. Indeed, South Australia has adopted an almost identical program, which I believe was achieved through the enormous amount of fabulous work done by Margaret Tobin, by engaging local communities and by other important work that she did to advance mental health services in this state.

This was one of her projects called the Mental Health First Aid Program. It is almost identical to the program that the honourable member has raised. We are already doing it and it is a very successful program. We provided $225 000 over 2005-07 to assist in raising the South Australian community's awareness of mental health and the prevention of suicide and self-harm. The suicide awareness component of this program has also been complemented by the *square* program which we have put in place and which includes a question and answer training program.

We have also, obviously, funded a range of initiatives aimed at improving acute mental health services as well as services for people requiring ongoing care and support, and some of these include: improving the mobile emergency response for Assessment and Crisis Intervention (ACIS) teams; the follow-up services for in-patients leaving hospital; increasing mental health staff in emergency departments; providing an Adolescent Mobile Assertive Outreach Service; and extra support packages for people living in the community.

The National Suicide Prevention Strategy has been allocated an additional $62.4 million over five years for suicide prevention. In South Australia, funding has been provided to Anglicare for statewide postvention services; Centacare for health promotion for Aboriginal men; and Adelaide Central and Eastern Division of General Practice for suicide awareness for the elderly. Additional funding has also been made available for the *square* service as well.

In terms of the issues raised in relation to the particular stresses that our country areas are under—in relation to the enormous pressure that people are under because of our severe and ongoing drought—the South Australian government has been particularly responsive to implementing a wide range of extra new services to country areas to assist with not just mental health problems per se but, in fact, early intervention and prevention to try to assist people in handling any extra stress or duress that they may be under to ensure and optimise their mental health before they become ill, and also providing extra services for those people who are detected as requiring mental health services. So, we have been particularly responsive to that.

We have established personal counselling and support services to provide one-on-one follow-up to callers to the DroughtLink hotline, and that is an easily accessible service which does include one-on-one counselling. Two rural counsellors have been recruited, and they commenced in February to assist with extra services. We have updated the version of *Managing the Pressures of Farming*, which was launched. This resource is a practical self-help check for farmers and farming families experiencing stress and business pressures. It is available as a handbook or CD, and it is also on the web. A consignment of 16 000 copies were originally produced for distribution, and as at the end of July 14 000 copies have been distributed throughout the state.

Over 50 local contact people have been actively engaged in participating in Primary Industries and Resources and DWLBC's initiated sessions, as well as the Country Health-initiated information forums in affected communities. I understand that people with mental health expertise are also attending those and making sure that anyone who requires either resources or referral are available at those sessions. Thirty thousand copies of *Taking Care of Yourself and your Family* have been distributed. There has been a consignment of 1 000 Drought Response posters and 10 000 referral cards in the form of quick and accessible information for people.

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

The Hon. G.E. GAGO: He did raise the issue of the sorts of services that are available to our country public members in relation to mental health services. So, I am reminding him of the enormous amount of services that the Rann government has put in place to support our regional communities. We are also working very closely with the South Australian Division of General Practice to ensure coordination occurs with locally based general practitioners. We have also published 'Coping with the Season', a number of feature articles in the *Stock Journal*. Regular articles have also continued to be published in the *Stock Journal*, helping to engage people and, again, providing referral information where appropriate.

Advertisements have appeared in a range of local newspapers promoting the DroughtLink hotline, as well as the personal counselling services and, of course, positive partnerships continue with members of the drought response team. As you can see, Mr President, we have a very similar mental health service already in place in South Australia, which is funded by the South Australian government and which responds to the needs of country members and the extra pressures the drought conditions are placing them under. I have listed only some of the many additional mental health and support services this government has put in place to assist and support country members.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Would the minister agree that messages about suicide prevention would be best delivered by trained members of local communities who are known and trusted by those at risk?

The Hon. G.E. GAGO: The advice I have been given by professionals is that we need a multipronged approach to assist people, not a one size fits all. We have a number of different strategies, which I have listed and many of which directly involve the community. I have talked about a number of initiatives that are directly linked with local communities, and they include the mental health first aid program, which is about working with communities to raise awareness and tap into local networks. Indeed, we are not only doing that but we are also doing much more.

COUNTRY FIRE SERVICE, ROSEWORTHY

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Roseworthy CFS Brigade facility.

Leave granted.

The Hon. R.P. WORTLEY: The area surrounding the Gawler district is an important region in South Australia. I note that recently the minister opened a new CFS facility in the Roseworthy area. Is the minister able to provide any details about the facility and the role it is to play regarding public safety in the region?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his very important question. I was delighted to be asked to officially open the Roseworthy brigade and the Light Group Control Centre at Roseworthy on Sunday 26 August. I acknowledge the presence that day of the Hon. John Dawkins, who I understand is a former member of one of the brigades in that group (probably the Gawler River brigade) and who obviously has a long history with the group.

This new $780 000 facility means that the Light Group, of which the Roseworthy brigade is a member brigade, will be able to manage the most complex incidents as well as provide back-up for the regional headquarters located in Gawler. The Light Group consists of 11 brigades. The new station and group control centre were designed to provide comfortable accommodation for CFS volunteers and to accommodate three appliance bays, communication rooms and an administration unit with kitchen and shower facilities.

As well as protecting their local community, members of the brigade have been involved in significant emergency incidents throughout the state and interstate. This again demonstrates the commitment of our volunteers to leave the comfort of their home and go wherever their assistance will contribute to community safety. I understand that brigade members have been to New South Wales and also to Victoria. As part of the celebration, a publication, *At the Shed*, was prepared and records the brigade's history and activities to date.

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

The Hon. CARMEL ZOLLO: As the honourable member says, a very good one it is, indeed. I am sure that the brigade will continue to build on that magnificent history. It was a wonderful opportunity to join with volunteers and community and business leaders. Mr Tony Piccolo MP (member for Light in another place) was also present on the day.

It was a wonderful opportunity to join with the volunteers, community and business leaders and Mr Tony Piccolo to acknowledge the work of the volunteers in the area, along with their families and employers who support them. Two new vehicles were also commissioned by the Chief Officer of the CFS (Mr Euan Ferguson) on the day to assist the brigade and group in managing incidents in the area. The day was incredibly well organised, and I acknowledge all the hard work that went into organising it. I should probably make particular mention of a couple of people: first, Annette Kemp, who I think was the author of the history book, *At the Shed*; Peter Ashcroft and Ray Bryant, who I understand was that week standing down as the group officer after, I think, something like 16 years of service.

Sadly, it was also a time when the service of three young Roseworthy Brigade members who died in road accidents in the past few years was commemorated, with the unveiling of a plaque at the station. Members of the families were present that day, with some family members currently members of the Roseworthy CFS Brigade. I thought it was very fitting for the services of those young people to be commemorated.

POLICE, PETROL-ELECTRIC HYBRID CARS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Police a question about the use of petrol-electric hybrid cars in the police force.

Leave granted.

The Hon. SANDRA KANCK: In November last year the New South Wales police force announced that it would be introducing 30 petrol-electric hybrids into the service, 20 of them being Toyota Prius sedans of the type I use and 10 Honda Civic hybrids. This follows a two-year trial and is part of a strategy they are using to cut fuel costs and greenhouse gas emissions. They anticipate that by using petrol-electric hybrids they will cut fuel consumption by two-thirds.

The cars will include a blue light and siren but generally will be used for non-urgent duties, while V8s and turbo-charged sedans will continue to be used for highway patrol duties. My question to the minister is: is SAPOL considering following the example of New South Wales? If it has not considered this option, will the minister undertake to request that SAPOL follow the New South Wales example and conduct a trial for their effectiveness?

The Hon. P. HOLLOWAY (Minister for Police): As far as the government is concerned, we have two major car manufacturing facilities in this state—Mitsubishi and Holden—and they are the preferred vehicles of choice used throughout the government. If one wishes to make an impact in relation to petrol consumption and hybrid vehicles—and it is important we do so—that would be most effectively done across the whole of government and through Fleet SA.

Members interjecting:

The Hon. P. HOLLOWAY: It is not just a matter for the police but something we look at right across government. I know there are some cars within the state fleet, and I will get some information in that regard from my colleague the Minister for Government Enterprises. As I say, a policy relating to reducing petrol consumption needs to be applied across government. There are many cars in the government fleet but, in terms of purchasing, there has been a bias towards car manufacturers located in our state, because it is the workers in those plants who make those cars who particularly need our support at a time when manufacturers of large vehicles have been suffering.

I suspect that the honourable member will be thinking that it is a pity we do not have motor vehicle manufacturers in this state who make smaller and more fuel efficient vehicles, and it would be good if we did have. We have to work in the market in which we do, and that is why there is a bias towards those vehicles. I know that hybrid vehicles are being used in StateFleet. I think it makes sense to have a policy across government and not just within one agency such as SAPOL. I will get information for the honourable member in relation to the cross-government policy in relation to these vehicles.

DROUGHT COUNSELLORS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question about drought counselling.

Leave granted.

The Hon. CAROLINE SCHAEFER: The annual report of Rural Financial Counselling Service SA Inc. has submitted that those seeking financial counselling in the Riverland has increased by 450 per cent in the past year. Mrs Kay Matthias, General Manager of Rural Financial Counselling Service, has said that they will be encouraging the state government to do more to help farmers adjust to life after farming. She said that she is expecting a large number will seek advice about leaving the industry. She said:

> We certainly are aware of a number that have virtually been put on notice or have made the decision themselves to leave, really that they think it's time really, and we all know how stoic farmers are and some have just said, "Look, enough is enough.

My questions are:

1. Will the minister confirm that Mrs Matthias is in fact an employee of the government and, therefore, whether he will be taking her advice?

2. What policy does the government have in place to help people exit the industry?

The Hon. P. HOLLOWAY (Minister for Police): Kay Matthias was a longstanding employee of PIRSA. I understand that she now has a role with the rural counselling service, but I will check that with the department. There is no doubt that conditions in rural areas at present are as bad as they have been for many years, if not ever. I have received a report in relation to conditions within the rural areas of the state. There is no doubt that, following the warm weather at the end of August, when we were looking in some sectors of the grain industry at reasonably good harvests, that has turned fairly dramatically in recent days. Clearly, if we do not get good spring rains we are facing a disastrous era, even with an industry such as the grain industry.

