LEGISLATIVE COUNCIL

Tuesday 13 November 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the written answers to questions on notice Nos 188, 504 and 517 of the last session and the following questions on notice of this session be distributed and printed in *Hansard:* Nos 9, 10, 13, 17 and 18.

MINISTERIAL TRAVEL

188 The Hon. R.I. LUCAS (4 May 2006). Can the Minister for the River Murray state:

1. What was the total cost of any overseas trip undertaken by the minister and staff since 1 December 2004 up to 1 December 2005?

2. What are the names of the officers who accompanied the minister on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the minister's office budget, or by the minister's department or agency?

5. (a) What cities and locations were visited on each trip; and

(b) What was the purpose of each visit?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): The Minister for the River Murray, Regional Development, Small Business, Science and Information Economy and Assisting the Minister for Industry and Trade has provided the following information:

1. What was the cost of any overseas trip undertaken by the minister and staff since 1 December 2004 up to 1 December 2005?

$0.00

2. What are the names of the officers who accompanied the Minister on each trip?

N/A

3. Was any officer given permission to take private leave as apart of the overseas trip?

N/A

4. Was the cost of each Trip met by the Minister's Office budget, or by the Minister's Department or agency?

N/A

5. (a) What cities and locations were visited on each trip: and

(b) What was the purpose of each visit

N/A

CAMPANELLA, MR C.J.

504 The Hon. SANDRA KANCK (20 September 2006). Has the Royal Adelaide Hospital conducted a Root Cause Analysis inquiry in line with best practice quality control concerning the death of Cosmo Joseph Campanella on 12 December 2002?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): The Minister for Health has advised that:

A root cause analysis was not conducted into the death of Mr Cosmo Campanella, as the structure approach for root cause analysis was not in place at that time.

When safety and quality issues were brought to light in the early stages of the Coronial Investigation, a working party was formed in 2004 to review tracheostomy management at the Royal Adelaide Hospital. A number of significant improvements have since been made.

HEALTHY YOUNG MINDS PROGRAM

517 The Hon. J.M.A. LENSINK (14 November 2006).

1. (a) What regions will benefit from the Healthy Young Minds Program funding; and

(b) How many clients does the government estimate will receive their services?

2. What measures does the government rely on to predict the expected demand for services such as Emergency Departments and the Acute Crisis Intervention Services teams?

3. Does the government have figures, by regions, for waiting lists for adolescent mental health services?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): I am advised:

1. (a) Each health region will benefit from the Healthy Young Minds initiative.

(b) It is estimated that, when the program is fully operational in 2008-09, approximately 1,000 additional children and young people will receive a service each year.

2. The demand for services such as emergency departments and Assessment and Crisis Intervention Service teams is generally measured by analysing historical data and trending forward using standard statistical techniques, such as regression analysis. Where appropriate, the predictions are moderated for changes in demography, anticipated changes in clinical practice and improvements in the way services are configured and delivered.

3. There is no waiting list for CAMHS. Appointments are made immediately, even though the appointment time may be some time in the future.

FRIENDS OF NORTHERN WOMEN'S GENERAL GROUP

9 The Hon. SANDRA KANCK (25 July 2007). Can the Minister for Health advise:

1. (a) What level of funding has been provided for Friends of Northern Women's General Group since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Friends of Northern Women's General Group is available?

2. (a) What level of funding has been provided for Women's Space General Group since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Women's Space Women's General Group is available?

3. (a) What level of funding has been provided for Health Matters General Group since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Health Matters General Group is available?

4. (a) What level of funding has been provided for Women's Time General Group since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Women's Time General Group is available?

5. (a) What level of funding has been provided for Breaking the Silence CSA Group, Playford Community Health Service, since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Breaking the Silence CSA Group, Playford Community Health Service, is available?

6. (a) What level of funding has been provided for Stepping Stones CSA Group, Salisbury West Community Health Service, since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Stepping Stones CSA Group, Salisbury West Community Health Service, is available?

7. (a) What level of funding has been provided for See Me Hear Me CSA Group, Enfield Community Health Service, since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to See Me Hear Me CSA Group, Enfield Community Health Service, is available?

8. (a) What level of funding has been provided for Silent Too Long CSA Group, Ingle Farm, since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Silent Too Long CSA Group, Ingle Farm, is available?

9. (a) What level of funding has been provided for Modbury CSA Group since 2000;

(b) When did the service cease to operate and why; and

(c) What alternative ongoing service to Modbury CSA Group is available?

10. (a) What men's groups are being funded in the northern/north eastern suburbs;

(b) What is their level of funding since 2000; and

(c) Are these groups and their funding ongoing?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): The Minister for Health has advised:

1. (a) Friends of Northern Women's (FoNW) was a group of community women who formed circa 2002 when it was proposed Northern Women's Community Health Centre (NWCHC) would move from Elizabeth Way to its current location on Philip Highway. The group was supported initially by a social work student and later a NWCHC social worker. There was no separate budget for this group.

(b) The group disbanded in June 2005 after staging a community art exhibition at NWCHC for International Women's Day 2005. The women involved with FoNW reported that they did not want to continue meeting.

(c) ‘Women only' groups are focused on the State and national health priority areas such as: healthy weight maintenance; healthy lifestyle choices; mental health and wellbeing; and the self-management of chronic condition. Women who were part of FoNW are eligible to access any other group or one-to-one service offered by NWCHC.

2. (a) Women's Space was a community-based group that used the NWCHC premises for their meetings. It was not affiliated with NWCHC or Central Northern Adelaide Health Service (CNAHS).

(b) Women's Space ceased contact with NWCHC in December 2005.

(c) Women's Space members are able to access NWCHC services subject to meeting eligibility criteria.

3. (a) The allocation of resources for the Health Matters General Group was staff time and cost for activities. Two staff were provided for the 2 hour session as well as planning time.

(b) The group ceased to operate in 2006 due to low attendances.

(c) Playford Primary Health Care Service continues to offer one-to-one and a variety of group services to the women in the community

4. (a) The Women's Time group was a therapeutic group offered by NWCHC between 2003 and 2005. The allocation of resources was staff time only. Each session (2 hours per week) was supported by two staff plus planning time.

(b) Women's Time ceased to be operated by NWCHC at the end of 2005. The group of women involved decided to continue meeting as a community based support group.

(c) NWCHC continues to offer therapeutic one-to-one and group work services.

5. (a) Breaking the Silence was an open group for women survivors of child sex abuse (CSA). There was no designated budget. The allocation of resources included two staff to plan, run and debrief the group from across the sub-region and running costs of the group.

(b) The group's membership decreased and after consultations with the membership in December 2006, it was agreed that the focus of the group could be integrated into pre-existing primary health care services.

(c) Primary Health Care Services (PHCS) North provides one-to-one services and a variety of groups for women across the region.

6. (a) Stepping Stones was an open support group for women survivors of CSA. It was staffed by two workers to plan and run the group.

(b) The Stepping Stones CSA group ceased to operate in 2003 as it was agreed that participants would be encouraged to attend the similar Breaking the Silence group.

(c) Salisbury continues to offer one-to-one counselling and a variety of groups for women.

7. (a) The See Me Hear Me Group was a therapeutic/support group for women who were survivors of CSA coordinated by the Enfield Community Health Service. The group was facilitated initially by a social worker who received occasional support from social work students. Staff time dedicated was approximately 0.2 FTE for group and 0.3 FTE for follow up counselling.

(b) The Group moved to the Dale Street Women's Health Service where an evaluation identified that other models were more appropriate for the client's needs and these alternative models were put in place.

(c) Women continue to access existing local Primary Health Centres for counselling and group activities. The Dale Street Women's PHCS in conjunction with the Aboriginal Primary Health Centres Team and NGO agencies, such as Respond SA and Anglicare offers group services focusing on CSA.

8. (a) Silent Too Long CSA group at Ingle Farm was an incorporated group of CSA survivors which evolved from the Silent Too Long ongoing group. They were supported by provision of a computer and special resources.

(b) The women who participated in the Silent Too Long CSA group decided to cease meeting.

(c) All former participants requiring one-to-one therapeutic support services have access to such services at Primary Health Centres.

9. (a) The Modbury CSA group was an open group for women survivors of CSA. It was resourced by two workers to plan and run the group.

(b) Due to variable membership attending this group, the group ceased to operate in 2004. Other groups were offered to the women who wished to continue.

(c) PHCS North continues to provide one-to-one services and a variety of groups for women.

10. (a) Primary Health Care providers coordinate a Tuesday men's health group.

(b) (c) This group is not separately funded with a designated budget. The group uses two male workers' time to coordinate, plan and run the group.

ABORTIONS

10 The Hon. D.G.E. HOOD (25 July 2007). Can the Minister for Health advise how many abortions were refused in South Australia in 2006 on the basis that pregnancy would not jeopardise the physical or mental health of the mother pursuant to section 82A(l)(a)(i) of the Criminal Law Consolidation Act 1935?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): The Minister for Health has advised:

Statistics on this issue are not kept. The decision about eligibility for abortion is made by individual medical practitioners.

APY LANDS

13 The Hon. S.G. WADE (31 July 2007). In relation to Initiatives in the APY Lands:

1. Would the Minister for Correctional Services provide details of service delivery initiatives relating to the APY Lands and funded by the Department for Correctional Services?

2. What funding has been provided to each of these initiatives for each of the past five financial years?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): I am advised:

The Department for Correctional Services provides a significant service for offenders in the APY Lands.

From its Regional Office in Port Augusta and offices at Marla and Coober Pedy, departmental staff provide support services to Aboriginal offenders in the Lands and surrounding areas. The services include Parole, Bail, Supervised Bond and Home Detention and the preparation Parole and Home Detention reports for offenders who are required for court matters.

In addition, the Department provides Aboriginal offenders from the APY Lands with access to a comprehensive Community Service program, where staff from Marla travel to, and stay in, the Lands for 17 days each month for 11 months of the year, to supervise Community Service offenders.

The Remote Areas Programs project is a cross border initiative of South Australia, Northern Territory and Western Australia, jointly funded by these jurisdictions and the Commonwealth under the Family Violence Partnership Program, to address family violence and other offending in remote Aboriginal communities in Central Australia.

Two teams of appropriately skilled practitioners, with experience working with traditional Aboriginal people have been involved in the development of programs aimed at addressing issues involving family violence, anger management and substance abuse.

Aboriginal people are involved in the design, development and delivery of the programs. The emphasis is on cultural relevance and accessibility in concepts. Trained Aboriginal facilitators work with program staff to deliver the programs.

A total of five Family Violence Programs have been run since March 2007, in locations including Amata, Warburton, Indulkana, and Warrakurna. Further programs are now scheduled throughout 2007 in South Australia, Western Australia and Northern Territory.

Work on the evaluation and preliminary work related to the ongoing sustainability of the project has also commenced.

In relation to funding, $1.5 million was provided over two years in 2006-07 and 2007-08, with approximately $675,000 allocated in the first year.

The Honourable Member has asked about funding that has been allocated to servicing the APY Lands over each of the last five years. Although the Department is unable to accurately determine costs by individual programs or services, I am advised that the Department's total estimated funding provision for the APY lands for each of the past five years is:

2002-03	$443,000
2003-04	$460,000
2004-05	$514,000
2005-06	$665,000
2006-07	$670,000

These amounts do not include funding ($1.5 million), allocated for the Cross Border initiative.

LEVEL CROSSINGS

17 The Hon. S.G. WADE (31 July 2007). Can the Minister for Road Safety advise, in relation to the railway level crossings:

1. How many railway level crossings are there in South Australia?
2. How many have been assessed for safety?
3. Of the crossings assessed, how many have been identified as requiring a safety treatment?
4. What is the total cost of those required upgrades?
5. What is the timeframe for completing all identified required upgrades?
6. (a) How many railway level crossings will be upgraded in 2007-08; and
   (b) Where are they located?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): I am advised:

1. There are 1,140 public access railway level crossings in South Australia.
2. All 1,140 railway level crossings have been assessed for safety using the Australian Level Crossing Assessment Model.
3. The State Level Crossing Strategy Advisory Committee will consider safety treatments, including any prioritisation, during its deliberations in the 2007-08 financial year. Considerations will include education, enforcement and engineering options.
4. Any recommendations from the Committee will then be considered by Government, taking into account costs for future level crossing initiatives.
5. Any recommendations from the Committee will then be considered by Government taking into account timelines for future level crossing initiatives.

(a) The Department for Transport, Energy and Infrastructure has proposed 29 railway level crossings sites for safety improvements works in 2007-08.

(b) Below is a list of the 29 sites:

- Port Road, Woodville
- Hawker Street, Bowden

- Goodwood Road, Goodwood
- Hayman Road, Two Wells
- Dutton Road, Mount Barker
- Dunorlan Road, Ascot Park
- Howard Street, Gawler
- Wenzel Road, Balhannah
- Pym Street, Dudley Park
- Sixth Avenue, Glenelg East
- Thevenard Road/Bergman Drive, Ceduna
- Woodville Road, Woodville
- Jetty Road, Brighton
- Alawoona Ave, Clovelly Park
- LeBrun St, Port Lincoln
- Fenchurch Street, Goolwa
- Shepherd Ave, Port Lincoln
- Institute Road, Cummins
- Alexandrina Road, Mount Barker
- Bethany Road, Tanunda
- Bowmans Road, Bowmans
- Blakiston Road, Littlehampton
- Mallee Highway, Yappara
- Mallee Highway, Jabuk
- West Terrace, Wolseley
- Alawoona Road, Veitch
- Steer Road, Ulyerra
- Spoehr Road, Balhannah
- Norris Road, Littlehampton

HOUSING TRUST

18 The Hon. D.G.E. HOOD (31 July 2007). Can the Minister for Housing advise what selection process determines which real estate agents are used in cases where a decision to sell Housing Trust properties have been made?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): The Minister for Housing has provided the following information:

The appointment of three real estate agents to manage the sale of South Australian Housing Trust properties for a period of three years from 1 July 2005 to 30 June 2008 was made through an open public tender process.

A rigorous selection process was undertaken in accordance with the Government's mandated procurement policies and procedures and all successful tenderers are required to meet stringent criteria.

PAPERS

The following papers were laid on the table:

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

Reports, 2006-07—
Department of Trade and Economic Development
Department of Treasury and Finance
Distribution Lessor Corporation
Energy Consumers' Council
Essential Services Commission of South Australia
Funds SA
Generation Lessor Corporation
Legal Practitioners Conduct Board
Legal Practitioners Disciplinary Tribunal
Mining and Quarrying Occupational Health and Safety Committee
Motor Accident Commission
Police Superannuation Board
RESI Corporation
SA Lotteries
South Australian Asset Management Corporation
South Australian Centre for Trauma and Injury Recovery Inc (TRACsa)
South Australian Classification Council
South Australian Equal Opportunity Commission
South Australian Government Financing Authority
South Australian Motor Sport Board
South Australian Multicultural and Ethnic Affairs Commission
South Australian Parliamentary Superannuation Scheme
South Australian Police
South Australian Superannuation Board
State of the Service Report from the Commissioner for Public Employment
Technical Regulator—Electricity
Technical Regulator—Gas
Regulations under the following Acts—
Electricity Act 1996—Alternative Vegetation Clearance
Harbors and Navigation Act 1993—Australian Builders Plate

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

Kangaroo Island Council—Heritage Plan Amendment Report by the Council
Regulation under the following Act—
Development Act 1993—Activities of Environmental Significance

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

Reports, 2006-07—
Advisory Board of Agriculture
Dairy Authority of South Australia
Phylloxera and Grape Industry Board of South Australia
South Australian Fire and Emergency Services Commission
South Australian Forestry Corporation
Regulation under the following Act—
Primary Industry Funding Scheme Act 1998—Marine Scalefish Industry Fund

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

Reports, 2006-07—
Correctional Services Advisory Council
Department for Correctional Services

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

Reports, 2006-07—
Board of the Botanic Gardens and State Herbarium
Pastoral Board of South Australia
Reports—
Actions taken following the Coronial Inquiry in the Death in Custody of Mr Michael Cockburn, dated 15 October 2007

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report, 1 July 2007-30 September 2007

Regulations under the following Acts—

Environment Protection Act 1993—Activities of Environmental Significance

Liquor Licensing Act 1997—Dry Zones—

Mount Gambier

Renmark

Victor Harbor—Short Term

Pharmacy Practice Act 2007—General

Residential Parks Act 2007—General

Corporation By-laws—Whyalla—

No. 1—Permits and Penalties

No. 2—Local Government Land

No. 3—Roads

No. 4—Moveable Signs

No. 5—Dogs

No. 6—Cats

No. 7—Caravans and Camping

No. 10—Waste Management

SOCIAL DEVELOPMENT COMMITTEE

The Hon. I.K. HUNTER (14:22): I bring up the report of the committee on its inquiry into gestational surrogacy.

Report received and ordered to be published.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

The Hon. B.V. FINNIGAN (14:24): I bring up the 2006-07 annual report of the committee.

Report received.

LEGISLATIVE COUNCIL VACANCY

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:25): I lay on the table a copy of a ministerial statement relating to the Legislative Council casual vacancy made earlier today in another place by my colleague the Premier. It reads:

The government intends to recommend to His Excellency the Governor in Executive Council that a proclamation be issued for a joint sitting of the House of Assembly and the Legislative Council on Wednesday 21 November at 9.30am to fill the casual vacancy in the Legislative Council caused by the resignation of Mr Nick Xenophon.

As I have previously informed the house, the government will act in accordance with its legal advice in relation to the filling of the vacancy. In a detailed statement to the house, I set out the requirements that must be met before the provisions of section 15(4) of the Constitution Act could operate to allow the appointment of a person nominated by the No Pokies Campaign.

In essence, the Constitution requires that the No Pokies campaign must establish, amongst other things, that it is a political party (though not necessarily registered under the Electoral Act), that it endorsed Mr Xenophon as a candidate for the 2006 election, that it publicly recognised that endorsement and that Mr Xenophon represented himself as an endorsed candidate of the campaign.

I wrote to Mr Xenophon on 24 October 2007 and invited him to place any material before me relevant to those issues to enable me to obtain further advice and give the matter full consideration. On 1 November 2007, Mr Xenophon responded in his private capacity. Mr Xenophon finally conceded that the provisions of the Constitution Act that allow for the filling of casual vacancies in cases of party appointment do not apply. In those circumstances, I am advised that the parliament—that is, the joint sitting—has an unfettered discretion as to who it elects to fill the vacancy. Some, including Mr Xenophon, have urged the government to follow convention. In support of that contention, they seek to rely on the words of a former premier, the late Don Dunstan, when he spoke at a joint sitting in 1977. The opposition leader in another place has also relied on those words.

Both the leader and Mr Xenophon overlook the fact that the 1977 joint sitting was convened to fill a senate vacancy, not a Legislative Council vacancy. In any event, the provisions of the current South Australian Constitution were enacted in 1985, well after Don Dunstan had left the parliament, and long before he addressed that joint sitting. They could not get the right law, let alone the right constitution. The fundamental point about conventions is that they are established by long accepted custom and practice that is widely recognised and followed. It would be very unusual to rely on one or even two instances as a convention. The fact is that the events of 1977 surrounding the senate vacancy and the appointment of a replacement are so far removed from the current circumstances that they do not assist in establishing a convention or a binding precedent.

The selection of a person to fill the 1977 senate vacancy created by the resignation of former Liberal senator Steele Hall turned on the question of which party had the moral if not the constitutional right to claim the vacancy. The changes to the commonwealth Constitution did not deal with the situation where a retiring or deceased senator had been a member of a political party at the time of his election and where that party had become defunct at the time the vacancy occurred. On the one hand, the Australian Democrats, which had evolved from the Liberal Movement, claimed the vacancy as theirs. On the other hand, the Liberal Party claimed the vacancy. It is a matter of historical record that the late Janine Haines was appointed. It was a question fairly and squarely about party structures and affiliation.

