LEGISLATIVE COUNCIL

Tuesday 1 April 2008

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

LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) (RATIFICATION OF AMENDMENTS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

HEALTH CARE BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ADVISORY PANELS REPEAL) BILL

His Excellency the Governor assented to the bill.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA (REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:21): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

CAMERON, HON. C.R.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:21): With the leave of the council, I move:

That the Legislative Council expresses its deep regret at the death of the Hon. Clyde Cameron, former federal minister of the Crown and member of the House of Representatives, and places on record its appreciation of his distinguished and meritorious public service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

The Hon. Clyde Cameron AO, a legend of the Australian labour movement, died last month aged 95. Mr Cameron was a long-serving member of the federal parliament for the South Australian electorate of Hindmarsh, winning the seat in 13 consecutive elections.

From the shearing sheds of South Australia, he rose through the ranks of the union movement to champion the cause of working Australians, as well as his constituents in Adelaide's inner western suburbs.

Enduring a long stint on the opposition benches from 1949 until 1972, Clyde eventually realised his political ambitions by becoming a minister for labour in the cabinet of former prime minister Gough Whitlam. After Kim Beazley Senior passed away last October, Clyde became our oldest surviving member of the federal parliament. Clyde Cameron died on 14 March, the last surviving member of the parliament which was elected in 1949.

Clyde Cameron was an influential political figure both in South Australia and nationally. After his retirement from the federal parliament in 1980 he remained a frequent contributor to public debate. In 1982, he was appointed an Officer of the Order of Australia. Clyde Robert Cameron was born in Murray bridge on 11 February 1913 to parents Robert and Adelaide Cameron. Clyde left school at age 14 and initially followed his father into the shearer's life.

During the 1930s Clyde worked in every Australian state, and crossed the Tasman Sea to ply his trade in New Zealand. In 1941, at age 28, he became the youngest ever state secretary of the Australian Workers Union, just three years after becoming an organiser for the AWU. In 1946 Clyde became state president of the Australian Labor Party, the first of three terms he served in that role.

Clyde's value as a campaign and policy strategist was crucial in the success of the Whitlam government at the 1972 federal election. His contribution to that, of course, was something that was most eloquently acknowledged by Gough Whitlam himself. As labour minister, Clyde played a key role in the Whitlam government's push to grant equal pay to women. In 1974, Clyde was also handed responsibility for immigration. In 1975 (I remember controversially at the time) he was shifted to the position of science and consumer affairs minister. He retired from federal politics in 1980, passing the baton to a new generation of Labor politicians who, just three years later, would usher in the Hawke-Keating era.

Clyde was a strong supporter of the National Library of Australia's oral history collection, to which he contributed more than 15,000 pages of transcripts from around 600 hours of interviews with his political contemporaries.

I worked for a federal member of parliament, just across the road in what was then the AMP building, from 1976 to 1980 and Clyde Cameron's office was next door. I had the opportunity to talk to him on a number of occasions, and he was clearly very charismatic. Even in those days, which were the final days before he retired from parliament, his influence was still enormous.

On behalf of all members on this side of the council I extend my condolences to the family and friends of Clyde Cameron, especially his wife Doris, his sons Warren and Noel and his daughter Tania, and also to Clyde's nephew John Rau, the member for Enfield.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I rise to second the motion. As the Leader of the Government said, the Hon. Clyde Cameron was a member of the Parliament of Australia for a record time, from 1949 to 1980. He was also a minister during the Whitlam government and was, of course, South Australian president of the ALP from 1946 and member for Hindmarsh from 1949.

I did not realise, until doing some research, that Mr Cameron was born in Murray Bridge and, like you Mr President, worked as a shearer in his younger years. Like many, he experienced the hardest times of the Great Depression, which founded his battle for the everyday people of Australia. He became involved with the Australian Workers Union and the Australian Labor Party throughout a decade which saw him work in every Australian state, and he was very much in touch with the circumstances of average working Australians.

By the early 1940s Cameron had conquered the AWU ladder, educated himself on industrial law, and had been appointed state president of the ALP. Throughout his time Cameron experienced significant personal battles, including witnessing his children suffer serious illnesses, and, while this surely stayed with him for life, it strengthened his advocacy of the rights of the average Australian.

He was described as an assertive and dogmatic parliamentarian and also one of the Labor Party's most aggressive critics. Cameron was very wary of corruption within senior public offices, and he maintained a voice on this issue for the remainder of his life. He was a campaigner against secrecy for his entire parliamentary career.

When Whitlam appointed the Hon. Clyde Cameron as shadow minister for labour, Cameron was given the platform to deliver policies and reformation of the party, which eventually saw Labor end its 23 years in opposition. Amongst his priorities was dealing with restrictive trade practices, and foreign ownership and control of Australian resources and industries. I note that one of his earliest interests was a bill to amend the Commonwealth Employees Compensation Act to provide for the payment of full wages for the full period of total incapacity—interesting in today's context.

Becoming a minister in 1972, Cameron delivered to working Australians by improving the pay and conditions for many public servants and advocating improvements in conditions for the private sector and for women. Gough Whitlam addressed him as the 'principal architect' of the party's victory. Retiring in 1980, Cameron published some of his accounts of parliament, and he indicated in his final speech that he would enjoy seeing the ripples that these publications created. No doubt Cameron created many ripples throughout his career and afterwards, and no doubt he was also greatly admired, appreciated and respected by those whose causes he advocated

tirelessly. Cameron had a real impact on the circumstances and quality of life of many of these people. I pass on our condolences to his family.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:28): I also rise to bid farewell to Clyde Cameron, and to offer my thoughts and condolences to his family, in particular his wife Doris, his children Warren, Noel and Tania, and his grandchildren.

Clyde Cameron became a force within the union movement and within the ALP at a very young age, being only in his 20s when he became state secretary of the Australian Workers Union in 1941. In 1949, Clyde Cameron entered federal parliament, where he spent 23 years as a member of the opposition. During those long years, Clyde Cameron became highly skilled in legal and legislative analysis, and he was therefore extremely well prepared when he came to office after Gough Whitlam's historic 'It's time' victory in 1972—which many of us remember well.

Clyde Cameron was appointed as minister of labour, and he had developed a well prepared program that he set about implementing immediately. He championed reforms such as equal pay for women, pension increases for retired workers, the provision of child care to supporting working women, flexible hours for workers, and other industrial rights that most people today take for granted.

Clyde Cameron also had a deep respect for education and the concept of further training. Had circumstances been different for Clyde Cameron in his youth, I do not doubt that he would have gone on to study at university. Indeed, further training for workers became one of his greatest passions. Within the union movement Clyde Cameron believed that, if further training and learning opportunities were offered to workers, this would make the union leadership more accountable and hence workers' representation would be more effective and informed. Clyde Cameron's well documented ideas on this subject foreshadowed the reforms of the Hawke-Keating era.

After 31 years of loyal service to the people of the western suburbs of Adelaide and to the workers of this nation, Clyde Cameron retired from federal parliament. He quickly became a mentor and living legend to a new generation of Labor activists and true believers. Clyde Cameron was always keen to promote talent and offer advice to the party faithful. He was also a well respected author and historian. He contributed 15 500 pages of oral history transcripts to the National Library of Australia and published several volumes of his memoirs.

Clyde Cameron's passion and commitment to the working men and women of Australia never wavered throughout his entire life. His early experience of leaving school at the age of 14 years and being employed as a shearer helped him form his strongly held views about defending the rights and interests of working people. When Kim Beazley Senior passed away in October last year, Clyde Cameron became the earliest surviving member of the commonwealth parliament, and now he too is gone. It saddens me to think we have lost this important link to our nation's history. Nevertheless I am certain that Clyde Cameron's legacy of tirelessly advocating the rights of men and women will not be forgotten by any of us. I know that Clyde Cameron's contribution to Australian society as a minister in particular has benefited many throughout their lives. Vale Clyde Cameron.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:32): I, too, rise to add my condolences on the passing of the Hon. Clyde Cameron, former member of the House of Representatives for the seat of Hindmarsh and minister for labour under Gough Whitlam. The house places on record its appreciation of his distinguished public service.

It was with great sadness that we learned of the passing of our friend and colleague, Clyde Cameron, on Friday 14 March at the age of 95 years. He was the son of Robert Cameron, a Scottish migrant and foundation member of the Australian Shearers Union. Mr Cameron was unemployed during the Great Depression, but later in 1939 he became an organiser for the Australian Workers Union, where he subsequently became state secretary and later served as South Australian state president and federal vice president.

In 1946 Mr Cameron became state president of the Labor Party, a position he held on two subsequent occasions. He won the seat of Hindmarsh at the age of 36 in the 1949 election, which felled Ben Chifley's government. He spent 23 years in opposition and, after having aligned himself with Gough Whitlam to provide a majority on the federal executive, served in the former prime minister's cabinet when Labor was returned to office in 1972, first as labour minister from 1972 to

1974 and as labour and immigration minister from 1974 to 1975, and lastly as science and consumer affairs minister in 1975.

During his early years as member for Hindmarsh, Mr Cameron rose to become one of the new leaders of the Left in the Labor caucus, conducting himself with confidence, integrity and tenacity. Mr Cameron quickly gained a deserved reputation for being fair and a great champion of the labour movement and upholding the interests of working people. A major legacy of Mr Cameron's period in the Whitlam government was the introduction of equal pay and maternity leave for working women and wage indexation.

Mr Cameron was indeed a passionate and spirited orator, and he loved a good debate generally. I recall a very lively discussion that I had with him many years ago when I was secretary of the Australian Nursing Federation. There had been a system of collecting union fees that he had been involved in when he was in the union whereby officials went visiting and directly collected dues from members in the workplace. Although that practice had well and truly passed, it was a time when unions were introducing direct debit of union membership fees. He certainly engaged me in a very lively debate and said that he thought that that would have a very adverse impact on unionism. He very much supported the philosophy of getting out there one-on-one and having personal contact and an ongoing relationship with individual union members. That is certainly a commendable view, although it is difficult to sustain in this day and age.

I was also privileged to participate in training programs at the Clyde Cameron college at Albury-Wodonga, a centre named in his honour that underpinned his commitment to and vision of supporting training and education of not only workers but also union activists and officials. I went there on a number of occasions, both as a workplace representative and also later as a union official, and certainly left a very empowered union activist after those experiences.

After the fall of the Whitlam government in 1975, Mr Cameron returned to the backbench and retired five years later in 1980, having retained his seat as the member for Hindmarsh for 31 years, after successfully contesting 13 consecutive elections. That is certainly quite an extraordinary challenge for the current member for Hindmarsh (Steve Georganas), although I am certain that Steve is up to it.

Mr Cameron was mentor to a former premier, the late Don Dunstan. After retiring from public office he mentored other great Australian members of parliament, including the former premier and one-time adviser to Mr Cameron, John Bannon, and former senator Nick Bolkus, amongst others. Of course, it was a true sign of great leadership that he worked so hard to attract new talent to the party, and he was very committed to building on the strengths of the party. He was not afraid to attract and encourage new blood and new ideas.

Mr Cameron's contemporaries were Gough Whitlam, Tom Uren and Jim Cairns. Mr Cameron became an ALP luminary and, of course, an icon. The esteem which others afforded him was demonstrated by the provision of a state funeral, conducted on Thursday 20 March and attended by over 200 people, and I was fortunate to be one of those. They included union representatives and past and present members of parliament from across the political spectrum. It was indeed a very moving ceremony. He will be remembered and respected as one of South Australia's most passionate representatives and defenders of working people and will be sadly missed. In the words of former prime minister Paul Keating, Mr Cameron was, in federal terms, South Australia's most remarkable Labor leader. I send my sincere condolences to his family.

The Hon. I.K. HUNTER (14:38): I also rise today to express my deep sadness at the passing of the Hon. Clyde Cameron and to associate myself with the remarks made by the ministers and the Leader of the Opposition. As most speakers have already outlined, Clyde cut his teeth as a shearer just as the Great Depression was taking hold, leaving school at 14 years of age and experiencing both backbreaking work and crushing unemployment. These experiences, tempered by constant political discussion around the family kitchen table, led to a lifelong commitment to the labour movement. He went on to become a towering figure in the politics of this state and our nation.

He is best known, of course, as the member for Hindmarsh and as a minister in the Whitlam government but, from the start, Clyde was a leader and, of course, a power broker. As an official of the Australian Workers Union, as president of the South Australian branch of the Labor Party, and ultimately as the member for Hindmarsh and a minister, Clyde was a driving force—and perhaps the driving force—in South Australian Labor politics for close to 40 years. This is certainly true for the Left of the party and, for many of us, he will always be an inspiration and his achievements a benchmark.

I first met Clyde Cameron at a Labor Party meeting at Hindmarsh. My immediate impression as a young man, before I had even contemplated a career in politics, was of an elder statesman who was still on top of his game and who still had a lot to offer. His vast experience and deep political wisdom was always an asset to those of us who took the trouble to consult him. Even in retirement he worked tirelessly in the electorate of Hindmarsh for the election of a Labor government. I know that the current member for Hindmarsh, Steve Georganas, and the former member, John Scott, have both acknowledged the enormous debt that they owe Clyde.

Clyde Cameron's contribution to this nation is impossible to overstate, and the ministers have outlined some of his great legislative achievements during his time in federal parliament, and his considerable contribution to our national life and also our national history following his retirement as an author of numerous books and thousands and thousands of letters. Those of us who benefited from his correspondence will acknowledge the fact that 'prolific' was not the word to describe Mr Cameron as a letter writer: fecund would be better.

Clyde's overwhelming legacy is his enormous contribution to the labour movement itself—to its people and its historic purpose to empower the workers of our nation. He was a friend and mentor to many of the leading lights of the South Australian Labor Party well into the 1980s and 1990s. Don Dunstan, Nick Bolkus and John Bannon were just a few of the bright young talents who Clyde recognised and nurtured. He was also instrumental in modernising the ALP throughout the 1950s and 1960s and preparing the way for the election of the Whitlam government, not least by pushing for the reform of the Victorian branch of the Labor Party.

It is also fair to say that he was pivotal in holding the ALP together in this state during the federal party's darkest years. When the ALP and the rest of the country was riven by the formation of the DLP, Clyde ensured that the South Australian branch was spared. As you know, Mr President, Clyde's enduring passion was the trade union movement, and particularly the education and mentoring of promising trade unionists, which culminated in the establishment of the Clyde Cameron College in Albury-Wodonga.

It is often observed (perhaps a little unfairly, in my opinion) that Clyde was a great Labor hater; a man who could bear a grudge and wore his heart on his sleeve. It is true that Clyde held his principles very strongly and was not afraid to express them. It is also true that he had some spectacular falling-outs, most notably with Gough Whitlam—I understand that they did talk to each other again after about 35 years! However, with Clyde, it was never personal; it was always about principle—which is why this giant of the Left could enjoy a long and friendly correspondence with B.A. Santamaria until the latter's death in 1998, and enduring friendships with Liberals such as Sir Alexander and Lady Downer.

Clyde Cameron's passing leaves a mighty hole in the labour movement. Largely thanks to his investment of his life's work, however, the labour movement has the people to continue his legacy. Clyde Cameron was (to quote Kim Beazley senior) 'the cream of the working class'. I commend the motion to the chamber, and I express my personal sympathies to his wife, Doris, and his loving family.

The PRESIDENT: I also would like to make a contribution. Of course, I knew the late Clyde Cameron very well. Clyde was a second cousin of my mother's, and I also had a lot to do with him when I became secretary of the Australian Workers Union—because I think every new secretary of the Australian Workers Union received a call from Clyde the day after they took office, with some friendly advice on how to run the show. Of course, some of that advice you would take and some you would put to one side.