Obviously, in relation to irrigation the situation is near catastrophic. We are in a situation where, as a result of the water allowances currently available through the Murray-Darling Basin Commission for our irrigators, there is insufficient water to keep many of the plantings alive. That is the situation we are facing unless we urgently get more water down the river. As the Premier announced this week, it has been possible to make a slight increase in the allocation to irrigators, but we are facing a desperate situation and, probably, with all the debate going on about Adelaide's water supply, very little attention has been paid to the situation facing many people in rural areas, particularly those who depend on irrigation for their livelihood. It is a matter of great concern to the government. Clearly, it will be keeping a close

eye on conditions for the remainder of this year and for as long as the drought lasts.

The government has an ongoing effort to ensure that it does understand the needs of regional communities. The Farmers Federation and Rural Financial Counselling Service SA Inc. have been included in the drought response task force. The state government has helped to establish regional drought groups across the state during the past 12 months.

The state government is acutely aware of the concerns regarding conditions in the rural sector. The government has responded to the latest crop report by urging farmers to access the wide range of support that has already been made available; and that, I point out, is $60 million from the state government, which is on top of federal funds. Obviously, the government will be looking very closely at that report by Kay Matthias and, indeed, any other measures to assist the farming sector, some parts of which are facing a situation the likes of which they have never faced before.

SUBSTANCE ABUSE

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about substance misuse.

Leave granted.

The Hon. I.K. HUNTER: Members would acknowledge that early intervention strategies are amongst the most successful programs in ending the cycle of bad patterns of behaviour be it in education, criminal behaviour or, indeed, health. We also know from much research that programs must be tailored specifically to suit differing cultural and socioeconomic groups to be the most effective. This is of particular importance when addressing the cycle of substance abuse and misuse within our indigenous community. Will the minister inform the council of new measures to address substance abuse in young Aboriginal people?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important question and his ongoing interest in these very important policy areas. I am pleased to report that a two-year pilot program to help young Aboriginal people at risk of substance abuse and other problems was recently launched at the Carclew Youth Centre. The program, run by Drug and Alcohol Services South Australia (DASSA), is called Wiltanendi, which in Kaurna language means becoming stronger. The trial focuses on young Aboriginal people in the Adelaide metropolitan area aged from 10 to 17 years who have existing problems or who are at risk of developing substance abuse problems.

This trial focuses on the metropolitan area. If successful, a key aim of this pilot would be to apply the lessons learned from this program in a way that could, perhaps, be applied to any community setting around the state. Wiltanendi offers young Aboriginal people intensive one-on-one support for dealing with substance abuse problems. It also delivers broader educational programs with a holistic emphasis to help maintain and strengthen family relationships which, obviously, are very important.

The program also aims to enhance inter-agency cooperation, and 27 partnerships spread across both government and non-government organisations have been developed to improve pathways for service delivery and to identify sustainable models of intervention. Since the program was launched on August 24, 59 young people have been receiving varying levels of support, and of these 22 young people are receiving intensive case management support. Results today are encouraging, and I hope to see many more positive reports over the life of the trial.

The program has received a grant of about $60 000 from the commonwealth government to create a Wiltanendi comic book with contributions from the staff and students of the South Australian Indigenous Sports Training Academy at the Kaurna Plains High School. The comic book will promote positive life choices and friendships and demonstrate ways that young Aboriginal people can effectively disconnect with people who are leading them into negative social behaviours and reconnect with more positive peer groups.

In addition, 14 young students are involved in the design and development of the characters and storyline of the comic book with the aim of launching it by the end of the year and for it to be distributed to schools, agencies and organisations working with young people. The Wiltanendi program is an initiative of the Social Inclusion Unit and is jointly funded by the Alcohol Education and Rehabilitation Foundation and the government of South Australia.

MINISTER'S STATEMENT

The Hon. R.I. LUCAS: I seek leave to make a personal explanation.

Leave granted.

The Hon. R.I. LUCAS: The ministerial statement made by the Leader of the Government today is inaccurate, and I suggest to the minister that when he leaves the parliament this afternoon he contacts his ministerial officer, Ms Carolyn Synch, and asks her for a copy of an email sent to her from the Department of the Premier and Cabinet dated Friday 13 August at 10.13 a.m.

The Hon. P. HOLLOWAY (Minister for Police): I seek leave to make a personal explanation.

Leave granted.

The Hon. P. HOLLOWAY: There is nothing at all in the statement just made by the Leader of the Opposition which would suggest that the two-line ministerial statement I made today is incorrect. My advice is that Ms Synch did not attend the meeting referred to by the Hon. Rob Lucas. She is now an accredited—

Members interjecting:

The Hon. P. HOLLOWAY: She may have been invited, but she didn't attend. I wasn't asked whether she was invited.

The PRESIDENT: I clearly remember the question yesterday from the Hon. Mr Lucas, where he indicated that Ms Synch did attend a meeting.

The Hon. R.I. LUCAS: I rise on a point of order, Mr President. This is not a debate: it is an opportunity for personal explanations. It is not an opportunity for debate, and if the minister claims to have been misrepresented he is entitled to seek leave to make a personal explanation under the normal processes and procedures, but it is not an opportunity for debate between him, me or indeed yourself, Mr President.

The PRESIDENT: If I stand up I am able to say whatever I like, Mr Lucas, and I will say that I remember your question yesterday which clearly indicated that—

The Hon. R.I. LUCAS: I rise on a point of order, Mr President. Under what standing order are you making a statement and on what issue?

The PRESIDENT: I am making a statement as the President of this council.

The Hon. R.I. LUCAS: On what issue?

The PRESIDENT: On the issue that you made your personal explanation about: the issue that the minister also raised this morning.

An honourable member: He needs a bit of protection.

The PRESIDENT: No; in this case, I think the Hon. Mr Lucas is trying to change his question from yesterday.

ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September. Page 642.)

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank members of the council for their contributions to the bill. The bill is a significant piece of legislation that has been in the making for a number of years, in part because of the extensive consultation undertaken with key stakeholders in developing the draft bill. In part, this is because the legislation needs to operate retrospectively to address contamination that commenced before the Environment Protection Act came into operation in 1995. It is usually the case that retrospective legislation is not supported. In this case, however, there was acknowledgment by the key stakeholders during the lengthy consultation process that it was essential and, importantly, it also applied in comparable legislation in other jurisdictions.

The Hon. Mr Ridgway has stated in his contribution that he will look to see whether the government has the balance right in providing care for the environment and future South Australians and also providing business with some certainty. I can assure the honourable member that the bill has sought to achieve balance between protecting the health of individuals in the community from the impacts of existing site contamination and providing certainty to business, particularly the development industry. It does this by taking a risk based approach to the management of site contamination; that is, the degree of risk will determine the response and, in particular, the level of remediation required. Under the bill, remediation does not mean restoration to pristine condition: it is based on reducing the risk. In regard to the honourable member's question about Port Stanvac, the bill gives the EPA the power to set the standards of remediation required for that site, based on risk. I thank the Hon. David Ridgway for his contribution.

The Hon. Nick Xenophon asked how the legislation compares with legislation in other jurisdictions, and he indicated that he would raise the matter during the committee stage. I can say that the bill builds on existing legislation in other jurisdictions. A review of all Australian legislation, as well as legislation in a number of other countries, such as the UK and the US, was undertaken when preparing the bill. We think the bill is an improvement on the legislation in other jurisdictions. Importantly, the bill goes beyond much of this other legislation and is innovative in what it provides, especially for business.

The bill is innovative in that it allows liability for site contamination to be transferred through a contractual arrangement between the vendor and the purchaser of land. Following comments received on an earlier draft bill, this was extended to include transfers of land as well as sales. Importantly, following consultation, the bill was amended to include voluntary agreements, which will reduce the regulatory involvement of the EPA in the management of site contamination.

The Hon. Andrew Evans noted that there will be difficulty in administering the legislation because of the time since contamination occurred and the fact that the land may have been occupied over time by a number of owners, each of whom may have contributed to the contamination. During the development of the bill and, in particular, during consultation, this point was acknowledged: site contamination is an historical legacy or, more correctly, a liability, from a previous generation to our own. Every site is potentially different from the next, even where the contaminants in question may be the same.

The challenge for the EPA is to administer this legislation in accordance with the principles of smart regulation, that is, in a transparent, open and cost-efficient manner on behalf of the community. Identifying and locating the original polluter is an important part of this process, and I acknowledge that this may be a difficult task. Under the bill, where the original polluter cannot be found, liability falls to the owner of the source site, the source site being where the activity causing contamination originally occurred. The bill also recognises that there may have been more than one polluter over time.

During consultation on the draft legislation, it was suggested that the wording of the bill could be interpreted to enable the EPA to simply serve an order on the easy target, the source site owner, as they were obviously more readily identifiable. To ensure that this is not the case, the bill was amended to set down a clear hierarchy to be followed, that is, the original polluter and then the source site owner. In developing the bill, the government has attempted to develop legislation that is as fair as possible. There are, for example, appeal provisions built into the legislation where orders are served, while liability is limited to the original polluter or the source site owner.

Finally, as to a corporation making a 'windfall' because liability can be brought home to the original polluter, the bill addresses this situation by recognising where liability has been taken into account when land is sold, that is, has the original polluter passed on liability through a contract or by conditions of sale?

The Hon. Mark Parnell, with his previous substantial experience in this area, amongst others, recognises that the legislation will deal with only a small proportion of contaminated sites, as most contamination will be addressed through the planning process. Internationally and in Australia, up to 80 per cent of contaminated sites are managed through the planning system. The bill will give the EPA the powers necessary to deal with contaminated sites where there is a significant risk to the community or the environment, which is something neither the EPA nor any other government agency can do at present.

The honourable member, in his address to the council, raised a number of other matters, such as the proposed process under the Development Act that was subject to consultation at the same time as the consultation on the bill, the role of the EPA in making certain determinations in regard to the transfer of liability by contracts vis-a-vis the ERD Court, and the factors to be taken into account before serving an order, in particular, the ability to pay criteria.

Another concern raised relates to new section 103F. The honourable member questions whether it is the role of the EPA to make determinations under this provision or whether it should be the role of the court. Members may be interested to learn that there were a number of comments received on this matter through the consultation process. This was discussed with parliamentary counsel at length when amending other parts of the provision, and it was concluded that it is more timely and efficient for the authority, in the first instance, to make an assessment as to whether the existing contract did or did not transfer liability.

To ensure natural justice, it should be noted that new section 103F(2) provides that a determination cannot be made by the authority unless the purchaser of the land is given notice of the application and has ample time to make a submission to the authority. It should also be noted that, under clause 13 of the bill, section 106 of the act is amended to clearly allow appeals to the court by either the vendor or the purchaser, depending on the authority's determination.