In the present case involving Mr Xenophon, it is clearly not about a political party. Mr Xenophon and Mr Darley were both independent candidates. Mr Xenophon in his letter to me confirms that he was not endorsed by a political party. To my knowledge, there is no convention relating to the filling of council vacancies caused by the death or premature resignation of an independent Legislative Councillor. No person, party or other organisation has been able to point to or establish the existence of a convention in these circumstances. The parliament is, therefore, navigating uncharted waters.

While there is no convention, common sense would support the proposition of replacing an independent with another independent. In a very real sense, it reflects the choice made by the electorate to the extent that it supported an independent No Pokies ticket above that of the major parties or the Democrats. I have previously advised the council that it is my expectation that Mr John Darley will be nominated to replace Mr Xenophon. I have seen or read nothing which alters my view about that. Therefore, with the support of my government, I intend to nominate Mr John Darley at the joint sitting to fill the vacancy caused by Mr Xenophon's resignation. Mr Darley has confirmed his willingness to accept the appointment.

I hasten to add that I do not expect future joint sittings or future generations to rely on this support and these noble words as a precedent for establishing a convention. The circumstances of this situation are unique and too unusual to be considered as a precedent. I urge members to do the right thing, the decent thing, and support the nomination of Mr Darley, although all members are free to nominate other persons as there is neither convention nor precedent. I should advise that, if there is more than one nomination and a ballot is required, a secret ballot will be conducted.

TRANSADELAIDE GOVERNANCE

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:29): I lay on the table a copy of a ministerial statement relating to TransAdelaide governance made earlier today in another place by my colleague the Minister for Transport.

QUESTION TIME

VICTORIA PARK REDEVELOPMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Victoria Park development.

Leave granted.

The Hon. D.W. RIDGWAY: Almost a year ago the Treasurer, the Hon. Kevin Foley, announced the go-ahead for this particular project, which was to replace the grandstand, reduce the track size and return some land to general park use, and put an end to the temporary structures for the V8 Supercar race. In fact, we note that there has been horse racing at Victoria Park for some 100 years and car racing for some 20 years and the structures are either in extremely poor condition or temporary in nature.

On 27 September this year, the Leader of the Opposition (Hon. Martin Hamilton-Smith) indicated that the state Liberal Party would support legislation so that construction work could begin straight after the 2008 Clipsal 500 race. In the last sitting week the Minister for Urban Development and Planning announced and laid on the table the Cheltenham Racecourse Development Plan Amendment, a development plan amendment instigated by himself. At a number of public functions since that time, I have heard the minister talk very favourably about his DPA and, in particular, the aspects of transport-oriented development, the commercial development around the railway station, some high-rise development (potentially up to six storeys high) in close proximity to the railway station and, of course, acquifer storage and recovery in what is a significantly reduced open space from what the Premier initially indicated.

It is the opposition's understanding that this development and the redevelopment of Cheltenham is, of course, contingent on the redevelopment of Victoria Park. It is interesting to note in the online poll conducted by the *The Advertiser* that, as of 1pm today, 70 per cent of respondents (some 583 out of a total of 832) are in favour of the Victoria Park development going ahead. I am also aware that the Treasurer has made a statement today saying that he is prepared

to go back to the negotiating table, notwithstanding the fact that some time ago the Treasurer was extremely outspoken about the council and in fact threatened to sack the council. My questions to the minister are:

1. Are you prepared to let the Cheltenham redevelopment wither on the vine because of your government's inability to deliver the project?

2. What aspects of the proposed development are now up for negotiation that were not up for negotiation a matter of weeks ago?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:35): In relation to Cheltenham, I heard Steve Ploubidis from the SAJC indicate this morning that as far as he was concerned the Cheltenham project would proceed. After all, it is the SAJC's land at Cheltenham. This government has facilitated the development plan amendment, but Mr Ploubidis indicated that they would proceed with that regardless of the outcome for Victoria Park.

In relation to Victoria Park, it was only last evening that the newly elected Adelaide council, an entirely new council, expressed its view, but it is my understanding from press reports that, while it rejected the lease of the park for motor sport activities, it also indicated that it was prepared to negotiate with the government. Given that that decision was made only last evening, it would be wise for the government to at least have the opportunity to discuss that matter with representatives of council and see whether there is provision for some compromise here. It is incumbent on the government to at least hear what the newly elected city council has to say.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Members opposite are always criticising this government and saying that we do not consult enough. Now that we have had a council election, whilst we do not necessarily agree with that council surely we should at least hear what it has to say. The government will do that and we would expect that, if the council is acting in good faith, the government should also act in good faith and not put conditions on that. I am sure my colleague, who is responsible for this matter, will listen to what the city council has to say and, if it is possible to reach some agreement with the city council, the public of this state would expect us to try to do that. At the same time, if the city council is not genuine and is not negotiating with bona fides, that will soon become obvious and the public will judge the council accordingly. The sensible thing for the government to do is at least listen to what council has to say, and we will do that.

GLENTHORNE FARM

The Hon. J.M.A. LENSINK (14:38): I seek leave to make an explanation before asking the Minister for Urban Development and Planning a question about Glenthorne Farm.

Leave granted.

The Hon. J.M.A. LENSINK: As members may be away, Glenthorne Farm is a significant property located adjacent South Road near O'Halloran Hill. It was first established in 1839 and has a number of historic properties on the site. In November 1998, there was an MOU between the commonwealth government, CSIRO and the state government to sell the property to the South Australian government, conditional upon no urban development taking place at the property.

I have obtained a number of documents under freedom of information from 2006 and 2007, many of which refer to development. There is the outline of a proposal for Glenthorne of 88 hectares of sustainable and affordable housing; a minute dated 15 December 2006 (I refer to Primary Industries documents); and a revised concept plan by the university that proposes open space on the northern portion of the site and residential development on southern land contiguous to Trott Park.

Under a proposal by the University of Adelaide this year, up to 30 per cent of Glenthorne Farm may need to be developed to provide capital to deliver the program. Further, an internal memorandum contained in documents from the University of Adelaide refers to a meeting with the Hon. John Hill (minister for the south) and the Hon. Paul Holloway (minister for planning). It has some initials, 'VC/IK/PD', and 'preferred developer [my emphasis added] to attend meetings'. It then goes on to state:

> Other items of communication strategy to be proposed by and discussed with preferred developer. Communication to remaining developers must be sensitive and careful so as to not prejudice University of Adelaide's position.

My questions to the minister are:

1. Has either he or the Minister for the Southern Suburbs met with the University of Adelaide in relation to this proposal?

2. Does he support the sale of any portion of Glenthorne Farm in spite of the fact that the previously signed agreement prohibited it?

3. Is he aware of whether the selection of the 'preferred developer' met with South Australian government procurement principles?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:41): The honourable member has had a freedom of information request on this matter. I do think that she has not read it all, otherwise she would get the full picture. Glenthorne Farm, of course, was sold. It came from the commonwealth government. It was sold at a peppercorn price, as I recall it, to the University of Adelaide, which was intending to establish, I think, some vineyards on the area—or its original idea was that it would use Glenthorne Farm in some way associated with its viticultural activities.

Subsequently, the university found that that was not viable for whatever reason, and it did approach the government some time ago now—it must be at least a year if not two years ago. The honourable member would have the dates on her FOI. The university did put an approach to the government whereby its position was that it was not able to use the land viably for its original purpose and it wanted the government to look at some other proposals.

The government has made its position clear in relation to the future of that site. It is clear that conditions were on it. It was actually the commonwealth government that passed it over; and, obviously, the commonwealth government would have a view on the future use of this farm. Really, the University of Adelaide put this proposal, and the government was not attracted to it. It was back with the university and, as far as I am aware, that is where it has stayed for the past 12 months or more.

The university has not come back with any further proposal, to my knowledge, but I will check the record. That is really where the matter stands. The university was proposing to do something with it, I think basically to use the northern part of Glenthorne Farm. To make it viable it was proposing some sort of development on the southern side but, as I said, after the university met with the government that was not proceeded with. In relation to meeting with developers, I am not aware of any preferred developer. Certainly I have not met with one, and I doubt that the Minister for the Southern Suburbs has either, but I will check with him.

GLENTHORNE FARM

The Hon. J.M.A. LENSINK (14:43): As a supplementary question, will the minister confirm whether the government has specifically instructed the University of Adelaide that no Glenthorne Farm site will be developed?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:44): As I said, the honourable member had her FOI. If you get this stuff, why don't you read the letter? I do not have it here. I have not looked at the file for a long time because nothing has happened in relation to it for at least 12 months. In terms of what the correspondence says specifically, as I said, the honourable member has that. What is the point of having the FOI laws if members do not read the information? It is quite clear—

The Hon. J.M.A. Lensink interjecting:

The Hon. P. HOLLOWAY: Mr President, I think the member is saying that the Labor candidate for Kingston would not be sleeping very well. So, the honourable member has dug up this FOI stuff that is 18 months old on a project that has been rejected by the government when there was a proposition about doing it, and she is now trying to suggest something. Let me repeat it. There was a proposition that the University of Adelaide put. It was unable to proceed with its original proposal. It would have been great if it could have grown the vineyards there but it could not do it. It wanted to look at some other option and the government did not support that option. Let me say that again: the government did not support that option 18 months or two years ago, and I am not aware of any subsequent proposal.

PRISONS

The Hon. S.G. WADE (14:45): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the new prison project.

Leave granted.

The Hon. S.G. WADE: Last year the government announced plans to increase the main men's prison capacity by at least 87 per cent by mid century. The State Strategic Plan indicates that the government aspires to increase the state's population by only 30 per cent over that period. My question to the minister is: when our society is crying out for less crime, what hope can the community place in the law and order policy of the government, which predicts that the prison population will grow three times faster than the general population in the years ahead and now is worried that it may need more space to accommodate more offenders?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:46): I thank the honourable member for his question and, indeed, for pointing out to the chamber what a very strong law and order policy this government has and has enacted. In the past year we have had unprecedented growth in prisoner numbers, and I am starting to wonder whether it might be a waste of time having the honourable member briefed in terms of the new prison PPP project, given that he also attended, I understand, a conference on a PPP recently. Any responsible government—

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: Well, when law and order policies work it means you end up putting more people in gaol, with all due respect. I would have thought that would be incredibly obvious to anyone. In terms of the prison scoping, this government is doing what every other government has done in Australia in the past 10 years in relation to new prison infrastructure, and that is thinking ahead. Indeed, it is a 30 year concession. In 20 years I suspect that I will not be here, but perhaps the Hon. Stephen Wade will be here, depending on his age and whether or not he has a fruitful career—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: —like the Hon. Rob Lucas. It is contemporary best practice to plan and build our new prisons with the ability to expand and have the capacity in the future; and, indeed, this is what this government has done. It is simply putting out that there is scope. It certainly does not tie us into actually using that future expansion.

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: If the member goes to the website he will see the original capacity, and that is what we are expecting at the time. We are being a responsible government and a prudent government, and I am sure those opposite will congratulate us for doing that.

NATIONAL MOTOR VEHICLE THEFT REDUCTION COUNCIL

The Hon. B.V. FINNIGAN (14:48): I seek leave to make a brief explanation before asking the Minister for Police a question about the launch of the National Motor Vehicle Theft Reduction Council's new public education initiative, Secure by Design.

Leave granted.

The Hon. B.V. FINNIGAN: Statistics from the Australian Bureau of Statistics and from South Australia Police show that in the past five years the incidence of motor vehicle theft in South Australia has fallen considerably. Will the minister provide some details of the recently launched National Motor Vehicle Theft Reduction Council's new public education initiative Secure by Design that highlights the most advanced examples of improved vehicle security to counter car theft?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:49): I thank the honourable member for his incisive question. Motor vehicle theft imposes major costs on the community, and those costs are emotional, physical, psychological and financial. We must remember that motor vehicle theft is not just a property crime: it can at times present a very clear threat to public safety, and we have of course seen people killed by stolen vehicles.

In the past five years South Australia Police have performed an admirable job in reducing the incidence of theft and illegal use of motor vehicle offences. In the 2001-02 financial year the number of offences recorded in South Australia was 12,360. This fell to 8,574 in 2006-07, which is a reduction of more than 30 per cent over those five years. While this result is encouraging, a lot more work needs to be done to further reduce these types of offences.

SAPOL's Crime Reduction Section continues to work in partnership with organisations such as the National Motor Vehicle Theft Reduction Council and the South Australian Vehicle Theft Reduction Committee (SAVTRC) to prevent and reduce vehicle crime and its effects on the community. SAPOL has been proactive in directly targeting the scourge of motor vehicle theft by implementing a number of initiatives. These include:

- subsidising engine immobilisers for tertiary and selected high school students;
- fitting and providing immobilisers to low income earners and victims of vehicle crime;
- providing the City of Salisbury with funding to promote immobilisation of older, more vulnerable vehicles;
- using variable message signed trailers and advertising trailers in vehicle hot spot areas to educate the community and promote vehicle crime awareness;
- using the media to educate the community;
- producing and distributing various vehicle crime community education flyers and posters;
- examining photographs of stolen vehicles that activate speed and red light cameras with the aim of identifying the driver or occupants and, if suitable, the photograph is displayed on the BankSA Crime Stoppers web page; and
- erecting car safe signs at shopping precincts in South Australia encouraging motorists to lock their cars and not to leave valuables on display.

Another successful initiative is the Stop Car Theft Program. This program continues to be a useful crime reduction tool relating to motor vehicle crime by targeting locations and apprehending offenders. The Stop Car Theft Program uses vehicles fitted with engine immobilisers that are then deployed in areas affected by motor vehicle crime. These specially fitted vehicles are then covertly monitored by police. From 1 July 2006 to 1 June 2007, the Stop Car Theft Program resulted in the apprehension of 55 people and a total of 82 charges being laid.

One notable case involved the arrest of a man at the Blackwood Railway Station car park. Sturt police requested the deployment of the Stop Car Theft vehicle due to an increase in motor vehicle crime in the car park. The Stop Car Theft vehicle was deployed for only 20 minutes when a man broke into the car and attempted to drive off. He was arrested when the vehicle automatically shut down. This single arrest immediately reduced the incidence of motor vehicle crime at the Blackwood Railway Station car park.

Alongside the police, auto makers and designers also have a role to play in reducing the incidence of vehicle theft. Late last month I had the pleasure of announcing the winning vehicles ranked as Australia's most secure. Each of the 'winning' vehicles was expertly assessed against its market competitors in relation to the security of:

- entry systems, such as door, ignition and fuel filler locks, rear seat/boot access and windows and windscreens;
- theft resistance systems such as alarms, engine immobilisers, sound systems, wheel and component substitution protection; and
- vehicle identification such as body stamping, security labelling and micro-dotting.

The winning vehicles highlighted the innovations that can be made to security systems, doors and windows to prevent and reduce car theft. It was also heartening that our own South Australian Mitsubishi 308 was ranked alongside prestigious European marques such as Audi and BMW. That is great news for the local industry and illustrates that Australian based car manufacturers can stand up and be counted against their European rivals in areas such as secure design.

The Volkswagen Polo 5-Door Hatch and the Citroen C2 3-Door Hatch were joint winners in the small car category. The Subaru Liberty 2.0R won in the medium car category, and South

Australia's Mitsubishi 380 LX Sedan won in the large car category. In the compact SUV class, the winner was the BMW X3 3.0i 5-Door Wagon, and in the large SUV group the Audi Q7 5-Door Wagon. The Volkswagen Multivan was the winner in the people mover category, while the Volkswagen Caddy Cargo Van was the winner in the commercial vehicle category. I congratulate all the winners on the contribution they are making in the fight against motor vehicle theft in this country.

SUICIDE, ASSISTED

The Hon. D.G.E. HOOD (14:54): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse, who is also the Minister Assisting the Minister for Health, a question regarding Philip Nitschke's assisted suicide workshops and his promotion of the barbiturate phenobarbitol, also known as Nembutal.

The Hon. D.G.E. HOOD: Philip Nitschke will today hold a seminar on suicide in Fullarton, and he will also show a video entitled *Single Shot* at a private residence following that workshop. The homemade video provides instructions for the production of the suicide pill often known as Nembutal (the barbiturate pentobarbital). In the video, a group of Queenslanders are shown manufacturing the drug in a coffee pot-type apparatus.

Recently, the Australian Medical Association publicly criticised the Philip Nitschke workshops for their promotion of suicide, rather than the relief of pain or suffering, as they are purported to be. Australian families have already dealt with approximately 2,100 suicides this year, and there has been significant concern that wide dissemination of suicide techniques will increase that already high number of suicides.

The drug has now been removed from the federal list of drugs that can be prescribed for humans and, federally, it has been banned from importation. However, my reading of the South Australian Controlled Substances (Prohibited Substances) Regulations is that schedule 1 does not prohibit the active ingredient of Nembutal in this state. If the substance were prohibited, the police would have additional powers to restrict the dealing in and manufacture of this drug, which is encouraged at the Nitschke workshops. My question is: will the minister add the active ingredient of Nembutal to the South Australian list of prohibited substances (perhaps with an exception for veterinarians) so that those who assist others in the manufacture or supply of this drug can be dealt with appropriately under the law?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:56): I thank the honourable member for his most important question. Indeed, he is correct in saying that the publicising or the media reporting of details of suicide methods has been found to have quite detrimental effects, tending to result in an increase in suicide attempts involving those particular methods, at least in the short term. That is why we have media protocols and policies, which most media outlets comply with, which talk about being very careful and sensitive about the sort of details that are given in suicide reporting.

Indeed, promoting any substance or technique as a successful means of suicide is something that is not to be supported; in fact, it is found, potentially at least, to have quite a detrimental effect on people who might be feeling depressed at the time and who are considering suicide, and that is a concern. I remind all media bodies of those guidelines and protocols. As I have said, the media, in the main, adhere extremely well to those guidelines and protocols, and they are to be congratulated for that.

In terms of the workshops, I am concerned that a workshop is to be held that promotes any method of suicide. We know that voluntary euthanasia is a separate issue, and I have expressed my personal views about that issue in this place on more than one occasion. So, excluding the issue of voluntary euthanasia, I am talking about the matter referred to by the member, that is, a workshop promoting a particular drug as a successful means of suicide for those people other than those considering voluntary euthanasia. That is a great concern to me, and I understand that Mal Hyde has indicated that he will be monitoring those workshops very carefully, and we will be very interested to receive his advice or recommendations arising from that monitoring.

In terms of rescheduling these drugs, Nembutal is a drug that is used in a wide range of therapeutic ways. At this point I would be concerned about rescheduling any medication on the grounds of the potential abuse or distortion of the therapeutic use of a particular drug and promoting it to be used in an unintended manner. I am happy to look into the matter but, as I said, on the surface of it we could, in fact, end up having to reschedule perhaps two-thirds of the

pharmaceuticals currently on the market because they could potentially be used in a way to assist suicide. We would need to proceed very cautiously before doing that.

VISITORS

The PRESIDENT: I advise members of the presence in the gallery today of the Hon. Tammy Lobato, a member of the Victorian parliament, along with the Hon. Mr Gilfillan, a past member of this chamber.

QUESTION TIME

FAMILIES AND COMMUNITIES DEPARTMENT

The Hon. R.I. LUCAS (15:02): I seek leave to make an explanation before asking the minister representing the Minister for Families and Communities a question about employment practices.

Leave granted.

The Hon. R.I. LUCAS: Over recent weeks the opposition has been contacted by a whistleblower from within the Department for Families and Communities in relation to concerns regarding employment practices and appointment practices of consultants as well as general performance within the section known as the Workforce Health and Safety Unit. In particular, concerns have been expressed about inappropriate practices relating to various appointments, and examples given have included the position of the Injury Manager-Team Leader, with allegations relating to members of that panel being friends of the successful applicant without advising that to other members of the panel. Concern has also been expressed about the appointment of the Staff Claims Manager, again relating to friends of the applicant who won the position being placed on the appointment panel without advice to other members of the panel.

There was also an allegation that a relative of a panel member was the successful applicant, and another example related to the appointment of the Staff Vocational Placement Officer and allegations of inappropriate appointment practices, where the close personal friend of one of the managers was appointed to the position without the appropriate panel process having been followed. Concerns have also been raised about the processes relating to the appointment of consultants to that particular unit, but question time does not allow me to go into all the detail of that.