Clyde was a famous AWU secretary, and during that time he had some famous organisers: Jack Wright, Rocky Ghan, Jim Dunford and Don Cameron. The six organisers during Clyde's time as secretary were all ex-shearers. Not long after Clyde became secretary, the National Executive of the Australian Workers Union sacked the lot of them. It is a wonderful part of AWU history that Clyde and those who were sacked—Jack Wright, Jim Dunford and Don Cameron—took up the fight in court against the national office of the AWU and won that fight, and the court ordered the national office to reinstate them all.

Of course, Ian spoke about the falling out with Gough Whitlam. It had taken some years for them to talk, but I can assure you that Clyde never spoke again to that national secretary at the time who sacked him. For the next 50 years he went out of his way to make his life a misery—and sometimes he succeeded.

Of course, one of the wonderful things Clyde did for the trade union movement when he became minister for labour, as the Hon. Carmel Zollo has touched upon, was to pass legislation

which required unions to be more accountable. His reforms led to unions having to present not only their financial balance sheets and financial statements to members at AGMs every year but they also had to lodge them with the relevant authorities. This made unions more accountable than perhaps corporate bodies in Australia. It was a wonderful piece of legislation because, like many other organisations over the years, the unions have had their characters as well.

As I said, most union secretaries in Clyde's day and in my day and in the Hon. John Gazzola's day came from the shop floor. We seem to be getting a lot of academics these days, but they came from the shop floor then; they were not all gifted in managing organisations with $3 million or $4 million in turnover a year. I might say they were very tight with their money, but that made them very accountable and it was a great piece of legislation of Clyde's.

As we all know, Clyde also wrote many books in his time. I had the privilege of his presenting me with a full copy of his diaries some years ago. I must say that I am about a quarter of the way through them, so I am glad he did not ask me any questions about the last couple of diaries before he passed away. He also gave many speeches and a lot of advice to young students. He was always happy to attend universities to speak to students and he was also happy to attend trade unions to speak to them. He did that right into his 90s and he always did it very well. He always had a wonderful presentation.

Of course, he made many friends outside the trade union movement and outside the Labor Party movement, as others have mentioned, and he made many friends in the opposition. He became very good friends with some of the people who were in opposition when he was in the Whitlam government. He was a character who could make you a great friend or make you a great enemy, but he did wonderful things for the trade union movement and I congratulate him on his special efforts and the legislation that he passed that helped the trade union movement in Australia no end. Some secretaries might not think that, but it was great legislation. My sympathy goes out to his family.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:49 to 15:05]

CHILDREN IN STATE CARE INQUIRY

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:05): I lay on the table the report of the Commission of Inquiry into Children in State Care, Allegations of Sexual Abuse and Death from Criminal Conduct.

Report received and ordered to be published.

PAPERS

The following papers were laid on the table:

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

Judges of the Supreme Court of South Australia—Report, 2007
Award of Route Service Licence on Adelaide-Port Augusta Scheduled Airline Route Report
Regulations under the following Acts—
Dust Diseases Act 2005—Industrial or Commercial Processes
Petroleum Products Regulation Act 1995—General
Dangerous Areas Declarations—Section 83B of the Summary Offences Act 1953
Road Block Establishment Authorisations—Section 74B of the Summary Offences Act 1953
Social Development Committee's Inquiry into Gestational Surrogacy—Response document by the Attorney-General and the Minister for Health
Terrorism (Police Powers) Act 2005—Minute from Commissioner of Police

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

Regulations under the following Act—Primary Produce (Food Safety Schemes) Act 2004—
Citrus Industry

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

Reports, 2006-07—
Children, Youth and Women's Health Service.
Country Health SA.
The State of Public and Environmental Health for South Australia.
Regulations under the following Act—
Liquor Licensing Act 1997—Normanville
Rules under Acts—
Local Government Act 1999—Binding Death Benefit Nominations
Natural Resources Committee Deep Creek Report—Government Response

CHILDREN IN STATE CARE INQUIRY

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:07): I lay on the table a copy of a ministerial statement relating to the Mullighan Inquiry into Children in State Care, Allegations of Sexual Abuse and Death from Criminal Conduct made earlier today in another place by my colleague the Premier.

MAKK AND McLEAY NURSING HOME

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.E. GAGO: I rise to advise the chamber that tenders have been sought for a not for profit non-government organisation approved aged care provider to manage the Makk and McLeay Nursing Home in partnership with Central Northern Adelaide Health Service.

Makk and McLeay Nursing Home is a commonwealth licensed home that specialises in caring for older people with severe dementia, who often have very challenging behaviours. A number of the residents in the home have been referred there by the commonwealth's Aged Care Assessment Team because they have not been successful in other nursing homes due to their challenging behaviours.

On 12 February, I advised the council that Central Northern Adelaide Health Service received notice in December 2007 from the commonwealth Department of Health and Ageing of a decision to impose two sanctions under section 67(5) of the Aged Care Act in relation to the Makk and McLeay Nursing Home.

Since December 2007, the Makk and McLeay Nursing Home has been subject to sanctions after it was found to be non-compliant against 26 of the 44 expected outcomes in the accreditation standards. Two serious risk areas were noted and these related to the unreliability of the staff duress alarm system and concerns regarding the complex management needs of residents who exhibit challenging behaviours.

These sanctions resulted in no further funding being made available for any new residents entering the Makk and McLeay Nursing Home, and Central Northern Adelaide Health Service was required to appoint an approved nursing adviser. Both of the serious risk issues have been mitigated. In addition, an experienced aged care director of nursing with extensive experience in the private aged care sector was also appointed to work alongside staff in the home and support the activities of the nurse adviser.

A site audit was conducted on 26 to 29 February 2008, followed by a review audit on 1 to 2 March 2008 by the Aged Care Standards and Accreditation Agency. The review team noted significant improvement at the service delivery level; however, 'evidence of sustainability' is a key requirement to achieving compliance. I am advised that full compliance with all of the standards will only be able to be established after some time has elapsed due to the sustainability test which the assessors apply.

I am advised that, since December 2007, the home has been found to be fully compliant in an additional 10 standards and that non-compliance has been reduced from 26 to 16 of the 44 standards as noted by the assessors who undertook both the site and review audits. Action plans are in place to address all of the remaining standards, and the audit review team acknowledged that the home had indeed made progress.

The review audit team recommended that accreditation for the home continue; however, on 18 March, Central Northern Adelaide Health Service received advice from the Aged Care Standards and Accreditation Agency regarding an intention to withdraw accreditation of the Makk & McLeay Nursing Home. This is subject to a formal process of reconsideration by the Aged Care Standards and Accreditation Agency before any further action can be taken by the federal agency.

I am very hopeful that the reconsideration process will see the home continue to receive accreditation. If this is unsuccessful, a number of other steps are available, including an appeal of the decision or seeking exceptional circumstances consideration, which would allow the home to continue receiving federal funding until new organisational arrangements are put in place.

I acknowledge that the home has made some progress since the adverse assessment in December; however, I am frustrated and disappointed that questions remain over standards at the home. I must be satisfied that the residents of the home are receiving the best possible care and that the home is fully compliant with accreditation standards. I have directed Central Northern Adelaide Health Service to partner with an expert aged residential care organisation to jointly provide services on a daily basis.

I have also asked Central Northern Adelaide Health Service to initiate a limited tender process with three experienced and respected aged care providers with the closing date of 2 April. It is expected that a preferred provider for this management partnership will be identified within the next week or so.

PARLIAMENTARY CRICKET TEAM

The Hon. R.P. WORTLEY (15:13): Mr President, I seek some guidance. Would it be appropriate to indicate a notice of motion congratulating the five members of this chamber who were part of the cricket team that defeated the media contingent this year—the first time in 12 years and only the second time in, I think, 40 years? The members of the team were yourself, Mr President, and the Hons Mr Lucas, Mr Stephens, Mr Hood and myself, who played a very significant role in the crushing victory.

Members interjecting:

The PRESIDENT: Order! I have been asked a question. I think that we can exercise our bragging rights when we have as many victories as the press.

QUESTION TIME

WORKCOVER, SAPOL LIABILITY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:15): I seek leave to make a brief explanation before asking the Minister for Police questions about the South Australian police force's WorkCover liability.

Leave granted.

The Hon. D.W. RIDGWAY: As members would know, the government's own WorkCover scheme used to be managed, shall we say, somewhat centrally and now, of course, it is managed by each department, and they manage their own liability. Information has been made available to the opposition that the government's own WorkCover scheme is in disarray. I have been advised that the education department has a liability estimated to be in excess of $300 million, and that the families and communities department has somebody who, at the age of 71 years, is still receiving weekly benefits, unlike the public WorkCover scheme. My questions to the minister are:

1. What is the current liability of SAPOL?

2. Does SAPOL have any personnel over the age of 65 on weekly benefits?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:16): I will obviously have to get that information from the police department and provide it to the honourable member.

THE WOOLSHED

The Hon. J.M.A. LENSINK (15:16): My questions are directed to the Minister for Mental Health and Substance Abuse:

1. Will the minister confirm that The Woolshed was directed by her department to sell some 25 cows (in the middle of a drought) because it needed the money?

2. Is the minister aware that the site is now a fire risk because they cannot keep the grass down?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:17): I thank the honourable member for her question. I am not aware of the sale of any cows, but I am happy to look into that most important matter and bring a response to the chamber. I am sure everyone is hanging on the answer to that question. I am happy to put the agency's resources to work to find out about cows.

However, I would imagine that, during a period of significant drought, probably (if there are 25 cows) it would be quite difficult to feed them at that particular time. I will put the agency's precious resources to work and find an answer to this most important question, and I will bring back a response. In terms of fire, we know that fire risk assessments are completed and, to the best of my knowledge, The Woolshed, as with all of our other services and facilities, complies with requirements.

Members interjecting:

The PRESIDENT: Order!

BEULAH PARK FIRE STATION

The Hon. S.G. WADE (15:18): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Beulah Park Fire Station.

Leave granted.

The Hon. S.G. WADE: In answer to a question on 12 February 2008, the minister promised that when the Glynde station closes (which is scheduled for March 2009) the risk profile in the area will be analysed and an appropriate allocation of staff will be made to stations in the area. Last Friday, 28 March, the union announced an escalation of its public education campaign, including yet another union rally against this government, this time tomorrow outside the empty, unfunded Beulah Park Fire Station. By Monday 31 March 2008, the union had been advised that a fire crew would be funded for the Beulah Park Fire Station in the upcoming budget. I ask the minister:

1. What changes have occurred in the risk profile in the past six weeks that have changed the minister's mind on the need for an additional crew, and the timing of that decision?

2. Do the changes to the risk profile involve fire risks to be dealt with by the fire service, or political risks being dealt with by this government?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:20): As usual, those opposite get up to congratulate this government on the manner in which it has resourced the state's emergency services—in particular, the Metropolitan Fire Service. As I have said a number of occasions in this place, it has been well over $20 million in the operational budget since we came to government as well as 194 recruits, who we train as quickly as we possibly can—in fact, there is a recruit training course being conducted right now.

I have said all along that the government would never put the community at risk and would ensure community safety. Again, this government is increasing coverage in the north-eastern suburbs with a new station at Paradise and a new station at Beulah Park to replace the Glynde station. However—and I have put this on record before—until Paradise comes on line early in 2009 this government is committed to keeping open the Glynde station, so the MFS will temporarily relocate crews to ensure appropriate coverage for the area.

I was becoming increasingly concerned about the potential for unnecessary—and, I repeat, unnecessary—public alarm because of the union's campaign, a so-called 'education' campaign. I met with union representatives last Thursday and put to them that I certainly did not appreciate the fact that they had an education campaign that was about nothing, because we have increased resources and funding to the MFS after that lot over there, the former Liberal government, absolutely gutted them for eight years. I am pleased that the honourable member has heard that I met with the union leadership yesterday afternoon, and I am also pleased to say that cabinet gave me leave to take the unusual step of advising the union that funding would be made available for additional crew in the upcoming budget.

I have said on many occasions, both in this chamber and in the media, that it was a temporary measure. It was always the intention of this government to increase staffing in the north-eastern suburbs—obviously you would have to when the new station at Paradise comes on line—and I have always publicly said that until the new station came on line there would clearly have to be temporary relocations. So, I repeat that there will not be a decrease in crewing numbers; it is just a relocation (I have to keep repeating those words) on a temporary basis (which I also have to keep repeating) until a new, additional crew is funded in July 2008 and then another new station comes on line in 2009. It is clearly the responsible thing to do: if one station is to be decommissioned to move the crew to another place, as that station cannot be decommissioned until a new station is built in the same area.

As I have said, ahead of time and prior to the budget I told the union that the government would fund an extra 22 staff and that that funding will be made available to the MFS in the next financial year. Clearly, I leave the allocation of resources and the placement of crews to my chief officer, and I am certain that staffing will be carefully monitored—as I have always said. I am advised that the UFU and MFS management met this morning to discuss the resources and staffing issues (as one would expect them to), and my advice is that the UFU is confident that the current plan to resource the north-eastern area does not pose any risk to the community.

Again, this government is committed to rebuilding the fire service and putting back what the opposition savagely cut in the eight years it was in government. We have provided funding for an additional 194 new recruits—that is, 194 more than the previous government—and we have increased the budget (it is on the record) from $74.5 million in 2002 to over $97.9 million in the 2007-08 budget. So, we have done nothing other than increase resourcing to the Metropolitan Fire Service—and, indeed, to all the emergency services in this state. Again, I know that the opposition congratulates us.

BEULAH PARK FIRE STATION

The Hon. S.G. WADE (15:25): By way of supplementary question, I understood the minister to say that she has consistently said there would be an increase in staff in the north east, yet in answer to a question from the Hon. John Dawkins on Thursday 6 March—

The PRESIDENT: Order! The honourable member will ask the supplementary question; there will be no explanation. He has been here long enough to know the standing orders. Ask the minister a question.

The Hon. S.G. WADE: I ask the minister: in the context of the 2007-08 budget, did the Metropolitan Fire Service make a submission for additional funds to provide staff for the Beulah Park station?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:25): Budget appropriation is a matter for executive government, and certainly in my area of responsibility this government has always increased resources to the Metropolitan Fire Service in the state.

BEULAH PARK FIRE STATION

The Hon. J.S.L. DAWKINS (15:26): By way of supplementary question—

Members interjecting:

The PRESIDENT: Order! Ever since we got on to cows there has been too much mooing.

The Hon. J.S.L. DAWKINS: Given the widespread community concern, as well as concern among the Metropolitan Fire Service community, why has the minister taken so long to sort out this mess?

The PRESIDENT: The Hon. Mr Dawkins should know that he should not make an explanation before asking a supplementary question. I suggest the honourable member reads *Hansard* tomorrow.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:26): Any union in the state clearly has a right to run their business in the manner they choose. We live in a healthy democracy and, if a union goes out there and talks about

a particular campaign, regardless of whether there is any truth in it from the government's viewpoint, if they are alarming the community it is my responsibility to respond.

MINERAL EXPLORATION

The Hon. B.V. FINNIGAN (15:27): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mineral exploration in South Australia.

Leave granted.

The Hon. B.V. FINNIGAN: The state is currently the focus of exploration by many resource companies; indeed, South Australia appears to be on the cusp of a mining boom. Will the minister provide an update on the latest exploration figures and indicate what they mean for the future economic prosperity of the state? Also, will the minister provide details on how South Australia's performance in attracting mineral resources companies to explore in this state compares on the global stage?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:28): I thank the Hon. Bernie Finnigan for his very important question—certainly it is somewhat of an improvement over some other questions we have had today. The latest mineral exploration expenditure data from the Australian Bureau of Statistics provides concrete evidence of South Australia's rapidly growing stature in the mining community.