The Hon. Michelle Lensink has indicated that the Liberal Party supports the bill, subject to certain amendments to new sections 5B, 103D, 103E and existing section 106. I thank the honourable member for her support and look forward to considering the proposed amendments. I also thank the honourable member for the considerable time and effort she has put into consulting with key stakeholders. As the honourable member noted in her remarks, the bill has had a long gestation. This is because, as I said, of the extensive consultation undertaken, whereby all comments were assessed carefully and the draft bill amended where appropriate. Even the Engineering Employers Association, although the sole organisation opposing the bill, praised the EPA for its open and frank consultation process. I think, when you are applying retrospectivity, it is most important that consultation is extensive and comprehensive.

I can assure the honourable member that her amendments will be considered in the same open fashion, as the aim of this government is to deliver the best legislation possible for this state. I say 'for this state' because we are a separate jurisdiction. I believe, for example, that the Engineering Employers Association is suggesting amendments to the bill based on what is commonly known as 'cherry picking' certain provisions of Western Australia's recent site contamination legislation. I can assure the council that Western Australia's legislation, along with that of other jurisdictions, was examined. and examined very thoroughly. I note that the Western Australian legislation appears to be considerably cumbersome and resource-intensive to administer which, of course, in this state we are hoping to avoid. Clearly, we believe that our legislation improves on that of other jurisdictions.

The current bill aims to provide efficient and cost-effective legislation that is fair. For example, it would have been easy to go down the Victorian path and simply make landowners responsible for any pollution on their land, regardless of whether or not they caused it, and ordered them to clean up. It is then left to the owner concerned to try to recover costs from the original polluter.

The honourable member has noted replies given to her and her colleagues but has recited her questions and has requested that the response be inserted in *Hansard*. In light of that, I now seek leave to have answers to those questions inserted in *Hansard* without my reading them.

Leave granted.

1a. If somebody disposed of waste in accordance with community expectations and the environmental standards of 40-50 years ago will they be liable for the clean up at today's costs?

Not necessarily. It is important to note that the purpose of this legislation is not to require the remediation (of which clean-up is one option) of all land that may have had polluting activities occurring on them in the past and/or present. However as new information becomes available and if a clear risk of harm exists to the community in the present, there would be an expectation by society that action should be taken. The need to take action now for past activities where a clear and immediate danger exists is considered appropriate because site contamination can have serious consequences for human health and the environment.

The definition of site contamination has been deliberately structured to only apply to those activities that pose the highest risk and is linked to the land use (except where water contamination occurs). Unlike the existing definition of pollution, 'site contamination' is made up of several components and as such sets a higher threshold before the definition of site contamination is triggered. For your information the four criteria that must be satisfied before site contamination is deemed to exist are:

- chemical substances must be introduced;
- chemical substances must be present in concentrations above background levels;
- the presence of chemical substances must result in actual or potential harm to human health, water and/or the environment that is not trivial; and
- is dependent on the land use when determining potential or actual harm (except where contamination of water occurs)

A key distinction between the definitions of 'pollution' and 'site contamination' is the inclusion of a land use component in the definition of site contamination. This means that the discharge of pollutants may be appropriate for certain land uses (e.g. industrial sites, rural properties) as long as there is no off-site impact, no actual or potential impact to water (that is not trivial), or no impact to human health or the environment (that is not trivial). Therefore the act of 'polluting' one's own land in the past may never trigger the definition of site contamination today.

In the instance you refer to, the original polluter will not have to take any action where the disposal of waste has not led to site contamination. However, if the past disposal of waste has resulted in site contamination then action will be required (please note that any action required will vary between sites and be determined by site specific characteristics and the level of risk present), as and when it comes to the attention of the Authority.

Another situation that would trigger the definition of site contamination is when the land use category changes, for example if the land that was subject to the disposal of waste (where site contamination did not exist) was sold to a developer for residential development, then the previous disposal of waste now becomes a risk for human habitation. In this instance it is the developer (under section 103D(2)) not the original polluter, who becomes the appropriate person and who bears the cost of any assessment and/or remediation required to ensure that the land is fit for residential use. The Bill has been purposely structured this way to give a level of protection for persons undertaking activities on their land as long as site contamination has not resulted.

Cost of remediation

It is important to note that in the context of the Bill, remediation does not mean total clean up – there are a raft of options including treatment, containment or management of chemical substances that are likely to be appropriate rather than the complete removal of contamination. This enables a flexible approach and is consistent with the hierarchy described in the National Environment Protection Measure (Site Contamination) 1999 (NEPM). The purpose of the legislation is not to remediate to pristine levels, rather the level of remediation required will be driven by the level of risk and be dependent on the land use.

The question of 'who pays' remains. To be as equitable as possible, the Bill specifies a hierarchy of 'appropriate persons' upon whom an Order can be issued. The Bill sets up two kinds of 'appropriate person' – the person who caused the contamination (the original polluter) and the source site owner.

In the example given, if the disposal of waste leads to site contamination of groundwater and/or the land then the onus falls to the original polluter to pay any costs associated with assessment and/or remediation of all the land affected by the site contamination. This position is consistent with the 'polluter pays principle' agreed to nationally in 1994 outlined in the report *Financial Liability for*

Contaminated Site Remediation prepared by the then Australia New Zealand Environment Conservation Council (ANZECC) and endorsed by the State government in 1994. This report states that those who cause contamination should be responsible for any associated cost of remediation.

If it is not practicable to issue an Order on the original polluter (subject to the tests outlined under section 103C(3)(c)) then the appropriate person is the source site owner – however their responsibility is limited only to the land they own affected by the site contamination.

For your information, the following outlines a comparison with other State jurisdictions regarding responsibility for site contamination:

- Victoria – while no hierarchy is explicitly provided for under Section 62A of the *Environment Protection Act 1970*, where possible it is the original polluter first, then the occupier of the land (note, Victoria makes no distinction between contamination and pollution).
- NSW – section 12 of the *Contaminated Land Management Act 1997* provides a hierarchy – the original polluter, owner, notional owner. The Act also allows the EPA to serve the order on a public authority (the State) under specific conditions.
- Queensland – no explicit hierarchy exists, however section 391 of the *Environment Protection Act 1994* lists persons who can be required to conduct or commission work to remediate land, namely the person who released the hazardous contaminant, the relevant local government or the owner of the land.
- WA – section 24 of the *Contaminated Sites Act 2003* provides a hierarchy of the original polluter, the owner, then the State.
- ACT—under Section 91I of the *Environment Protection Act 1997* the hierarchy is the person principally responsible for causing the contamination, then the lessee (whether or not the person had any responsibility for such contamination), then the notional lessee (whether or not the person had any responsibility for such contamination).
- Tasmania – the *Environmental Management and Pollution Control Act 1994* (EMPC Act) is currently being amended to add new provisions for the management of contaminated land. Sections 74E – 74G of the draft *EMPC Amendment (Contaminated Sites) Bill 2007* does not have an explicit hierarchy – rather they have a range of persons who could be served with an investigation, remediation or site management notice including any person likely to be wholly or partly responsible for the contamination; any person who is or was the owner, occupier or person in charge of the pollution source area at the time the contamination occurred, or the owner of land.

1b. How is it to be calculated that an individual is in a financial position to pay for a clean up 40-50 years later?

Section 103C of the Bill sets up the structure as to 'who' is the appropriate person to be issued with an Order and the relevant section that references consideration of financial means is 103C(3)(c). To clarify, the practicability test provided for under this clause has not been set up as a hardship test in so far that the EPA makes a determination that someone has the ability/inability to pay, it is about determining who should be issued with an Order.

The wording *"unable to carry out, or meet the costs and expenses of, the action required or authorised under the order"* reflects the scheme under the Bill whereby the person issued with the order may be required to carry out the action under the Order him or her-self, or the Authority may carry out that action and recover the costs and expenses from the person. Under these circumstances, if the Authority is of the opinion that neither can be achieved then the next person to be issued with an Order is the source site owner.

Insofar as satisfying itself that the original polluter cannot meet the expenses or is unable to carry out the works required it is not the intent that the EPA undertake a 'means-test' before issuing an Order – this would be both administratively burdensome and inconsistent with equivalent provisions of the Environment Protection Act 1993 (the Act). It will be up to the original polluter to demonstrate they cannot meet the necessary costs (e.g., they furnish to the Authority proof of insolvency) rather than the EPA demonstrate they can.

This clause does not mean that the Authority must discontinue pursuit of the polluter, rather it allows the Authority to discontinue such pursuit. Section 103C is framed to ensure that the Authority must first identify and seek out the original polluter but need not go to the ends of the earth to do so. However, if it is clear that neither an original polluter nor owner of a site can pay, then it would not be appropriate (and pointless) for the Authority to continue pursuit of one or either persons.

As the Bill has not yet been passed procedures for this have not yet been developed. However discussions will be held with Parliamentary Counsel and the Crown Solicitors Office regarding appropriate criteria to be considered. The consideration of such issues will become part of the Authority's administrative decision making processes and will be subject to endorsement by the EPA Board.

As a counter balance to this, any person issued with an Order has full appeal rights to the ERD Court – and an inability to pay could be grounds for such an appeal.

No other jurisdiction applies an explicit affordability test prior to issuing an Order or notice and NSW has the same test as that proposed under 103C(3)(c).

2. What is the impact of this legislation on the Port Stanvac site and Mobil?

In relation to the Mobil Port Stanvac site, the Bill will provide a statutory basis for the EPA to manage the assessment and remediation of site contamination on all sites – including Port Stanvac. In the absence of an effective legislative framework, companies like Mobil have a choice as to whether to negotiate an outcome or leave the site with the matter unaddressed. Currently there is no legislation to address this scenario. The Bill will provide a legislative safety net for the remediation of the Port Stanvac site as appropriate, in the event that Mobil does not deliver in accordance with its Deed of Agreement with the State Government.

A trigger for EPA action will be based on the assessment of risk and whether it is being adequately managed. At present in regards to Port Stanvac, the EPA is satisfied with current progress so long that it remains consistent with the Deed of Agreement. Importantly, the Bill will allow the EPA to deal with all site contamination in a consistent manner and will avoid the need for the Government to enter into site-specific agreements with specific companies in similar situations.

3. Do rural property owners need to identify buried rubbish chemicals, old vehicles and the like (usually from activities of previous generations) and therefore dig up their whole property?