The opposition has also been provided with a copy of a staff survey conducted within the Department for Families and Communities in 2007 that compares staff feelings in the Workforce Health and Safety Unit with the whole of the department, and I refer briefly to two points. One related to whether or not staff believed they were treated equally and fairly when making decisions that affected them; 63 per cent of staff in the unit (which, I acknowledge, is a small unit) disagreed with that statement compared to only 34 per cent of all Department for Families and Communities staff.

The second point related to the question of whether or not staff believed their unit or team was free from bullying; worryingly, only 6 per cent of staff in that unit (and, as I said, it is a small unit) agreed with that statement, whereas 61 per cent of staff department-wide agreed that they were free from bullying in their normal workplace. Obviously, there were many other details in that staff survey conducted within the Department for Families and Communities.

My question is: has the minister or the chief executive officer been advised of significant staff concerns in the Workforce Health and Safety Unit within the department relating to inappropriate employment practices, inappropriate appointment of consultant practices and general performance of the particular unit? If so, what action has either the CEO or the minister taken in relation to those staff concerns?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:04): I thank the honourable member for his question in relation to alleged employment practices in the Workforce Health and Safety Unit. I will refer his question to the Minister for Families and Communities in the other place and ensure that he has a response.

SURF LIFE SAVING CLUBS

The Hon. R.P. WORTLEY (15:05): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the government's commitment to the redevelopment of surf life saving clubs in South Australia.

Leave granted.

The Hon. R.P. WORTLEY: Last year the minister advised the council of the commencement of work on the redevelopment of the North Haven Surf Life Saving Club, part of the ongoing program of assisting Surf Life Saving South Australia with the redevelopment of club facilities. At that time the minister stated she would advise the chamber as further developments occurred. Will the minister provide updates on the redevelopment program?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:06): I thank the honourable member for his important question. Immediately prior to Christmas last year, on Saturday 16 December 2006, I was delighted to attend the official opening of the redeveloped North Haven Surf Life Saving Club. The start of the official first day of the summer surf-lifesaving season this year, Saturday 3 November 2007, saw the opening of the Brighton Surf Life Saving Club by the Premier the Hon. Mike Rann MP. The opening was very well attended by club members, club and Surf Life Saving South Australia officials and the mayor and representatives of the City of Holdfast Bay. The Deputy Premier the Hon. Kevin Foley MP and the member for Bright Chloe Fox MP were also present.

The redevelopment of the site on The Esplanade provides a club with a special patrol room, gymnasium, meeting room, kitchen and change facilities, as well as plenty of room to store essential rescue equipment. While the old building had served Brighton well since the 1960s, this new building will provide the 540 members of the club with much improved facilities. Of that membership, 230 are juniors, so we expect a long and successful future for the club and these facilities. The new building is really quite striking and much appreciated by club members who, last summer, had to operate out of shipping containers.

I commend club president Peter Cockerham and his team for their patience and commitment during that period, particularly when you consider that those members did not let this inhibit their efforts and provided over 3,000 hours of volunteer patrols last summer. The costs for the $2.4 million redevelopment were, again, shared on the joint state/local government and surf-lifesaving club formula, with the state government contributing $1.3 million towards the redevelopment costs and the City of Holdfast Bay and the Brighton club itself funding the remainder of the costs.

This is proving to be a very successful collaborative effort, as Brighton is the fourth project recommend by Surf's Facilities Management Group. There are 18 surf life saving clubs in South Australia, and new clubs have already been opened at Christies Beach, Somerton and, as I said, North Haven. I think we all know that as 2007, the year of the surf lifesaver, draws to a close this new facility will support club members as they go about their community service well into the future. New facilities can only assist in the provision of a surf life saving service. It is the members of the club who do all the work. I wish club members a safe summer season and I thank them in advance, on behalf of everybody, for their efforts supporting us as we go about enjoying our wonderful beaches this summer.

DRUG TREATMENT CENTRES

The Hon. A. BRESSINGTON (15:09): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question on treatment centres and anti-social behaviour by drug users.

Leave granted.

The Hon. A. BRESSINGTON: During the year the Minister for Mental Health and Substance Abuse has been asked a number of questions on certain practices within the drug and alcohol sector, namely by the Hon. Dennis Hood, around SAVIVE and the AIDS Council. Also we raised, jointly, an issue about the Hutt Street Centre and anti-social behaviour and public injecting drug use in March of this year. I commend the police force for an increased presence around Hutt Street Centre since then, to the point where it has issued a flyer to residents and business owners which states:

Police from the Adelaide Local Service Area are seeking your assistance in addressing crimes, in particular behavioural offences that occur in the vicinity of Hutt Street and South Terrace, Adelaide. To develop an appropriate response to this matter, it is important that police fully canvass residents and business owners that live within the area to gain a full appreciation of issues.

I would like to lend my support to and congratulate the police force for taking such a proactive stance on this. Recent feedback indicates that a police presence has greatly reduced the amount of anti-social behaviour being experienced. However, in the last few weeks it has been on the rise again and I have again been informed that there is a problem around Hutt Street, where syringes are being inappropriately disposed of in the vacant allotment next to the centre. The 'sharps' containers within the centre are full every day and are emptied every day, but still there are syringes being disposed of in the vacant allotment beside the centre.

In addition, I have also now been approached by a number of outraged residents who live in the same street where Warrinilla is located. They say that in the morning, because of measures that have been taken in the centre (basically a cage being put in to herd drug users into the centre to be able to pick up their needles and their medication), drug users are gathering outside Warrinilla and intimidating, abusing and assaulting residents of that street. They have said it has been gradually getting worse for the last 18 months.

There is no police presence around Warrinilla. In fact, I met a couple of residents the other day, in front of Warrinilla, who were dressed in suits and ties and looking like respectable people. A security guard came down and stood at the entrance of Warrinilla with his arms folded and his legs spread and basically asked us to move on. We were nothing more than reasonable citizens standing there having a conversation on the footpath, but we were not allowed to stand there and have a conversation. The questions that I have for the minister are:

1. Given the number of times that there have been complaints made about services under the minister's portfolio, when is the minister going to take control of and manage the services that are funded by the state government with taxpayers' money to ensure that the wider community is not negatively impacted on by such programs that she obviously approves and funds?

2. When is the minister going to take action against the service providers, as at no time are the concerns of the residents taken into consideration or investigated? The service providers, when they are noticing a problem, should be requesting a police presence in those areas to ensure the safety and wellbeing of the residents and the surrounding residents so that they do not have to endure the property crime and personal crime that is occurring.

3. When will the minister take steps to ensure that the wider community is protected from some of the services and the programs that she is implementing?

The PRESIDENT: I remind the honourable member that there were a number of explanations and opinions in her questions. The honourable member should keep her explanations shorter and her opinions out of her questions. The minister will disregard those opinions when responding.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:14): I thank the honourable member for her important questions. This is the first that I have heard of complaints around Warrinilla. As usual, I invite honourable members here, if they have any concerns, to contact me and give me the details of any problems that they or their constituents are having, to give me an opportunity to address those issues. However, yet again, what we see is grandstanding going on here. The honourable member has not raised—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: That is what this is about. The honourable member has not raised this issue with me before. To the best of my knowledge this is the first time I have received a complaint from the honourable member, even though I have invited her on many occasions to raise these issues but, no, she likes to get in here and grandstand. I am very happy and responsive as always to investigate any alleged incidents, and I invite the member to give me details of any alleged incidents. As always, I have them promptly followed up. I encourage her to give me the details or information that would enable me to follow this up in a detailed and thorough way, rather than just grandstanding here in parliament.

The honourable member has given a good example of how incredibly thorough we are at monitoring those sites. The member talks about loitering and stalking around the streets, and what happens? The very measures we put in place to ensure the safety of the community actually work: a security guard approaches these stalkers and asks them to move on. She comes into the chamber and gives a very good example of our system working.

These people work very hard to manage the services and the flow through of clients at those sites. They get their treatments and services quickly and promptly and are moved out quickly. They are not encouraged to gather or congregate and when they do, as we see, security guards are there to address that. The member has given the chamber a very good example of the system working extremely well, while the local member and her colleague are stalking around trying to collect evidence out on the street. Truly, it is pathetic!

I have mentioned in this place before the importance of the clean needle program. It is about helping to reduce the spread of blood-borne viruses amongst injecting drug users and the risk of blood-borne viruses being transferred into the broader community. This is a very important service. It is not just about handing out clean needles but also about educating and providing information about safe injecting and the dangers of sharing injecting equipment. It is about an opportunity to provide information about safe disposal practices, including needle clean up, and about providing referrals for the people who use these services to other treatment services, and it enables us to use that as an opportunity to refer these clients on to other health services and other supporting legal and social services.

I have said here before, but it is worth saying again, that clean needle programs are estimated to have saved between $2.4 billion and $7.7 billion in downstream health care costs in a 10-year period from 1991 to 2000. Cost savings include the prevention of an estimated 25,000 HIV infections, 21,000 hepatitis C infections and 4,500 deaths attributable to HIV. Those figures are for 2002 and come from the commonwealth Department of Health and Ageing. These are the sorts of cost savings in terms of human life, suffering and economic burden to the community that this sort of program benefits.

Also, the 2004 International Review of the Clean Needle Program found that participation in such a program results in improved entry to primary health care services, higher rates of enrolment in drug-treatment programs, higher retention rates in drug-treatment programs, reduction rates of injecting and, based on information from the World Health Organisation, overall improvement of quality of life. In terms of the safe disposal of injecting equipment, a big component of the Clean Needle Program is safe and timely removal of injecting equipment from circulation.

Just as the vast majority of people in general do not litter, most people who inject drugs dispose of their injecting equipment in a responsible and safe way. The Clean Needle Program places a strong emphasis on safe disposal by providing information and education to clients on appropriate disposal of injection equipment, providing 'sharps' disposal containers and waste disposal facilities. If any honourable member identifies an issue or problem with that, all they need do is ring either the department or my office and it will be addressed immediately, rather than sitting around here waiting until question time to grandstand before doing anything about an alleged problem.

I find it irresponsible to wait until question time to raise a question of that nature. When irresponsible behaviour occurs, a range of strategies are in place to minimise risk to the community. For example, the 'sharps' bins are located at each of the 79 Community Clean Needle Program sites throughout South Australia and at most Clean Needle Program pharmacy sites, and the 24-hour Needle Clean-Up Line coordinates a timely collection of publicly discarded needles and syringes. I wonder whether the honourable member has rung that 24-hour clean-up line, done the responsible thing and identified where there is an issue so that the alleged problem can be addressed?

The Hon. A. Bressington interjecting:

The Hon. G.E. GAGO: No, she stalks our facilities. She and her colleagues stalk our facilities so that security guards have to come along and move them along. I think I have addressed most of the issues raised by the honourable member.

DRUG TREATMENT CENTRES

The Hon. A. BRESSINGTON (15:23): As a supplementary question—

The Hon. I.K. Hunter interjecting:

The Hon. A. BRESSINGTON: Well, what are we here for, Mr Hunter, really?

The Hon. G.E. Gago interjecting:

The Hon. A. BRESSINGTON: Your jokes? You're the one who is a bit of a joke, minister.

The PRESIDENT: Order! The honourable member will ask her supplementary question.

The Hon. A. BRESSINGTON: Will the minister explain why the residents who came to see me tried on numerous occasions to get to see the local member, Vini Ciccarello? They rang and tried to make appointments with the minister herself and were told that she was too busy. Then, on Friday last week, they came to see me, and that is my stalking! Numerous efforts were made to bring this matter to your attention, minister, but you were not available.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:24): Well, Mr President, to the best of my knowledge, I have not received those calls—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: As I said, to the best of my knowledge, I am not aware—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: As always, my office is open to members and constituents.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: As always, my office door is open to meet with constituents; and, if I am not available, I make sure that one of my officers is available to meet with them. I have not been informed—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I am not aware of any attempts to meet with me; and, in relation to these particular matters raised by the honourable member, nor am I aware of any correspondence raising these issues. As I said, my door is always open. If I am not available, I make sure that one of my officers is. So, I believe that this is just another empty allegation.

DRYLAND SALINITY MANAGEMENT

The Hon. C.V. SCHAEFER (15:25): I seek leave to make a brief explanation before asking the Minister for the Environment a question—

An honourable member: Save us! Spare us!

The PRESIDENT: Order!

The Hon. C.V. SCHAEFER: I apologise for my colleagues—about dry land salinity.

Leave granted.

The Hon. C.V. SCHAEFER: From 31 March to 3 April next year Adelaide will be hosting the second international salinity forum entitled 'Salinity, Water and Society—Global issues, local action'. Does the minister consider, therefore, that it is an inappropriate time to have disbanded the only state committee, which was set up only five years ago, to concentrate on dry land salinity within this state? The minister disbanded that committee in August this year. Does she consider that the Natural Resources Management Council has either the constitutional or legal right to take over those duties? What has been done since the committee was disbanded?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:26): It is a matter of keeping up with the times, really. We have a new natural resource management structure in place to deal with these issues. The Natural Resources Management Council has recognised the important role of the South Australian Dryland Salinity Committee but has determined that, given changes to natural resources management in South Australia, the committee is no longer required.

The decision was made in response to a recent review of the dryland salinity committee which drew attention to recent changes in South Australia, including the implementation of a regional delivery model for natural resource management, the release of the state NRM plan, and the identification of DWLBC as the lead agency in maintaining the Dryland Salinity Strategy and reporting against dryland salinity targets in the state NRM plan.

DWLBC also obtains information from the NRM CRCs (cooperative research centre) which does important work and is a relatively new research centre. It also gains information from the centre for natural resource management research body which, again, provides information and the latest research developments directly to the NRM council. The regional NRM boards obviously have a key responsibility for implementing these sorts of strategies.

In considering the findings of the review, the NRM council noted that current thinking in relation to natural resource management focuses on integrated management rather than combating problems such as dryland salinity in isolation, which was the way we tended to do it in the past. Dryland salinity is also a regional rather than a state-wide issue, as the majority of the impacts are in the South-East and also the Murray-Darling Basin. The positions that the honourable member referred to expired in August, and the advice of the council is that they are not to be renewed.

ENDANGERED BIRDS

The Hon. I.K. HUNTER (15:29): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about endangered native parrots.

Leave granted.

The Hon. I.K. HUNTER: South Australia is home to some of South Australia's most exciting native bird species. However, habitat loss, introduced predators—

The Hon. J.M.A. Lensink interjecting:

The Hon. I.K. HUNTER: Well, exciting to some—and a range of other factors have led to a decline of some species across many areas of the state. Will the minister inform the council of the latest moves to protect our threatened birds?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:30): I thank the honourable member for his important question. I am pleased to inform the council that one of our most endangered native birds will benefit from a new agreement reached between the Department for Environment and Heritage and the District Council of Grant. I am referring to the orange-bellied parrot. Fewer than 150 of these birds are thought to remain in the wild, so it is clearly a species that is under significant threat and needs to be managed extremely well.

These parrots are an amazing native species and a very precious asset to the state. Although for most of the year they live in the coastal marshes and sand dunes of the South-East, they migrate across the Bass Strait to breed in South-West Tasmania. Only three parrot species in the world are known to undertake such a lengthy migration, so I am sure that members will understand the special importance of this species, how important it is that we do not lose it and that if we were to lose it it would be quite a tragedy.

The agreement I have announced today is an excellent example of cooperation between state and local government. Under this new agreement about four hectares of known feeding and roosting habitat that the parrots call home and which was previously earmarked by the District Council of Grant will now be saved from clearance.

The council and Department of Environment and Heritage worked together when it became clear that a proposed realignment and sealing of Blackfellow's Caves Road, which is a popular tourist road near Carpenter Rocks, went through key feeding and roosting habitat of the birds. This

site is especially important, given that during winter we had the first confirmed sightings of the parrot in that area for six years, members will be pleased to know.

I commend the council and its staff for being so proactive in this regard, because not only will the birds' habitat now be protected but also an alternative route has been identified for the new, safer sealed road to be constructed, and council's acknowledgement of this bird's significance played a significant part in that agreement.

It is a great example of how a win-win outcome can be achieved whereby both the local community and a threatened species both benefit. DEH staff have been working with local landholders since 2005 to protect an area of Silky Tea Tree and Cutting Grass wetland on the affected site from stock grazing. We will continue to monitor bird numbers in the area and develop appropriate habitat conservation strategies, and saving this stretch of known roosting sites is a big win for these birds and the whole community.

Protecting the orange-bellied parrot is an important part of South Australia's Strategic Plan, as part of our No Species Loss strategy. The future of our environment and preservation of our biodiversity are key priorities of this government, and I am glad that the District Council of Grant has shared our passion on this occasion.

ANSWERS TO QUESTIONS

SENTENCING AND PAROLE PERIODS

In reply to the **Hon. D.G.E. HOOD** (3 May 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): The Attorney-General has provided the following information:

Buster Gene Morrison was sentenced by His Honour Acting Judge Wilson to three years imprisonment with a non-parole period of one year and six months for the offence of causing grievous bodily harm. Morrison had been charged with the then offence of causing grievous bodily harm with intent to do grievous bodily harm. A person found guilty of this offence faced a maximum penalty of life imprisonment. Morrison was tried by a jury of causing grievous bodily harm with intent to do grievous bodily harm. The jury acquitted him of this charge. In his sentencing remarks, His Honour stated:

> You were so extremely intoxicated that you lacked the specific intent to commit grievous bodily harm, but also any other specific intent other than to cause pain or harm less than grievous bodily harm to your victim. The jury also acquitted him of the charge of assaulting a police officer. However, the jury convicted him of the offence of causing grievous bodily harm. The maximum penalty for this offence was five years imprisonment.

In a trial by jury, the facts are entirely and exclusively for the jury. It must be remembered that a jury is made up of ordinary and anonymous citizens selected to represent the public. It is not a perfect system, however, the role of the jury in our criminal justice system is fundamental. Acquittal by a jury is final. In the circumstances, the court was obliged to sentence Morrison for the offence of causing grievous bodily harm simpliciter, that is, without the relevant criminal intent to cause such harm.

His Honour, in his sentencing remarks, placed on the record that the offending in this case was near the top end of the scale of seriousness for crimes of violence of this kind. Further, His Honour formed the view that any sentence other than imprisonment would be inappropriate, having regard to the gravity and circumstances of the offence of which he had been convicted. I received advice from the Director of Public Prosecutions that the sentence imposed in this case had been considered and that an appeal would not be entered.

PROFESSIONAL STANDARDS BILL

In reply to the **Hon. R.D. LAWSON** (19 September 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): The Attorney-General has provided the following information:

I am pleased to advise the Hon. R.D. Lawson that the South Australian Act commenced on 1 October, 2006, 12 days after he asked the question. Mr Terry Evans, an experienced corporate lawyer and former Deputy and Acting Chief Executive of the Attorney-General's Department, has been appointed as the South Australian member of the State and Territories' Professional

Standards Councils. The full South Australian Council, comprising Mr Evans and those members nominated by the other jurisdictions, has been appointed.

As to the development of schemes, it was open to occupational associations to begin preparing schemes for lodgement with the Council before 1 October, although, of course, no formal application could be made until the Act commenced. The Government is advised by the Professional Standards Council that the Institute of Chartered Accountants Australia has already submitted a scheme for approval and Engineers Australia is preparing a scheme to be submitted.

Once a scheme has been submitted to the Council for approval, there are steps that need to be taken before it can be approved and commence. The Council must conduct a minimum 28-day public consultation. It may hold a public hearing into the Scheme. Before approving a Scheme, the Council must consider any comments received as a result of the public consultation. Once approved, the Council must submit the Scheme to the Minister for publication in the Gazette.

These steps will, inevitably, take time. As to the delay in commencing the South Australian Act, matters had to be attended to before the Act could be brought into operation. These matters included the negotiation of an inter-governmental agreement, the appointment of the South Australian Council and the development of the necessary regulations. The Act is, as I have said, now in operation.