The December quarter ABS figures provide a welcome snapshot of the extraordinary growth taking place in South Australia's mineral sector. During the 2007 calendar year mineral exploration expenditure in South Australia climbed to $331.3 million compared to $191.4 million just a year earlier—a staggering increase in such a short period. South Australia's resources sector has now more than tripled the target set by the Rann Labor government just four years ago of $100 million worth of mineral exploration in this state by 2007.

Further underlining the excellent exploration results is confirmation from the Fraser Institute of the performance of South Australia's mining sector on the global stage. The Canadian institute's annual survey of mining companies continues to rank South Australia fourth in the world in terms of mineral potential, and the next Australian state, Queensland, was placed nineteenth globally in the mineral potential index—a gauge based on respondents' answers to whether or not a jurisdiction's mineral potential under the current policy environment encourages or discourages exploration.

South Australia's maintenance of its current mineral potential ranking is strong and even more impressive on a national basis. In the 2006-07 survey four Australian states made up the top 10 positions, but a year later South Australia stands alone as the only Australian state in the top 10. The Fraser Institute survey results highlight South Australia's strong encouragement of our mineral sector, underpinned by sensible and effective pro-mining government policy, such as the hugely successful and internationally recognised plan for accelerating exploration, better known as PACE.

The mineral industry's new-found confidence in South Australia is also delivering an unprecedented pipeline of new mines and new mining proposals in addition to the proposed giant expansion of Olympic Dam. While the last quarterly results emphasised that South Australia is open for business to resource companies, I stress that this government will continue to insist on the highest standards in every aspect of mining development. PIRSA is case-managing this second wave of 30 new advanced projects and developments, representing a possible investment of $25 billion in capital investment for the state, including the proposed Olympic Dam expansion.

Given the latest exploration figures and survey results, we can claim that South Australia is the pro-mining state in South Australia. Since the 2004 launch of PACE, South Australia continues to capture an increased share of the national expenditure on mineral exploration. The ABS figures show that South Australia's share of national exploration spending is 16.1 per cent, up from 13.1 per cent in the same period in 2006. The comparison is even more striking when you compare it to the 4.2 per cent of national expenditure South Australia received in March 2004 before this government's introduction of the PACE initiative. There is little doubt that the seven-year, $30.9 million PACE program, which includes $10 million for drilling partnerships with industry, has helped us significantly boost mineral exploration activity in this state.

The 12-month investment of $331.3 million in mineral exploration puts South Australia into second place behind Western Australia in terms of mineral exploration and ahead of Queensland, which had $319.2 million. Of the $93.5 million spent in the December quarter, $39.7 million was

invested in the search for new mineral deposits, with the remaining $53.8 million spent on the expansion and development of South Australia's growing list of known mineral deposits.

Excluding the estimated expenditure in resource drilling at BHP Billiton's Olympic Dam during the December quarter, about 50 per cent of private mineral exploration investment targeted new deposits or greenfields exploration. This unprecedented growth will create substantial regional employment opportunities and new start-up industry developments across the state in the service and supply and specialist skills and training sector.

So, I am absolutely delighted with these results. The government is committed to maximising access to land across South Australia for responsible and successful mineral exploration that is the key to underpinning the long-term sustainability of our mining industry.

SUICIDE PREVENTION

The Hon. D.G.E. HOOD (15:32): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about suicide prevention.

Leave granted.

The Hon. D.G.E. HOOD: On Thursday of last week I, like several other members, received an email from a person who, when they signed off, appeared to be somewhat suicidal given the way they finished the letter. Obviously I was concerned about this and sought to obtain contact details for that person. When my staff looked for a service that might be able to call this person proactively to see whether they required any specific help, we were surprised to find that no specific service was prepared to take a proactive role in this situation. Services such as Lifeline and Crisis Care—not that it is any blight on them—are reactionary services, if you like (that is, they rely on people contacting them).

So, to confirm our understanding that no body exists to address these circumstances, we contacted the minister's office. Her staff were very helpful, I might add, but they asked us to forward the details of this individual to the minister, which we did. A member of the minister's staff advised that ACIS would usually respond to such a situation, but we learned that, generally speaking, ASIS would actually go and visit the person rather than contact them by phone—which, of course, has implications for the amount of resources and therefore the amount of visiting that is possible.

My question is: in the interests of suicide prevention in South Australia, will the minister investigate and fund, establish or promote a proactive service that will, on behalf of anonymous family members or friends, once contacted by those people, telephone a person who is suspected of being suicidal in order to prevent a potential tragedy?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:34): I thank the honourable member for this important question. Indeed, the issue of suicide prevention is a most important one, and its association with depression. I understand that there are services, such as Lifeline and ACIS, that provide immediate emergency services. We also have the central triage system, which involves mental health and ambulance services and which also has a relationship with the police, which centrally triages all emergency calls that come through and undertakes a preliminary risk assessment and ensures that the appropriate services are sent out to the person concerned.

This is the first time that the incident the member mentioned has been drawn to my attention, and I am happy to look into it carefully and to make sure that everything that could and should have been done was done. This government invests considerable resources in suicide prevention. The South Australian government has added $1 million, which it provides to beyondblue, which boosted its commitment to a further $1.4 million over five years. This brings its commitment to the beyondblue depression initiative to $2.4 million, to enable beyondblue to deliver a range of prevention and promotion programs throughout South Australia.

The Social Inclusion Board provided funding of $680,000 over two years (2004-05 and 2005-06) specifically to support the implementation of locally driven suicide prevention initiatives in South Australian regional areas. These initiatives focused on young people and, in particular, young Aboriginal males. Country Health has provided leadership and coordination of those initiatives.

Also, in collaboration with the Australian government and the SA Divisions of General Practice, a primary health care suicide prevention and intervention model has been developed for

South Australia, called square (Suicide, QUestions, Answers & REsources). This model provides for assessment, early intervention, coordinated support and follow-up for people at risk of self-harm or suicide through the establishment of partnerships between GPs, mental health and general health services, drug and alcohol services, emergency services and community organisations.

It is expected that better partnerships will result in a reduced demand for emergency services—as they say, a fence at the top of the cliff is worth far more than an ambulance at the bottom of the cliff. The SA Department of Health contributed $300,000 towards square, which includes a desktop guide and other resource materials.

By working with key regional partnerships, the SA Divisions of General Practice and Relationships Australia are rolling out the primary health care model of suicide prevention and training across the state, and we particularly link that with drought affected areas. Additional suicide prevention training for workers and community members has also been identified and, of course, there was the SA government funded Mental Health First Aid Program (which I have talked about in this chamber before) in the sum of $225,000 from 2005 to 2007 to assist in raising the South Australian community's awareness of mental health and the prevention of suicide and self-harm.

We provide many other services. As I have said, these include the mobile emergency response for assessment and crisis intervention (our ACIS teams); a follow-up service for inpatients leaving hospitals; increasing mental health staff in emergency departments; an adolescent mobile assertive outreach service for young people at risk due to mental health issues and other associated problems; and extra support packages for people living in the community.

There is a wide number of initiatives on which we have focused resources to prevent suicide and, as I said, in relation to the specific instance that the member has raised, I am happy to follow up the details of that to ensure that everything that could be and should have been done was done.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:40): Will the minister consider the role that a community based program such as CORES (Community Response to Eliminating Suicide) could play in circumstances such as those described by the Hon. Mr Hood and, in particular, in complementing the resources described by the minister?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:40): I have answered this question several times, not once but many times before in this chamber. I have already said here very clearly that the CORES program in South Australia is an initiative which, as we know, was developed and implemented, I think, in Tasmania.

I have already outlined the wide range of suicide prevention initiatives that we have put in place, and I have already outlined several times in this chamber an almost identical community suicide prevention education program, the first aid program that we already fund and have funded for some time. This model was put together by Margaret Tobin and incorporates the principles that underpin CORES.

The answer to the question, as I have repeated a number of times in this council, is that we already do it and, what is more, we do much more as well. Ours is a multipronged approach to suicide prevention. We do not believe that focusing attention on just one strategy is the way to go. We already have a community based program, so we already do it and much more.

CLIMATE CHANGE

The Hon. R.D. LAWSON (15:42): I seek leave to make a brief explanation before asking the Minister for Environment a question about climate change.

Leave granted.

The Hon. R.D. LAWSON: In October last year, Mr John Martin, a commissioner of the Australian Competition and Consumer Commission, addressed a seminar in which he drew attention to green marketing claims being made. He described those as claims being made by providers of goods and services and governments. He said, 'If there is a green-edge to be found, it will be exploited.'

He warned consumers about what he called 'the latest and trendiest green marketing claims', namely 'carbon neutral'. In January this year, the Australian Competition and Consumer Commission subsequently issued a discussion paper on the same subject. The discussion paper

pointed out that any claims about carbon offsets need to be assessed against the requirements of the Trade Practices Act, which prohibits misleading and deceptive conduct.

The discussion paper highlights the fact that difficulties in understanding and verifying these claims give rise to concerns that consumers may be facing misleading and deceptive conduct, and many of the questionable claims that are being made now are outlined in the discussion paper to which I draw the attention of members.

Desalination plants are energy intensive and involve significant emissions of greenhouse gases, according to experts. This government has announced that there will be a desalination plant established at Port Stanvac, and information indicates that this desalination plant planned by this government will consume more than 10 per cent of this state's electricity.

The Advertiser recently published an attractive piece headed 'How the Murray will be saved', in which it quotes this government as describing the new Port Stanvac desalination plant as 'a carbon neutral desalination plant'.

So, my questions for the Minister for Environment are: what grounds does this government have for making the claim that the proposed desalination plant will be carbon neutral, and what will the cost be to the South Australian taxpayer of ensuring the carbon neutrality of that plant?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:45): I am very pleased to take—

Members interjecting:

The PRESIDENT: The minister does not require any help from those behind her.

The Hon. G.E. GAGO: I am very happy to take those questions on notice and pass them on to the minister in another place who is responsible for those particular policy areas. The desal plant is the responsibility of minister Maywald and, of course, carbon trading and offsets is a matter for the Office of Sustainability, so it is outside my purview.

What I can say is that this government has provided real environmental leadership on these matters in terms of energy improvements. We are one of the first states to introduce wind power and we have one of the highest proportions of alternative energies being provided into our grid. So, we have provided real leadership there, and we will continue to do so. The commitment of this government is to ensure the carbon neutrality of our desal plant, and that will be done through a carbon offset system. We are also the first—

Members interjecting:

The PRESIDENT: Order! I am sure the environment will benefit from less hot air in here.

The Hon. G.E. GAGO: —Australian cabinet to give a commitment to be carbon neutral, in terms of offsets for our transport and such like. We have provided both national and international leadership, and we will continue to do so. In relation to the details, I am happy to pass those questions on to the appropriate minister or ministers in the other place and bring back a response.

CLIMATE CHANGE

The Hon. M. PARNELL (15:47): Can the minister confirm what I believe she just said, that the method for achieving carbon neutrality for the desalination plant will be carbon offsets?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:48): That will be one of the mechanisms. As I said, it is not within my purview, but I am happy to bring back a detailed response from the appropriate minister.

WOMEN, EMERGENCY SERVICES SECTOR

The Hon. J.M. GAZZOLA (15:48): I seek leave to make a brief explanation before asking—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M. GAZZOLA: —the Minister for Emergency Services a question about participation by women in the emergency services sector.

Leave granted.

The Hon. J.M. GAZZOLA: In March, as members may know, celebrations were held for International Women's Day. We all know that women have always played an important and strong role in volunteering in rural communities. Will the minister provide any information available about participation by women in the emergency services sector?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:48): I thank the honourable member for his most important question. I was pleased to see the Hon. John Gazzola and yourself, Mr President, at the International Women's Day breakfast recently, along with your staff. Certainly, International Women's Day, which was celebrated on 8 March 2008, provided an opportunity to highlight the contribution women make in the sector. International Women's Day is part of a week of activities held this year during the period 1 to 8 March 2008.

As I visit brigades and units around the state and attend awards presentations, it is obvious that women are a vital part of our services. The often hot, dirty and sometimes dangerous work at the frontline does not put them off. The emergency services sector provides ample challenges for women who want to contribute to community safety, particularly in an emergency. Women can take on any role within the sector, provided the appropriate training—which is the same for men and women—is completed. They can contribute at the scene of an emergency and respond to incidents in an operational capacity or in a support role. There are a number of ways women can get more information about joining one of our emergency services. I suggest that they speak with volunteers in their community and ask them about the emergency services family and what volunteering has meant to them.

In rural communities, almost everyone would know a volunteer in the sector. There are also rural days, show days and other open brigade and unit events where members of the public are welcome to attend and meet with volunteers. The CFS and SES also have a considerable amount of information on their websites: at www.cfs.sa.gov.au and going to the link 'Becoming a volunteer', or at www.ses.sa.gov.au and going to the link 'Joining SES'.

The volunteer management branch also operates a dedicated free call recruitment line—1300 364 587. As at 30 June 2007, we had over 3,500 women in the CFS—that is about 23 per cent female participation. The 580 females in the SES represent nearly 32 per cent of the SES volunteer ranks. I think we all realise that the demands on everyone—women and men alike—in our rural communities is already significant, and that joining an emergency service does impact on their already valuable time. However, I also know that it is a commitment that our volunteers find rewarding and satisfying.

Members would be aware that significant work has also been done to improve participation by women in the Metropolitan Fire Service recruitment process. This is part of a general program of increasing diversity within the service. Last year saw the MFS increase its female firefighters with the addition of five new members. This is more than double the number of women in the fire service. Representation amongst the MFS retained firefighters is better, with over 20 women contributing to community safety in regional centres through their service as retained firefighters.

Our commitment to our emergency services—and, therefore, our volunteers—is steadfast, and we will continue to explore ways to foster the growth.

MANOCK, DR C.

The Hon. A. BRESSINGTON (15:52): I seek leave to make a brief explanation before asking the minister representing the Attorney-General questions again about Dr Colin Manock and the Medical Board.

Leave granted.

The Hon. A. BRESSINGTON: The council has already been made aware that the Medical Board is now proceeding with allegations of unprofessional conduct regarding Dr Manock before the Medical Tribunal of South Australia. It is also aware that there are also proceedings before the Medical Board in relation to Dr Ross James, who was Dr Manock's deputy for some 25 years. The last time I asked a question on this matter in this place, the Hon. Paul Holloway suggested that, if these two senior pathologists have done about 17,000 autopsies between them, it would not be surprising if one or two needed to be revisited. His response shows a lack of awareness of the nature and gravity of the allegations.

In the UK, some 250 convictions have been overturned by the Criminal Cases Review Commission and, in Canada, there have been at least eight judicial inquiries into wrongful convictions. In the USA, over 200 convictions have been overturned on DNA evidence alone. In none of those jurisdictions has there been such serious allegations against such senior pathologists who have been responsible for so many cases over so many years. In none of those jurisdictions have such serious allegations gone unexamined for such a long time.

In the case of Mr Van Beelan, Dr Manock said that he could narrow down the time of death to within 30 minutes by examining the dead girl's stomach contents. Just recently in Canada, the case of Stephen Truscott was overturned where very similar evidence was used. Four years after the Van Beelan case, Dr Manock admitted, in another case, that such an attempt to ascertain the time of death would be very unreliable. Nothing was done. In the case of Derek Bromley, Dr Manock gave evidence to the court which was false and misleading. Mr Bromley has petitioned the Governor to have his case referred to the Court of Appeal. He has served 23 years in prison. Nothing has been done.

In the case of David Szach, an independent expert has examined Dr Manock's calculation of the time of death, and his report on the errors runs to some 200 pages.

Similar criticisms were put forward some time ago by Professor Knight and Dr Byron Collins in Melbourne. He has petitioned the Governor to have his case referred to the Court Of Appeal. He is suffering from a terminal illness. Nothing has been done.