It is not the intent of this legislation to apply to such common activities where there is no detrimental impact to human health and safety and/or the environment. As long as the disposal of rubbish, chemicals, old vehicles etc., does not result in site contamination (via leaking chemicals impacting on groundwater or causing impacts to human health/environment that are not trivial) then the provisions of the Bill will not be triggered. However if buried chemicals are mobile and impacting on groundwater or the soil is contaminated and pose a risk of harm that is not trivial to human health or the environment (taking into account the land use), then the definition of site contamination will be triggered.

With regard to current requirements of the Act, land holders need to be aware that where the burial of waste has occurred since 1st May 1995 and has resulted in pollution of groundwater and/or neighbouring property (unless the property owner agrees), this is already a contravention of the Act and carries with it substantial penalties.

It is important to note that the defence to pollute one's own land under section 84 of the Act still remains as long as site contamination does not result. Therefore the burial of farm waste on rural properties is still permissible as long as the impacts noted above do not occur.

Identifying the location of farm tips and/or chemical storage areas may be a useful exercise for individuals to undertake, particularly where there is a possibility that rural land may be subdivided for a sensitive land use (defined under the Bill as residential, pre-school, primary school), such as residential development. Where there is a change to a more sensitive land use this may result in the existence of site contamination. In such cases it is important that risks are identified and where appropriate any contamination assessed and remediated (by the developer) to ensure human health, safety and the environment are safeguarded.

4a. As a hypothetical, someone owned a property on which they polluted say 30 years ago and then sold their land based on a discounted value, say ten years ago, which has subsequently been sold say 4 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?

4b. What would be the likely sequence that would lead to this outcome?

There are two aspects that need to be considered regarding liability. The first revolves around the land use at the time. For the purposes of this example, assuming the land was used for an

industrial activity and no contamination of waters or neighbouring property occurred and there was no harm to human health/safety or the environment, then site contamination would not have existed by definition and the original owner/polluter would have no liability for contamination.

If subsequent owners changed the land use to a more sensitive use (e.g., residential) then this may bring site contamination into existence and the liability would reside with this owner. This is based on the source-pathway-receptor model, where sensitive land uses are considered high risk as exposure times to chemicals are increased and direct pathways are often opened up via gardening, children eating dirt, etc.

The second aspect that needs to be considered is the nature of the contract entered into between the original polluter and the purchaser. As a way to address this and to afford a degree of certainty and protection to both the vendor and vendee the Bill under section 103F sets up a process to recognise past transactions. A discounted value is one such way that the purchaser could be compensated for taking on any associated liability for assessment and/or remediation. Other considerations could include the provision of additional land, shares etc.

In the case outlined above, under section 103F of the legislation, the original property owner (who caused the contamination) can apply to the EPA for a determination that they are not liable for any costs associated with assessment/remediation and that they sold the land to another person in a 'genuine arms length' sale. To satisfy the test of a genuine arms length sale the original polluter would need to demonstrate that the discounted value was agreed to by the purchaser as recognition of the knowledge or suspicion of the presence of chemical substances and that they were likely to incur costs associated with remediation in the future. If the Authority makes a determination in favour of the applicant (i.e., the original owner and person who caused the contamination), the applicant has no liability for the site contamination in respect of the land sold and the Act applies as if the purchaser and not the applicant caused the site contamination. It is important to note that the purchaser must, before the Authority makes a determination, be given notice of the application and allowed a reasonable opportunity to make submissions in his/her defence to the Authority.

The EPA can also recognise partial transfer of liability where the original polluter may have agreed to retain responsibility for a certain portion of the contamination. Again this will be subject to the nature of the agreement entered into. Where this occurs, the original polluter will be the appropriate person for the liability they retain.

Therefore, where liability has been fully transferred, then the EPA will not be pursuing this person as the appropriate person.

Subsequent property transactions can also use section 103F as a mechanism to recognise transfer of liability. In this way, subject to the agreements entered into, all or partial liability can be transferred from purchaser to purchaser over time, resulting in liability being transferred to the most recent property owner. Any such agreements detailing the transfer of liability will be recorded by the EPA on both the public register and available to prospective purchasers via proposed amendments to the section 7 questions under the *Land and Business (Sale and Conveyancing) Regulations 1995*.

The outcome of where the original polluter is still held responsible for the contamination for land on-sold would be where contractual arrangements and/or other evidence presented (e.g., full price paid), do not support that a transfer of liability has occurred.

In all cases it is up to the person who believes they have transferred liability to seek a determination from the Authority that this is the case. In the event the applicant (in this case the original polluter) or purchaser does not agree with the determination made by the Authority, then appeal rights to the ERD Court exist under section 106.

In instances where there may have been multiple activities occurring at a site over time that contributed to site contamination, the Bill under section 103G gives the EPA the power to issue Orders to one or more appropriate persons.

5. If the owner of the source site is too poor to pay, how would the government assess this and under what circumstances will the government pay for the clean up?

While the Bill does not specify a practicability test for the source site owner, if it is clear that the source site owner cannot pay then it would be inappropriate for the Authority to continue the pursuit of this person. Consideration of such issues will become part of the Authority's administrative decision making processes and be subject to EPA Board endorsement.

It is important to stress that it is not the Government's intention to cause undue hardship for people where site contamination is identified as an issue. As is the case under current provisions of the Act – if an Order is issued to a source site owner, full rights of appeal exist.

Where site contamination is identified and presents an immediate danger to human health and/or the environment and where no one is in a position to pay the cost of assessment and/or remediation, then the Government would be obliged to step in.

6. Can you provide examples (or hypotheticals) of sites which can't currently be pursued by the EPA until the legislation is amended?

The following are hypothetical examples of types of situations where the lack of specific site contamination legislation means issues are not currently able to be addressed, usually due to recalcitrant behaviour by the original polluter.

The main problem centres on proving when the discharge of chemicals leading to site contamination occurred. Without retrospectivity the EPA does not have the necessary powers to require any action be taken. The following outlines typical examples the proposed legislation will address:

- Impacts from underground storage tanks that have leaked in the past impacting on groundwater resources and State infrastructure (sewage, water, gas and communications)
- Former gasworks sites that have impacted on inner metropolitan groundwater resources
- The remediation of a significant groundwater plume within a country town area which relies on the groundwater resource for potable use
- Ensuring appropriate levels of assessment and/or remediation occur where former industrial land is redeveloped for sensitive land uses (residential, schools, childcare)
- The remediation of a 1 metre thick petrol plume flowing on top of shallow groundwater beneath residential allotments with risks to human health from volatiles.

7. Can you provide the locations of the 6 sites on page 3 of the Benefit cost analysis attachment provided at the briefing?

The general locations are:

- Site 1 – Darlington area
- Site 2 – Northfield area
- Site 3 – Lochiel Park
- Site 4 – Richmond area
- Site 5 – Largs North
- Site 6 – Inner West metro area

Clarification of the roles of the Bill and planning system

There are two quite separate and distinct aspects to the management of site contamination in South Australia (SA)

1. The Bill establishes the framework and powers necessary to deal with site contamination when not captured by the planning process via development. The Bill is designed to enable the Authority to take action when required (i.e., where there is a risk of harm to human health and/or the environment that is not trivial, taking into account the land use) via negotiation (including formal agreements) or where necessary via the issuing of an Order. Such circumstances can occur where there has been an industrial activity or even a commercial activity such as a petrol station. The Bill also establishes a SA Audit system which will also be used under the planning process when certain development occurs. The system will be similar to those systems operating in Victoria, New South Wales, and Western Australia.

2. The second aspect is the use of Auditors under the planning process. During the consultation phase of the Bill, discussions also outlined the proposed process for managing specific circumstances of site contamination under the Development Act. Discussions with Planning SA and Parliamentary Counsel have identified that the most appropriate mechanism is an amendment to Schedule 5 of the Development Regulations. It is proposed these amendments will specify the circumstances under which an audit is required and the process planners must adhere to, to satisfy themselves that the land to be developed is suitable for its intended use. This is described in further detail below.

The Planning Process and Audit System

The statutory process that will be proposed under amendments to the Development Regulations will specify the minimum requirements and circumstances for which an Audit is required, thereby removing the guess work (and inconsistencies) for planning authorities.

The only circumstance that will *require* the use of an environmental consultant and an auditor (as an independent expert reviewer of the work undertaken by the consultant) is where a development application has been lodged for a sensitive land use on land and where a potentially contaminating activity has occurred or where the EPA has certain information relating to site contamination that is recorded on the public register.

If it is revealed (such as via a site history) that no potentially contaminating activity has occurred on the land and where the EPA holds no information about site contamination on the land to be developed, then there is no requirement for an audit to be undertaken – the development application proceeds in the normal way. In this way a two-tiered system will be implemented whereby an audit is required for high risk developments and not required for low risk developments.

There will be no statutory requirement for auditors and environmental consultants to be used for new residential developments in any other situation. However this does not limit auditors or environmental consultants being engaged for due diligence work as may be required by insurance and/or financial institutions to meet lending criteria. Planning Authorities may also specify the use of auditors or environmental consultants in other circumstances if they consider the risk warrants it such as where there is a change in land use from industrial to commercial use e.g., a premises used for the production of food where the land had been used for a potentially contaminating activity of particular concern. This mirrors the current situation that has been in place since October 1995 and is consistent with the process outlined under Planning Advisory Notice 20 (which replaced similar documents dating back to 1989) and no change will be made to the Development Act or Regulations to affect this.

The purpose of the process described under the planning system is to remove what are currently substantial uncertainties for both planning authorities and developers. The proposed system specifies the circumstances for which an audit is required (the high risk activities) and creates an even playing field for developers between council areas and between States.

Potentially Contaminating Activities

Those activities listed as potentially contaminating activities will be specified in the regulations under the Site Contamination Bill. The use of termiticides and broad acre farming (two examples of potentially contaminating activities that have caused concern for the property/housing industry) are not proposed for inclusion as potentially contaminating activities. Therefore, in relation to termiticides, there will be no requirement for an audit to be undertaken for residential to residential development and/or where intensification of residential development occurs (e.g., two units in place of one house) and there will be no requirement to follow the exact building footprint. This is consistent with other States and Territories.

Following EPA discussions with the Department of Primary Industries and Resources, South Australia, the housing industry and others, broad acre farming has not been included as a potentially contaminating activity. However activities associated with this land use such as the location of chemical storage areas, intensive animal keeping areas and animal dips will be included. Therefore low risk activities will be excluded from the need to undertake an audit when a sensitive land use is proposed.