Honourable members may be interested to know that amendments to the Act, to address a concern about whether cost-inclusive insurance policies can satisfy the insurance requirements, have been included in the Statutes Amendment (Justice Portfolio) Bill 2006, which has now passed Parliament and was assented to on 14 December.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. R.I. LUCAS** (15 November 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): In November 2001, South Australia Police (SAPOL) launched a Risk Management System. At the same time, under the sponsorship of the Justice Portfolio, the Service Enhancement Branch of SAPOL and Arthur Andersen (now Ernst and Young Pty Ltd) conducted a series of service-level Risk Facilitation Sessions. The ‘service-level risks' were then consolidated into a Whole of SAPOL document listing 248 risks which were subsequently distilled by SAPOL Senior Executive Group (SEG) into seven Areas of Risk.

Like other agencies in the Justice Portfolio Risk Management Forum, SAPOL originally planned to use the Methodware software to administer its Risk Register. Since then most, including SAPOL, have relinquished it because it was not ‘user-friendly', licences are expensive and it lacked flexibility.

The SAPOL Corporate Risks were not ignored during that time. Between June 2003 and early 2004, SAPOL conducted a post-implementation review of its risk and auditing General Orders. The result was to strengthen compliance auditing to go with the original risk based format. A new periodical inspection and audit process was developed around a new 12 month risk and auditing reporting cycle.

Each January, after the environmental scanning phase of the Corporate Planning Framework occurs, the Service Enhancement Branch coordinates:

- review of the areas of risk to be monitored at Executive level;
- Service level reviews of their respective Risk Registers against the reviewed areas of risk; and
- Consolidation of data from these reviews to update the Corporate Risk Register, again for approval at Executive level.

Under the new Periodical Inspection and Audit Process, for the six month period ending March 2005, the Audit Committee received the first Whole of SAPOL report in June 2005. During 2006, the areas of risk monitored at a corporate level have been expanded from seven to nine. Workshops have been conducted in each of the Local Service Areas with the results used to revise and upgrade the Risk Registers in each Service Area as well as to populate the SAPOL Corporate Risk Register.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. R.I. LUCAS** (15 November 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): Page 819 of the Auditor-General's report indicates a repayment of $200,000 in relation to long term borrowings. This balance sheet item relates to the Commissioner of Police Advance Account Numbers 1 and 2 (imprest accounts) and represents interest free funds advanced by the Department of Treasury and Finance (DTF).

The introduction of the SA Government credit card along with agencies taking over control of their own accounts payable function saw the need for the use of imprest accounts diminish. In 2005-06 DTF wrote to SAPOL seeking repayment of the advance account. This appears as a cash out-flow from operating activities (supplies and services) and not a cash-flow from financing activities. This treatment is in accordance with accounting standards.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. R.I. LUCAS** (15 November 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): Page 838 of the Auditor General's report indicates that $1.3m worth of assets were identified as part of SAPOL's asset stock take. This equates to 21 individual assets as shown below.

10	Communication assets	$295k
2	Computing assets	$190k
2	Assets provided by Commonwealth	$702k
7	Other assets	$111k
		$1.298m

In value, $256,000 worth of assets were not identified in prior stocktakes and have now been recognised for the first time in 2005-06. A further $339,000 worth of assets were acquired since the 2004-05 stocktake but expensed at the time of acquisition. These were subsequently identified as part of the 2005-06 stocktake. Finally, $703,000 worth of assets were provided by the Commonwealth and recognised for the first time in 2006-07, including a Bomb Robot ($680,000).

Stocktakes are performed on SAPOL's non current assets every year. Reconciliations of SAPOL's fixed asset register to the general ledger are performed monthly.

POLICE DISCIPLINARY TRIBUNAL HEARINGS

In reply to the **Hon. R.I. LUCAS** (15 November 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): Since June 2002, no police officer has been charged with accessing and/or releasing confidential information which relates to any Member of Parliament or endorsed candidate for a State or Federal election. Of the 29 cases that were found proved last year, 26 were dealt with by the Police Disciplinary Tribunal and 3 cases related to conduct of Public Sector Management Employees. In a further 5 cases, charges were lodged with the Police Disciplinary Tribunal but subsequently withdrawn because the police officer either resigned or retired.

The details of individual cases are:

ANNUAL REPORT STATISTICS

2005-06 DISCIPLINARY CHARGES PROVED BETWEEN

1 JULY 2005 AND 30 JUNE 2006 POLICE AND PUBLIC SECTOR EMPLOYEES

POLICE OFFICERS CHARGED IN POLICE DISCIPLINARY TRIBUNAL	
Officer No.	Regulation
1	1 x Reg.17 (Conduct towards public, employees in the department)

POLICE OFFICERS CHARGED IN POLICE DISCIPLINARY TRIBUNAL	
2	1 x Reg. 17(Conduct towards public, employees in the department)
3	1 x Reg. 14 (Performance of orders and duties)
4	1 x Reg. 13 (Conduct prejudicial to SA Police)
5	1 x Reg. 14 (Performance of orders and duties) 1 x Reg. 18 (Conflict of interest) 1 x Reg. 20 (Confidentiality of information)
6	2 x Reg. 15 (Negligence) 1 x Reg. 21 (Responsibility for property)
7	1 x Reg. 21 (Responsibility for property)
8	2 x Reg. 14 (Performance of orders and duties)
9	1 x Reg. 14 (Performance of orders and duties) 1 x Reg. 16 (Proper exercise of authority) 1 x Reg. 17 (Conduct towards public, employees in the department)
10	1 x Reg. 18 (Conflict of interest) 1 x Reg. 19 (Improperly obtaining benefit or advantage) 1 x Reg. 20 (Confidentiality of information)
11	1 x Reg. 14 (Performance of orders and duties)
12	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 13 (Conduct prejudicial to S.A. Police) 1 x Reg. 14 (Performance of orders and duties)
13	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 13 (Conduct prejudicial to S.A. Police) 1 x Reg. 14 (Performance of orders and duties)
14	4 x Reg. 20 (Confidentiality of information)
15	2 x Reg. 13 (Conduct prejudicial to S.A. Police) 1 x Reg. 17 (Conduct towards public, employees in the department) 1 x Reg. 21 (Responsibility for property)
16	1 x Reg. 15 (Negligence)
17	6 x Reg. 13 (Conduct prejudicial to S.A. Police) 6 x Reg. 20 (Confidentiality of information)
18	1 x Reg. 13 (Conduct prejudicial to S.A. Police) 1 x Reg. 18 (Conflict of interest) 1 x Reg. 20 (Confidentiality of information)
19	4 x Reg. 14 (Performance of orders and duties)
20	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 14 (Performance of orders and duties) 1 x Reg. 21 (Responsibility for property)
21	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 18 (Conflict of interest)

POLICE OFFICERS CHARGED IN POLICE DISCIPLINARY TRIBUNAL	
	1 x Reg. 19 (Improperly obtaining benefit or advantage) 2 x Reg. 20 (Confidentiality of information)
22	1 x Reg. 12 (Honesty and integrity)
23	1 x Reg. 14 (Performance of orders and duties)
24	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 15 (Negligence)
25	2 x Reg. 13 (Conduct prejudicial to S.A. Police) 2 x Reg. 14 (Performance of orders and duties) 1 x Reg. 17 (conduct towards public, employees in the department)
26	1 x Reg. 14 (Performance of orders and duties)

PUBLIC SECTOR MANAGEMENT EMPLOYEES DISCIPLINARY CHARGES PROVED	
Employee No.	Section (PSM Act, 1995)
27	39 x Section 57(a) (Failed to comply with a direction)
28	1 x Section 57(a)(i) (Failed to comply with a provision of the PSM Act 19956 namely Section (e) which requires that public sector employees conduct themselves in public in a manner that will not reflect adversely on the public sector, their agencies and other employees) 1 x Section 57(e) (Makes improper use of property of the Crown)
29	4 x Section 57(a)(i) (Failed to comply with a provision of the Act) 4 x Section 57(a)(ii) (Failed to comply with a direction given to the person as an employee by a person with authority to give that direction [whether the authority derives from this Act or otherwise]) 4 x Section 57(g) (Except as authorised under the regulations, discloses information gained in the employee's official capacity, or comments on any matter affecting the Public Service or the business of the Public Service)

POLICE OFFICERS CHARGED IN POLICE DISCIPLINARY TRIBUNAL BUT CHARGES WITHDRAWN DUE TO RESIGNATION/RETIREMENT	
Officer No.	Regulation
1	2 x Reg. 13 (Conduct prejudicial to SA Police)
2	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 13 (Conduct prejudicial to SA Police) 1 x Reg. 18 (Conflict of interest)
3	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 13 (Conduct prejudicial to SA Police) 1 x Reg. 14 (Performance of orders and duties)
4	1 x Reg. 12 (Honesty and integrity) 1 x Reg. 13 (Conduct prejudicial to SA Police)
5	1 x Reg. 13 (Conduct prejudicial to SA Police)

FREEDOM OF INFORMATION

In reply to the **Hon. R.D. LAWSON** (16 November 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): The Minister for Finance has provided the following information:

1. I am advised Agencies subject to the Freedom of Information Act 1991 (FOI Act) claimed parliamentary privilege as a ground for refusing access to documents in the financial year 2005-06 on seven occasions.

2. The Freedom of Information Management System (FOIMS), which is the electronic database used to derive the FOI annual statistics, reports on how many times agencies claim an exemption clause in Schedule 1 of the FOI Act. Specific subclauses, such as 17(c), are not separately reported. Amending the FOIMS database would require specific funding. Considering agencies only claimed the parliamentary privilege exemption seven times during the last reporting year, I do not believe it is necessary to amend the database to collect such a small statistic.

FOOTBALL HOOLIGANISM

In reply to the **Hon. D.G.E. HOOD** (7 December 2006).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): The risk of flares being brought into and ignited inside the Hindmarsh Stadium by patrons is generally assessed by South Australia Police (SAPOL) as low for most matches. This is evidenced by the low offence statistics for matches in previous seasons. Events preceding the match on 1 December 2006 including some intelligence received increased that risk assessment, resulting in additional police and security staff being deployed to the venue. A total of 6 flares were ignited during the match and one Melbourne Victory supporter was arrested and charged in relation to igniting the flare. The persons responsible for the ignition of other flares were not identified at this time. A further five persons (four from Victoria and one from South Australia) were arrested for other behavioural offences during the evening, with 15 others evicted for various offences.

Weslo Security is the private security company engaged by Hindmarsh Stadium management to manage entry of patrons into the venue to provide a security presence inside the ground, licensed areas and on the playing arena. SAPOL provides a dedicated policing presence inside and outside the venue both during and post match. Weslo Security operates in conjunction with SAPOL during the event and the management of both agencies is centrally coordinated during the match. As a result any incidents or information received at the match are immediately reported to both Weslo and SAPOL.

Hindmarsh Stadium advertises ‘conditions of entry' which include voluntary bag searches. Items banned from the stadium as part of those conditions of entry include banners, flags, signs and other items considered inappropriate such as flares. There is no legislative power existing under Regulations under the Recreation Grounds (Regulations) Act 1996 for agents of the organisers or police to forcibly search spectators' bags (unless lawful criteria exists under other legislation, e.g. Section 68 Summary Offences Act 1953). The responsibility for controlling and enforcing the conditions of entry rests with the venue management and Weslo Security.

Weslo Security and stadium management enforce these conditions (including the searching of patrons' bags as a condition of entry) and may refuse entry to persons with objects that do not comply with the identified conditions or where permission to check bags is refused. Possession of Fireworks and Flares is an offence (Reg 14.01 Explosives Regulations, 1996 and under the Recreation of Grounds Regulations 1996 (Reg 8). Persons found in possession of such items can be reported, arrested and/or evicted from the ground as the circumstances dictate.

Closed Circuit Television (CCTV) is installed at Hindmarsh Stadium and is utilised by the Police and Security Commanders to monitor and record events occurring inside the stadium. CCTV was utilised during this match.

PHARMACY ROBBERIES

In reply to the **Hon. D.G.E. HOOD** (6 February 2007).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): As at 6 February 2007, 10 people were arrested since the beginning of July 2006 for both attempting to and successfully

being involved in pharmacy breaks where pseudoephedrine based medications were suspected of being targeted.

ELECTRICITY (FEED-IN SCHEME—RESIDENTIAL SOLAR SYSTEMS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. M. PARNELL: Before I move my amendment, I have a few questions in relation to the clause. What is the likely impact of this legislation in terms of the take-up of new solar panels in South Australia? I am interested to know what business analysis—or, in fact, what analysis of any type—the government has undertaken that might give us some indication of how it sees this regime encouraging the take-up of new solar power.

The Hon. P. HOLLOWAY: Obviously, it is extremely hard to estimate what the take-up rate might be. You would have to have some indication of what the price elasticity of demand of solar panels might be, and that is not something that is easily measured. All the government's advisers can do is base it on current schemes. What I have been advised is that, every time there has been a change to the conditions and incentives have been increased, there has been increased take up.

Obviously, the greater knowledge and concern about climate change in the community are factors, but it is very difficult to estimate exactly what the economic impact might be. However, under the legislation, there is a threshold figure of 10 megawatts, after which there would obviously be a review because we are proceeding into fairly new waters, where there is limited information. The government has the capacity to adjust the scheme, depending on the take-up, but, at this stage, the government has set the parameters for this scheme based on the best guesses but, as I say, they are guesses.

The Hon. M. PARNELL: In my discussions with people in the solar industry—in particular with the people who sell photovoltaic panels to domestic customers—I have been told that the question they are most often asked relates to payback periods. Customers want to know, if they buy those panels and put them on their roof, how long it will be before they get their money back. I appreciate the answer the minister has just given that we do not have certain information and that the mid-term review will be an opportunity to see how the scheme has gone in terms of the take-up rate; however, has any work been done that might indicate what the payback period would be in a typical domestic installation of panels?

The Hon. P. HOLLOWAY: My advice suggests that, for a typical system without any incentives, the payback period would be greater than 20 years; however, the feed-in scheme would reduce that by at least one to two years.

The Hon. C.V. SCHAEFER: I assume that is dependent upon the price of power at the time. I also assume that those figures assume that the cost of electricity will remain as it is currently.

The Hon. P. HOLLOWAY: If you are making these estimates that was the premise; the work was done fairly recently, but obviously it would assume current electricity prices. Of course, there is also the capacity to conserve electricity and the impact of that; I suppose it depends on how energy efficient or inefficient the household is. Obviously, solar power will make savings vis-a-vis greenhouse gas-emitting electricity—whether it is coal, gas or whatever. I guess how much will depend on how efficiently the household uses electricity.

The Hon. M. PARNELL: In relation to the mid-term review, the minister has explained how that will be used to look at the take-up rates and at how the system is working. Can the minister also confirm that at the mid-term review the government will look at the basis on which the feed-in tariff operates? In other words, will the mid-term review look at the option of moving from a net exporting tariff to a gross production tariff?

The Hon. P. HOLLOWAY: My advice is that if you were to look at changing that particular aspect you would basically have to rewire the solar panel connections, because the way the solar panels are metered is related to the way they are measured for feed-in purposes. If one were to change the scheme one would basically have to rewire them, and I suggest that would be counterproductive. In other words, there would not be much benefit in reviewing that particular part of the scheme because you would have to reconfigure all the system. So, that really would go beyond what was considered in the review.

The Hon. M. PARNELL: Is it that, with the type of metering that is proposed, it will be impossible to tell what the gross production of energy from these solar panels is? Will the meters tell us only the difference between what you have consumed and what you have produced? It seems to me that we might be cutting ourselves out of a very valuable option for the future if we have meters that do not tell you the gross figure for energy that you have produced from your panels.

The Hon. P. HOLLOWAY: My advice is that the gross production of electricity by the solar panels would be recorded on the inverter. Obviously, the DC from the solar panels is converted to 240 volts by an inverter, and so at that stage you can record the gross production of electricity from the solar cells. However, as far as the feed-in part of it is concerned, you have the flow-in and flow-out and that is where the meter rules apply in relation to the flow-in and flow-out of electricity from the solar panels and to the mains (the grid) but, whereas you can measure the gross production, it is from a different part—it is from the inverter. It does not measure through the meters where it would be easily read for the purposes of determining the tariffs or rebates or whatever one is measuring from the meters.

The Hon. M. PARNELL: If no other members have any general questions I will move to my amendments. I move:

Page 2, line 3—Delete 'Residential'.

I point out to honourable members that, even though there are a large number of amendments, many are consequential, and I will speak to my amendment No. 1 as a test for amendments 1 through to 7 and 9 through to 16. The purpose of this amendment is to extend the range of customers who are entitled to benefit from this scheme, that is, they are entitled to this feed-in tariff. The minister, in his second reading conclusion, when I had flagged that I was interested in extending this scheme, not just to domestic customers but to small business customers, said—and I do not have the exact words—that this was not designed to be a profit-making scheme and, therefore, it was perhaps not appropriate for business entities to take advantage of it.

My point is that if we extend this scheme to small business then it may well be that there are particular circumstances in respect of a person in their domestic environment—perhaps they live in a unit or a block of flats or they live somewhere where they cannot take advantage of it, but they might own a small shop where they could take advantage of it because they physically have the space for the solar panels, The thrust of my amendment, for which amendment No. 1 is a test, is to extend the benefit of this scheme to small business customers as well.

Small businesses are defined in my amendment No. 4 as a business, 'where not more than 20 persons are employed', and, 'where the business does not form part of a larger business'. I note also, for the benefit of honourable members who might think that extending this scheme to small business somehow makes it a profit-making venture, if we go back to the answers the minister has given us, the likely shortening of the payback period for these panels is going from something around 20 years and we might be knocking one or two years off it.

Clearly, this scheme is targeted at people who want to do the right thing. It is not targeted at people who are seeking to make money as producers of electricity by supplying power back to the grid. It is a sweetener, if you like, that increases (albeit slightly) the incentive that is available for people to install solar panels on their roof. I think that extending the scheme to small business in no way transforms the nature of this scheme, which is really a scheme of encouragement rather than something that is profit-driven. I would urge honourable members to support the amendment.

The Hon. P. HOLLOWAY: The first amendment and, indeed, amendments 1 to 7 and 9 to 16, seek to redefine eligibility under the scheme to include small business customers with the definition for this category included under amendment No. 4, so this will be the test case for all of those amendments.

The government is opposed to these amendments. Expanding the scheme to small business, as defined in amendment No. 4, would be administratively complex and would result in additional cost to customers. Officials have contacted ETSA Utilities, who have confirmed that this is not a customer class specifically recognised by its existing tariff structures, the Electricity Act or its regulations and, therefore, the cost of managing the scheme for what is likely to be a small number of interested business people could be prohibitive. Expanding the scheme to small businesses will be administratively complex and will result in additional costs to consumers. Remember that this is a zero sum game and the higher the feed-in tariff obviously the more that other consumers will have to pay to cross-subsidise it.

Does the honourable member have a suggestion as to who would assess the numbers of people, the full-time equivalents, as it is defined in the honourable member's definition to clause 4? How would this be done? What happens if the numbers fall from 20 to 19 and so on? The government's view is that the cost of managing this scheme, for what is likely to be a small number of interested business people, would almost certainly outweigh the benefits. That is essentially why we will not be supporting this amendment.

The purpose of it, as the honourable member himself said, is to try to encourage customers to be more aware of it. I am sure that the owners of businesses can, in their private dwellings, support it in that way. If you have a business employing 20 people and each of those 20 people applies the scheme in their private home, I am sure it would make us all very happy.

The Hon. M. PARNELL: Given that the minister asked me a question, I will answer it. It is not that hard. Just as not every residential customer for electricity is going to take up this scheme, similarly, not every small business customer would take up the scheme. How would it work? It would be very simple. A business which has acquired some solar panels and put them on the roof would make application for the feed-in tariff to apply to it, just as a residential customer must make application to be brought within the scheme.

There is no extra paperwork involved—perhaps one extra document, just as a domestic consumer might need to sign a form stating that they are, in fact, a domestic premises and not a factory or something else. Similarly, a small business operator who wanted to take advantage of this scheme might have to just fill out a form stating `It is a small business. It has fewer than 20 full-time employees.' If the business grows so that it ceases to be eligible, I will let you know.'