In the case of Mrs Emily Perry, the High Court of Australia said that the forensic evidence in that case, which had been put forward by Dr Manock, represented an appalling departure from acceptable standards. Nothing was done.

There were criticisms of Dr Manock's work in the Royal Commission into Aboriginal Deaths in Custody. Nothing was done. In the case of Terry—

The PRESIDENT: Order! The honourable member must move on to her question.

The Hon. A. BRESSINGTON: In the case of Terry Akritidis, Dr Manock told the coroner that Mr Akritidis had died at a time which would have been two hours after his dead body, already stiff with rigor mortis, had been found by police. Self-evidently, that could not have been right. Again, nothing was done.

My question to the minister is: will the Attorney-General agree to refer the cases of Henry Keogh, David Szach and Derek Bromley to the Court of Criminal Appeal and to establish a royal commission into the cases upon which Dr Manock and Dr James were engaged?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:56): I think the Attorney-General has already answered that question. As indicated in the last question, the matter in relation to the Keogh case, for example, has been examined and re-examined on a number of occasions, beginning with the former government, when Trevor Griffin was the attorney. I will refer the question back to the Attorney to see whether there is any additional information.

However, I think it has been pointed out that, regardless of what evidence or what one might think of other cases in which individual pathologists were involved, convictions—at least in relation to that one case referred to—have been based on a whole range of other information. So, whatever doubt one might have on one particular part of the evidence, there is generally a large amount of other evidence which is central to a conviction in particular cases. However, I will refer this back to the Attorney to see whether he has any further comment to make on the case.

POLICE, COOBER PEDY

The Hon. T.J. STEPHENS (15:57): I seek leave to make a brief explanation before asking the Minister for Police a question about policing in Coober Pedy.

Leave granted.

The Hon. T.J. STEPHENS: Members will be aware that I have raised the issue of policing in Coober Pedy a number of times. However, as with the matter of semi-automatic handguns and tasers for police, I will continue to persist until I get a result.

I recently met with community leaders from Coober Pedy. The Coober Pedy community is despairing about the lack of 24-hour police duty and, in fact, their police service generally. As the last police officer finishes work on the afternoon shift, the phone is diverted to the Port Augusta

police, more than 500 kilometres away. If one is to ring after the phone is diverted, the Port Augusta police are very reluctant to call anybody out from Coober Pedy. Sadly, the villains and troublemakers are all too aware of this.

It was also reported to me that sometimes when officers are called out of the Coober Pedy police station and the station has been left unattended, the phone has been switched through to Port Augusta as early as 5pm. I am told that this happens when the station in short-staffed, which is (reportedly) the majority of the time. I am also told that, when the police minister is contacted with these concerns, he reports back that the number of these reports is diminishing and quotes statistics.

My information is that this is because many in the local community have almost given up on hoping for a solution and see no point in contacting police because there is simply no-one available to help them. If one were to think that instances in the community were diminishing, given the increased traffic from the lands through Coober Pedy, then they are dreaming. I was there last week and witnessed it for myself. My question is: will the minister, as a matter of urgency, revisit the issue of a 24-hour police service in Coober Pedy?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:00): The allocation of police officers is, under law in the Police Act, a matter for the Police Commissioner. However, I have certainly raised with him the situation at Coober Pedy. I know the Commissioner is aware of it and is keeping it under watch. There are probably many parts of the state that would like additional police officers, additional doctors, nurses, teachers and other public servants. However it is a bit rich from a party which went to the last election saying that it was going to cut the number of public servants by 4,000 to then—

Members interjecting:

The Hon. P. HOLLOWAY: Well we talk about the police, but we have members opposite who want them everywhere. The former minister opposite has just interjected, but a couple of years ago the shadow minister said there should have been a lot more officers in Hindley Street, and the member for Flinders wants more over on Eyre peninsula. The fact is that this government has delivered record numbers of police, and every month or two we are turning out more officers through the police academy and building up the numbers. In addition, under this government an enterprise bargaining agreement has been successfully negotiated with the Police Association that will improve the means of the police to attract police officers to these harder to fill stations.

This government has done everything it can to try to attract more police officers to the more remote parts of the state. Of course, we are in a situation where there is record employment and record low unemployment within the state, and that has an impact on public servants—including police—as it does everywhere else. This government does not apologise—far from it—for creating a situation where we have the highest levels of employment in this state's history, and historically low levels of unemployment, but we have taken a number of steps which will enable improvement of facilities in remote parts of this state.

I know that the Police Commissioner will look at Coober Pedy, which I have visited on a number of occasions. I know that from time to time there are problems in that community; they generally tend to be seasonal, because that is the nature of the particular issues. However, it ill behoves members of the opposition—in view of their record and of the policies we saw in practice during their eight years, as well as those they offered at the last election—to try to attack this government for insufficient resources. The evidence is clearly to the contrary.

POLICE, COOBER PEDY

The Hon. T.J. STEPHENS (16:02): I have a supplementary question arising from that answer. The minister indicated that it is a matter of getting police to actually go to Coober Pedy; that being the case, would the minister push for a 24-hour police station?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:02): As I said, the question of a 24-hour police station is a matter I know the Police Commissioner has considered from time to time. In relation to the service, Port Augusta is the central area. It may be hundreds of kilometres away but surely it is preferable, where you have a switchboard staffed 24 hours a day, 7 days a week that calls can go through. If there are emergencies, it is possible for the Port Augusta station to contact the local office and I am sure that if there were particular emergencies they would do so;

however, not if the matters were relatively minor—and it is a matter for the staff at Port Augusta to judge that.

I think the system does work; however, I am sure the Police Commissioner will continue to keep the situation at Coober Pedy under review—as well as other places in the state, because it is not unique. Coober Pedy has a population of about 3,500 and there are a number of other places in the state—for example, Roxby Downs—that would have a much smaller police complement now but that, as they grow, will go to a larger station. The allocation of resources is a matter for the Police Commissioner, who does it in accordance with need, and I know he will continue to keep the situation at Coober Pedy under review.

MARINE PARKS

The Hon. I.K. HUNTER (16:04): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about marine parks.

Leave granted.

The Hon. I.K. HUNTER: The need to create a system of marine parks is urgent, but just as important is ensuring that the views of communities that exist near these proposed marine parks are listened to and their expertise and local knowledge taken on board. Will the minister advise the council about efforts to consult with coastal communities in the lead up to the adoption of marine parks?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (16:05): I thank the honourable member for his question and ongoing interest in these very important matters. I am pleased to inform the council that I have just returned from a very productive series of meetings in the South-East. The South-East is home to a unique marine environment. Its beautiful Limestone Coast and sandy beaches lie alongside some of the most important fishing grounds in the state. The creation of marine parks will allow those waters to thrive for years to come, and these meetings were the next logical step for marine park planning in the South-East.

Of course much of the planning work for the proposed 19 marine parks that followed the passing of the Marine Parks Bill through parliament is the responsibility of highly capable departmental staff who work very hard and very diligently. The input of locals, with knowledge gained over generations of families, cannot be overstated. Who better to tell us about the changing conditions of local waters than people who have made their livelihood from that area and whose fathers and fathers before them have done likewise?

In many cases they already know the areas that are important to the future of their industry, or those areas that could be in danger of being overfished, so their knowledge is a very valuable resource. For this reason I met personally with representatives from around the region during my visits to Kingston, Beachport, Southend, Mount Gambier and Port MacDonnell, and I am pleased to report that the majority understood the need for marine parks and embraced the idea of sustainability. It just goes to show that many business leaders are showing their green credentials, which is great for South Australia. They appreciate the importance, particularly to those with export industries—and I instance the South-East with its rock lobster exports—of being able to cite clean green waters as a significant potential marketing addition.

Importantly, I was also able to dispel some of the myths about marine parks, including questions on whether permits or licences were required for boats to cross declared sanctuaries or 'no take' zones, such as on sailing journeys from Robe to Adelaide. I was able to assure the people in question that those concerns would not apply to any marine parks introduced by the state government, and that they were 'no take' zones and not 'no go' zones. Just as important in creating a balanced system was the need to meet with local environmentalists, who obviously are pushing a strong conservation agenda. I am pleased to have met with these groups, who are dedicated to the long-term survival of local marine environments.

I also took the opportunity to meet with representatives of the City of Mount Gambier, the District Council of Grant and the Limestone Coast Regional Development Board and local NRM representatives, and it was very clear that we are well supported by many in these groups in local land-based conservation as well as our goal to establish marine parks. One of the lessons from these visits has been the valuable community and stakeholders' place in direct face-to-face discussions with ministers. I took key departmental staff for this reason, and I intend to conduct further trips to regional centres in South Australia to discuss marine parks with other stakeholders and local interest groups.

I have already undertaken a similar visit to Eyre Peninsula, particularly its eastern coast. It is my aim to complete visits to many of the coastal regions in South Australia before the 19 marine park outer boundaries are released for public comment later this year and to assist to raise community awareness in the community about the marine parks program. I will ask DEH officers to conduct further local information days in the lead-up to my visits to the region.

COPPER COAST DISTRICT COUNCIL

The Hon. SANDRA KANCK (16:10): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning questions about the Dunes development and the Copper Coast council.

Leave granted.

The Hon. SANDRA KANCK: Members would no doubt be aware of the Greg Norman $250 million Dunes development at Port Hughes on the Copper Coast and the proposed associated desalination plant. I have been informed of mounting concern amongst residents in this area about the lack of consultation by the council, the fact that there may not be an environmental impact assessment for the desalination plant, and the general impact of such a large development on this community. Requests to hold a public forum about the development have been turned down by the council.

The community's misgivings have been added to by growing concerns about the relationship between the council and the developer. The former CEO of the council, John Shane, is a director of Quickview, the developer of the Dunes project. The former general manager of infrastructure and environmental services, Roly Kavanagh, recently went to work for Quickview as the site manager. There are reports that other council staff are working for Quickview. One of the councillors, Graham Hancock, is a consultant for the developer.

The mayor and deputy mayor have been asked to step down from the development assessment panel by another council member. Councillor Tommy Tonkin was reported in the *Yorke Peninsula Country Times* as having called for their resignations because he believes that routine discussions between the mayor and deputy mayor and the developers conflict with the code of conduct established under section 21A of the Development Act, a provision that some of us in this chamber tried to oppose in 2006 because it stipulates that DAP members can hold discussions with developers only at DAP meetings or as DAP members. My questions are:

1. Does the minister acknowledge the difficulties created for small councils in dealing with large developments such as the Dunes project?

2. Is the minister aware of the concerns in the Copper Coast about the relationship between the council and the developers?

3. Does the minister agree that the council's consideration of any major developments will be seen as compromised?

4. Will the minister declare the Dunes and associated developments a major development to ensure an independent and transparent assessment process?

5. Because many seaside councils are struggling to deal with developments associated with the sea change phenomenon, will the minister initiate a development plan amendment for the entire South Australian coastline to protect the environment and community character from insensitive development?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:13): There are a number of questions there. I think the first question the honourable member asked was in relation to the difficulties she foresees in relation to this project. The Copper Coast council is the approving authority under the Development Act but, in relation to any development that has an environmental impact, I assume that will be subject to the relevant approval of the state authority such as the EPA or the Department of Water, Land and Biodiversity Conservation. However, I will seek information as to what other form of approval is required.

I think the second question the honourable member asked is whether I am aware of complaints. I am aware that there is some community opposition to this project, but I am not aware of any specific complaints. However, I will look at the points raised by the honourable member and investigate that. As I said, often, from time to time, people will oppose decisions made by development authorities, be they the council, the DAC or even any other authority, and that is not

unusual for larger projects. However, in relation to specific allegations about members of the panel, I will look at those and ensure they are investigated now that they have been raised by the honourable member.

In relation to the first question that the honourable member asked me, about small councils in general having difficulties in dealing with large projects, that may well be true. However, if those smaller councils cannot handle a project because of its size, they have the opportunity to seek that it be handled by the Development Assessment Commission or in some other way. In this case, obviously, the council believed that it was capable of handling this proposal.

The honourable member asked another question related to that, in terms of a major project. I am not aware at this stage of any grounds on which that would be done. The honourable member specifically referred to the desalination plant and, as I said, I would expect that that would be assessed with the advice from the appropriate government authority. However, I will investigate that matter and ensure that it will be adequately addressed in some manner during the approval process.

With respect to the final question, the government was obviously well aware of issues in relation to coastal development. The Hon. Mark Parnell has asked a number of questions about that, and I know that the Environment, Resources and Development Committee has been looking at these issues. What I can say is that, through the Better Development Plan process, the government is ensuring that, when councils go through their development plan, those councils with coastal areas incorporate the relevant modules of the Better Development Plan.

Of course, with respect to specific issues, such as Eyre Peninsula, we will also be working with those councils. Already a number of them have adopted revised development plans to give better protection to coastal areas and I am sure that, when the government responds to the Environment, Resources and Development Committee report, further information will be provided in relation to what the government intends to do about such developments. So, we are certainly well aware of these issues. In relation to the Dunes development at the Copper Coast, I will look at the matters raised by the honourable member and see whether any further action is necessary, and I will respond in due course.

ANSWERS TO QUESTIONS

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (20 November 2007).

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

1. In response to your first question, I advise that there is no requirement under the Roxby Downs (Indenture Ratification) Act 1982 that BHPB 'submit to an external audit', rather the relevant clause in the Indenture is 32 ROYALTIES, subclause (5) that authorises me as the Minister for Mineral Resources Development to 'so request within 6 months of the furnishing thereof in respect of any return…an auditors report on the said return by it's external auditor'.

This power also extends to the state Auditor-General or a registered auditor approved by the Minister and it is important to note that only those authorised bodies may request or receive this information, which is to be treated on a strictly confidential basis.

I have not requested such a report as I have been satisfied that the department's royalty assessment processes provide assurance that mining royalties are correctly collected under the *Roxby Downs (Indenture Ratification) Act 1982*.

2. Over the years the government has received significant mineral royalty payments from BHP Billiton and the former WMC.

To date, Olympic Dam has directly contributed over $370 million in royalty payments, with more than $305 million received since 1998; however it is very important to understand that royalty revenue is just one part of the overall economic benefit this huge operation has brought to the State through its 'multiplier effect' on employment opportunities, building of infrastructure, payroll tax, GST and so forth.

The Olympic Dam mine is a very complex, poly-metallic mine, where sales usually take place months in the future as products are delivered to point of sale – this is particularly so for uranium. BHPB must make a best commercial estimate of the price, necessitating complex

reconciliation calculations once the sale price has been determined. When large numbers of metals contracts are being renegotiated and global prices are varying substantially during a return period, over and under estimating of value and deductions is inevitable. These 'overs' and 'unders' are reconciled in subsequent returns, and carefully checked by experienced PIRSA staff.

PIRSA carefully reviews BHPB's published production figures for each commodity/product as a detailed cross-check against the company's quarterly returns and seeks explanation of any anomalies or inconsistencies. In particular, staff analyse historical trends from the mine site, compare data with other similar producers in Australasia, review data from other sources such as Customs records and consult with royalty departments in other jurisdictions. When irregularities or anomalies are observed, the company is called on for an explanation.

More generally, continuous public disclosure to the ASX of financial data (e.g. negotiation of new contracts, sales revenue, hedging, etc) and operational issues provides general market intelligence and reference data to PIRSA.

I believe such analysis and oversight has enabled PIRSA to capture the appropriate royalty revenue from Olympic Dam.

3. The government is currently involved in detailed discussions and negotiations on a revised Roxby Downs Indenture through the Olympic Dam Expansion Task Force. PIRSA and BHP Billiton are currently working through a process to review the current process for royalty calculation as it is considered to be in the state's and company's interest that this be undertaken.