Auditors and the cost to development

Currently there are four auditors who live in SA that are accredited by the Victorian EPA, of whom one has recently received accreditation. While there are only four living in SA – there are currently 17 others undertaking audits in SA. When the SA audit system becomes operational we anticipate many existing environmental consultants will take the opportunity to become accredited under the SA system. In addition to this, under mutual recognition legislation, persons recognised as auditors in other jurisdictions, upon application, are automatically able to practice in SA. Between Victoria and NSW alone that gives SA immediate access to 65 auditors – therefore it is anticipated that delays to development should not be a significant factor and market forces via increased competition will maintain flexibility when choosing an appropriate auditor.

The Hon. G.E. GAGO: The honourable member has also raised other matters in a broad manner. The concern over auditors expressed by some stakeholders has been an important issue. I am informed that, during consultation, concern was raised that the use of auditors would increase costs and delay development, or that there would not be enough auditors to cope with demand. It is acknowledged that, where an auditor is required under the bill, there will be costs. However, not every assessment or remediation order will automatically require the use of an auditor. Similarly, where an audit is to be undertaken in accordance with the development proposal, there will be costs, but these will be part of the total development costs. These are costs borne by developers in other jurisdictions, and I am sure that members of this council would agree that an audit by a suitably qualified professional is necessary to ensure that the land is fit for its intended use.

In terms of the supply of auditors, there are more than 65 auditors accredited in Victoria and New South Wales, with more being accredited under the new Western Australian act. These professionals can apply to become accredited auditors in South Australia through an automatic process, under mutual recognition legislation, which is quite a quick process. This, and the accreditation of suitable South Australian applicants, can occur between the time of assent to the bill and commencement. This is envisaged to be perhaps between 12 and 15 months. During this time the draft regulations will be subject to consultation.

Initial drafting instructions for the regulations, based on the current bill, have been prepared. These can be finalised upon assent to reflect any amendments to the current bill. So, again, I thank all honourable members for their valuable contributions and comments on the bill and look forward to the committee stage.

Bill read a second time.

MARINE PARKS BILL

Adjourned debate on second reading.

(Continued from 20 June. Page 374.)

The Hon. D.G.E. HOOD: I rise today to speak, on behalf of Family First, to the second reading of this bill. Whilst we think the bill has many good points, we are concerned about a couple of aspects of it which I will outline for members today. In a sense, this bill marks the end of an era; an era in which fishermen were free to stand on any shoreline with a rod and reel and cast a line into breaking waters. The days are gone when a dad and his son, or a mother and her daughter, are free to push from the shore in a dinghy without a care in the world, so to speak. The laid-back days are gone when a man can get away from the world by jumping into a boat to go fishing.

This bill says that this golden era has passed, to some extent, to be replaced by a government agency carving up patches of water where we cannot take an ordinary fishing line. In the world that would be created by this bill, recreational fishers are constantly looking over their shoulders for what they term the 'water rats'; always nervous about whether or not they have crossed some imaginary line in the sea. Family First will propose an amendment to grant recreational fishers the right to use a simple rod and reel within these zones, and from the shores of these zones.

Similar to legislation now operating in other states, this bill paves the way for several dozen sanctuary zones to be regulated within 19 separate marine parks in our oceans and waterways. Fishing in these zones with a rod and reel will be prohibited, as the bill currently stands, and that is our key issue. Fishing from the beach into sanctuary zones will also be prohibited. Breaching the provisions carries a maximum $100 000 fine or imprisonment for two years, which is a very

substantial penalty for an average, every-day recreational fisher and, indeed, disproportionate, in my view.

The concept of 19 marine parks can be found in the State Strategic Plan, and it has its origin in recommendations made at conferences such as the Fifth World Parks Conference in Durban. I begin by asking: what use is it if we create parks that no-one ever visits because they cannot throw their line over the side of their boat? The Durban plan envisages large numbers of South Australians going some distance out just to look at a patch of ocean, which, of course, is highly unlikely. I strongly reject that argument; indeed, I believe that the vast majority of South Australians will only ever visit and enjoy these parks if, in fact, they are allowed to throw a line over the side of the boat and, hopefully, catch something.

The fact is that most South Australian families enjoy our seas by putting out a boat with a fishing line over the side. Quite often, nothing is caught, but the anticipation and thrill of fishing makes the voyage worth while for many families. For some, putting a line over the side is just an excuse for the voyage and a visit to our marine wilderness; catching something is really very much a secondary matter. In my view, the idea that our small snorkelling and scuba diving industry will replace our vast recreational fishing industry does not stack up.

Let me be clear: this is not a fisheries protection bill; it is not designed primarily to protect our fish supplies, and the government acknowledges this. South Australia already has a remarkably low level of fishing pressure over all. Australia has the third largest fishery zone in the world. Our coastline is about eight times longer than that of Thailand and Vietnam, and our exclusive economic zone is 21 times that of Thailand and 15 times that of Vietnam, yet Thailand's wild-caught fish harvest is 12 times Australia's, and Vietnam's is eight times that of Australia. Despite its smaller area, the total fishery production of New Zealand is twice that of Australia. Believe it or not, the production of wild fish caught in Bangladesh is some four times the Australian level.

From 6 per cent of the global exclusive economic zone we produce just 0.2 of 1 per cent of the world's catch of fish. We already have size limits, bag limits, boat limits, closed seasons and no-take species. Legislation already exists to protect 15 separate marine resources, including Aldinga and Port Noarlunga aquatic reserves, Point Labatt, American River, Seal Bay and the Great Australian Bight Marine Park. The minister quite readily admits that we already have some of what she terms the best managed fisheries in the world. Our waters are some of the most pristine in the world—not because of good management but, rather, because they are some of the most lightly fished and heavily regulated in the world or, as one commentator put it, 'one of the least productive most heavily regulated and expensively administered fishery sectors in the world'. From Family First's perspective, the fact that we import some 70 per cent of our domestic seafood consumption is not acceptable, and these unnecessary imports cost our economy some $1.8 billion per year.

I repeat: this bill is nothing to do with protecting our environment from overfishing; if it were, Family First would have supported it and done so wholeheartedly. In principle, we support the concept of marine parks, but we also support the ability of the average person to get in a dinghy, throw a line over the side and do some recreational fishing. I stress that I am not talking about the fishing industry: I am talking about recreational fishers on the weekend. Members can imagine exactly the sort of people I am talking about.

I acknowledge that the South Australian Fisheries Resources Status and Trends Report 2006 nominated four specific fish stock of 21 whose numbers were depleted, and these specific fish need protection; Family First acknowledges that. We do not argue with that whatsoever; we endorse it and support it fully. We do not oppose the idea of banning net fishing in certain areas. Net fishing is regarded as high impact and, for that reason, we are comfortable with those provisions. However, the proportional take from recreational hook-and-line fishing is almost negligible. The reality is that what this bill will do is stop ordinary everyday recreational fishers from enjoying what they have enjoyed for probably thousands of years without anyone impinging upon them, and the impact they have on the environment is very minimal indeed.

This bill was designed not to protect fish stocks but to set aside certain areas in which it is hoped that the ecosystem will remain untouched. The fact that fish will swim in and out of marine parks with impunity is ignored. For example, tuna can migrate over some 12 000 kilometres. I was surprised to learn that even deep water lobsters can travel up to 360 kilometres from one point to another. The idea that certain fish species can be preserved by moving a recreational fisher a fewer kilometres away to outside an imaginary boundary simply does not make sense. The minister does not even attempt to make that argument.

Family First is concerned that a complete ban on fishing in areas of marine parks will only put pressure on other areas. That is a finding of a recent University of Tasmania report which highlighted decreased rock lobster yields outside their marine park areas. The District Council of Grant also points to research that shows that the establishment of the Great Australian Bight Marine Park has directly led to the loss of 90 tonnes of lobster, valued at some $3.4 million, and the loss of an estimated 76 jobs as a direct result. The impact on jobs is very concerning.

Family First has discussed this issue with Mark Cant of the Eyre Regional Development Board and obtained a copy of the Econsearch report, which shows a worst case scenario of more than 1 000 jobs being lost due to this legislation, some $170 million in state revenue being forfeited, 605 jobs lost in the commercial fishing industry and 488 jobs lost in the marine based aquaculture industry. The best case scenario, estimating only a 5 per cent reduction in economic activity, still sees some 151 job losses in the commercial fishing industry and 122 lost in the aquaculture industry. I find those numbers deeply troubling.

A recent issue of *Marine Business* magazine contained a review of marine parks legislation by marine biologist Dr Walter Starck, who noted:

> The establishment of extensive MPAs amounts to large scale environmental meddling, with no clear idea of efficacy or consequences...having important decisions based on unverifiable claims, unexaminable models, unknown methods and inaccessible data simply isn't good enough.

In the second reading explanation the minister points to surveys of citizens who were in favour of creating marine parks. However, where is the science to justify their creation? No science was mentioned to justify the parks creation, only the McGregor Tan research poll results. I also ask the minister to explain during committee whether ordinary mum and dad recreational fishers who stray into a marine park zone can now end up with a criminal record, as is the case in Queensland. I am sure that is not the minister's intention, but as the legislation stands my reading of it is that that is exactly what would happen.

Since green zones on the Barrier Reef were expanded several years ago, some 300 people have now been charged with fishing within them, and an unbelievable 98 per cent of those caught previously had a clean record and now have a criminal record, despite the fact that it would have been completely lawful to do so just a short time before that. This bill makes the ordinary recreational fisher potentially a criminal for not being in possession of expensive GPS equipment and punished for crossing a imaginary boundary in the sea. I am quite sure that that is not the government's intention, but on our reading of the bill that would be the outcome.

This bill also carries with it high monitoring costs, and I note that in the minister's second reading explanation she states:

> We do not want to create a system of 'paper parks'. Accordingly, the bill provides for the appointment of authorised officers to inform and educate the community, as well as undertake the necessary enforcement and compliance activities.

I ask the minister what costs are envisaged in enforcing the legislation. How many of these 'water rats', as they are known, will be required to police our vast oceans and what will be the cost? Some 320 000 South Australians fish at least once per year, and 5 million Australians fish regularly for recreation and sport. This means that one in every four Australians enjoys fishing and one in every two Australian households owns fishing tackle.