I have to say that if a small business with maybe 21 or 22 employees—it might have grown during the year—is getting the benefit of having its 20-year payback shortened by one or two years, at the end of the day it is still overwhelmingly, through its own convictions and its own desire to do the right thing by the environment, helping us all. It seems to be very churlish not to give every encouragement to people who want to do the right thing. My response is that I cannot believe that this would be an administrative nightmare and we could leave it as part of the application process for people to claim their eligibility.

The Hon. P. HOLLOWAY: The problem is that basically you have to case manage each small business customer because you have to have somebody who can assess each of them, which will add to the administrative costs. It has been the government's intention to make this scheme simple with minimum administrative cost. With the residential area, those customers are well known and defined under the Electricity Act. ETSA Utilities knows who they are and it is not an issue, but in relation to small business customers there is no category that responds to the definition the honourable member would be inserting here, so you have to case manage them. It may not be all that complicated, but for the amount of savings involved it is a disproportionate amount of administration involved for the system. As we are trying to get the scheme up and running and trying to get acceptance of feed in, the government's argument is that, however good the intention, it makes the system unnecessarily messy administratively for the benefits it would deliver.

The Hon. C.V. SCHAEFER: The Liberal Party will support the suite of amendments. However, I have a couple of questions for Mr Parnell. First, we wondered why this has not been extended to schools. As I stated in my second reading, we see this as having little more effect than a grandstanding, flag waving, publicity seeking piece of legislation, which Mr Rann is very good at introducing. We see these amendments by and large as simply a small attempt to do what the bill says it will do, namely, give some rewards to those who choose to introduce these systems into their homes. We see no reason why they should not be extended to small businesses.

However, I wonder why this was not also extended to schools, given that Mr Rann has made several grandstanding efforts to convince us all that he will be the solar power king and install solar panels in all schools, yet he brings out a piece of legislation and it contains no mention of schools. I am wondering why that was not included. I also wonder why the definition of small business is based on the number of employees rather than on the consumption of power.

The Hon. P. HOLLOWAY: The comments are aimed at the government. In relation to schools, this government has a policy and has been supporting and paying for the installation of solar panels in schools. With the federal election the ALP has come out (I am not sure about the coalition) and supported solar panels in schools, so in a sense they are looked after.

The Hon. M. PARNELL: I thank the honourable member for her important questions. The schools are an excellent idea. I did not include schools because it was my understanding that various other schemes were available to provide incentives to schools to install panels, but I can see from the honourable member's question that at the heart of it is the fact that our schools are the future.

It is where our young people are spending vast amounts of their time, and it would be an important part of their education for them to see that the electricity they are generating is offsetting the electricity they are using. So, I can see that that would be an important lesson to tell. Ultimately, given that this is a government bill, I have tried to amend it in a fairly minimalist way, which is why I picked on small business for the reasons I gave before; namely, that it would encourage people who do not have the capacity in their homes to perhaps use their small business.

In relation to the number of employees as the test of what is a small business rather than the amount of electricity that they consume, my answer is that there is no standard definition of 'small business'. The one with 20 employees is used in other areas not related to energy consumption. Similarly, we do not have any distinction between single-person households in terms of residential customers with mum, dad, grandma and 13 children whose energy consumption would most likely vastly exceed that of a single person.

I think that in an ideal world I would like to have extended this bill more than I have. However, I am taking fairly modest steps given that, as the honourable member said, it is a fairly modest bill to start with. I was working on the assumption that making some minor changes and having them succeed was preferable to proposing wholesale changes that would be defeated.

The Hon. P. HOLLOWAY: Can I just make another point, too: I really am surprised that opposition members would support this amendment given that their federal colleagues do not support small business for the commonwealth rebate, which is, I think, $8,000. The commonwealth scheme is specifically for that. To support it here when there is not that scheme, and given that it is administratively messy, does not make a lot of sense.

The Hon. A. BRESSINGTON: I will be supporting the amendments of the Hon. Mark Parnell.

The Hon. SANDRA KANCK: I will be supporting the amendments. I do not think they are particularly onerous. There were many ways in which this bill could have been amended. I think I said in my second reading contribution that this bill is merely a start; and, in many ways, it is disappointing because of the various people and sources of energy that are cut out of it. I think this is a positive step forward.

The Hon. D.G.E. HOOD: Family First also supports the amendments.

The Hon. P. HOLLOWAY: I will not divide on it. Obviously we will have to look at this in the House of Assembly, but it would be disappointing if the scheme were to founder because of something that will have very little importance in terms of the impact it will have on encouraging the take-up of solar panels. This will create some administrative difficulties and, as I say, it would be a great pity if the scheme were to founder for that reason. As I have indicated, I will not waste the time of the committee by dividing, but obviously something will have to be addressed when this bill goes back to the House of Assembly.

Amendment carried; clause as amended passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. M. PARNELL: I move:

Page 3—

Before line 1—Insert:

qualifying customer means—

(a) a domestic customer; or

(b) a small business customer;

Line 2—Delete 'domestic customer; and substitute: qualifying customer

After line 9—Insert:

small business customer means a customer who acquires electricity primarily for the purposes of—

(a) a business—

(i) where not more than 20 persons are employed (and, for the purposes of this paragraph, the relevant number of persons will be determined by counting people who work full-time in the business, or full-time equivalents); and

(ii) where the business does not form part of a larger business; or

(b) a business that satisfies other criteria (if any) prescribed by the regulations for the purposes of this definition;

Line 18—Delete 'domestic customer' and substitute: qualifying customer

Line 23—Delete 'domestic customer' and substitute: qualifying customer

Line 24—Delete 'domestic customer' and substitute: qualifying customer

These amendments are consequential to the amendment we have just passed.

The Hon. P. HOLLOWAY: These amendments are consequential. We will not divide. Again, I point out that there are difficulties with this definition of 'small business' because it is not a customer class that is specifically recognised by existing tariff structures. For that reason, it unnecessarily complicates the scheme.

Amendments carried.

The Hon. M. PARNELL: I move:

Page 3, line 25—Delete '$0.44' and substitute: $1.00

This amendment goes to the tariff itself. It relates to the amount that a residential or small business customer is paid for the electricity that they generate over and above the electricity that they use. The amount in the government's bill is set at 44¢ per kilowatt hour, and my amendment increases that amount to $1. I have received some correspondence from various entities which have looked at both the government's bill and my amendment, and I will refer briefly to some of those. I refer to a letter dated 12 November, which I think went to all members, from Adrian Ferraretto of the Solar Shop Australia Pty Ltd, in which he states:

> Solar Shop Australia therefore strongly urges the South Australian government to revise the proposed feed-in tariff upwards to $1 per kilowatt hour, and that it is paid on a gross export basis over a period of 20 years.

We will get to the length of time later, but the reason the Solar Shop has urged the government to support $1 per kilowatt hour is that that is roughly the amount that people in this business say is needed to genuinely promote the take-up of solar panels. I will not repeat what I said in my second reading contribution but, if we were using a gross production method, maybe a tariff of roughly twice the amount that you pay to buy your electricity would be appropriate. But, because we have the net export system, groups such as the Business Council of Sustainable Energy say that a tariff of five times the amount that you pay for your electricity is appropriate to encourage the take-up of panels and therefore encourage people to change the way they both use and produce electricity.

I note that other organisations such as EcoSouth Solar, which is the trading name of Ecoway Pty Ltd (and it is in the business of selling solar panels as well) agrees that the amount of 44 cents is insufficient, and it states:

> EcoSouth fully supports the time frame extension—

which we will get to later—

> and, whilst $1 per unit kilowatt hour for exported power would be fantastic, we believe 64 cents is more realistic.

That is at least 50 per cent more than the government is proposing. So, at the heart of my amendment is the purpose of this government bill. The government's bill is to drive change. The reason we need to drive change is to play our part towards reducing greenhouse pollution. Therefore, if the bill and in particular the tariff that is paid under the bill is insufficient to drive change, it will have been a complete failure. I accept that we will have this review and that, if it turns out that the bill is a failure and no-one takes up solar panels as a result of this incentive, we can revisit it, but the amendment I have put forward contains the amount recommended by the Business Council of Sustainable Energy and supported by many in the industry.

Since the tariff was first established, has the government had the opportunity to look at the correspondence from the various business interests, and would the government consider increasing the 44¢ that is currently in the bill?

The Hon. P. HOLLOWAY: No, we will not consider that, for the reasons that I will outline. I think we need to go back and understand what the purpose of this scheme is. It is a scheme to reward householders who have made the commitment to the environment by installing a solar electricity system. It is aimed at providing households with an opportunity to take control of their energy use and to reduce their greenhouse footprint.

I reiterate what I said before: the figure chosen of 44¢ per kilowatt hour has to balance the benefit to photovoltaic owners with the cost borne by other consumers. This is a zero sum game; the benefit that is given will be paid for by the mass of other consumers, and the more you subsidise those with the photovoltaic cells the more it will cost ordinary households, which in some cases are very low income households.

What the government has done here is try to strike a good balance. The figure of 44¢ already represents close to 10 times the weighted average wholesale price for electricity traded in the national electricity market. As I have stated here previously, at 44¢ per kilowatt hour, if the current 3 megawatts of photovoltaic systems grows to 10 megawatts by 2013, then the cost to be borne by other householders would rise from $1 million to $3 million per year. If on the other hand we supported the amendment and increased the benefit to $1 per kilowatt hour, then that cost could rise to at least $2 million to $8 million per year, and that has to be borne by other householders.

The industry obviously would like it, because it has an interest in that, and I am sure that many of the people who install these systems will have higher incomes and have a genuine commitment to the environment, but I suspect that in most cases they will be higher income constituents. There has to be a limit as to how much they are cross subsidised by the rest of the consumers.

The honourable member raised the German feed-in scheme in his second reading speech. I would point out that there are some substantive differences between South Australia and Germany. First, we are in the position of providing a support scheme that complements a capital subsidy that has bipartisan support at the commonwealth level. So, the feed-in scheme is not the only incentive, but there is a very significant capital subsidy; $8,000 is a significant capital subsidy provided at the commonwealth level.

The Germans do not have the equivalent of Australia's photovoltaic rebate program, and they rely on their feed-in payments. Secondly and more importantly, we get a lot more sunshine. That means that photovoltaic systems in South Australia produce a lot more electricity than those in Germany, so this may allow us to achieve acceptable levels of support with a lower premium being applied to the solar electricity generated than that applied in Germany.

The government would argue that 44¢ is an appropriate figure for the five years of this scheme. Therefore, we do not support the amendment. Again, I remind people that this is not an open-ended scheme: it is a balance between other customers, and in some cases they might be low income customers who do not have the capacity to invest in the capital to gain the benefit of these sorts of schemes. That is why we do have to strike a balance, and we believe that 44¢ is the appropriate one, but we do have the review halfway through the five-year scheme. If the take-up is not as high as we might like and is not reaching these objectives, we then have the capacity to change that.

The Hon. C.V. SCHAEFER: I have a question of the minister. Was at any stage a percentage of the current retail price per unit considered, as opposed to a flat 44¢ or a flat 80¢ or whatever it might be? Given that we are talking about a 20-year time frame, would it not be more just to have a percentage rate considered? I am sure that was considered; I would just like to know why the minister arrived at this decision.

The Hon. P. HOLLOWAY: My advice is that the parameters of this scheme are that it would be a five-year scheme and that the rate would be about twice the retail price of electricity. In the end, it is easier just to fix 44¢ rather than having to adjust it constantly by regulation or by some other means. Again, I think that would make the scheme unnecessarily complex for the small benefit you would get out of it. So, it is easier to stick to those principles: a five-year scheme at roughly twice the electricity tariff and, really, the 44¢ is a sort of a translation of that into the legislation.

The Hon. M. PARNELL: The minister's answer was that the cost of the scheme could amount to some $8 million per annum if the tariff was extended to $1 per kilowatt hour. Does the minister have the figures for what that might represent in terms of an annual increase in the power bills of other consumers? It seems to me that, if that $8 million was spread over all residential customers, we might be in the vicinity of $10 a year; if we spread it over all electricity users, that amount would come down significantly. So, my question is: is a few dollars a year too excessive a subsidy for a scheme that requires for its success a reasonable take-up rate of new panels rather than just rewarding those who have already put in panels?

The Hon. P. HOLLOWAY: There are about 650,000 retail electricity customers in the state. Obviously, that means that, if the cost of something like this was up to $1, it could be an additional cost of up to around the $10 to $11 mark per annum. But, remember, a lot of people are facing interest rate rises and other costs so, for ordinary householders, there has to be some limit. Obviously, we believe we need to have some incentive there. As I have said, this is a zero sum game. If you have a feed-in scheme for PV, other customers somewhere else have to pay for it. Again, just a few additional dollars per year is probably a reasonable price to pay for the benefits one would gain in terms of the greater awareness of this scheme and so on. However, when you start to get above $10 per year, because many of the customers would be fairly low-income earners facing mortgage interest rate rises, etc., it would start to become significant.

The Hon. C.V. SCHAEFER: The Liberal Party does not support this amendment, for the reasons outlined by the minister. We believe that it is necessary to have a balance between those who are using solar energy and other electricity customers. We could debate all day where that balance is to be struck, but there does need to be a balance and, loath as I am, I will have to trust that the government has the balance right on this occasion.

The Hon. M. PARNELL: I am disappointed that we are not going to increase the tariff today. I would like the minister to confirm again that a key part of the review will be to review the amount of the tariff. Whilst it might not directly relate to this section, I also ask the question whether that review might also consider extending the type of renewable energy generation that might be covered by the tariff. In other words, can the minister confirm whether small-scale wind farms or other forms of renewable energy might be part of the mid-term review as well?

The Hon. P. HOLLOWAY: The government has already given the commitment that it will look at those other forms of energy. The price is the key element, I suppose, to the success of the scheme. We have already canvassed the sort of targets we would like to have in our take-up to 10 megawatts by 2013 as sort of an aim. We are at just under three megawatts (2.95 megawatts) grid-connected solar power at the moment, and that goes up to 10 megawatts. Incidentally, that 2.95 megawatts is out of a national total of just 6.56 megawatts, so we have almost half of the national total, and I think that says something. It would be fairly easy to tell whether we are on track to achieving that but, obviously, the price is the key factor in terms of the take-up.

The Hon. D.G.E. HOOD: Family First opposes the amendment on this occasion. We believe that 44¢ is an appropriate figure. As the minister has said, it strikes the balance of not providing an over-subsidisation from one group to another. For that reason, we oppose the amendment on this occasion.

Amendment negatived.

The Hon. M. PARNELL: I move:

Page 3—

Lines 31 and 32—Delete 'domestic customer' and substitute 'qualifying customer'.

Lines 35 and 36—Delete 'domestic customer' and substitute 'qualifying customer'.

Line 37—Delete 'domestic customer' and substitute 'qualifying customer'.

Line 39—Delete 'domestic customer' and substitute 'qualifying customer'.

Line 41—Delete 'domestic customer' and substitute 'qualifying customer'.

Page 4—

Line 1—Delete 'domestic customer' and substitute 'qualifying customer'.

Line 4—Delete 'domestic customer' and substitute 'qualifying customer'.

Line 6—Delete 'domestic customer' and substitute 'qualifying customer'.

These amendments are consequential to amendment No. 1, which we have passed.

The Hon. P. HOLLOWAY: The amendments are consequential, so we will not be dividing on them.

Amendments carried.

The Hon. M. PARNELL: I move:

Page 4, after line 15—insert:

(5) The holder of a licence who is required to provide credits under subsection (1) should, to the extent that the holder passes on the cost of the credits to other customers, seek to spread that cost across all of the holder's customers, other than—

(a) persons who are in receipt of pensions under the Social Security Act 1991 of the commonwealth; or

(b) persons who are the holders of health care cards issued by the commonwealth; or

c) persons who are in receipt of other benefits, allowances or payments of a prescribed class.

This amendment follows on from the discussion we have just had about how the cost of this scheme is to be shared, and it proposes that we provide some protection for low-income people.

The amendment does two things. It spreads the cost of the scheme across all customers of the provider but excludes persons in receipt of a pension under the Social Security Act, persons who hold a health care card issued by the commonwealth, and persons who are in receipt of other benefits, allowances or payments of a prescribed class. So, even though the amount we are talking about, the additional impost onto customers, will be low (in the range of a few dollars per year), we need to ensure that we protect the most vulnerable people in our community, and my amendment seeks to exempt those customers from participation in the scheme. I do not have the figure for what proportion of the customer base those people form, but my best guess is that it would be quite low—not only in numbers but also that would probably be the part of the customer base that uses the least electricity, anyway. With those few words I urge members to support the amendment, which seeks to protect vulnerable consumers from additional cost increases.

The Hon. P. HOLLOWAY: While the objective of the amendment seems honourable enough, it does present some problems and the government will not support it. ETSA Utilities does not deal with concessions; that is the job of the retailers. In fact, it actually does not know which of its customers would meet the criteria that the Hon. Mark Parnell sets out in his amendment, so we would go from a simple, efficient mechanism to a much more complex one.

Requiring ETSA to gather this information would significantly increase the administrative complexity of the scheme and hence increase the cost of its operation. We are talking about a cross-subsidy of a few dollars a year, but if it starts to become too administratively complex then what you gain in benefits you would actually lose in additional administrative costs—and that might mean that significantly more has to be passed on to other customers to outweigh the cost of administration. With a feed-in scheme it is important to keep it as simple as possible. We have already had the amendment to add small business (a relatively small group of customers); however, if you are talking about pensioners, health care card holders and persons in receipt of other benefits, etc. then it will add significantly to the administrative complexity.

We should also be aware that pensioners and health care card holders are eligible for the government's energy concession, and (according to the most recent statistics published by ESCOSA for the 2005-06 financial year) this is received by over 200,000 electricity customers and is worth $120 per annum. It is one thing to know who is a card holder (I guess you get that information from the commonwealth) so that you can give those people the concession but, if you have a different tariff, that is a different matter entirely. For those few dollars a year it will add enormously to the administrative complexity and, therefore, the attraction of the scheme.

This government has dramatically increased the electricity concession. In fact, there has been a significant increase over the term of this government—I think it has gone from $75 to $120—and I suggest that that is the best way to address the situation of pensioners, rather than make this scheme unnecessarily complicated and run the risk either of making it less attractive because of additional costs or, alternatively, if it is too difficult to get the information then the system itself would not be able to proceed. I urge the committee not to support the amendment, even though the sentiment behind it is perhaps reasonable.

The Hon. M. PARNELL: My response to that is that I believe these difficulties can be overcome administratively and, at the end of the day, I think it goes to the heart of the scheme. It

goes to the heart of our commitment; if we are serious about reducing greenhouse gas emissions we have to be serious about things such as this feed-in tariff—which I hope the government will increase when it is reviewed. It will come at a cost, but I think we need to bear in mind that we need to protect the most vulnerable people in our community.

I have taken advice that this scheme is workable—the same, I believe, as the small business amendment that we have passed is eminently workable. I do not think it is that difficult for the status of low-income electricity consumers to be ascertained and for mechanisms to be put in place to ensure that they are not penalised by the fact of other consumers having to pay more for the cost of the feed-in tariff. I believe it is workable, and I urge members to support it.

The Hon. C.V. SCHAEFER: The Liberal Party is supporting this amendment. I am unconvinced by the minister's argument that ETSA Utilities does not know who the beneficiaries would be. Given that there is already, as you have pointed out, a pensioner's discount, there must be a database somewhere which could be used in this case. We will be supporting this amendment but, again, I think it is a further reason for supporting 44¢ as opposed to $1.

The Hon. P. HOLLOWAY: It is one thing when you have a pensioner concession whereby, if someone is eligible, their electricity is measured in the ordinary way at the same rate as would be paid by other customers, but at the end of the day we have given them—and this government has increased it substantially—$120 per annum which is taken off their bill. That is a relatively easy thing to do, but what we are talking about here is that, if we were to exempt these people from the scheme, there has to be a different tariff for pensioners than there is for other customers. So, it means that each individual pensioner's bill has to be calculated at a different rate than that of other customers, and it is that part that really adds to the complexity; that just for the purpose of this scheme there would have to be a slightly different rate for pensioners relative to other customers.