For an expanded Olympic Dam, the government and the company are seeking to develop a royalty methodology that is flexible enough to be in place over the long-term, fair, respects/recognises confidentiality requirements, simple to apply, transparent and auditable.

In recognition of the importance of the royalties from Olympic Dam, the Chief Executive of PIRSA has sought the assistance of the Auditor-General in a review of any proposed new royalty calculation methodology that may result from discussions with BHP Billiton.

With these measures in place, I am confident that the state will receive its full entitlement of ongoing, significant revenue from the operation.

4. In response to your final question, this government is fully committed to maximising mineral royalty returns to the state.

During 2005, my Agency took the lead in Government with the full support of the Treasurer, to develop two significant royalty amendment bills for the extractives and metals mining sectors. Following the preparation of comparative studies with other mining jurisdictions and wide consultation with industry and other relevant stakeholders, a new regime for metal, energy and industrial mines has delivered to government the higher royalty rate for all existing mines of 3.5 per cent (an increase from the previous 1.5 per cent to 2.5 per cent range) as well as a lower rate of 1.5 per cent for the first five years of new mines, recognising the capital risk of the early stages of mine development. The new arrangements streamline and clarify royalty calculations.

Also, a dedicated mineral royalty unit has been formed within PIRSA, with plans to further recruit or engage independent expertise to complement the knowledge and the analysis and audit capabilities of the team. The unit has developed the state-of-the-art Tenement Management System that ensures a high level of detail in relation to mineral production, values and royalty is recorded and analysed. PIRSA is fully committed to a number of further initiatives that will strengthen the controls over the collection of mineral revenue and royalties.

As mentioned in the earlier question, in recognition of the importance of the royalties from Olympic Dam, the Chief Executive of PIRSA has sought the assistance of the Auditor-General in a review of any proposed new royalty calculation methodology that results from discussions with BHP Billiton.

I am confident that the current royalty revenue, along with that to be collected in the future from not only the expansion of Olympic Dam but from the exciting growth of our diverse minerals sector, will indeed be most diligently collected under a competitive, transparent and verifiable regime.

FREEDOM OF INFORMATION

In reply to the **Hon. D.G.E. HOOD** (21 November 2007).

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:

I am advised that on examination of the Victorian bill, it proposes the introduction of discretionary power for an agency to waive the FOI application fee where it is less than one fee unit, which is $11. It does not propose the abolition of the fee outright. This government does not currently intend to abolish the Freedom of Information application fee.

The government is currently reviewing the situation regarding the records of contracted service providers through the State Records Act, which may extend to NGOs performing services on behalf of the government.

POLICE RESOURCES

In reply to the **Hon. R.I. LUCAS** (22 November 2007).

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning): I refer to the Question without Notice from the Hon. R.I. Lucas regarding the attendance of a mounted police patrol at the weddings of two of that unit's members.

A police investigation of the matter has revealed that this occurred on 3 occasions over the last 10 years, the last being in November 2006. This activity was undertaken with the approval of the unit supervisors at the time. It was viewed as a reward for dedication and hard work and recognition of the pride the particular members had in their workplace on a special occasion for those individual members. The supervisors have been counselled regarding this matter and action has been taken to ensure that incidents of this nature do not occur again.

In reference to the supplementary question raised by the Hon. R.I. Lucas about the existence of a list within mounted operations unit of future police officers wanting mounted police patrols to attend personal weddings, SAPOL advises that there is no such list in existence.

METROPOLITAN HOSPITAL EFFICIENCY AND PERFORMANCE REVIEW

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (16:17): I lay on the table a copy of a ministerial statement relating to the SA Metropolitan Hospital Efficiency and Performance Review, made earlier today in another place by my colleague the Hon. John Hill.

CLIMATE CHANGE

The Hon. R.D. LAWSON (16:18): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.D. LAWSON: During an explanation provided by me in a question to the Minister for Environment and Conservation today, I suggested that the government's proposed desalination plant will consume 10 per cent of the state's electricity. I should have stated that the desal plant will be in the top 10 of South Australia's electricity consumers, and I invite the minister to pass that information on to her colleague when the question is referred.

ENVIRONMENT PROTECTION (BOARD OF AUTHORITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March 2008. Page 1991.)

The Hon. J.M.A. LENSINK (16:19): I rise to indicate Liberal Party support for this bill. It is not a large bill of many clauses, but it is quite significant in terms of governance for the Environment Protection Authority. I am grateful to the officers of the EPA for their briefing and for enabling me to keep a drawing, which explains the rather complex arrangements in place for the EPA in this state.

I note that the Environment, Resources and Development Committee of the parliament looked into the issue of governance in particular models in 2000. It looked at a number of issues quite thoroughly, recommending a particular model because of the then anomaly of the authority and the agency being separate bodies, in a sense.

The bill essentially changes the current position that the chair of the board is also the CE of the organisation, which is highly unusual in modern governance practices, which is principally why

we support this bill. My understanding is that the EPA has existed within other environmental departments or agencies and was split from a particular department in the interests of independence from government. This particular measure is in the interests of ensuring that the CE is also independent of government and will no longer have the conflict of that particular situation.

The bill will remove the CE as a board member and presiding member but the CE will, however, continue to sit at board meetings as an ex officio non-voting member to provide policy advice to the board. The board will continue to have its same membership, one of whom will be appointed as presiding member, and there will be some changes to round table conferences as well.

I have been requested to ask a particular question, which is in relation to a register of interests or declaration of conflict and so forth for board members. So I put on the record for the minister to address in her closing remarks whether that is contained within the Environment Protection Act or whether it comes under some other instrument within an act which oversees boards generally.

There has been some criticism of what has occurred with replacing the CE and chair, Dr Paul Vogel, who announced his intention to retire on 1 August last year. I understand that since his departure—which was effective on 2 November 2007 and now it is 1 April—

The PRESIDENT: Five months.

The Hon. J.M.A. LENSINK: Five months, indeed, and he certainly gave plenty of notice, so I do not think the situation is very satisfactory. To have the CE of the Department for Environment and Heritage acting in that position, clearly that is too much work for any person and I think that leaves a leadership vacuum in those important environmental agencies.

I put those remarks on the record in relation to that and I also ask the minister whether she has some sort of time frame within which a new CE will be appointed. With those remarks, I indicate support for the bill.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (16:23): In making some concluding remarks, I would like to thank those honourable members who contributed to the second reading debate. It is a very simple and straightforward bill. It is administrative in nature and separates the role of the chief executive and the person who presides at meetings of the board of the Environment Protection Authority.

In terms of the question posed by the Hon. Michelle Lensink, I beg her indulgence that that question be answered in the committee stage. I look forward to dealing with this bill expeditiously through the committee stage and, again, I thank all honourable members who contributed.

Bill read a second time.

In committee.

Clause 1.

The Hon. G.E. GAGO: I pick up some of the issues that were raised during the second reading debate. The Hon. Mark Parnell stated that under the leadership of Dr Paul Vogel there were no apparent instances of there being any conflict of interest or poor decision-making; however, the government acknowledges that the current arrangement is not the best governance arrangement and has introduced this bill, obviously, to strengthen the operation of the EPA as an independent body. So, I thank Mark for his support.

The Hon. Michelle Lensink asked whether the board members are required to fill in a register of interest or make a declaration of any sort. Under section 18 of the act, conflict of interest, the board members and members of any committee or subcommittee of the board are required to disclose any pecuniary or personal interest and may not take part in a decision or deliberation in which they hold an interest. A disclosure under this section must be recorded in the minutes of the board.

Currently, this is actioned through all new board members completing a register of members' interests form that outlines their professional, personal and financial interests and any other substantial interests, including those held by family members or other persons related to the board member, which might appear to raise a conflict of interest.

At the commencement of each board meeting members are required to complete a declaration of interest form if declaring an interest in any matter on the board's agenda for that meeting. This declaration is recorded in the minutes of the meeting and a copy sent to the minister. Once a declaration of interest is made by the member over a particular matter, they do not take part in any deliberation by the board on that matter. The penalty for a breach of this part of the act is a $4,000 fine or one year imprisonment.

So, I thank the Hon. Michelle Lensink for her support and her question. She also asked about the issue of timing. My understanding is that a round of advertising for the chief executive's position has been completed, and I believe that short-listing is about to commence. We look forward to hopefully making an announcement shortly.

Clause passed.

Clauses 2 to 8 passed.

Clause 9.

The Hon. M. PARNELL: Clause 9 is very straightforward. It basically deletes subsection (5) of section 19, which provides that in the conduct of the authority's annual round-table conference the chief executive of the authority, or his or her nominee, should preside. So, by removing that it opens up the scope for the new independent chair, or someone else, to preside.

My contribution on this clause is because I have attended just about every EPA round table; from memory, I think 1996 was the first. It was always a very useful occasion. The EPA has a fairly unfettered discretion in the conduct of these round tables. Pursuant to section 19 the authority can hold them when they want, they can invite who they want and they can follow their own procedures. They are instructed through legislation to make sure that a range of interests are represented, and that is good.

Some of these EPA round tables have been very big. In fact, during the early days, my recollection is that it was basically a soapbox, and every person who had a gripe about the way the EPA was conducting itself would get up on the soapbox. Whilst it was good fun, it was not necessarily the most constructive way to assist the authority in developing policy. Other EPA round tables have been quite small, and people—especially in the non-government conservation sector that I represent—were disappointed that they missed out.

I do not wish to upset the discretion of the authority in relation to who it can invite and how it conducts its meetings. I have not, in fact, moved any amendments to this clause, which is what I would have done had I wanted to fetter them some more. The reason I am giving this background is simply to put a suggestion to the minister. She can indicate whether or not she agrees with it but, even if she does not, if she can indicate that she might put the suggestion to the presiding member of the authority that the invitation to the round table be extended—I would have reasonably thought—to all members of parliament; but if it is thought that that might overwhelm the conference with MPs, then to at least invite members of the Environment, Resources and Development Committee of parliament, because those six members have a degree of oversight over the activities of the EPA.

Traditionally, the EPA has focused on licence holders, professional associations and members of conservation groups, but it seems to me that it is in the interests of the authority and in the interests of good governance for the environment in general if at least that section of parliamentary oversight that is comprised in the Environment, Resources and Development Committee was given an invitation to attend at the roundtable. So, my contribution is simply that: a suggestion to the minister that she might pass on to the chair or the CEO that members of the ERD Committee or, in fact, all members of parliament be invited to future round tables.

The Hon. G.E. GAGO: Yes; indeed. As the honourable member points out, the round tables have played quite a range of different parts in public discussion and debate on a wide range of issues, and the board itself has discretion to decide how and who is invited. As the honourable member knows, it is not appropriate for the minister to direct the board in these matters; it would be most inappropriate. However, I certainly acknowledge that some of the larger round tables have not been particularly constructive in the way that they have operated and the outcomes. Indeed, some of the smaller events have been incredibly valuable and should be encouraged. I think that the request of the member is indeed reasonable, and I am more than happy to pass on the Hon. Mark Parnell's suggestion—as a suggestion—to the new chief executive and presiding member of the board, and, of course, they will not be one and the same person.

Clause passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL

In committee.

Clause 1.

The Hon. A. BRESSINGTON: I am not sure that this bill does women justice in these modern times. For decades now, women have fought for equality in the workplace and other frontiers, and this bill now says to women that they will be protected from all choices they make which may put them in a risky situation. The bill says to men that they had better beware of exploring any kind of sexual interaction with women, because they will be entirely unprotected against allegations of rape and sexual assault. Perhaps a more fitting title for this bill would be the 'contractual sex bill' because, from where I stand, this bill makes one-night stands and casual sexual relationships a high risk activity for men in general.

Perhaps this parliament could devise a contract which men could carry around in their pocket, next to their condoms. There could be a waiver should a man meet up with a woman who has had a couple of drinks before they engage in sexual intercourse.

The contract may contain the name and address of the women, with her driver's licence number, so that the man can see that the signatures match, clauses that state that the woman has or has not been drinking or taking any form of drugs—licit or illicit—and that she consents to foreplay; whether the woman is married or single; has any dependants, and that she has accompanied the man to wherever it is that they are intending to have sex.

As the interaction continues, perhaps the man will interrupt the moment and then ask her to sign the second part of the contract which states that she is ready, willing and able to move on from foreplay and that she is capable of determining that she wishes to continue to have sexual relations with the man, with the date and time recorded. I can see no way that a man who is accused of raping a female will be able to defend himself with this legislation—legislation, I might add, that can carry a sentence of life imprisonment.

I understand that rape is difficult to prove now, but I wonder whether this is the case because of poor investigative processes and poor forensic practices, rather than the need for the state to invade our bedrooms or even the back seat of our cars. Surely it would make more sense simply to ensure that, when a woman cries rape, the impending investigation is thorough and forensic evidence is collected to collaborate it. Perhaps if women did not feel so intimidated about coming forward and could rely on the judicial processes, then the government would not see the need for this rape and sexual assault bill being necessary.

Of course, to achieve the desired outcome for justice for rape victims, we would need to ensure that those responsible for interviewing a rape victim and investigating the allegations are well trained and empathetic in this sensitive area. Women could be educated as to their rights to report rape and be guaranteed that the judicial system will support their needs, and that all this could be done in a reasonable time frame. We know that many women fear reporting rape and appearing in court because of the cross-examination they are subjected to, and perhaps it is those very techniques employed by the legal profession that need to be tempered in some way.

I have consulted widely on this bill with women of all persuasions. It was interesting that, when I met up with a police officer whose daughter had been raped, the police officer herself urged her daughter not to proceed, not to report the rape and not to proceed through the system because she knew that she would be crucified. This bill will do little to build confidence with the system by women who have been violated, because it does little to address their basic fears of the system. What this bill does is make men who are sexually active targets of false allegations, for many reasons.

The truth is that women should be expected to take some responsibility for the settings to which they expose themselves. They should also be expected to take some level of responsibility for the messages they send whilst drinking or taking drugs and partying. For these women, who do exist (whether or not some females like to admit it), this bill will be the ticket they need to be able to take revenge on a man who, for whatever reason after sex, is not interested in a long-term

relationship, or for women who feel ashamed, guilty or rejected the next day when he does not call her back. The statistics show that 65 per cent of alleged rape cases are false accusations.

I am the mother of four boys: two are married; one is a single young man who is currently sowing his wild oats; and the other is a six year old. As a mother, I fear for them every day because of the minefield that is being laid; a minefield that, once the legislative agenda is complete, will not allow them to make mistakes, lose their temper, express their anger even verbally, or explore their own sexuality in a normal, healthy manner for fear of being accused of being rapists. I see this happening whilst, at the same time, we have sex education in our schools that promotes our babies to explore their sexuality in ways that, in days gone by, was the rite of passage into adulthood. On the one hand we are saying, 'Don't be ashamed of being curious about sex and exploring that curiosity,' and, on the other, we are placing restrictions and judgments on what is normal male development and curiosity.

I am not referring to rape and sexual assault as normal male development and curiosity, for those who would grab on to this statement to make this mean what it does not. I am talking about young men who rarely marry the first female they have sex with. I am talking about the feminist hysteria that we are currently working our way through, where men can do no right. What is the future of our young men and, for that matter, our young women where they are denied the benefit of balanced legislation that is put in place to protect? They are also denied the experience of making decisions and experiencing the consequences of those decisions.

For example, a girl gets drunk or uses drugs, has sex, regrets it in the morning and can blame the male for taking advantage of her. Not only that, but it is the male's responsibility to be mindful of her consent all the way through having sex. In my day, if a girl acted irresponsibly then she was held responsible for her actions. But not so with this bill.

I put out a press release saying 'Rape laws gone too far', and I received a number of emails, two of which I consider to be quite relevant. One of them is from the California Men's Health Centres, a national coalition of men, and it states:

> Dear Mrs Bressington, there is much to say about issues related to your press release, 'Rape laws go too far', but here, for myself and thousands more, just let me say with all sincerity "Thank you", thank you so much.