The national code of practice for recreational and sport fishing is a voluntary agreement, endorsed by 11 national and state fishing associations. The code of practice promotes sensible fishing practices, such as the prevention of pollution and the removal of rubbish from waterways, rules regarding sensible anchoring, reporting of environmental damage and quickly and correctly returning unwanted or illegal catches to the water. These people are not criminals. When considering the submissions received regarding this bill, it is remarkable that every submission received that we are aware of was critical, from the environmental lobby sector to commercial and recreational fishers and local government associations. Family First has consulted with the Wilderness Society regarding this legislation, and even it has prepared a 13-page report critical of this bill. The fact that all stakeholders seem dissatisfied with this legislation says that it must be changed. An ABC story of November last year repeated a claim that the government 'was going through the motions of consulting'. Family First has spoken to a wide number of stakeholders who feel the same way.

In an almost unheard of move last Friday, 14 South Australian fishing groups—and these are groups across the spectrum—joined forces to prepare a statement critical of the process. As I understand it, they have only ever come together in such a fashion once before—regarding the Encounter Bay Marine Park. A joint statement of the Aquaculture Council, SAFIC, SARLAC, the Seafood Council, the Abalone Industry Council, the Marine Scale Sardine Industry, SA Blue Crab Pot Fishers, Survey Charter Boats Association, Spencer Gulf and West Coast Prawn Fishermen's Association, Eyre Regional Development Board, Seafood Processors, SA Oyster Growers, Marine Fishers and SA Recreational Fishing Advisory Council states:

> The content of the revised SA Marine Parks Bill as tabled in parliament, June 2007, makes obvious that issues and comments submitted in relation to the draft bill by the seafood industry and a number of other groups, including conservation and recreation bodies, have been largely disregarded.

I acknowledge that local councils, in particular the District Council of Grant, have made a similar complaint to us. The complaint deals with the quality of consultation rather than the quantity of it. Despite 16 public meetings and 162 written submissions, every single stakeholder to whom Family First has spoken complained about this process and said that the consultation process involved nothing more than constituents being told what had already been decided.

Two key requests made by most of the groups are, first, a legislative mechanism that directs stakeholder engagement with the formation of an advisory group similar to the Fisheries Council (as exists for the Fisheries Management Act) and the National Parks Council (as exists for our national parks). Secondly, they want improved compensation provisions in cases where, for example, a marine park is established off-shore from a bait and tackle shop. The compensation promises mentioned in the minister's second reading explanation appear to be discretionary only and in our view do not go far enough. The Hon. Ms Schaefer has comprehensively dealt with these two concerns and has foreshadowed Liberal Party amendments. Family First will look favourably at those amendments to resolve a number of complaints we had from stakeholders time and again on this issue.

In conclusion, Family First has some concerns about this legislation. We support the concept of marine parks and believe that it is a good initiative on the whole. However, we believe that there are flaws in this bill. I have amendments which I will move in due course. Also, we will look favourably upon the amendments the Liberal Party will move. But the key issue for Family First is the right for mums and dads to take their kids fishing and be able to drop a line over the side of their boat without being concerned about getting a criminal record.

The Hon. R.P. WORTLEY: The warm Queensland waters that are home to one of Australia's greatest tourist attractions—the Great Barrier Reef—are often mistakenly regarded as Australia's most significant marine environment. However, a large number of Australia's great marine wonders are right at our doorstep. South Australia's cold water contains some of the most biologically diverse—

Members interjecting:

The Hon. R.P. WORTLEY: Mr President, will I get the protection of the chair while I read my speech?

The PRESIDENT: You are doing a very good job.

The Hon. R.P. WORTLEY: South Australia's cold waters contain some of the most biologically diverse and unique marine environments and species, including three times the number of seaweeds found in the tropical waters of Australia. The Marine Parks Bill is needed to protect this precious and highly valuable resource for both the state and regional economies. Successful management of our marine resources will guarantee further opportunities for sustainable industry developments whilst, importantly, preserving our unique marine environment so that both current and future generations receive the benefits of our precious waters.

Our rich, diverse marine life is the result of South Australia's extensive and varying 3 700 kilometres of coastline. In the cold waters of our state, approximately 85 to 90 per cent of all marine plants and animals are found nowhere else in the world, for example:

- the seagrasses of Gulf St Vincent and Spencer Gulf represent one of the largest temperate seagrass ecosystems in the world;

- South Australia has the most extensive temperate forests of the grey mangrove in Australia;
- the head of the Great Australian Bight is one of the most important breeding and calving sites for the southern right whale in Australia and the world;
- the leafy sea dragon and many other species of sea horses; and
- South Australia's waters are also home for 75 per cent of the world's population of the rare Australian sea lion.

In contrast, only 10 to 15 per cent of marine life found in the popular tropical waters of Australia are unique to Australia. For this reason, South Australia has been dubbed 'the unique south'. This bill provides a legislative framework for the dedication, zoning and management of multi-use marine parks in South Australia. The bill is a significant step in ensuring that we conserve the unique and diverse elements of our marine life, as well as planning for the sustainable use of our marine environment for activities such as commercial and recreational fishing, tourism and recreational and cultural opportunities.

In 2006, Labor commissioned an independent market research body in both metropolitan and regional areas to attain a clear understanding of the community's perception of the marine environment in South Australia. The community has played an important role in the establishment of this bill, and it is evident from the results of the independent market research that the establishment of marine parks in South Australia is clearly an action the community wants the government to take with 76 per cent of respondents believing that the marine environment is under threat from human activities.

Also, 88 per cent of respondents were in favour of the creation of the new marine parks to protect plants and animals. It is important that we not only protect our waters for environmental purposes but also that we offer certainty and security to our economic growth. This is demonstrated by the fact that many of the 19 marine parks that will be delivered by 2010 will be zoned for multi-use in order to protect marine and estuarine ecosystems whilst also ensuring ecological sustainability.

Four zones are provided for in this bill to allow for a range of activities, uses and varying conservation outcomes within each marine park. This means that most activities, such as recreational and commercial fishing and tourism operation, will still be allowed within a number of the marine parks. However, limitation will be applied in particular zones or over a certain season in order to protect the significant habitats and species. With our growing populations come growing demands. Humans are having an ever-increasing impact on natural resources, including the marine environment.

Pollution washed from the land is affecting marine ecosystems, and the ever-growing trend of coastal living has risen dramatically. The monopoly will continue to take over our foreshores putting added pressure on our marine environment. With more than 90 per cent of South Australians living already on or near the coast, we are in danger of causing considerable damage to our waters. Protecting the security of our marine environment through effective management, whilst incorporating community and industry input, will help ensure that South Australians will enjoy our diverse and unique marine environments for generations to come.

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

STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 11 September. Page 653.)

The Hon. M. PARNELL: I can refer to my brief notes without the use of a lectern! My contribution to this bill will be brief. Like the Hon. Rob Lucas, I have received a number of representations from South Australian superannuants and Lump Sum Super Scheme members regarding this bill. The main concerns from these representations revolve around the access of Southern State Superannuation (Triple S) scheme members and Lump Sum Scheme members to their super benefits without changing their working arrangements.

I thought it would be useful if I referred very briefly to one email representation received from a scheme member. I will not name the member involved, but it does pose in words better than I could compose the question I have of the government before we get to the committee stage of this bill. My correspondent writes:

> I have an issue with the thrust of the SA Bill—the federal legislation clearly provides for employees to access their Super (or part of it) after age 55 by way of an income stream and is available to employees who remain working full time, (or part time) in other words those who elect to continue to work full time get extra income to dispose of as they wish, at no additional cost to Govt given that it is paid out of their Super entitlements.
>
> It seems that the South Australian approach will differ—from my reading of the Bill only those employees who reduce their working hours will be eligible to participate in the scheme—I fail to see why—unless I am missing something there will be no additional cost to Govt one way or the other, ie if participants work full time or part time.
>
> I wish to avail myself of the benefits of the scheme if it is Legislated—however I wish to remain working full time and take a Super income stream as extra income. I am puzzled why SA intends to adopt a course different to that of the Federal Govt, given that the SA Govt would not?? suffer additional cost were it to adopt the Fed Legislation.

I think my question is similar to one the Hon. Rob Lucas asked. That is: could the minister please explain, if there is no additional cost to government and the change I have just referred to is legally possible, and given that it is available in other states in similar circumstances and is in line with the commonwealth government's superannuation changes, why has the South Australian government not considered that amendment? Will it now do so? That is the main point I wanted to make, and I am happy to support the second reading of the bill.

The Hon. SANDRA KANCK: One of the problems facing our nation, and South Australia in particular, is the impending retirement of the baby boomers and the loss of expertise that that represents. Within the public sector we lost a lot of public servants back in the 1990s and so we are already at a disadvantage. That came from that program of what I considered were very ill advised TVSPs at the time. Until two years ago the only way to access your super was to retire from age 55 onwards, which meant that the expertise went in one fell swoop. But at that point two years ago the commonwealth changed the rules to enable people to access a portion of their superannuation as a pension once they turned 55. Because this super based pension is tax free it can be used to allocate more of one's pay into super and replace the equivalent amount with a tax-free pension. The net effect is to enable people to increase their savings.

This bill takes advantage of the commonwealth's new rules to encourage public servants to stay in the job by allowing them to work reduced hours or take a different position—effectively, a demotion—and access their superannuation on a pro rata basis. This would obviously be quite attractive to many employees who are finding that at 55 or 60 years of age they no longer want to work a 38½ hour week because they feel they do not have the energy to put into it or their health is not as good as it used to be, but they are not yet ready for full retirement and they know they still have a contribution to make in the workplace. So, under this legislation an employee who is genuinely transitioning to retirement will be able to access up to 40 per cent of their superannuation by reducing their salary or hours of work.

This bill covers three different superannuation schemes: the State Pension Scheme, the Lump Sum Scheme and the Southern State Superannuation scheme, which I will refer to as the Triple S scheme. SA Superannuants (the organisation representing the interests of members of the state pension scheme), the Community and Public Sector Union, the Australian Education Union and the SA Government Superannuation Federation believe this bill is potentially unfair to their members.

the main cause of concern

The main cause of concern is that the bill takes a 'one size fits all' approach to three very different super schemes. The Pension Scheme is a 1974 Dunstan initiative that has an employer contribution of 20 per cent. It was closed to new members in the mid-1980s and, because of its vintage, has a small and declining number of members. It was replaced by the Lump Sum Scheme, which has an employer contribution of 13 per cent. That scheme was closed to new members in 1994. Members put in 6 per cent of salary but also receive a contribution from their employer of 13 per cent, which funds a multiple of the final salary. The Triple S Scheme has an employer contribution of only 9 per cent in comparison, and it is a straight accumulation scheme. If the member puts in 4.5 per cent or more of their earnings after-tax income, the employer puts in 10 per cent. There are now about 70 000 Triple S members working full time, including 5 000 members aged 60 or more.