Giving a rebate is a relatively easy thing to do, because they have those lists and they know who the pensioners are who are eligible for those rebates, and that could simply be taken off the bottom of the bill, but to actually have to put a different price for electricity is, we would suggest, significantly difficult. Again, if this amendment is carried, I would suggest it is one of the things that we will have to look at (the complexity of it) in the other house. I would ask other members of the chamber not to support this because it just simply, as I said, adds unnecessary complexity to a system that really needs to be simple to make it attractive and to make it work properly.

The Hon. A. BRESSINGTON: I rise to indicate that I will not be supporting this amendment. I appreciate the Hon. Mark Parnell's sentiments and completely concur with the fact that pensioners and low income people should not be faced with any further increases in charges, and so on. But I am also aware, as the minister said, that by burdening the administrative process it could unintentionally compromise any benefits that might flow to pensioners and low-income earners.

I believe that under this bill, while perhaps the tariff is not as high as is recommended and perhaps the benefits are not as great as they could be, in matters such as this perhaps we should not push the envelope too far with the government, which is actually aware of the systems that would be affected in trying to regulate tariffs for individual consumers. Given that none of us in this place have that experience or that knowledge of how those systems work, in this particular case—and you will not hear this from me often—perhaps we should accept that the government is doing the right thing and has calculated this particular costing and benefits to the best of its ability.

The Hon. D.G.E. HOOD: Family First is attracted to this amendment. We think that the sentiment is to protect the most vulnerable in our community, and I think the intention of the amendment is sound, but we are very concerned about the potential for administrative burden on the organisations. In a very difficult and close decision, we have decided not to support the amendment on this occasion. Pensioners are well catered for in other ways with respect to a rebate, for example, in this particular marketplace, and I would hate to see the administrative cost of this particular amendment becoming such that the scheme became more expensive for everyone involved, not just pensioners. So, for that reason, we will not be supporting the amendment.

The Hon. M. PARNELL: I thank honourable members for their thoughtful consideration of the amendment. I will not be dividing on it but I do urge the government again, as part of the mid-term review, to look at this matter and consider the base over which the cost of this scheme is spread, to make it as inclusive as possible of all electricity consumers, but as the tariff goes up, as I am sure it inevitably will, to make sure that the most vulnerable are protected.

Amendment negatived.

The Hon. M. PARNELL: I move:

Page 4, line 18—Delete '2013' and substitute: 2028.

This goes to the point of the length of time that this scheme is to operate. Under the government's bill it is a scheme that will go for five years, yet the communications that I have had from people involved in the solar industry and in energy policy is to say that the scheme needs to be longer to provide some level of certainty because the infrastructure that people are purchasing, the solar panels that they are going to put on their roof, certainly last longer than five years. People will want to have some certainty at the initial purchase that that they will be receiving a more generous tariff for the excess electricity they produce, and they would not want to be caught out in a situation where perhaps after five years the tariff dropped back down to the purchase price—back down to 20¢ or so.

It might seem to members that putting a date in the legislation (the year 2028) is too far out to be making decisions around now, but I point out that it would be virtually impossible for this scheme to remain in its current form for that length of time. It is inevitable that this scheme will change over time, but the signals that we send now are most important and I think we need to send signals to potential purchasers of photovoltaic systems that the government does support their decision to do their bit for climate change and that we do support them. Even though we are not going to reward them handsomely for it, we support their community-minded endeavours and we will write into legislation that this scheme will be in place for 20 years.

Having said that, I have no doubt that, when the scheme is reviewed in a couple of years (and perhaps after several reviews), it will bear little resemblance to the scheme that we are passing today. I have no doubt that it will have a broader base and I have no doubt that the tariff will be more generous. Really, whether it is five years or 20 years, I think it is symbolically important because of the message that it sends. I urge members to support this amendment to make the scheme go for 20 years rather than for five.

The Hon. P. HOLLOWAY: In terms of the duration of the scheme, I ask members to consider where the issues of climate change, greenhouse emissions, emissions trading and renewable energy are likely to be in five years. I think, to some extent, the Hon. Mark Parnell has really himself provided the argument against his own amendment, in terms of extending it. As I am sure all members would be aware, the South Australian government, along with other states and territories, has been contributing actively to the development of a national emissions trading scheme in Australia which it recognises is likely to be an efficient approach to reducing greenhouse emissions. It has recently become clear that Australia will have an emissions trading scheme in place by no later than 2012. Both parties at the federal level have committed to that now that the coalition has finally supported such a measure.

The government believes that additional complementary measures will continue to be required and will be considered as part of the mid-term review. However, given the rapidly emerging policy developments in this area the government prefers to monitor policy developments as they progress, rather than committing South Australia now to a feed-in mechanism for more than five years. There is a lot of change that will happen here and, as the Hon. Mark Parnell himself conceded, the scheme in five years will probably look nothing like it does now. The whole situation may change in that there may be other alternative or better forms of support, if required, for whatever form of renewable energy or greenhouse gas-free energy is preferred at the time.

We have committed to reviewing the scheme in 2½ years or when we approach 10 megawatts of installed capacity, whichever occurs first, and, when we do that, we will consider all of the relevant issues, including the response of consumers, and the signals being sent by the emissions trading scheme and any mandatory, renewable or clean energy targets that might be in place. That is, therefore, why we oppose the amendment. Things will be a lot different in 2½ years (and even more so in five years) without extending the scheme. There may well be other ways that we would wish to encourage clean energy in five years.

The Hon. SANDRA KANCK: I indicate support for the amendment. Unfortunately, I had to leave the chamber earlier when we were talking about a proposal by the Hon. Mark Parnell to increase the rate, which I would have supported. Having not been able to show my support for that I do want to indicate support for this amendment to extend the life of the scheme. We do need to have incentives and we need to send a message to consumers that it is worthwhile investing in this particular form of energy, particularly as we know the positive benefits it will bring in terms of alleviating greenhouse gas emissions. I think extending it is a very positive move.

The Hon. C.V. SCHAEFER: The Liberal Party supports the amendment.

The Hon. D.G.E. HOOD: Family First opposes the amendment. We believe that the time-frame involved is simply too long to have any degree of certainty. There is a review process scheduled for two years from now and we expect, as I think the Hon. Mark Parnell acknowledges, that, even if we were to enact a 20-year period, the likelihood of that period actually holding would be extremely slim, and so I see it as really unnecessary to do it in the first place. We will support the bill without the amendment.

The Hon. A. BRESSINGTON: I rise to indicate my support for this amendment. It is not going to create any more of the administrative burdens that I mentioned in regard to the last amendment. However, I do believe that it is necessary for the government to show its level of commitment for this initiative. I also believe that it is necessary for the government to be held accountable for any changes that are made and that those changes and proposals do need to come before the parliament so that changes cannot just be made at a whim in five years. I go back to a bill that is not related to this—the casino and TAB bill—which had to come before Parliament. It went through the democratic process of having a contract agreement changed and I believe that, if people are entering into the commitment of having solar panels fitted and whatever, it is a contract. They believe that they are entering into an agreement or a contract with the government and they need to have some level of surety as well.

The Hon. P. HOLLOWAY: In relation to the last contribution, that is why the government would have preferred the five years, so that people know what they are getting into; five years is a significant time.

The question is whether five years down the track this will be the best way to support photovoltaic energy and whether the economics will still be such. Hopefully there will be some breakthrough and they will become viable in their own right and possibly even cheaper than other forms. Even if not in five years, it may well be within 20 years. None of us can say with any certainty beyond five years what the best form of supporting clean energy will be, but if this amendment is carried (and it looks like the numbers are there for it to be carried) we will have a commitment for 20 years, even if after five years that is a silly way to go and other technology and developments mean that, instead of having a feed-in scheme, maybe geothermal energy, or whatever, is a better option.

The problem with this amendment is that it locks us in for 20 years in a field that is rapidly changing and where none of us really knows what will be the best form of support. If it was just five years—and there will be at least one election before then and close to the second election before that takes place—and if the government wished to extend it, it would always have the option after five years. But, if we are locking ourselves in for 20 years, we would have to repeal this bill if it no longer were the best way to go and if we wanted to support clean energy through some other better mechanism.

The commonwealth supports photovoltaic cells through its capital subsidy. If that was considered to be a better way to go in five years' time, depending on the results of this, that could be done, but if this legislation is now locked in for 20 years and people are buying it on the basis of getting 20 years of feed-in rather than five, it would be much harder to change it, even if it was no longer necessary to promote the take-up. It appears that that will be a problem for a government of the future rather than this government. However, it is bad practice to lock ourselves in in such a changing environment. I thank the Hon. Dennis Hood for his support of the government's position.

The Hon. M. PARNELL: I thank members for their thoughtful consideration and for what looks like majority support. I do not accept what the minister is saying. The clause I am amending is effectively the expiry date. A worst case scenario might be that, if a future government drops the ball on greenhouse and decides it is no longer an important part of its legislative agenda, this legislation could just expire. We could think of this as an insurance policy and, if the government or parliament does not come up with anything better as part of the review we are having in 2½ years, at least those people buying their panels today have the confidence to know that the worst case scenario is that they still have their 44¢.

That amount will be completely inadequate 20 years from now, but it puts pressure on the government to ensure that it comes back after the review and properly modifies the scheme. I would not have thought this was a die in the ditch issue. It is largely symbolic and the minister and I agree on that, but I do not see this as bad law: I see it as sending a very positive signal. It will give great assistance to those people in conservation groups and in the solar industry who are seeking

to encourage the take-up of solar panels. It gives extra confidence that this is not a fly-by-night thing and that they have some security.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

PREVENTION OF CRUELTY TO ANIMALS (ANIMAL WELFARE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1081.)

The Hon. R.P. WORTLEY (16:52): I bring to the attention of the chamber some very disturbing statistics, which clearly demonstrate why this bill needs to be amended to focus on promoting animal welfare rather than just emphasising the importance of preventing animal cruelty. The following statistics were provided to me by the South Australian RSPCA over the 2006-07 financial year: 1,051 animals were put down by the RSPCA Adelaide branch; 3,099 animals were put down by the RSPCA Lonsdale animal shelter; and, a staggering 7,500 animals went through the Adelaide branch alone as a result of ill treatment.

As there is already a large number of animals in captivity, and more being bred, new legislation needs to be enforced to reduce the cases of stress and/or suffering of animals and to also make those responsible for cruelty to animals accountable for their actions. The proposed legislation before us will strengthen the existing legislation by:

- providing tougher penalties (in fact, penalties for animal cruelty offences will be doubled, up to $20,000 or two years' imprisonment);
- making aggravated animal cruelty an indictable offence, further increasing the penalties for offenders;
- empowering inspectors to routinely inspect commercial enterprises using animals such as intensive animal industries, puppy farms, circuses and council-operated dog pounds;
- allowing inspectors to enter a property to rescue an animal, even if the owner is not present;
- empowering courts to order confiscation of objects used in an offence and any finical processes of an offence; and
- forcing owners to forfeit mistreated animals without having to seek a conviction through the courts.

The act will also be amended to deal with the cruel blood sport of organised animal fighting, which still unfortunately takes place in South Australia and Australia. Dogs and birds are predominantly the animals which suffer from this so-called form of entertainment. Fights result in extreme mutilation of animals as they are forced to fight until it is physically impossible for them to continue. Birds are often fitted with artificial spurs designed to cause as much damage as possible to the other bird. The birds involved will consequently suffer horrific injuries, including punctured lungs and pinched eyes. Dogs often die from blood loss, dehydration, exhaustion or shock.

In situations such as organised animal fighting, there is a broad involvement of offenders who have previously evaded conviction on animal cruelty and welfare charges. However, the amendment to this section of the act will stipulate that any person involved in the activity of organised animal fighting—from the organiser and the owner to the participants or even any person present at the premises—will be classed as an offender. It will also be an offence for a person to be in possession of items that would assist in training an animal to fight.

Extensive consultation took place with the general public and relevant organisations over the suggested amendments to this bill to ensure that appropriate measures for the welfare of animals were enforced through the proposed legislation. It was evident throughout this consultation period that the community clearly does not accept malicious behaviour towards animals, with widespread support for improved measures for the welfare of animals. The irresponsible act of causing harm to an animal is deemed as a serious offence by this community and this government.

The proposed changes to this bill reflect the public's concerns. Causing harm to an animal will be an offence. Participating in causing harm to an animal will also be an offence. Knowingly allowing your premises or vehicle to be used for the purpose of harming an animal will be an offence. Also, deliberately ignoring harm to an animal will be an offence. Animals need to be protected in an environment that caters for individual species' needs, and I believe this bill is a vital and necessary step towards reducing the number of animals that are ill-treated in this state.

The Hon. C.V. SCHAEFER (16:56): I begin by saying that I detest cruelty. I rank cruelty to any animal as very similar to cruelty to a child. Both are helpless, innocent creatures who are dependent on mankind for their welfare. A society that does not care for and respect its most vulnerable—in this case, animals—is not, in my view, a civilised society. I might add that that obligation extends, in my view, to wild and feral animals. There seems to be a view among some people that because they are feral and a pest it is okay to inflict pain and torture. It is not.

I have grown up in an environment where animals have to be culled and in some cases hunted and destroyed, and I have had to do some pretty tough things myself from time to time. When one lives 200 kilometres from the nearest vet, decisions have to be made and animals treated or destroyed, so I do not come to this debate as some sort of wuss or do-gooder. However, I have never been able to understand those who get pleasure from killing a living creature, let alone those who would be cruel to it first. Indeed, research is increasingly indicating that people, particularly children, who are cruel to animals are likely to be prone to domestic violence as well.

There is no argument from me or my party about the creation of an aggravated offence for those who would be deliberately cruel to an animal, and we certainly have no problem with outlawing organised animal fights such as cock fighting and dog fights. I have been told that there can be no such thing in the law as an accidental aggravated offence, but this bill, although it purports to be about animal welfare, is in fact a great deal about punishment. It is about reverse onus of proof and giving the inspectorate almost unfettered powers. I will read the definition which is in the act and which disturbs me greatly. Section 13 provides:

(1) If—

(a) a person ill treats an animal: and

(b) the ill treatment causes the death of, or serious harm to, the animal; and

(c) the person intends to cause, or is reckless about causing—

and I stress, 'is reckless about causing'—

the death of, or serious harm to, the animal,

the person is guilty of an offence.

Maximum penalty: $50,000 or imprisonment for 4 years.

(2) A person who ill treats an animal is guilty of an offence.

Then it goes on to define some of the things that are considered to be reckless.

This is where I begin to become very concerned with this bill, and I want to give some examples. What about when such harm occurs but is not intended, for example, a horse caught in a fence which you might not see for two or three days? What a hideous way for that horse to be either maimed or even die, but no-one has intended that it happen. What about when a pipe bursts in a paddock and a mob of sheep are left without water and some, or even in the worst case all, of them perish through lack of water? Again, that is a hideous way to die. Again, it does cause harm, damage, pain, suffering, distress and unconsciousness, which are some of the things mentioned in this definition, yet the person who has perpetrated that act, if you like—the owner of that farm or animal—is already going to be entirely traumatised by that event having happened.

I am concerned that this bill imposes a reverse onus of proof. In other words, if an inspector—and we will get onto inspectors in a minute—suspects that this might be a case which can be prosecuted, they can do so, and the poor old farmer, who might have gone to the beach for the weekend and who has lost his horse or cow or mob of sheep, has to prove that he is innocent. There is no assumption of innocence unless proven guilty in this bill, so that is one of my many concerns with this bill.

Clause 6 includes a definition of electrical devices and outlaws various electrical devices. The minister has decided that she will sum up tonight and address all of these matters in committee. Within the act or bill—I am not sure which, without checking—an electrical device (an electric fence) is included within that definition. However, in another place it is specified, and I have

been assured in briefings that an electric fence is not included in this. So, I want absolute, set-in-concrete definitions that people in the future can look up in *Hansard* and see that an electric fence is not included.

My next concern is with the addition of another person to the Animal Ethics Committee. I cannot see why this person is being added or what they can add to the Animal Ethics Committee as it currently operates. The amendment provides that at least one additional person can be appointed to the Animal Ethics Committee who will be a person who is independent of the licensee and who has never been involved in teaching or research activities.

The current Animal Ethics Committee consists of five members appointed by the minister: at least one a veterinary surgeon, at least one a teaching or research activities involving animals, at least one involved in the daily care of animals kept in teaching or research activities and at least one with an established commitment to the welfare of animals. So, I cannot see who this other new person will be, and I seek clarification and detail from the minister. I express my concern now that I see this as an opening for an extremist animal rights activist such as Ralph Hahnheuser or someone like that to be put on the Animal Ethics Committee. I can see absolutely no reason for that to be there and seek considerably greater input than is currently there.

The government kept talking about this being an animal welfare bill, but clause 11 sums up what it is. It changes the title from 'Appointment and power of inspectors' to 'Enforcement', and this seems to be the main thrust of this bill. The minister may in writing appoint a person to be an inspector for the purposes of this act, yet that actually writes out the RSPCA, which provision the Hon. Russell Wortley interpreted so badly a few minutes ago.

The current act gives the minister the authority to appoint a person nominated by the RSPCA, so the RSPCA is actually written out of this bill. All power now rests with the minister, who has the right to delegate, and she may appoint or dismiss any inspector. I have concerns about this, and I had concerns with the original act inasmuch as no qualifications are required for this person. Previously they were well-meaning people who were appointed by the RSPCA, so they probably did not need any great qualifications then, but we are giving people—and it seems to me there will be a lot of them—authorities and powers which in many cases surpass the authorities and powers of the police, yet we expect them to have no training and no qualifications whatsoever.

One of my amendments will endeavour to bring in a requirement—and we might have to generate such a course—of at least a TAFE course, certificate in animal husbandry or veterinary nurse certificate that will give people some knowledge of what it is they are actually inspecting. The Hon. John Dawkins gave an example of I am sure a well-meaning person who reported him for mistreating his horse, because the horse was old and skinny. Anyone who has old horses knows that it is very difficult to keep condition on them.

There are numerous examples in country South Australia of, again, well-meaning inspectors driving past and deciding that they are seeing something that, in fact, does not exist. I will be endeavouring to see that these new inspectors, who will have some incredible powers, at the very least are required to have some sort of qualifications. Further, when I move to the new section relating to routine inspections, which is aimed entirely at commercial operators of intensive animal husbandry farms, I will be seeking to move an amendment requiring that the inspectors have some qualifications in and/or knowledge of the industry they will be inspecting.

New section 31 outlines the general powers of inspectors (I have had a brief look at the minister's proposed additional amendments), and I think those powers are becoming even stronger rather than perhaps more rational. One of the main changes is that the inspectors have a right to act if they reasonably suspect a breach, but there is no definition of what is reasonable. There is nothing that we can measure this reasonableness against, yet some of the powers these people will have are as follows: the power to enter and search using reasonable force; the power to require documents to be produced, to take photos, films and videos; and the power to seize and retain any animal or other thing for the purposes of evidence identified by tagging or marking any animal.

Again, that raises some real issues with me. We have this inspector who has no qualifications and who may not know one end of a horse from the other, but they have the right to mark or tag them. They have the right to require a suspected animal abuser to provide their full name and identification, etc.; they can require people who may know about abuse to answer questions; and they can require permit holders to produce their permit for inspection (that I do not mind). They can give a direction on pretty well anything, the way I read this bill. They can ask anyone to give assistance.

The example I was given at the briefing was that, if an inspector decides they are going to yard or possess a whole mob of sheep and they cannot manage it by themselves, they can ask some other poor innocent who is driving past to help them. It also includes a vehicle as part of the definition of 'premises'. So, all of the things I have previously mentioned they can also do to a car. Victorian legislation, which I understand has recently been amended, does not allow inspectors to enter a dwelling, and it is my intention for us to amend this legislation to also not allow inspectors to enter a dwelling.