I have another one from a senior lecturer at the University of Western Sydney in Richmond, which states:

> Dear Ann, I was recently shown a copy of a media release you gave regarding proposed new rape laws in SA—thank God there is a voice of sanity somewhere in the SA parliament. I find it difficult to believe that the proposed legislation has got this far—it suggests something unhealthy about SA...[We hope you] prosper in the world of politics—we desperately need people such as you—

as political representatives. So, there is quite a bit of discontent within the community and also within the profession about this bill. Just to elaborate on the feminist hysteria I referred to, I would like to read an article by Carey Roberts, entitled 'The Intellectual Perversion of the VAWA (Violence Against Women Activists) Mafia'.

Carey Roberts is an analyst and commentator on political correctness. His best-known work was an expose on Marxism and radical feminism. Mr Roberts' work has been cited on the Rush Limbaugh show. Besides serving as a regular contributor to NewsWithViews.com, he has published many articles in the *Washington Times*. Previously, he served on active duty in the army, was a professor of psychology and was a citizen-lobbyist in the US Congress. Mr Roberts writes:

> When Professor Suzanne Steinmetz published the results of her survey on domestic violence, no-one had prepared her for the firestorm that would ensue. You see, feminists take it as an article of faith that only husbands abuse their wives, so when Steinmetz revealed that women are often as violent as their husbands, the fem-fascists started a whispering campaign designed to block her promotion at the University of Delaware. When that didn't work they phoned in a bomb threat at her daughter's wedding. Cowed by the threats, Steinmetz soon suspended her pioneering research.

Erin Pizzey of England had impeccable credentials. She was the founder of the first abuse shelter for women and a few years later published *Prone to Violence*, a book that revealed that these women are often as physically aggressive as their mates. That provoked threats of violence by women who said that women can never be violent, and Pizzey was forced to seek police protection as she travelled around to promote her book. She was met by jeering protesters with placards that read 'All Men are Bastards'.

Dr Lynette Feder planned to do a study to find out whether batterer intervention programs worked, but the Broward Country, Florida, district attorney tried to block the study, claiming that

everyone already knew such programs worked. Interestingly, other researchers later found such programs were often ineffective.

Claudia Ann Dias is an attorney who has been featured on *20/20* and *Oprah* for her work on family violence. She was awarded a 10 year contract by the Sacramento County Jail to counsel men arrested for partner violence but, since partner abuse is often mutual, Dias found herself discussing the problem of female aggression. Six months later her contract was abruptly cancelled.

Men have also been besieged by the VAWA mafia, a loosely organised cabal that takes its name from the federal Violence Against Women Act. Dr Murray Straus, of the University of New Hampshire, is the pre-eminent American researcher in the area of family violence, and his work points to the politically incorrect conclusion that wives are equally likely to abuse. The VAWA mafia has accused Dr Straus of being a wife-beater and of sexually exploiting his students. The unfounded claim was so outrageous that his accuser later apologised, but one of his students was recently warned that she would never be able to find a job if she did her graduate work with him.

There are another two pages of examples where the violence-against-women activist groups have hijacked statistics regarding violence against women, but my point is that women are capable of falsely accusing men. This bill contains no provisions whatsoever to protect the rights of men who may be falsely accused.

This rape and sexual assault bill is an affront to women who have worked hard to prove they are independent, capable and able. As I said, it will do little to further protect innocent victims of rape who have to go through the investigative process being made to feel as though they are lying, and then through a trial that allows them, the victims, to be placed on trial rather than the perpetrator. Is this bill an extension of the feminist hysteria? If it is, perhaps it is time to stop following destructive global trends that fracture our society and that seem intended to turn men against women and women against men.

It was not so long ago that the Hon. Dennis Hood expressed his dissatisfaction with the system that fails to protect victims of sexual assault, and his emotions of anger and frustration—after seeing a victim put through the process only to have the perpetrator get a slap on the wrist—were well noted. These are the issues that I see as being a failure of the system, and making men easy targets is simply not the answer.

In her speech the Hon. Sandra Kanck mentioned that in her experience seven out of 10 women are the victim of rape and sexual assault. Perhaps this is her experience, but I have seen women who have put themselves in situations where rape and sexual assault were actually inevitable. I know that it is politically incorrect in these times of 'men can do no right' to suggest that some women may, in fact, contribute to their own demise, but we are talking about real life here with human behaviour that is often affected by outside influences in our modern society. Women do need to be more careful than in days gone by; of course, if, as a woman, I put myself in a situation where I am drinking and taking drugs with men then I must be expected to take 50 per cent of the responsibility for what eventuates.

For example, what if a man is also under the influence and is so drunk that he does not know what he is doing or, for that matter, does not remember what he did? Can he also cry rape next morning when he wakes to find a strange woman in his bed? I read that this bill also requires the man to give his identity and, if he chooses an alias (for whatever reason), that is also a basis for rape. Would that also be the case in reverse? Say, for example, a man picks up a woman in a nightclub and has sex with her and then she demands payment for that sex. Does he have the right to claim rape because he was unaware that he was engaging with a prostitute? Would his cry of rape be taken seriously by investigators, or as seriously as they would a woman crying rape?

When we, as women, rightly moved for quality and independence we failed to recognise exactly what we have achieved. As an emancipated woman I sometimes think that the feminist movement forgot what they were hoping to achieve, and that in this process the pendulum has swung way too far the other way. Yes, there are women in terrible situations who do need support and systems in place to meet their needs; however, in the words of George Santayana, an American philosopher, 'Fanaticism consists of redoubling your efforts when you have forgotten your original goal'. He also made the famous statement that 'Those who refuse to learn from history are condemned to repeat it', and we have seen so many times in the past what has happened when one group of people is deemed to be more superior or advanced than another—we have seen heresy, communism, racism, witch hunts and, of course, let us not forget the Holocaust.

Over time men have literally become responsible for all the hardships of women who, for whatever reason, are unable to assert themselves. Is this because they are suppressed and

oppressed or is it because, God forbid, some women do not want to be dominant or out there? They are often judged as being suppressed and oppressed when, in fact, they are quite content to be a stay-at-home mother and wife. We need to get back to basics and understand that rape and sexual assault is the behaviour of a minority of men—and a sick minority at that—and women who are violated by these animals need a system that will support them and help them get the justice they need and deserve.

I do not believe this bill will achieve that and, with false allegations being such a prominent factor of modern times where the courts do not treat false allegations as perjury, this bill will snowball the already overwhelming practice of lying in court for spite and revenge. Judge Bryant stated that 25 per cent of allegations of sexual abuse made in the Family Court are false. Why? Because there are no consequences for lying in a court of no-fault.

This bill makes men guilty until proven innocent, and the penalty may well cost innocent men their lives. For those who are guilty of rape and sexual assault, let this be a matter for improvement to the system, but I do not believe that further legislative change is necessary.

The Hon. R.D. LAWSON: I have a question arising out of an article by the respected criminal lawyer from the University of Adelaide, Associate Professor Ian Leader-Elliott. In his article in the *Independent Weekly* he points out that the government initially accepted the recommendation of Ms Liesl Chapman that the common law rule that a defendant who believes quite unreasonably that a rape victim has consented to sexual penetration cannot be convicted of the offence. He points out that the government initially accepted that recommendation, but last year produced a bill which restored the unreasonable mistake defence provided by common law.

In a third version of the bill the government has once again changed its mind, and the position now under the bill in this council is that a defendant can rely on an unreasonable mistake to defeat a charge of rape. Professor Leader-Elliott points out that Australia, Queensland, Tasmania and Western Australia never accepted that common law rule. New South Wales abolished the rule last year. He states that in each of those jurisdictions the law requires a mistake about consent to be reasonable before the rape defendant can escape conviction.

He concludes by saying that so far the government has given no reason why South Australia should continue to accept the rule that an unreasonable mistake about consent bars conviction for rape. According to him, the government has given no reason. I now invite the minister to put on the record the reason why South Australia should continue to accept the rule, previously criticised by the government, that an unreasonable mistake about consent bars conviction.

The Hon. P. HOLLOWAY: In that article entitled 'Rape debate: common law and common sense' published in the *Independent Weekly* of 22-28 March 2008 at page 12, Ian Leader-Elliott criticises the government's approach to rape. His main criticism is that the government ignored recommendations of the barrister commissioned by the government to prepare a discussion paper on reform of South Australia's rape and sexual assault laws, Ms Liesl Chapman.

He says that Ms Chapman recommended the abolition of the common law rule that a defendant who believes quite unreasonably that a rape victim has consented to sexual penetration cannot be convicted of the offence, and that Ms Chapman recommended new legislation that would convict defendants who failed to take reasonable steps to find out whether their victim had in fact consented. Ms Chapman made no such recommendations. Indeed, she made no recommendations at all. Her discussion paper canvassed alternative options for reform without recommending any particular one. She called these options 'questions'. She drafted the questions to stimulate thought and provide a framework that respondents used in drafting their submissions. It is hard to imagine how anyone who read her discussion paper could speak of 'recommendations'.

The responses to Ms Chapman's paper were considered with great care by the government. They represented the full spectrum of lay and expert opinion on sexual assault law reform, often strongly held but opposing opinion. The government decided to work with the first of the three alternative approaches to the offence of rape suggested by Ms Chapman. It produced in its second and final bill a definition of rape, a statutory definition of reckless indifference to sexual activity, a definition of consent and what will not constitute consent and an exception to the statutory laws about self-induced intoxication to prevent the drunk's offence being used to deny an awareness of lack of consent to sexual intercourse.

In another related bill the government completed this reform with statutory requirements for directions to juries about consent and about evidence given in sexual cases. To put the record

straight, these are Ms Chapman's three questions on this point, in chapter 2 of her review of South Australia's rape and sexual assault law:

2.7 If South Australia retains its current subjective approach to the mental element for rape, should section 278 of the Criminal Law Consolidation Act be amended so as to define reckless indifference as including all or any of the following:

a person is recklessly indifferent if that person

(1) realises the possibility that the other person might not be consenting, but proceeds with sexual intercourse regardless;

(2) does not give any thought as to whether or not the other person is consenting (whether that is due to self-induced intoxication or any other reason);

(3) does not take reasonable steps in all the circumstances to ascertain that the other person was consenting?

2.8 Should South Australia adopt a subjective/objective approach similar to Canada and the VLRC recommendation, which sets out when a defence of honest mistake is not available, for example, where—

(a) the belief arose from the accused's self-induced intoxication;

(b) the accused did not turn his or her mind to whether or not the complainant was consenting; or

(c) the accused did not take reasonable steps in the circumstances known to him or her at the time to ascertain that the complainant was consenting?

2.9 Should South Australia adopt an objective mental element (similar to the UK and New Zealand provisions)?

Mr Leader-Elliott is right, however, in saying that the new laws would not prevent a jury acquitting a person of rape on the ground that he believed unreasonably but genuinely that the alleged victim consented to sexual intercourse. That has been the law for a very long time.

In New South Wales as recently as April 2007 this common law principle was unanimously affirmed by the New South Wales Court of Criminal Appeal in the case of South v R, but as Mr Leader-Elliott says, in late November 2007 the New South Wales Parliament passed a law saying, among other things, that a person knows that another person does not consent to sexual intercourse if he has no reasonable grounds for believing that the other person consents to sexual intercourse. It requires the trier of fact in determining whether a person knows the other does not consent to take into account all the circumstances of the case, including any steps taken by the person to ascertain whether the other person consented, but not including self-induced intoxication. The New South Wales Attorney-General gave this explanation for the amendment:

The present common law is subjective, requiring the crown to prove that the accused knew the complainant was not consenting or was reckless as to whether the complainant was consenting, solely from the point of view of the accused. The accuser's assertion that he or she had a belief that the other person had consented is difficult to refute, no matter how unreasonable in the circumstances.

The law does not adequately protect victims of sexual assault when the offender has genuine but distorted views about appropriate sexual conduct. The subjective test is outdated. It reflects archaic views about sexual activity. It fails to ensure a reasonable standard of care is taken to ascertain a person is consenting before embarking on potentially damaging behaviour. An objective test is required to ensure the jury applies its common sense regarding current community standards.

Some might think that it is wrong to remove the subjective belief of the offender and criminalise a person who sincerely but unreasonably believes that another is consenting to sex. However, in New South Wales the law has already recognised that an accused person possesses the requisite intent to have non-consensual intercourse, or guilty mind, when they have failed to turn their mind to the issue at all. This has been most eloquently justified by the New South Wales Court of Criminal Appeal when it was stated that:

> The criminal law, in its important function of controlling behaviour, should promote standards of acceptable consensual sexual behaviour of the community. Lack of the merest advertence to consent in the case of sexual intercourse is so reckless that it is also the criminal law's business. In this, the law does no more than reflect the community's outrage at the suffering inflicted on victims of sexual violence.

Proposed section 61HA(3)retains recklessness, but offers an additional third limb for what is meant by that element of these offences 'knows that the other person does not consent'. It provides that the person knows that the other person does not consent to the sexual intercourse if the person has no reasonable grounds for believing that the other person consents to the sexual intercourse.

Our bill approaches this in a different way: without denying the possibility that a person's unreasonable belief in consent could also be genuine, it focusses instead on tightening the rules about reckless indifference to consent.

First, as is now the law, the prosecution must prove that the alleged victim did not consent. That done, it must prove that the defendant knew that the alleged victim did not consent or, failing that, that the defendant was recklessly indifferent to whether she consented. That is also the current law. To prove reckless indifference to consent, the prosecution must prove that the defendant was aware of the possibility that she might not be consenting but decided to proceed with the sexual intercourse regardless, or that he was aware of the possibility that she might not be consenting but failed to take reasonable steps to ascertain consent before deciding to proceed, or that he simply did not turn his mind to the question of whether she might not be consenting before deciding to proceed with the sexual intercourse. That is the common law as stated by the High Court in Banditt. If the jury is persuaded of any of these states of mind, it must convict the defendant of rape.

In his defence the accused can say that he did not know that the alleged victim was not consenting to sexual intercourse and, moreover, that he thought she was consenting. He might have come to that belief quite unreasonably but, if the jury thinks his belief is genuine, it must acquit him. That is because, under our system of criminal justice, a person cannot be convicted of a serious crime without proof that he or she had the requisite criminal intent—in this case, that he intended to have sexual intercourse with another person without her consent. This is a fundamental principle that should not be overridden unless there are exceptional circumstances.

One such exceptional circumstance is self-induced intoxication. Our bill says that, despite a person being so intoxicated that he cannot form the requisite criminal intent for rape (that he knew whether or not the other person was consenting), he cannot use self-induced intoxication to deny the ability to form that intent. The government is confident that it has the support of most South Australians in legislating that a person cannot escape a charge of rape by saying he was too drunk to know whether the other person was consenting to sexual intercourse.

A key to the argument presented by Mr Leader-Elliott is that there is no rational distinction between those who make mistakes because they are grossly intoxicated and those who make mistakes even when they are completely sober. Mr Leader-Elliott knows better than that. The common law has always distinguished between the two, and so does the statute law of every Australian jurisdiction except Victoria. That includes South Australia, which devotes a whole general provision to the question. There is nothing new in distinguishing between intoxicated mistakes and sober ones in any context. The former used to be called, pejoratively, 'the drunk's defence'.

That is not to say that the distinction is easy. There is a very large body of legal writing and decisions on the subject over the past 85 years. The moral or ethical feeling common to all (that there is a difference) is almost impossible to explain in a legally principled way. So much was acknowledged recently by the English Court of Criminal Appeal in the decision of R v Heard (2007) EWCA Crim. 125. It is no wonder the shadow attorney-general finds the subject as clear as mud. Of course it is. It has been for 85 years and will continue to be. There is no principle to it. Mr Leader-Elliott knows that, too.