All of the organisations that have contacted me accept the application of the bill to the Pension Scheme, but they all highlighted a number of problems with applying it to the Triple S and Lump Sum schemes, and I will deal with four of their specific concerns. They argue that it will disadvantage South Australian teachers and public servants relative to their interstate counterparts. The Superannuants Association estimates that this legislation will leave a South Australian public servant earning $60 000 per annum and turning 60 years of age about $7 000 to $10 000 worse off per annum than a Victorian counterpart.

The commonwealth has not yet introduced transition to retirement arrangements for its employees but, for its employees in receipt of the same type of benefit as a Triple S member receives, the commonwealth contributes 15 per cent of salary, compared with the 9 per cent here in South Australia. I think, in the early stages of the Triple S Scheme here in South Australia, the government's contribution was even less than the current 9 per cent; I think the state government put in what was the legislated guarantee which, in the early stage, was probably around the 5 or 6 per cent mark. In all circumstances, commonwealth employees will have much larger superannuation savings at retirement than comparable South Australian government employees, and those lobbying me argue that this surely places an obligation on the Rann government to do all it can to ensure that Triple S members have every opportunity to increase their superannuation savings in the years between reaching preservation age and eventual retirement.

I am told that the average Triple S balance is $35 000, which means that those members of the scheme who are nearing retirement will clearly not have adequate superannuation savings. This is partly because the scheme has been in existence for only a relatively short time but also because of the minimum employer support. You compare that to the 13 per cent of employer contribution of the Lump Sum Scheme and the 20 per cent employer contribution of the State Pension Scheme. For those with smaller balances in their superannuation funds, transition to retirement is not the period in which they are likely to move to lower paid employment and start running down their superannuation savings, which are often inadequate to start with; rather, it is a period in which they will attempt to increase their superannuation savings so that they can move into retirement with adequate financial security.

It is only since the early 1990s that superannuation has became compulsory, and many of those people in the Triple S Scheme are women who, earlier in their working life, might have been denied access to superannuation; so they are now really in catch-up mode. There is a risk that these disadvantages could drive people out of the state public sector, thereby exacerbating skill shortages. Those highly skilled public servants at whom this legislation is aimed might just retire and take up a position in private enterprise or take their skills interstate, or transfer to the commonwealth to get better benefits. So, from that perspective, part of the aim of this legislation to keep these public servants in the Public Service for a longer period might not work.

The government's explanation for this bill might create the impression that legitimate transition to retirement arrangements must involve a person accepting reduced work hours or lower paid employment, but this is not a commonwealth requirement. None of the people who have contacted my office understands why the state government wants to do this. In the case of the Triple S and the Lump Sum schemes, there is no cost implication for the Rann government, they argue. The SA Superannuants Association suggests that the bill be modified as follows. First, Triple S members must be allowed to access their entire benefit once they reach preservation age, and they should be able to do this without making any change to their work arrangements. They argue that this would have no implications for the Rann government's superannuation costs because the Triple S is a fully funded, simple accumulation scheme. Secondly, Lump Sum members must be allowed access to at least the entire amount of the benefit they have funded themselves and without making any change to their work arrangements. SA Superannuants argue that this member-funded benefit is a simple accumulation amount and so, once again, this would have no implications for the Rann government's superannuation costs. I will be interested to hear what the minister has to say in response to this claim that there would be no disbenefit for the government.

I mentioned what SA Superannuants is saying when I was given my departmental briefing, and I was told that such an amendment would amount to a tax minimisation scheme, which the government would not be able to support. I have to say that I would not morally be able to support a tax minimisation scheme, and I guess I am not smart enough in this area to know whether or not that would be the net effect.

So, although I understand the relative disadvantage of people in these two particular state superannuation schemes compared with the Victorian and commonwealth situations, try as I might I cannot see a way to amend this bill that would be ethical and cost neutral to the South Australian taxpayers.

The bill itself, I believe, is positive, in that it does accommodate the need to keep some of our more experienced public servants on the job. It has other positive initiatives, such as the way it provides better coverage for the teachers and lecturers we know as hourly-paid instructors who fall out of the Triple S scheme at the end of each term or year. On balance, despite the concerns about the relative disadvantage of the South Australian superannuants (compared with Victoria and the commonwealth), I do believe that this legislation is a step forward and indicate Democrat support for the second reading.

The Hon. NICK XENOPHON: I support the second reading of this bill. I note that a number of my colleagues, including the Hon. Mr Lucas, the Hon. Mr Parnell and the Hon. Sandra Kanck, have indicated concerns that have been put to them in relation to this bill. I just want to focus on one particular issue for the government to respond to in due course, and that arises out of an article in yesterday's Australian *Financial Review* headed 'Tax Break for Terminally Ill'. It reported that the federal government was going to announce changes to superannuation laws yesterday, following representations made with respect to a 43 year old mother who was dying of cancer, to change tax laws to allow terminally ill people early access to their superannuation without losing up to a fifth of it in tax.

That article made reference to the Assistant Treasurer (Peter Dutton) stating that he would announce today, that is, 12 September, that the government would make a superannuation lump sum tax free for people with terminal illnesses who were under 60. Under current laws they can access it early but only on the condition that part of it is taxed at 21.5 per cent. I have some questions for the government to answer in due course. Given this very recent development with respect to early access to superannuation for those with a terminal illness, will the government indicate whether it is considering anything to reflect the commonwealth changes, or is it necessary in the context of these superannuation changes? What is the current position for the terminally ill seeking early access to superannuation? In short, given what the commonwealth is doing, will that of necessity involve further changes to state superannuation legislation to accommodate what the commonwealth has only very recently proposed?

Those questions are the nub of my concern. It stems from the fact that, as one of the patrons of the Asbestos Victims Association, I know that, unfortunately, there are many asbestos victims who are struck down with terminal asbestos-related disease well below the normal retirement age, and this may have some implications for them as well.

The Hon. P. HOLLOWAY (Minister for Police): In closing the debate, I would like to thank honourable members for their contribution to the bill. A number of questions have been asked, and I will have answers to those when we resume after next week. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

WEST BEACH RECREATION RESERVE (BOATING FACILITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 July. Page 547.)

The Hon. M. PARNELL: To commence my contribution on the second reading debate, I would like to first acknowledge the briefing that was provided to my office by Bernie Lange, the Chair of the West Beach Trust Board, and Robert Hawke, the Acting CEO of the West Beach Trust. I have also appreciated the feedback that I have had from groups such as the Western Adelaide Coastal Residents Association. The first thing I would like to say is that I believe that the West Beach Recreation Reserve is very much an undervalued resource, especially in relation to its open space values in our western suburbs. Much has been said in this parliament about the quality and quantity of open space, in particular in relation to areas such as the Cheltenham racecourse. But this is an undervalued area of South Australia. So, to the extent that this legislation seeks to add value to it, that, at one level, can be supported, but with some important caveats, which I will get to in a minute.

The land contains a number of sporting and tourism facilities, and also the South Australian Research and Development Institute and the Sea Rescue Squadron facilities. One of the most important facilities has been the boat ramp, and all honourable members would know that that is a facility that was (and still is) surrounded with controversy. It was controversial when it was first planned as part of the relocation of boating facilities from Glenelg and the Holdfast Shores development. In fact, a previous state government—and I think the Hon. David Wotton was the minister—invited me to be on a study looking at the metropolitan coastline and, in particular, the movement of sand up and down the coast.

Everybody involved in that study knew that, if you put protuberances into the sea on the Adelaide metropolitan coast, it would block the south to north drift of sand and that sand and seaweed would build up, and it would be only at great expense that that sand would be moved. So, the original estimate was that about $250 000 a year would be needed to dredge the boat harbour about once a year. However, what we find as a result of the construction of that facility is that the dredges are now required to work six days a week, 10 hours a day as the harbour continues to choke with seaweed and sand. The cost in the past financial year was $1.2 million, and that is some five times the cost that was originally estimated. This is a cost that is borne by the taxpayer.

I have not seen any recent figures, but a figure I was shown some time ago was that the public subsidy per boat launching at West Beach was something like $80. So, we really do need to question, again, the wisdom of that decision made those years ago. The West Beach Trust is responsible for a very large parcel of land on the coast and therefore it has a critical stewardship role; in particular, because it plays host to one of the two remaining coastal dune systems—the other one being Tennyson—which remain relatively intact along the Adelaide coastline. The other thing to say—

The Hon. P. Holloway interjecting:

The Hon. M. PARNELL: Thank you, minister; the Minda dunes as well. The other important thing to note is that this area of land, I think, in the future, will be critical for the management of water in metropolitan Adelaide. I was pleased to see that the 2007 to 2012 strategic plan for Adelaide Shores—which is the trading name, if you like, of the West

Beach Trust—highlights the need to explore strategies such as aquifer storage and recovery. I also point out that similar suggestions have been made for the Cheltenham racecourse. So, these open spaces are going to be a critical part of our water management into the future.

In 1999, the boat haven precinct was handed over to the trust. That involved a large number of commercial activities in the vicinity, which included boat storage, a bait supplier and a boat-servicing facility. In fact, according to the minister's second reading speech, I note that this legislation is mostly being promoted to us as a necessary retrospective correction of an oversight in the earlier legislation, in that the act does not adequately authorise these commercial activities. The strategic plan for Adelaide Shores stresses the desire to expand the recreation reserve further as a boating precinct. As I say, that was also referred to in the government's second reading explanation.

However, I do have some serious concerns about the fairly general and vague nature of what is proposed on the West Beach land and, in particular, what is meant by 'ancillary uses' and 'boating ancillary developments'. I will now put some questions on notice to the minister. First, can the minister identify what types of activities would be regarded as ancillary? I am also interested to know whether there have been any discussions with any particular commercial firms which might be interested in setting up in this boating precinct. My third point, and this is perhaps the most critical one for me and will determine whether I ultimately support the bill, is that I want the government to rule out that this is a vehicle for the introduction of commercial jet ski operations on the West Beach land.