I now move to section 31, which is aimed fairly and squarely at intensive animal husbandry, that is, poultry farms with egg or meat, and piggeries in particular. Again, it requires that the occupier be given reasonable notice of a proposed inspection. When I was briefed (and I thank the minister for allowing her staff to brief me), I was told that initially, these inspections will probably occur quarterly—so, four times a year—and that reasonable notice will be given, but it does not actually say how long that notice will be. Then, reasonable opportunity will be given for the farmer to have a nominee with them (for example, a vet), and it requires that reasonable steps be taken to minimise any adverse effects of the inspection on the business or activities of the occupier of the premises or the owner of the vehicle.

No-one would be surprised to know that I have spent some time trying to contact as many of these people who have piggeries and poultry sheds as possible. SAFF has sent me details of some of the times that it would probably be most dangerous—certainly it would be bad for the animals—for such an inspection to take place. Particularly with poultry, those times are at placement. As members would know (or as I would hope they know), the animals never belong to the poultry farmer, who is merely contracted by the processors to grow the chickens out to a specific size. About four times a year, I think it is, all sheds are completely emptied, cleaned out and replaced with new litter, and new chickens are put into those grower sheds.

Chickens are particularly nervous creatures at that stage in their life; they are prone to crowd into a corner and to jump on top of each other, and they are easily disturbed by any strange person or noise, or by any change in light. So, placement would be a particularly dangerous time for such an inspection to take place. Vaccinations would be another bad time, when producers are vaccinating livestock.

The movement around farms from shed to shed needs to be carefully managed to maximise the effect of vaccinations, so that sheds are visited in order and the clean sheds are left clean. Similarly, at pick-up the process of loading livestock for the sheds needs to be managed very carefully to minimise stress to the birds as well as the number of mortalities. So, it is not simply a matter of the inspector deciding that they will do a heap of chook sheds this week and giving 'reasonable notice'—because, again, we do not know what is 'reasonable notice'.

The new section gives inspectors powers to examine an animal and, based on their assessment, provide treatment (and, again, we are not talking about vets here; we are talking about just the inspectors), modify the animal's living conditions or seize the animal. The Crown may obtain costs from the owner, and the inspector may destroy the animal but may not exercise this power unless the owner of the animal consents or the owner of the owner has failed to give consent, and so on.

There seems to me to be little process between these fairly draconian methods and actually dealing with the people on the ground. I really want to say that, even if one did not concern oneself with animal welfare, even if one could not care less, what farmer would actually want to run their place at a loss? It is well known that unless animals are well treated they do not do well. There seems to be this assumption that these people are not already doing the right thing.

It has been put to me that the most successful and perhaps more progressive of our piggeries and poultry sheds, in particular, are already registered to internationally-recognised QA standards. Those standards require third party auditing and a veterinary certificate. As I say, they require that these people be independently audited, inspected by a vet and comply with the regulations within their particular QA assessment; therefore, if they are already compliant with those standards, I see no reason why we would need to inspect them again,.

I guess the other major concern I have in this is: who pays? Is this to be yet another impost on our already cash-strapped farming community? Is this to be full-cost recovery? Suddenly we have a whole new batch of what my colleague the Hon. Graham Gunn would call 'gestapo'. We have a whole new batch of inspectors out there and, as I see it, a whole new stream of employment. I do not know how many intensive animal farms we have in South Australia, but I think it would be in the vicinity of 500, and these are all now to be inspected quarterly—at least for

the first couple of years. Suddenly there will be a whole heap of people out there—and I stress again, a whole heap of people with no qualifications. Who is going to pay for this? Are we expecting the owner of the piggery to pay for this inspection?

The Hon. R.P. Wortley interjecting:

The Hon. C.V. SCHAEFER: The Hon. Russell Wortley interjects that we are all happy to protect them but we do not want it to cost anything. I am arguing that we are protecting them from something mythical, something that is not happening. My argument is that, again, we are coming in and playing on the emotions of people who do not have any real understanding of how commercial animal husbandry premises work.

In fact, I think we expose them to considerable bio-security issues. We have seen what equine influenza has done within Australia (fortunately not South Australia), and how quickly that virus has spread. If we have these people going from one farm to another, having given 'reasonable notice' (whatever that is), I believe we will have to bring in the most stringent regulations. These people will have to adhere to bio-security methods as they are today, and possibly even more strict than they are today.

While we will be supporting a number of aspects within this piece of legislation, we will also be seeking to make a number of amendments, particularly with a view to getting some qualifications for the inspectors. We will also be asking questions regarding what is suddenly wrong with the RSPCA in that it no longer has any rights; suddenly the minister has all the rights. We will also be moving amendments that, we believe, will allow people to get on with their businesses whilst still allowing for an inspectorate and routine inspections.

The Hon. M. PARNELL: The Greens are very happy to support the second reading of this bill, which contains many important changes we have waited a long time to see introduced. The Greens believe that animals have intrinsic value and that that value is separate from the needs of humans. We believe humans have a responsibility to ensure that animals' welfare, and indeed their rights, are respected. The Greens believe that we have a duty of care to minimise and remove cruelty to animals that results from human activity. We also believe that native animals and their habitats are as deserving of our care and protection as domesticated animals.

The area of animal welfare has been a fairly big focus of my work over the past year. Very recently I attended an Animals Australia seminar, which was held here in Adelaide. It was a day long seminar and some of the speakers, some of the animal activists who participated in that conference, were some of the most inspiring people that I have had the privilege to meet and listen to. We had at that seminar, for example, an activist from Egypt, who was able to show us the conditions that our sheep arrive in when they leave on live export ships from Australia. Without that type of exposure many of us would expect that, because animals are treated relatively well in Australia, they would be treated that well on the trip over and at their final destination, but clearly that is not the case. There are vast amounts of cruelty occurring on the ships and also at the final destination.

I have spoken in parliament a number of times about animal welfare. Last year I called for an inquiry into animal welfare and, in particular, the role that the RSPCA plays as a private charity that is also our principal law enforcement agency in this area. I also called for a parliamentary inquiry in response to the Ludvigsen case. That did not result in a parliamentary inquiry, but there was a departmental inquiry, which I will refer to shortly. Just to remind members about the Ludvigsen case—and I will refer to it a number of times because I believe that it provides an excellent case study of some of the areas of law reform that are required in this bill—it for me was basically about the RSPCA's response to a number of whistleblowers who drew attention to cruelty and mistreatment that they say was occurring at an intensive piggery in the Mid North.

There were serious allegations of animal cruelty, made not once but twice to RSPCA inspectors. The outcome of that was that the RSPCA ignored the first report and in response to the second report notified the piggery owner—who was clearly a potential defendant in the matter—over the phone that a complaint had been made. The worker who made the complaint was subsequently sacked for disloyalty. Then nine days later, after having notified the owner of the report, the RSPCA then arranged for an inspection of the property and gave it a clean bill of health.

Finally, in that case, a third whistleblower came forward but the difference with the third whistleblower was that they sought the assistance of other animal welfare groups and, in response, Animal Liberation went into the facility, in the company of a worker, wearing full bio security protective clothing, and they took video footage of what they saw inside that facility. That video footage was then lodged with the RSPCA, and the same day it sent inspectors out who raided the

property. They killed two pigs that were beyond help and they ordered that three other pigs receive treatment. They also exhumed the bodies of other dead pigs for forensic evidence.

Ultimately, the owner of that piggery was prosecuted. He pleaded guilty to three offences in the Magistrates Court. As I have said, I called—before the court case—for a parliamentary inquiry into this. Instead, the minister offered a departmental inquiry and we received a copy of the results of that inquiry last week. I have to say that I believe that report to be seriously flawed.

First, I do not believe there is any adequate response as to why the initial whistleblower complaint was ignored. I think the report also fails to address the issue of how the RSPCA can have, as its standard operating procedure, the action of contacting the owner, a person accused of an animal cruelty offence, to ask whether the animal is all right. I think I have said in this place before that it is akin to the police ringing up a member of an outlaw motorcycle gang and saying, 'Is it true that you are growing drugs, or you are making drugs on your property?' It is not something that our police would do, and I do not think that the issue is adequately dealt with in the departmental report.

I also understand that the Commissioner for Equal Opportunity has taken up the case of Mr Bugg, the whistleblower who was sacked, and is assisting him in pursuing a complaint before the Equal Opportunity Commission. I can only assume from that that the commissioner has decided that Mr Bugg has a prima facie case; yet in the Ludvigsen matter, when there was a conflict between the whistleblower's version of events and the RSPCA in the departmental report, Mr Bugg was not believed.

Despite the report discounting all of the evidence from the whistleblower, the report does recommend changes in the RSPCA's investigative practices. I do find it baffling that the RSPCA can give a piggery owner a clean bill of health and yet another whistleblower needed to come forward before the truth was finally revealed. I will say that, although it has taken some time, I am pleased that the departmental inquiry has been completed prior to the commencement of this debate in parliament. As I said, I believe it provides a rich case study of some of the flaws in the current system, some of which are remedied in the bill but many of which still remain to be fixed.

I would like to go through some of the law reform themes that resulted from the Ludvigsen case. The first of these themes relates to penalties. Although Mr Ludvigsen pleaded guilty to three animal cruelty charges and was facing a maximum $10,000 fine, the lawyers for the RSPCA (quite inexplicably, as far as I am concerned) did not even ask for a fine to be imposed. My information is that, despite this, the magistrate imposed a fine of $1,500.

I think the lesson that comes from that is that increased fines in legislation can be a good thing if they properly reflect the prevailing attitudes in society, but we must ask the question: what is the point of increasing penalties if we do not increase the resources that are used to investigate cases of animal cruelty and if we do not change the culture of all the organisations involved so that they have the will to pursue wrongdoers, as well? The Ludvigsen case also raises interesting questions about the culture and the practice of the RSPCA as an investigatory body.

I have said it before and I will say it again: it is quite an anomaly that we have a private charity, a pretty well unaccountable private charity, involved in the investigation of multi-million dollar agribusinesses. The procedures that this body follows in its work do not appear to be, to me at least, sufficiently focused on gathering evidence. If the culture was about gathering evidence for potential prosecutions then we would not have had a situation where the investigators rang up the prime suspect and talked to them over the telephone about an offence that they may or may not have committed. We have some problems borne out through the Ludvigsen case.

The issue of inspections is one of the most important aspects of this bill. It seems to me that someone in the position of Mr Bugg, as a whistleblower, was always untenable under the current system because, in the absence of a regime of unannounced, routine or random inspections, there will always be a whistleblower who can take the blame for the RSPCA turning up to premises. If there was a regime of unannounced inspections, that would offer some level of protection to whistleblowers because the whistleblower is not as obviously the cause of the inspection having taken place.

My view is that inspectors should be able to enter commercial premises where animals are kept at any time. That is also the submission of a number of the individuals and groups that wrote to the government in relation to this legislation. I will refer briefly to the submission of Animal Liberation. In relation to rights of entry of inspectors it says that it believes that the RSPCA currently has reasonable powers of entry and disputes the legal advice the RSPCA has obtained to

the contrary. That dispute over the powers is one that has hamstrung the RSPCA for many years. At least now, through this bill, we have a chance to bring it to a head. The Animal Liberation submission continues as follows:

> Under any reasonable definition a farm is a 'premises being used for holding or confining animals that have been herded or collected together for sale, transport or other commercial purposes'. A farm is a place with a collection of animals kept for commercial purposes. We believe the RSPCA is hiding behind this alleged vagueness in the legislation to avoid dealing with the tough business of enforcing the act with respect to intensive farming industries. That said, Animal Liberation has no objection to redrafting the legislation to make it crystal clear that the RSPCA can enter farms to check on the condition of the animals at any time whilst ensuring proper and adequate biosecurity measures are followed.

We have had a stand-off over many years where the RSPCA has said it does not have the powers and other animal welfare or animal rights groups say they do have the power, and now we need to make sure that when we clarify the rights and powers of inspectors we do it in a way that removes all ambiguity. I do believe that the RSPCA already has powers under the act. However, it is good that we are clarifying those powers.

We must make sure, of course, that we strengthen rather than weaken those powers. I do draw some comparison of the role of inspectors under this regime with the role of inspectors in other areas of public life. Many years ago I lectured at Flinders University in the subject of public health law. One of the things I had to teach the students, most of whom were budding environmental health officers, was the Food Act and the inspection regime under that legislation. One of the things that I always referred my students to was the Garibaldi case.

As members would recall, that was a tragic case of food poisoning that resulted in many people becoming ill and one little girl, Nicky Robinson, dying as a result of eating contaminated food. I will read a couple of sentences from the Coroner's report into the inquest into the death of Nicky Robinson as follows:

> Mr S confirmed that his officers always gave notice of a routine inspection and he did not seem surprised that this notice would prompt a clean up at the factory. He said that the giving of such notice was regarded as a courtesy and that being local government 'customer focus has a high profile'.

There you have the Coroner being astounded at the fact that the food inspectors seem surprised that, having given notice of an impending inspection, a clean up took place. We need to think how that situation would occur in relation to the inspection of animal facilities. The Coroner goes on to say:

> I must say that I have some difficulty with the concept of a regulatory authority describing the occupier of premises to be inspected as a 'customer'. I realise that the expression has a certain currency in management jargon at the moment, but it implies a relationship of service which is inappropriate. It is not the function of an environmental health officer to please those whom he or she is required to inspect, although I do not suggest that unnecessary rudeness and officiousness should be resorted to.
>
> However, there will be times when the customer will be displeased by an environmental health officer's actions, and in my view the public has a right to expect that an environmental health officer will not be daunted by that. Firmness, objectivity and professionalism should govern the activities of a regulator, particularly where, as here, the health and safety of the general public are at stake. I do not consider that the concept of customer service has a role in this context.

We could replace the reference to environmental health officers with animal welfare officers. This extract from that terribly sad occasion many years ago now needs to sound a warning bell to us that, when we are looking at public authorities (or in this case a private charity), who are effectively regulating industries in the public interest, they need to make sure that their clients or customers are in fact members of the public. In relation to animals, the animals themselves might be regarded as the clients or customers that they are seeking to protect. You do not have to be rude, but you need to ensure that you know where your priorities lie.

A lot is said about biosecurity in relation to the inspection of premises where animals are kept. This is a real furphy because effectively we are saying in the context of the regulation of animal welfare laws that we trust our inspectors to carry out the law of the land and trust them to prosecute offenders on our behalf, but we do not trust them to take basic precautions such as putting on protective clothing and washing their boots afterwards.

I find it remarkable that we have this mantra of biosecurity that somehow assumes that all inspectors are complete idiots who do not know what they are doing. Clearly that is not the case. The people charged with inspecting our animal welfare facilities will be well trained and will understand issues in relation to biosecurity. I think we can trust them not to barge from one animal

facility to another without taking appropriate precautions. Biosecurity is not the answer to preventing unannounced random inspections.

I look forward to the minister's second reading conclusion because I want her to clarify the content and status of the memorandum of understanding she referred to in her introductory speech. She describes this memorandum of understanding as being developed between agencies involved with the animal industries in which the roles and responsibilities of those agencies are stipulated. The minister says that the memorandum of understanding also specifies the training and biosecurity requirements for intensive industry inspectors and defines the minimum and maximum notice of an impending inspection that would normally be given to producers. The minister goes on to say:

> The memorandum of understanding further specifies that intensive industries establishments will not be the subject of a routine inspection more than once each year, and if a quality assurance program is in place desktop audits of the program will be undertaken more frequently than site visits.

I look forward to the minister explaining how the memorandum of understanding is developing, and I will be very keen to see that we do not find in that memorandum any unlawful fettering of discretion. By that I mean that, if the legislation provides for a regime of inspection, I do not want to see some memorandum of understanding watering down those powers. It may be an illegal fettering of discretion, so I look forward to the minister's clarification.

I have on file amendments in relation to the powers of inspectors and, in particular, an amendment that does not require the giving of notice, for the reasons I have given already. I do not think it is appropriate for notice to be given because inevitably if there are problems it will result in those problems being fixed. That is not to say that the inspectors should be willy-nilly barging into animal facilities. The bill as drafted provides for an inspector to give an opportunity to the owner of a facility or person in charge to participate in the inspection, and that is appropriate.

I understand that there is some division in the animal welfare community with the appropriate wording for this section giving powers of inspection. I attended the Annual General Meeting of the RSPCA this year (as I attended it last year) and I was very pleased that, in the most democratic forum available to an incorporated body (the AGM), the membership voted to support unannounced inspections of these intensive animal facilities. I think that was a grand day. In the most democratic forum available to them, the RSPCA members chose to vote for unannounced inspections.

Since that day, however, I have been somewhat dismayed to find that the RSPCA executive is not out there batting for its members and promoting the resolution that its members passed at the meeting. I have had a number of conversations with RSPCA members, including Mary Barton, who is the newly appointed President, and the effect of those conversations is to devalue the general meeting resolution that was passed. Apparently, the executive of that organisation is all powerful, and it does not have to do what its members tell it to do at an AGM. I find that quite remarkable.

It seems to me that the council of the RSPCA has rejected the motion of the members, and it seems—at least to the very few people to whom I have spoken at the top level—to be prepared to live with the reasonable notice provisions that are currently in the bill. I do not find that acceptable from the point of view of how a democratic community organisation should be run, and I say that as someone who has spent almost my entire life working in non-government incorporated non-profit bodies.

I find it remarkable that the RSPCA is not putting in place what its members ask of it. I note that this issue of inspection was raised many times by the previous chief executive officer of the RSPCA, Mark Peters—someone who was a regular in the media. A paragraph appearing in the *Independent Weekly* states:

> Mark Peters, Chief Executive Officer of the RSPCA's state division, told the *Independent Weekly,* 'Current laws make it impossible for officers to enter a property without a warrant and evidence animals being ill-treated.'

The quote the *Independent Weekly* attributes to him is:

> At the moment we cannot conduct routine inspections at all. We can only enter if we have received details of an alleged offence.

It has been an issue of concern to the organisation for some time. We do need to fix it up. We do need to make sure that we get it right this time. One issue with which we will have to deal in committee is that of random versus routine inspections. A question I would like the minister to answer when we get into committee is: how many random inspections have occurred under the

existing legislation? Bearing in mind what Dr Peters said, have there been any random inspections? I would also like the minister to better define for me what is meant by 'routine inspections'? Does it mean 'scheduled' or does 'routine' in fact mean random?

I also need to know the meaning of 'reasonable notice', because it seems to me that those two words 'reasonable notice' will be central to our debate in committee. What the RSPCA people say to me is that those who are happy enough with that constraint of reasonable notice are those people who say, 'Oh, we'll be the ones who define it. We'll decide what reasonable notice is. If we're driving past a piggery or a chicken shed, we should be able to knock on the door and that should be enough reasonable notice.' On the other hand, you might get the operators of those facilities who find that reasonable notice is measured in days or weeks rather than in minutes and seconds.

I want to know what the minister understands by the term 'reasonable notice'. I would also like to understand a little more about what the minister said in her second reading explanation about the quality-assurance programs and whether having such a program in place would effectively make a facility immune from inspections. In other words, would you still inspect and, if so, how do they see that arrangement working? I would like the minister to explain in committee how many inspectors have been employed (full-time equivalent) over the past couple of years and how those numbers are proposed to be increased.

I would like to know how many accredited or authorised inspectors are not employees of the RSPCA. I want to know in particular whether the promised new intensive farm inspector has been appointed, and if that person has not yet been appointed when it is expected that that will take place. I want to refer again to this notion of whistleblowers and how in legislation we can protect these people who I have described in this place before as often the only friend the animals have—the workers who are employed in these intensive facilities. We do not have general public access to these places. We do not know what is going on.

Usually it is just the workers who are privy to the conditions inside. As I pointed out in the Ludvigsen case, the whistleblowers in fact suffered the ultimate indignity of being sacked as a result of their whistleblowing. My amendment is actually to provide some level of protection; to provide that it is unlawful to discriminate against someone—for example, by sacking them—simply because they have drawn the attention of the proper authorities to a situation that is going on. That is a level of protection that we provide to our public servants. We have special legislation enabling them to be protected from drawing a particular situation to the attention of the proper authorities.