Some feminists believe that those having sexual intercourse should be required to behave reasonably, while those who kill or inflict serious harm, for example, should not. They offer no reason for this strange position. They should be required to do so.

Coming back to the position under this government's bill, if a defendant says that he believed the other person to have consented when, in fact, she did not, in circumstances where one might think that any reasonable person should have been aware of the possibility that she was not consenting, I should point out that a jury will not accept the defendant's assertion at face value. It will test it against all the evidence that is relevant to the defendant's state of mind at the time of the alleged offence.

It will explore, for example, whether the defendant was, in fact, aware of the possibility of lack of consent because, if he was and he proceeded without taking steps to ascertain consent, he is guilty of rape. It will explore whether the defendant even turned his mind to the question of consent because, if he did not before proceeding with the sexual intercourse, he will be guilty of rape. And, in evaluating the evidence supporting the defendant's claim, the jury will act as a collective 'reasonable person', rejecting assertions that the evidence before it renders incredible or far-fetched.

The current law and this bill uphold the possibility that there may indeed be cases of genuinely mistaken, albeit unreasonably held, belief in consent, and that these defendants should not be convicted of the serious crime of rape. But they subject any such claim to intense scrutiny.

Juries, and judges trying cases without juries, cannot and will not ignore other explanations for the defendant's behaviour if there is evidence to support them. For this reason, defendants' claims that they believe the other person to be consenting are often (rightly) rejected and sometimes (again, rightly) accepted in defence of the charge. Juries are not easily hoodwinked into believing false assertions of belief in consent.

Finally, I would like to point out that the changes the government has made to its law reform proposal for rape during the passage of these two bills reflect the strength of its commitment to a thorough review of these laws. The government introduced its first bill after consulting widely on the questions asked in Ms Chapman's discussion paper, announcing that it would let this bill lapse between sessions of parliament to allow for further consultation on the reforms proposed in the bill. In response to the consultation on the bill, it made some changes to those reforms and introduced a second bill in the next session of parliament in October 2007, again, deliberately and openly letting the bill lie over to the next sitting to allow a further round of consultation.

Responding to that final round of consultation, the government introduced amendments to the second bill when debates resumed in February 2008. Those amendments were made known to every member of the House of Assembly before they made their speeches on this bill through the standard procedure of filing them in the parliament. The Attorney-General then spoke to and responded to questions about each government amendment when the clause proposed to be amended was dealt with by the Assembly sitting in committee. Again, this is standard practice.

It was simply not true, as Mr Leader-Elliott asserts, that 'not until the shadow attorney-general (Isobel Redmond) had concluded her speech, however, did the Attorney-General produce the government's third attempt to define rape'. Mr Leader-Elliott has concocted a wonderful tale for readers of the *Independent Weekly*. However, the facts speak for themselves and tell a quite different story. This government's review of the rape and sexual assault laws has been a long, thoughtful and highly consultative process, with the government taking great pains to give everyone, whether they are academics like Mr Leader-Elliott, or prosecutors, defence lawyers, judges, sexual assault victim advocates or members of the public, every opportunity to have their say. The government received submissions from Mr Leader-Elliott and gave them careful and expert consideration. It took up some of his suggestions, but not all of them.

The Hon. R.D. LAWSON: I think it is rather deplorable that the government should seek to describe Mr Leader-Elliott's contribution to this matter as a concoction. The fact is (and the minister's longwinded attempt at justification did not deny this) that, as Mr Leader-Elliott said, in South Australia an unreasonable mistake about consent on the part of a defendant will prevent the defendant from being convicted for rape. There is no denying that.

Frankly, I do not believe that Mr Leader-Elliott, or any other person, would be convinced by the explanation provided by the government—which also, by the way, has confirmed clearly that the government's stated intention, that this bill would clearly define the boundaries of lawful and unlawful sexual behaviour and that it would clarify the existing law, is complete nonsense. As the minister acknowledged a moment ago, the law is, according to this government after the passage of this bill, as clear as mud. How any juror in a difficult case is to know how to decide the case, frankly, is beyond us.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

The Hon. P. HOLLOWAY: I move:

Page 6, lines 41 to 42—

Clause 6, insert subsection (5a)(f)—Delete paragraph (f) and substitute:

(f) an employer of the child or other person who has the authority to determine significant aspects of the child's terms and conditions of employment or to terminate the child's employment (whether the child is being paid in respect of that employment or is working in a voluntary capacity).

The offences of unlawful sexual intercourse, indecent assault and persistent sexual exploitation of a child make engaging in a sexual act with a child under the age of 17 an offence, regardless of whether the child consented to it. They also say that engaging in such an act with a child aged 17 with that child's consent will not be an offence unless the accused is the child's guardian, school master, school mistress or teacher.

Clauses 6, 7 and 8 of the bill amend these offences by substituting for 'guardian, school master, school mistress or teacher of the child', 'a person who is in a position of authority over the child'. They define a person who is in a position of authority to mean one of a list of the authority figures including, '(f) an employer of the child (whether the work undertaken by the child is paid or otherwise)'. During debate on clause 8 of the bill in the other place on 12 February 2008, the member for Unley said:

> I have a question about the definition of the employer. Can the Attorney give me a definition of who is considered the employer? Is it somebody who is an immediate authority such as a supervisor? For example, a 19 year old working at a fast food outlet puts the hard word on a 17-year old. Is that the employer or is the employer actually the owner of the franchise? I would like that clarified...What about the instance of somebody working for the Public Service, for example, a trainee under the age of 18? Who would be considered as their employer and consequently would fall into this clause in the amendment?

The Attorney answered correctly that it was a matter for judicial interpretation, and that the court would read down the expression in favour of the accused. He is concerned, though, that this might allow people to avoid liability for unlawful sexual intercourse or indecent assault on a technicality. He has asked me to move an amendment to this clause and to move identical amendments to clauses 7 and 8 to say that a position of authority includes not only an employer of a child but also a person who, not being the child's employer, has the power or authority to determine significant aspects of the child's terms and conditions of employment or to terminate that employment. Each clause will retain the proviso that this applies whether the child is being paid in respect of that employment or is working in a voluntary capacity.

The Hon. R.D. LAWSON: Is the government aware of any instance of a fact situation that has occurred in the past where a provision of this nature would have been of assistance?

The Hon. P. HOLLOWAY: I am not aware of any situations here in this state, but I believe that there are examples where other states have defined 'positions of authority' in a similar manner.

Amendment carried; clause as amended passed.

Clause 7.

The Hon. P. HOLLOWAY: I move:

Page 9, lines 1 to 2—

Clause 7, inserted section 50(8)(f)—Delete paragraph (f) and substitute:

> (f) an employer of the child or other person who has the authority to determine significant aspects of the child's terms and conditions of employment or to terminate the child's employment (whether the child is being paid in respect of that employment or is working in a voluntary capacity).

The argument in favour of the amendment is the same as that I have just given for the amendment to clause 6.

Amendment carried; clause as amended passed.

Clause 8.

The Hon. P. HOLLOWAY: I move:

Page 9, line 15—

Clause 8(2), inserted subsection 4(c)—Delete 'member of the clergy' and substitute: religious official or spiritual leader

During debate on the bill in the other place, the Attorney noticed a drafting error in this clause where it seeks to insert section 57(4)(c). It was that part of the definition of 'a position of authority' that is inserted for the offence of indecent assault in the proposed section 57(4)(c) that is different from the equivalent part of the definition of 'a position of authority' that is inserted in the offence of unlawful sexual intercourse in clause 6, inserting section 49(5a)(c) and 'persistent sexual exploitation of a child' in clause 7, inserting section 50(8)(c).

The definitions of 'position of authority' for each offence are supposed to be identical. By this amendment I propose to correct that error and substitute for the incorrect text in the inserted section 57(4)(c) the words used in the inserted section 49(5a)(c) and section 50(8)(c).

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 9, lines 26 to 27—

Clause 8(2), inserted subsection 4(f)—Delete paragraph (f) and substitute:

(f) an employer of the child or other person who has the authority to determine significant aspects of the child's terms and conditions of employment or to terminate the child's employment (whether the child is being paid in respect of that employment or is working in a voluntary capacity).

The reasons for this amendment are the same as those for the two previous amendments that I have moved to clauses 6 and 7.

Amendment carried; clause as amended passed.

Remaining clauses (9 to 16), schedule and title passed.

Bill reported with amendments.

Bill read a third time and passed.

STATUTES AMENDMENT (PUBLIC ORDER OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 4 March 2008. Page 2000.)

The Hon. D.G.E. HOOD (17:18): I rise to support the second reading of this bill on behalf of Family First. The bill seeks to amend the Summary Offences Act and the Criminal Law Consolidation Act to introduce new offences of riot, affray and violent disorder.

Some of these offences are not so new and are rather back to the future in some respects. The concept of affray has its origins in British law in the late middle ages and was codified in the English criminal code in the 19th century, which also saw it carried into South Australian law in 1859 and codified, for instance, in the Queensland criminal code in 1899. Whilst Queensland codified its criminal laws out of common law, South Australia did so shortly afterwards and codified or consolidated criminal laws in 1935.

Then, in 1992, clause 1 of schedule 11 was inserted to abolish the common law offences of riot and affray, among others, such as interference with witnesses, bribery of judges and the like. Whilst some of those offences concerning public or judicial office were updated, riot and affray dropped away from the statute book. The debate in 1992 was more about the abuse and threats to public office rather than the offences that are the subject of this bill. When these particular offences were abolished in 1992, it seems the only public excitement was, indeed, not about the public and judicial office offences but about protecting the conduct of religious services, which thankfully was retained in the criminal law.

To explain a little further in respect of what was said in parliament in 1992 about these offences, when introducing the Statues Amendment and Repeal (Public Offences) Amendment Bill in this very place on 26 November 1991, the Hon. Chris Sumner MLC, the then attorney-general for the then Labor government, said when addressing the provisions to be abolished from the original Criminal Law Consolidation Act 1859:

> With a few exceptions most of these provisions are anachronistic, inappropriate or ignored in practice.

The government's stated point of view was that section 29 of the Criminal Law Consolidation Act—that is, acts endangering life or creating serious risk of harm—added some coverage to the area of affray and public disorder, and otherwise the provisions of the Riot Act 1714 were said to be anachronistic provisions repealed because the government felt that police powers to disperse, integrated with loitering provisions, would suffice to prevent riots.

To be even-handed in this, the then shadow attorney-general, the Hon. Trevor Griffin MLC, spoke at length about the offences relating to public or judicial office but said nothing about the abolition of these laws, saying that they were not a 'major matter' to which he wanted to give attention.

Other states have, nonetheless, retained some of these offences. For instance, New South Wales has an affray offence in section 93C of its Crimes Act. Indeed, a recent stabbing, which some members may have heard about via the media, featuring school girls congregating after a school day in western Sydney, has seen one 19 year old woman and a 16 year old girl both to be charged, among other offences, with affray, actually today in the Liverpool Local Court and Campbelltown Children's Court.

This incident also demonstrates the case in point, as the Attorney-General suggested in his second reading, where these laws might be used against people other than the outlaw motorcycle gangs against whom these laws are principally aimed.

I have given a brief historical review of when we lost these laws from our statute book, and I think that despite the passage of some 15 years this bill is not so much adding new laws; instead, I think that South Australian families expect that South Australian police already have the power to charge people with this kind of violent behaviour, and in many cases they do under other provisions.

Family First is taking a stand for victims of crime in South Australia, and these offences certainly improve things for victims. As the Attorney-General pointed out in his second reading contribution in the other place, victims can be intimidated into refraining from giving evidence against those involved in an affray.

I am also aware of criminal matters where offenders or victims were visiting an area and got involved in a riot, affray or violent disorder and then returned to their normal place of residence. Having to call witnesses from far flung parts of the state, or interstate, is a further obstacle to prosecution which can be ridiculous when one might have sufficient evidence from staff at a venue or closed circuit television footage, for example, to make an offence of riot, affray or violent disorder. These offences will certainly ease the burden on victims whilst also imposing tough penalties for this unacceptable antisocial behaviour.

Family First questions whether these laws ever really deserved to be removed from the South Australian criminal law but, to be fair, I suppose that one can always look back with 100 per cent wisdom in hindsight.

We support strengthening the criminal law to stamp out dangerous and violent behaviour that creates fear and intimidation in the lives of ordinary South Australians. For that reason, we look favourably upon this bill and support the second reading.

Debate adjourned on motion of Hon. J. Gazzola.

CONTROLLED SUBSTANCES (DRUG DETECTION POWERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March 2008. Page 1973.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:25): I rise on behalf of the opposition to indicate support for this amendment bill. I am sure that all members are aware that the South Australian police force has trained three passive alert drug detection dogs. These dogs are specifically trained to detect odours from drugs such as heroin, amphetamines, cannabis and cocaine.

Pursuant to the training of these dogs, SAPOL has requested appropriate amendments to the Controlled Substances Act to facilitate the use of these dogs as part of its strategy to deal with drugs and drug-related crime. The Controlled Substances Act 1984 presents some ambiguity as to the extent to which police can carry out people screening operations using the passive alert drug detection dogs. This has necessitated a change to the act in order that dogs may be used for general drug detection without actually constituting a search, which is already legislated for under the Controlled Substances Act and, of course, the Summary Offences Act.

The bill also addresses specific powers to tackle the incidence of illegal drugs being transported interstate along major transport routes and, I suspect, also within the state. The opposition has some concerns with the searching of vehicles on interstate transport routes. I will speak briefly about the general drug detection powers.

The opposition understands that general drug detection will be carried out in licensed premises, with the exception of restaurants. So, we assume that it is in hotels, nightclubs and bars, but not where people are actually sitting down having a meal, where dogs may be a little—I will not say unwelcome but it may be difficult to get in amongst the tables. It is more, I suspect, to be focussed at the nightclub-type of venue.

With people waiting to enter a nightclub, we understand that the dogs will be able to wander up and down those queues of people waiting to go into nightclubs, hotels and entertainment venues, especially at night, and would be able to actually sniff and detect any

particular odours on the people waiting to get in. We assume that it will also be used at football matches; anywhere where there is a big crowd of people in a public area.

I would like the minister to come back and respond to exactly where it will be used in public areas. I often see groups of people congregating in the Rundle Mall. Are the dogs to be used in the mall? We want some clarity as to whether that is something that the Police Commissioner, or a senior officer, could request, that the dogs be used in public areas such as the mall, or is it only just to be licensed premises?

We are also of the understanding that the licensed premises will also include the car parks that are linked to those licensed premises. It is very easy, if you have got a hotel or nightclub with a big car park, for the officers with the dogs to wander through those cars.

The opposition would also like to know whether the detection powers of the dogs will be for any vehicle that happens to be, for example, in the street in Hindley Street or any of the side streets? Are the dogs to be used to wander up and down and inspect or, shall we say, sniff those particular vehicles?

We also understand that the general drug detection powers would also be used on public transport and public places. We assume that that is the football, the mall, the Fringe, a whole range of public events. We understand that those powers will be used. We want some clarity from the minister, because our understanding is that they will be used in these places and authorised by a senior police officer or inspector in accordance with the guidelines issued by the Commissioner. We understand that the guidelines have not actually been drafted yet, but we would like an indication from the minister as to the general outline of what he would see as the guidelines.

We also wonder why they need to be guidelines and not regulations, which would then, of course, give us the opportunity for disallowance as well as a little more transparency in relation to those guidelines. I note that the minister is always happy to bring back responses for us, so, if he could do that, it would certainly help the opposition to understand how those guidelines will be administered, the powers of the guidelines and the scope of those drug detection activities.