I understand that the Charles Sturt council and Transport SA have been formally approached by a commercial firm keen to have a jet ski tourism operation on the West Beach Recreation Reserve land. So, I would like the minister to confirm that the 'ancillary uses' referred to in the second reading explanation do not include such a scheme. I will put on the record my personal dislike for jet skis. Whilst they might provide a recreation opportunity for people, they are noisy and invasive, they disturb nature, they disturb swimmers and they disturb other people who are using the coast in a more passive way—people sailing boats and canoeing. They are also dangerous, as we have seen on the news, especially in inexperienced hands, where they run into each other and they run into swimmers. So, I am nervous about the prospect of this legislation being used as a way of validating increased jet ski operations.

The Greens certainly are not suggesting that we ban all jet skis—we are not an anti fun party—but we are saying that they need to be confined to areas far away from sensitive, populated coastal areas such as West Beach and other beaches where people swim. There are also concerns that a tourism proposal could involve many unlicensed and inexperienced boating users.

Having put those questions on the record, I am happy to support the second reading of the bill, but I require those assurances from the government before committing to supporting the bill in committee and at the third reading.

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

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

The *South Australian Ports (Disposal of Maritime Assets) (Miscellaneous) Amendment Bill 2007* will ensure the continued operation of the Port Adelaide Container Terminal Monitoring Panel and will also clarify the process whereby an owner/operator of the Port Adelaide container terminal may be required to divest assets due to cross-ownership interests.

These legislative changes will promote ongoing efficient port operations and encourage further investment in the Port Adelaide container terminal.

The changes represent further progress towards the Rann Government's integrated plan to make the Port of Adelaide a viable, world-competitive port for the benefit of the State's importers and exporters. That plan, which involves working with the private sector, has already seen the Outer Harbor shipping channel deepened, a new deep-sea grain wharf built, a new grain terminal nearing completion, and significant investment in rail and road infrastructure servicing the port.

The role of the Port Adelaide Container Terminal Monitoring Panel is to establish and monitor performance objectives and criteria for the Port Adelaide container terminal.

The Panel was established under the *South Australian Ports (Disposal of Maritime Assets) Act 2000* and since that time there have been a number of changes in the industry including mergers and acquisitions that have resulted in some nominees no longer existing.

Whilst the Panel still exists there is doubt over its ability to operate in accordance with the Act as a result of these changes.

This Bill will amend the Act so as to allow for the membership of the Panel and appointment of persons to the Panel to be prescribed by regulations under the Act.

This will remove the current uncertainty surrounding the Panel's required membership and will ensure that the Panel's required membership can be kept up to date more easily in future.

The amendments will also make the Panel's reporting requirements clear.

The current limitation on cross-ownership provisions under the *South Australian Ports (Disposal of Maritime Assets) Act 2000* can create uncertainty for a container terminal owner/operator that owns simultaneous interests in the competing ports of Melbourne and Fremantle and potentially works against ongoing investment in the container terminal.

The Bill addresses this issue by removing the prohibition on holding a cross-ownership interest. Instead, a cross-ownership interest would simply trigger the application of the limitation on cross-ownership provisions of the Act.

These amended provisions allow the Minister, should the Minister form the view that, as a result of the cross-ownership interest, the container terminal may not be being managed or operated in the best interests of the State, to require the owner/operator to satisfy the Minister that this is not the case.

If the owner/operator is unable to satisfy the Minister this may ultimately lead to divestiture or confiscation of the relevant assets.

The Bill sets out reasonable written notice periods and makes it clear that judicial review of the Minister's decision may be applied for.

These relatively minor amendments provide the level of certainty required by the owner/operator of the container terminal, while at the same time maintaining an appropriate level of protection against behaviour that is not in the best interests of the State.

The *South Australian Ports (Disposal of Maritime Assets) (Miscellaneous) Amendment Bill 2007* is the result of ongoing discussions between the State Government and key industry groups, and will assist in ensuring the private sector continues to invest in South Australia.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *South Australian Ports (Disposal of Maritime Assets) Act 2000*

4—Amendment of section 21—Membership of panel

The amendment leaves the membership of the panel to be determined in accordance with the regulations. The amendment also enables the regulations to modify the usual term of appointment of a member.

5—Substitution of section 22

22—Procedure of panel

The new section allows the panel to determine its own procedures, subject to the regulations.

6—Amendment of section 25—Notice of breach

The amendment requires the panel to inform the Minister if it issues notices of non-performance in relation to 2 successive quarters to the operator.

7—Amendment of section 26—Limitation on cross-ownership

The current section prohibits a person simultaneously having—

· an interest in the container terminal at Outer Harbor, Port Adelaide, situated on the land designated as Title B in the plans in Schedule 1 of the Act; and

· an interest—

(i) in a container terminal in the Port of Melbourne, Victoria, that annually handles 25 per cent or more (by mass) of the container freight handled in that port; or

(ii) in a container terminal in the Port of Fremantle, Western Australia, that annually handles 25 per cent or more (by mass) of the container freight handled in that port.

The amendment removes the prohibition and provides that, if a person has such a cross-ownership interest, the Minister may, if of the opinion that the interest may result in the container terminal not being managed or operated in the best interests of the State, require the divestiture of assets of the person or an associate of the person, within a reasonable period, to the extent considered necessary by the Minister to avoid that result.

Before exercising such a power, the Minister will be required to—

· give the person or the person and the associate (as the case requires) at least 21 days notice in writing of the proposed requirement for divestiture and the reasons for the proposed requirement; and

· allow the person or the person and the associate (as the case requires) a reasonable opportunity to show cause why the requirement for divestiture should not be imposed and to provide supporting documents and other information (verified by statutory declaration if required by the Minister).

If a person fails to comply with a notice requiring divestiture, the Minister may, by subsequent notice in writing to the person, confiscate assets that have not been divested as required.

The amendment expressly provides that a person to whom a notice is given under the section may apply, within 21 days, to the Supreme Court for judicial review of the decision to give the notice.

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

COLLECTIONS FOR CHARITABLE PURPOSES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 July. Page 567.)

The Hon. R.P. WORTLEY: South Australians are generous when it comes to donating money to help others. Through drought, flood and fire, South Australians, along with the rest of the nation, have demonstrated that we are committed and willing to help those whose lives have been touched by tragedy or disaster. In 2006, South Australians donated over $1 766 600 just to the SA Red Cross. We have seen many valuable charities established to help provide the growing aid required to support our changing communities—charities such as the Australian Red Cross, the Cancer Council, Camp Quality, the Anti-Cancer Foundation, the Arthritis Foundation, Asthma SA, the Christmas Bowl Appeal, Heartline, the Junior Diabetes Research Foundation and the Smith Family. The list is endless.

I support as many charities as I possibly can. However, finding the right charity to support is not the only problem we unfortunately need to worry about when donating money. It is extremely disappointing that some charity organisations deem it appropriate to take large portions of the communities' donations to pay for administration costs and the huge salaries of their CEOs. It is also important that we protect the public from pressure and the inappropriate conduct used by some charity organisations to make vulnerable people donate money. We need to ensure that charitable organisations follow acceptable practices in their efforts to obtain donations.

Some weeks ago, a charity organisation came to my home asking me to make a donation. Because I had not heard of the organisation that the young person was representing, I asked whether he could send me some information about the charity. As he was taking my contact information, he also requested that I give him my bank details. I found this request, quite obviously, inappropriate. This is why this bill is so fundamentally important. Other people in my situation may have provided their banking details, which is a very concerning matter. Amendments to this bill will help counteract this problem by ensuring that collectors have information available to provide to prospective donors when soliciting donations. This will be a requirement not only when charitable organisations request donations when visiting your home because they will also be required to provide information about their organisation when soliciting through media such as telephone, canvassing, collection tins and the sale of tickets in public places.

The Collections for Charitable Purposes (Miscellaneous) Amendment Bill will increase the transparency of charitable collections and introduce a measure of accountability to this area in many ways. People need to be reassured that, first, the charity exists and their donations will be used responsibly. This will be achieved by improving the current disclosure requirements by focusing on the overall use of the funds by the charity and improved disclosure at the point of collection.

The public will be able to access the information via annual income and expenditure statements on the website of the Office of the Liquor and Gambling Commissioner. By making this information public, charitable organisations will be under pressure to ensure that they maximise the proportion of donations received by displaying how much of the overall donations have been spent on the intended charitable purpose. Charities selling tickets will be required to display, on all information provided regarding the fundraiser, the estimated amount and the proportion of intended sales revenue that will be provided to the specified proposed charitable purpose. This will improve the transparency of how donations will be spent.

Over time, there has been growing concern from the public regarding the lack of disclosure by charities and their collectors. There is increasing public interest in the running costs of charitable organisations and the manner in which donations are applied. We have experienced many horrific tragedies in recent years—the tsunami, the Eyre Peninsula bushfires, the Gawler floods and, more recently, the Greek fires—and, unfortunately, a number of people have been willing to cash in on such misfortune. This became evident during the South Australian bushfire appeal, when a man and a woman, posing as SES volunteers, were reportedly seen soliciting donations for the appeal from businesses in the Bateman's Bay area.

Volunteers and charitable organisations are a valuable asset to any community. To enable them to aid the disabled, the poor, and assist in any tragedy that may occur, people need to have faith that their donations will provide relief for the purpose for which they are collected. I believe that the amendments to the current bill will provide reassurance to the donating public concerning these issues.

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

PENOLA PULP MILL AUTHORISATION BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 684.)

The Hon. CAROLINE SCHAEFER: My contribution to the debate will be particularly brief. I wish simply to say that the Liberal Party will now support the bill as a result of the deliberations of the select committee, which brought down a unanimous report.

The Hon. R.P. Wortley interjecting:

The Hon. CAROLINE SCHAEFER: However, it is always tempting, when one gets to one's feet and is interrupted, to change one's mind. The pulp mill will bring a great deal of industry and employment to the South-East. The indicative cost of the project is $1.5 billion. As I understand it, the people who were most concerned about the construction of the mill have now had their fears allayed due to the recommendations of the select committee and the changes they have brought to the bill. There was certainly considerable concern, not only from graziers in the area but also from other irrigators, such as wine grape growers.

As I understand it, the unfettered use of water by the pulp mill operation has now been altered. Of course, there are neighbours of the proposed pulp mill who are still very concerned, and one can understand that and have great sympathy with them. However, there are often times when legislation is introduced in order for the greater good to be served. Although I do not know the South-East nearly as well as I know the rest of South Australia, my understanding is that, if this project is operated in an environmentally sound manner, it will bring a great deal of economic growth to the South-East, and so the opposition will support the bill.

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

ADJOURNMENT

At 4.40 p.m. the council adjourned until Tuesday 25 September at 2.15 p.m.