Another amendment that I believe is necessary is in response to the current arrangements whereby a person is treated much the same, whether they are a multimillion-dollar intensive animal facility or a solitary individual in charge of one or two companion or domestic animals. I think that the approach should be different: they are very different circumstances. Whilst it might be appropriate to ring up someone in relation to a dog or cat complaint, I do not think that is the appropriate response to serious allegations in relation to intensive animal facilities.

One principle that we find in law elsewhere when criminal sanctions are imposed is that we treat corporations differently to individuals, so I have a range of amendments to this bill that make that same distinction, providing higher penalties for corporations than for individuals. That brings this legislation into line with most other statutes containing criminal provisions. I would like the minister in the committee stage to provide some more details about the history of prosecutions of intensive animal facilities, and I would appreciate figures for prosecutions over the last two years.

There is one issue that also relates to whistleblowers, whether under this animal welfare regime or any other regime where individuals report things to the authorities, and that is the responsibility those authorities have to get back to the person who made the complaint. There is nothing more frustrating to a civic-minded individual than to make a report or complaint about some alleged situation or wrongdoing only to find or suspect that your complaint or report ended up in the rubbish bin or not being actioned. So, I am very attracted to section 130 of the Environment Protection Act, which is the act that relates to pollution and waste in this state. Section 130 says that if someone makes a report to the EPA then the authorities have an obligation to get back to that person and tell them what action has been taken.

I think that is an appropriate model that could apply in this regime as well if we are serious about using the community as the eyes and ears of our regulatory authorities—and that is what we do. Using the pollution analogy, it is a complaint-driven regime. If no-one complains, there is an assumption that nothing is wrong. Complaints and reports from the community are the main way that pollution is drawn to the attention of the authorities. I think it is similar with animal welfare. It is

not as if there are dozens of inspectors driving around the streets of our cities and towns looking for animals that are being mistreated. It is very much a complaint-driven regime, and I think it is appropriate for complainants to be given the courtesy of a response from the authority—in this case, the inspector.

There are a number of other amendments that I have on file. One relates to expiation notices. I think that is an important tool in the criminal law for lower level offences. One of the difficulties with this legislation is that we do not have a clear hierarchy of seriousness of offences which would lead some to having expiation fees attached and others not. So, it has been difficult, yet I think it is not impossible, and I see the connection as being the issue of orders and noncompliance with orders being an appropriate offence to expiate.

That is different to what is currently in the bill where noncompliance with an order is not of itself an offence. If you wanted to use an example, you might have an inspector who attends a pet shop and discovers that insufficient water has been provided for the puppies and kittens in the shop window. It may well be that after one visit, if it is serious, or maybe after two visits, an order is an appropriate response and failure to comply with that order should attract some form of penalty. So maybe it is those lower end offences that should attract expiation.

Of course, expiation provides another tool in the tool kit because at present the only tool, really, is prosecution. It is expensive and time-consuming and does not return in fines and fees the effort that is put into them, and it can use up a lot of valuable court time and resources. We have to remember, of course, that we are talking about an agency that has to fundraise to do police work. The government does not fully fund the investigation functions and the prosecution functions of the RSPCA. They fundraise to do the rest—a bit like the police homicide squad selling lamingtons to pay for murder investigations. So the resources are scarce and we do not want to waste them. Therefore, if expiations are appropriate I think we should at least have them in the tool kit.

In relation to licences that can be issued for scientific research or teaching that might involve animals, there is an Australian code of practice for the care and use of animals for scientific purposes, yet the bill as currently drafted does not require licences to reflect that code. In fact, the code is simply something to be taken into account by an ethics committee. It needs to be given higher status than that and incorporated into the licence. So I have an amendment to achieve that end.

Codes of practice can be very problematic in regulatory regimes, and the codes of practice under the animal welfare laws have come in for their fair share of criticism. As one person put to me, many of these codes merely endorse cruelty: they enshrine in those codes cruel practices. That is why I believe it is inappropriate to have compliance with a code as an absolute defence, because that is currently the situation with the act. It is not an inclusion with this bill, but it is something that we need to address, because we are looking at the whole of the act.

In South Australia we perhaps handle this worse than in other jurisdictions, because the legislation refers to codes adapted as amended from time to time. The problem with that, of course, is that we as a state lose control over these important documents. What we are doing is delegating the decision making process away from the parliament. We are talking the authority away from the parliament; we do not debate them in the parliament, and we do not even have the authority to disallow them as we would if they were incorporated into regulations.

I note on this point that it is a view that is shared in the legal community. I refer members to the book *Delegated Legislation in Australia* by Dennis Pearce and Stephen Argument (a great name for a person writing a law textbook). The authors state:

> …the inclusion in delegated legislation of requirements stipulated by another organisation means that the other organisation is, in effect, stating the law on the topic. This may not be so if the incorporation is of a document as in force at a particular time. However, if the incorporation is of the document as in force from time to time, this enables the organisation writing the document to determine the content of the delegated legislation. Can this be said to be a subdelegation of law-making power?

I think it is, and I think it is inappropriate for us to lose control over important standards. That is why I say that compliance with those national codes ought not be an absolute defence unless we have had the opportunity to scrutinise them and disallow them as delegated legislation.

The codes of practice are not a necessary precondition to proving an offence under the act, because section 13 provides that ill treatment occurs when someone unreasonably causes an animal unnecessary pain. That raises the question of reasonableness as a defence, so therefore the question would be: why should farmers be able to hide behind codes if the codes are

unreasonable or the behaviour of the keeper of the animals is unreasonable as well? My response to that is to get rid of section 43 of the act.

I note that in section 42A(a) of the act these codes do need to be made available and on display, and my question of the minister is: where is that? Where can members of the public obtain or see copies of these codes?

There are a number of issues that this legislation does not address. Probably the most important one is the key issue of appropriate regulatory authority. I think it is important that we clarify who is responsible for the enforcement of this legislation. I do not think that it is satisfactory to have a private charity as the primary agency, with ministers being able to hide behind that charity and say, 'Well, that is an operational matter and I would leave it to them.' So, I think we need to clarify that the buck does stop with the minister.

I would also be keen to see that the minister is under an obligation to enforce the act. Whilst that might not be something that we write into the legislation—we use the committal process to imply that level of responsibility—I would ask the minister to clarify to us what level of oversight the minister has over the inspectorate, the investigation and the prosecutorial functions of the RSPCA and to ask the basic question: who is ultimately responsible? Is it the RSPCA, through its members? Clearly not, because whatever the members say at an AGM seems to be disregarded. Is it the council of the RSPCA, or is it the minister?

The accountability of the regulatory body is something that is at present unclear. It seems to me that the Ombudsman does have some oversight role in relation to the inspectorial function but apparently has no role at all in relation to the general running of the society. We could distinguish that from government agencies, where clearly the Ombudsman has a role that extends beyond just inspectorial functions to all of the functions of government departments. So, the clear anomaly to me is that, whilst the inspectors might notionally be under some sort of supervisory wing of the Ombudsman, the controlling organisation that those inspectors report to is not.

I would also ask the minister to report back to us whether she is comfortable with the management of the RSPCA and the level of democracy within the RSPCA as reflected by its structure as a membership based organisation and urge the minister to explain to us how she reconciles the apparent conflicts between what the organisation's executive says and what its members say at democratic forums.

I note that the RSPCA receives over $500,000 (I think it might be pushing $600,000 now) of public funds each year. So, I am interested to know what level of accountability there is for that money. Other members have referred to the link between animal cruelty and human cruelty. In fact, it is an issue that animal welfare organisations all around Australia and overseas have started to realise.

That raises some interesting and important questions about the appropriate role for law enforcement officers who are trained in dealing with violent, or potentially violent, situations, and it does raise the question of the appropriate role of the police in animal welfare enforcement. It seems that, if people who are known to be cruel to animals are also cruel to other humans and vice versa, we are potentially putting our animal inspectors in harm's way. My questions for the minister are:

1. What is the appropriate role for the police?

2. How many police investigations have occurred under this legislation?

3. Is data that is collected by the police shared with the RSPCA?

4. Is it possible for an RSPCA officer attending an alleged animal cruelty incident to be aware that the potential perpetrator is someone with a history of violence towards other people?

5. What information sharing and what interactions occur between those two agencies?

Whilst I have focused on what I see as some of the deficits and the shortcomings of this legislation, overall, the bill contains many positive changes. We do need to resolve the issue of inspections, particularly in relation to intensive animal facilities, and I would also like to resolve, through the committee stage, some of the issues that are not dealt with in the submission.

I put on the record my particular thanks to some of the organisations and individuals who have written to me and provided me with copies of their submissions. In particular, I thank the RSPCA, which people might find odd, given that I often have things to say about that organisation.

In fact, when I attended the AGM, I was very surprised to find that my comments on animal welfare were the main focus of the President's address to the meeting. I lost count of how many times my name was mentioned, but it was over a dozen times.

I was disappointed that there was no opportunity to ask questions of the President or for rights of reply. However, the thrust of what the former president said was that they would prefer me to be less a critic of the organisation and more a champion of the side. I am not sure whether that is the role I see for myself; I see myself as a critical friend. I am a member of the RSPCA, and I acknowledge the standing in which that organisation is held in the community and some of the good work that it does over a large range of areas.

I knowledge that organisation's help; in particular, I acknowledge the help of the Chief Inspector, Mr Ben Johns. I understand that Mr Johns has not been with the organisation very long, but he appears to me to be a great acquisition for that organisation. He is someone with a clear understanding of the legal system and the role of investigations and prosecutions. I also thank the people at Animals Australia and the people at Animal Liberation, who have also sent me material that has been helpful in putting together my view on this bill.

One thing you cannot fail to notice when you deal with these organisations and these people is that the individuals are absolutely passionate. It surprised me somewhat to find that they appear to be fairly hostile to each other when they are basically all on the one side. It surprised me, until I had the former president and the former CEO of the RSPCA in my office, to find that there is such a divide between people concerned about animal welfare and people concerned about animal rights. I have never seen it as an insurmountable divide, but many of the people in those camps do see it that way. I think that is disappointing, given that they are basically all on the one side in that they are all looking for a better deal for animals.

I look forward to the minister's response to the questions I have asked, and I look forward to the committee stage but, for now, the Greens are pleased to support the second reading of this bill.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (18:13): I thank honourable members for their contribution to the second reading debate; their comments have been very valuable and interesting. I acknowledge the role the RSPCA has played in the development of the legislation. I am confident that there is widespread community support for the improved measures for the welfare of animals; the changes to the legislation will ensure that our animal welfare standards are among the best in the country. The new legislation reflects a changed emphasis from preventing cruelty to promoting animal welfare, and this emphasis is reflected throughout the provisions of the bill.

While I acknowledge the support the bill has received from members, I also note that questions have been asked by a number of people in this place and by stakeholders interested in both the welfare and management of animals. I have listened carefully to these concerns and, in response, I will provide some further clarification. I am aware that the issue of notice to be provided to animal businesses prior to routine inspections has caused some interest. This bill proposes that an inspector may conduct a routine inspection of an animal business, that is, if there is no suspicion of an offence. However, the inspector must give the owner/occupier of the premises reasonable notice of the proposed inspection as well as the opportunity to accompany the inspector throughout the inspection. The inspector must also take reasonable steps to minimise any adverse effect the inspection may have on the business or activities of the occupier of the premises.

The issue of reasonable notice of routine inspections has been the subject of some debate since the bill was drafted. Some animal welfare and rights groups seek inspection with no notice, but the animal industries consider this to be potentially dangerous due to safety and bio-security concerns. Animals are creatures of habit, and I am advised that if a person enters the wrong door of a chicken-growing shed it may panic the birds and cause mass suffocations. This is not a deliberate or negligent act; it simply breaks the birds' routine and panics them. The owner or manager knows the animals and their routines and it is in the animals' welfare and interests that such precautions are taken.

In requiring reasonable notice, the bill gives the inspector and the owner the ability to arrange the inspection for a mutually convenient time and allows both to be accompanied by persons they believe can assist with the inspection. It is important to acknowledge that if there is any suspicion of an offence an inspector can seek a warrant and enter without notice. If the

situation is urgent, the act allows an inspector to enter without even seeking a warrant. These situations are not the purpose of routine inspections. The definition of what is considered 'reasonable notice' will vary with the circumstances of each individual inspection, so it would be inappropriate to legislate more precisely. As it stands, the bill requires reasonable behaviour by inspectors.

In my second reading speech I referred to the development of a memorandum of understanding signed by PIRSA, DEH, DWLBC and the RSPCA—each being a body employing inspectors under the act. This document has now been finalised and signed. In the course of negotiations two elements I raised in my second reading speech have been settled. First, there will be no absolute definition of what constitutes a reasonable time period, and this reflects that reasonableness arises from circumstances and cannot be a minimum period of time. Secondly, there will be no restriction in the number of routine inspections for an individual facility in any given time period. While good practice will mean that animal welfare inspectors will not waste their valuable time continually visiting well-performing facilities, it is important that the timing of routine inspections be genuinely in the hands of the inspectorate with no undue limitations beyond giving reasonable notice.

Routine inspections are a monitoring system to be used to ensure compliance with standards without any suspicion of an offence. Business owners are not accused of anything and will be treated with courtesy and respect; but at the same time we must ensure that the well-intended actions of the inspectors do not jeopardise the business of persons who are not even suspected of breaching the law. We must especially ensure that those actions do not endanger the welfare of the animals that the inspectors are seeking to protect.

The term 'reasonable' is commonly used in legislation. In terms of its broader use in legislation, 'reasonable' generally means the actions of a reasonable person in reasonable circumstances. I asked my department for a specific briefing on the use of the term in animal welfare legislation in Australia and have been advised that it is a common term in all animal welfare legislation in this country, with South Australia using the term less often than all other states—and considerably less than some.

I note the concerns raised by the Hon. Ann Bressington regarding the significant increase in penalties in the act relating to ill-treatment, as well as penalties for offences against the regulations. The penalty for ill-treatment has been doubled and most other penalties have been increased. South Australia's penalties are currently considerably lower than other jurisdictions, and the penalties in the act have not been reviewed since the year 2000. In the interim, other jurisdictions have reviewed their penalties and increased them. Increased penalties in the bill reflect the penalties imposed for similar offences in other Australian jurisdictions and brings South Australia roughly into line with the rest of the country. While increasing penalties is a key component of this legislation, it is not the motivation behind its development.

The Hon. Ann Bressington also raised concerns about an incident concerning a dog owned by an individual. I note the member's concerns, and I am aware that the RSPCA has been in direct contact with the member to clarify matters. Obviously, I cannot give personal details in respect of that.

The expansion of the provisions relating to organised animal fights mean that any person involved in such activities would be liable for prosecution. In addition, the court may order that objects used in an offence (for example, spurs confiscated from a cock fight) be forfeited to the Crown and be disposed of as seen fit. This may include allowing law enforcement agencies to retain the items for evidentiary purposes or allowing museums to retain the objects for artistic or cultural purposes. Fighting spurs, while made for an ugly purpose, are often beautifully intricate, carved silver objects, perhaps inlaid with stones, and may be quite valuable.

The regulations under the current Prevention of Cruelty to Animals Act 1985 indicate that only a museum which receives government funding may keep these items; an inspector is not able to possess them. That means that the RSPCA could not hold them as evidence for prosecution. This amendment provides that a private museum, the RSPCA, or anyone else can hold them as artefacts, examples or evidence, with the minister's permission.

Electrical devices, as defined in the bill, include electric fences. I am aware that there is some question from farmers as to whether my intention was to ban electric fences; there is no such proposal and I have no intention of banning livestock electric fences. However, technology is changing and if, in the future, I propose a ban on a particular dangerous or cruel type of electric device it would have to be by regulation, which would have to go through the democratic

parliamentary process. As an example, the invisible enclosure system is an electric fence of a sort which is currently prohibited in South Australia because it involves a collar which imparts an electric shock. It would be reasonable to assume that if any minister were to seek to ban normal livestock electric fences the public and the parliament would reject such a proposal.

There were a number of questions raised today by honourable members in their second reading contributions that I have not fully dealt with in my summing up, but I would be happy to provide answers to those outstanding questions during the committee stage.

Finally, I would advise members that, after consultation with stakeholders on the bill, I am proposing a number of amendments to further clarify the intention of some clauses and ensure the bill meets my objective of improving the legislative base of animal welfare in South Australia. I thank all honourable members for their contribution and look forward to the committee stage.

Bill read a second time.

CONTROLLED SUBSTANCES (POSSESSION OF PRESCRIBED EQUIPMENT) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (18:23): 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.

In its election promises for the 2006 election, the Government dealt with hydroponic cannabis in its 'Tough on drugs' policy. In that policy, it pledged to make it an offence to have hydroponic equipment without lawful excuse and also to require hydroponic equipment retailers to maintain a record of sales of hydroponic equipment. It also promised legislation to require customers to provide identification when purchasing hydroponic equipment.

On 12 November 2004 the Ministerial Council on Drug Strategy (MCDS) agreed to the development of a National Cannabis Strategy, and, after much development work, the Strategy was endorsed by the MCDS on 15 May, 2006. That Strategy says that priority actions include:

Assess the feasibility of the regulation of the sale of hydroponic equipment, similar to regulation of the liquor and second-hand dealer industries, at a national level whereby: businesses selling hydroponic equipment need to register on a police-controlled database; business owners must be judged to be of good character; and the identification details of purchasers need to be recorded. Evaluate the impact of these increased regulatory controls.

If the Parliament is to legislate on the subject of specific equipment commonly used to grow cannabis, it also makes sense to legislate on the subject of specific equipment commonly used in illicit drug laboratories. The Government has determined that this sort of equipment should be treated in the same way as prescribed hydroponic equipment.

It is therefore proposed to amend the Controlled Substances Act to make it an offence to possess regulated equipment without a reasonable excuse. The onus will be on the possessor to prove a reasonable excuse on the balance of probabilities. This offence will be extended to possession without reasonable excuse of any document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant. It is also proposed that this offence attract the maximum summary penalty of imprisonment for two years or a fine of $10,000. This ensures that the offence is placed at the top of the summary offence range.

This Bill and others to be introduced are part of the first phase of the Government's legislative response to criminal motor cycle gang offending, in this instance targeting the cultivation of cannabis and the manufacture of amphetamine and amphetamine—type drugs. Legislation comprising the second and subsequent phases will be introduced later this year and next year.

The cultivation of hydroponic cannabis has absolutely no function for the personal use of cannabis. Hydroponic cannabis feeds organised criminal activity and it must be curtailed and disrupted. The inclusion of drug recipes and other illicit material in the regulations will target illicit drug laboratories repeatedly associated with criminal motor cycle gang offending.

The specific equipment concerned will be prescribed by regulation. As presently advised, an indicative list of the things contemplated by this policy would include:

- specified carbon filters
- high performance lights
- condenser;
- distillation head;
- heating mantle;

- rotary evaporator;
- reaction vessel, including a reaction vessel under repair or a modification of a reaction vessel;
- splash head, including a splash head under repair or parts for a splash head;
- manual or mechanical tablet press, including a tablet press under repair, a modification of a tablet press and parts for a tablet press;
- manual or mechanical encapsulator, including a encapsulator under repair, a modification of an encapsulator and parts for a encapsulator.

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 Controlled Substances Act 1984

4—Insertion of section 33LA

This clause inserts a new provision in Part 5 Division 4 of the Act (as amended by the Controlled Substances (Serious Drug Offences) Amendment Act 2005) as follows:

33LA—Possession of prescribed equipment

This clause makes it an offence to possess, without reasonable excuse, prescribed equipment which is defined to mean documents containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant and other equipment prescribed by regulation. Proof of a reasonable excuse lies on the defendant and the offence is punishable by a fine of $10,000 or 2 years imprisonment or both.

5—Amendment of section 63—Regulations

This clause makes a consequential amendment to the regulation making power to specify that a regulation prescribing equipment for the purposes of new section 33LA does not require consultation with the Controlled Substances Advisory Council.

Debate adjourned on motion of the Hon. J.M.A. Lensink.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

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

At 18:25 the council adjourned until Wednesday 14 November 2007 at 11:00.