The bill also grants special powers to authorise the setting up of drug detection points. In the briefing, it was explained to us that it was something similar to an RBT, with a general roadblock at either a border crossing or maybe just a major transient route, where all vehicles would be stopped and tested.

We understand that this will be a 30 kilometre radius from the GPO, so it is outside the metropolitan area. Of course, we realise that at present there are only three of these dogs, so we assume that, at the very most, we would have only three of these sites. At the briefing, I asked whether the dogs suffer any sort of nose fatigue—whether they run out of sniff or puff, so to speak. I think that after a while they do become physically tired, and there is a limit to how much they can do. So, I would be certain that, unless we invest a lot of money in training more dogs, there will be only occasional use of this particular power to have RBT-type stations testing for drugs.

It is our understanding that the dogs will be permitted in any part of the vehicle other than the passenger areas. That presents some interesting questions that I would like to put to the minister. For example, if a car is stopped for inspection, does that mean that the dog can inspect and sniff in the boot but not in the passenger compartment with the occupants of the car? More importantly, an interstate bus has a big underfloor cargo area where the dog can jump in and sniff around, but that also means that the dog will not be able to sniff in the passenger areas.

The third question, which I think is probably more interesting, relates to interstate transport. As you know, Mr President, the sleeper cabin on the back of a prime mover is quite high, and you would probably have to lift the dog up into it, which could potentially cause some damage. Understandably, you would not want to put a dog up into a sleeper cabin of a semi. All the interstate truck drivers that I know are very proud of their rigs and would not particularly like dogs clamouring around in them. So, I can understand why the police would not recommend having the dogs in there. However, it presents a problem in that, if someone who is involved in the transportation of illegal substances knows that the sleeper cabin or the cabin of a bus, or any other vehicle—whether it is a small truck, or whatever—will not be searched, it would seem to be the logical place to put them.

I would like to ask a question of the minister—and the opposition would look at perhaps drafting an amendment along these lines, depending on the minister's response: I know that drug detection wands are available, and we see them at certain entrances. I have visited a couple of people in airports and various places which have drug detection wands. I would like the minister to

indicate whether other drug detection wands are strong enough or sensitive enough to do the job in the cabin of a car, in a bus or in a sleeper cabin of a particular transport vehicle, like a semitrailer, because we do not want to disturb people in the middle of the night. The last thing we want to do is wake them up and disturb them.

We do not want to hinder transport operators who are on reasonably tight schedules, and there are a number of issues regarding speeding, fatigue management, and a whole range of other issues in the transport industry. The old saying that time is money is true—they need to actually get from point A to point B in the quickest possible time. However, I would like some indication from the minister as to whether those wands are an appropriate way to search vehicles. If we are going to have roadblocks and RBT-type situations to test vehicles, it seems crazy to have compartments within the vehicles that are not to be tested.

I spoke to the Road Transport Association, and it is somewhat concerned about the time delays that the searches would cause. We certainly do not want our very important Road Transport Association's activities to be unduly hindered; however, we think it would be worth while for the minister to comment on whether that is an appropriate way to conduct a test in passenger compartments of transport vehicles.

The Commissioner of Police reports annually to the Attorney-General on the number of authorisations, the places and times that these operations are carried out, and the occasions of positive drug detection. We are also considering that advice—or the reporting requirements—from the Commissioner to the Attorney-General. It might be interesting to see whether the minister is prepared to consider an amendment to enable that information to be tabled in both houses of parliament. So, with those few words, I indicate the opposition's support for this bill, but we do await the minister's response before considering further amendments.

Debate adjourned on motion of Hon. I.K. Hunter.

FIREARMS (FIREARMS PROHIBITION ORDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March 2008. Page 2065.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:37): Again, I rise on behalf of the opposition to speak to this particular piece of legislation. I guess it is a much more contentious piece of legislation than the previous bill that I have just spoken to, being the Controlled Substances(Drug Detection Powers) Amendment Bill.

This bill, from my understanding, is part of an amendment to the Firearms Act, but just a small section that was part of a suite of amendments to various bills and legislation that the government introduced to control outlaw motorcycle gangs. We had a briefing last year on this amendment bill. It had some components that we found to be a little invasive into public life, particularly in respect of the transportation of guns. We note that they have been taken out of this bill and it deals now with just firearms prohibition orders.

I have had considerable consultation with a number of interested stakeholders in the community, including the Combined Shooters and Firearms Council, the Adelaide Collectors Guild, and a number of other associations like the Sporting Shooters Association, the Antique and Historical Arms Association of South Australia and the Farmers Federation, to name just a few. They have all raised a number of concerns.

Broadly speaking, the stakeholders in this debate, and the opposition, support the general thrust of the government wanting to clamp down on illegal firearms and unlicensed firearms and the illegal use of those firearms. Interestingly, when one looks through the bill there are some opportunities, we suspect, to inadvertently trap law-abiding and registered licensed firearms owners by this piece of legislation.

The opposition's understanding of the legislation is that the firearms prohibition orders will be put into effect by a police officer on the run, so to speak, if he is confronted by somebody that he suspects has an illegal firearm or is not a fit and proper person to own a firearm or to operate a firearm. He would then seek advice from a senior officer and impose a firearms prohibition order. We understand also that the police have a number of individuals in South Australia who are of interest to them in that they would apply to the registrar to impose a firearms prohibition order. A police officer out on the beat would impose an interim order, but the registrar would impose the firearms prohibition order.

I would like to turn my attention now to some of the points that have been raised in our consultation and then, at the end of this contribution, ask a number of questions that I would like the minister to answer prior to us progressing the bill through the committee stage, because there are a number of amendments that we may choose to move if we do not get a satisfactory answer.

Turning my attention to the bill, I will work through some of the issues that have been raised. At first glance this might seem to be a somewhat draconian piece of legislation, and that is why the opposition is a little concerned with some of the provisions. As I said, I will work through the bill and the issues that have been raised with me in the consultation process. I refer to page 6, part 6B, the power to require a medical examination, which provides:

> The Registrar may, as reasonably required for the purpose of determining whether a person is a fit and proper person to have possession of a firearm or ammunition or to hold or to have possession of a licence for the purposes of this Act, require the person to—
>
> (a) submit to an examination by a health professional, or by a health professional of a class, specified by the Registrar; or
>
> (b) provide a medical report from a health professional, or from a health professional of a class, specified by the Registrar,

The part that has been raised with us is 'including an examination or report that will require the person to undergo some form of medically invasive procedure'. The words 'medically invasive procedure' seem a little severe. It may be something as simple as a blood test which, I guess, is invasive because you stick a needle into the person's vein and take some blood. However, we would like an explanation. Certain people have raised significant concerns about that.

On page 7, part 2A of the firearms prohibition orders provides that interim firearms prohibition orders will be issued by a police officer and, subject to section 2, a police officer may issue an interim firearms prohibition order against the person if the police officer suspects on reasonable grounds that (a) the possession of a firearm by a person would be likely to result in undue danger to life or property but, more importantly, (b) that the person is not a fit and proper person to possess a firearm.

I know we have a definition in the Firearms Act of what a fit and proper person is, and I would like some confirmation from the minister that this definition will remain the same. We have had it put to us that you might have a couple of young men out on a Friday or Saturday night doing some spotlighting (and young women possibly, as well) who are acting a little irresponsibly: they get stopped by a police officer; they are near a town; they give the officer some cheek; and then, suddenly, the police officer says, 'Well, I'll fix you. Because you're acting irresponsibly I will issue you with an interim prohibition order.'

That actually creates some difficulty, because those young people possibly have to return home and it is an offence, under this amendment bill, to spend a night in a building or dwelling where there are firearms if you are subject to a firearms prohibition order. I guess that is one example of the interpretation of being fit and proper.

I would also like advice from the minister in relation to people being fit and proper if they commit an offence under some other act, and I use the example of someone, probably knowingly, shooting or destroying a protected animal or bird—a kangaroo or emu, for example—because they think they need to take that action for whatever reason. Under the definition, is someone who does that likely to be considered not a fit or proper person?

We would like some clear advice from the minister regarding whether the definition will be strictly adhered to and administered. The police say that they are not after genuine, law-abiding firearm owners but are after the disobedient, non law-abiding people, people who trade illegally in firearms and people who use illegal firearms. We do not want to see innocent, law-abiding citizens affected. There are some grey areas and we would like the minister to clarify that particular issue. I draw the council's attention to page 8, part 2A, clause 10A(5), on interim firearms prohibition orders, which provides:

> If a police officer proposes to issue an interim firearms prohibition order against a person, the officer may—'
>
> ...
>
> b) if the person refuses or fails to comply with the requirement or the officer has reasonable grounds to believe that the requirement will not be complied with, arrest and detain the person in custody (without warrant) for—
>
> (i) so long as may be necessary for the order to be served on the person; or
>
> (ii) two hours,

whichever is the lesser.

It has also been raised with me during consultation that it appears that if someone were overzealous they may be able to detain someone for two hours without any reasonable grounds. If it were an illegal firearms owner or someone behaving irresponsibly, that is understandable but, again, some innocent people in our communities may be trapped by this particular piece of legislation. On page 10, paragraph (9) of clause 10C—Effects of firearms prohibition order—provides:

A person against whom a firearms prohibition order is in force must inform each other person of or over the age of 18 years who resides or proposes to reside at the same premises as the person of the fact that a firearms prohibition order is in force against the person and ask each such person whether or not he or she has or proposes to have a firearm, firearm part or ammunition on the premises.

In the past couple of years we have seen groups of young people under the age of 18 (and I will mention the Gang of 49, although I am not claiming they are involved in illegal firearms use) behaving in an irresponsible manner, thumbing their nose at the law, and it seems a little strange to the opposition that someone under the age of 18 is not subject to the provisions of this particular amendment bill.

If there were a criminal element in the community that had unlicensed or illegal weapons they may be able to give someone under the age of 18 a couple of hundred dollars and say, 'Here, put this gun in your back cupboard or under your bed and look after it for me because you're not subject to one of these orders. Whenever I need it I'll give you a yell and you can give it back to me and I'll slip you another couple of hundred dollars.' It seems strange, given that we have a problem in some communities in this state with reckless behaviour by people under the age of 18, that people under the age of 18 would not be affected by this piece of legislation. I have a range of questions but I may shortly seek leave to conclude, because I do not at present have them here to read out and I am unable to get them—

The PRESIDENT: The honourable member can ask the questions during the committee stage.

The Hon. D.W. RIDGWAY: I wanted to put them on record so that the minister could do it before we got there; my apologies to the council. Page 11, clause 10C(14)(b)(iii) provides:

the person knowingly provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management;

I quoted that particular passage because, if someone rented a farmhouse to someone, is the owner of the property liable because they have rented a house to someone they did not know was subject to a firearms prohibition order? Are we now to find, perhaps, that as part of a tenancy or rental agreement there may have to be a disclosure clause? We know that there are a lot of disused farmhouses across the state; farms have become larger and they are not used, but it is often better for the house to have someone living in it rather than being left empty.

We may find that people who move in may not be fully checked and may not be well known to the community. We would like the minister to provide clarification as to whether the landlord would be liable for any breach of this act if someone is living in a rented house but the landlord is not aware that they are subject to a firearms prohibition order. That raises a number of concerns. We are considering some amendments that relate to the powers of the registrar, in that the registrar is subject to the review committee. It now appears that the registrar will not actually have to refer decisions to the review committee, but only for specialist advice.

It seems to put a lot of power in the hands of the registrar. I have a number of questions which, unfortunately, I do not have here at the moment. I have outlined a number of issues that stand out. I have a number of others, including the manufacture of firearms being subject to a firearms prohibition order.

Manufacturing is just modification. When you speak to sporting shooters, hunters and gun club owners, manufacture can be a modification—maybe a different sight, different grips, different triggers and different pressure—so the sporting shooters, the Field and Game Association and people who use guns in a law-abiding fashion are concerned that they will be captured in the manufacture of guns by virtue of the fact that they change their gun in a shooting contest. Depending on the wind conditions at a rifle range, they may change their sights several times during the day and that is a modification to the gun under the act, so is that manufacturing? They

are the sorts of questions I have in more detail and will be happy to put on the record tomorrow for the minister. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 5 March 2008. Page 2080.)

The Hon. R.I. LUCAS (17:55): I rise to support the bill on behalf of the Liberal Party. As outlined in the House of Assembly, the Liberal Party supports the general thrust of the bill and has not proposed any particular amendments to it. We understand that it has the strong support of the Police Association and neither the shadow minister nor any member of the Liberal Party has received any objection or opposition from any group, individual or constituent.

A central feature of the legislation, despite its name, we are advised only impacts on some 380 officers out of approximately 4,000. The police lump sum scheme covered by the legislation was open for only a very brief period between 1990 and 1993. Prior to that there was the police pensions scheme, which was closed, and the police lump sum scheme was open for a brief period, and subsequent to 1993 officers were party to the Triple S Scheme, which is available to all public servants. We have been generally advised that there are still around 2,000 officers in the police pensions scheme and just under 2,000 officers in the Public Service Triple S Scheme.

Other advice given to the opposition is that these 380 officers have been offered guarantees in relation to the legislation that they will get no less than they were entitled to under the lump sum scheme if they transfer. It is expected (and information provided demonstrates the case with some examples) that the benefits in most of the illustrated examples will be higher for police officers if they transfer to the Triple S Scheme out of the lump sum scheme.

We understand that this guarantee is being offered on the condition that the officers continue to pay some 5 to 6 per cent of their salary into superannuation. We are advised that if they do not, and if they drop back to 4 or 4.5 per cent, they do not have that guarantee and they accept the benefit of lower contributions in an ongoing way, but they will take the punt that the benefits of the Triple S Scheme will be higher than the lump sum scheme that they are leaving.

Our advice was that some of the younger officers might be prepared to take that option because it means they are paying less annually out of their salary into superannuation and are prepared, on the basis of the earnings profile of the Triple S Scheme, to take the punt that the benefits they will get over the longer term will be better in the Triple S Scheme than in the old lump sum scheme they are leaving.

Recent events in relation to superannuation investment earnings might concern some police officers as well as others, but certainly the advice government advisers provide to officers is that superannuation is a long-term investment, particularly for younger ones who have many years of ups and down in terms of the earnings profile of their superannuation ahead of them. If based on the past record of investment earnings of the Triple S Scheme, in the long term it will be a good and sensible investment providing healthy returns.

I have a number of questions that I will place on the record, and I seek the minister's response in his reply to the second reading. Can the minister provide the actual number of police officers in the Triple S scheme? Can he also provide the actual numbers—and we are talking about individuals, I guess—still in the police pension scheme? If there are full-time equivalent numbers, that is fine, but I am talking about the number of individuals.

Also, I have a question as to why the government has chosen to continue with the Police Superannuation Board. Specifically, can the minister put on the public record how much individual board members are paid? I understand that the chair and possibly one other member of the board receive an additional allowance or payment. What is the extent of that payment or benefit to members of the board?

I understand that the Police Superannuation Board will still make decisions in relation to invalidity determinations but, if we bear in mind all those officers transferring to the Triple S Scheme and those who are already in the Triple S Scheme, my understanding is that the Super SA board takes decisions in relation to invalidity in relation to all those officers, although it may well be that they take advice from the Police Superannuation Board. But the final decision, nevertheless, rests with the Super SA board. So, I guess the obvious question is: if significant numbers of police

officers are moving to the Super SA fund, why has the government chosen to continue with the existence of the Police Superannuation Board; and is the government saying that it believes that particular board has a worthwhile role to perform, both now and in the long-term future?

I understand that one aspect of the legislation is that all police officers will now be provided with the option of retiring at age 50 years. I should say it is actually an additional benefit at age 50. I will read from the second reading explanation, as follows:

> As the transferring members have an existing option to retire and be paid their accrued benefit after age 50, this option is being maintained in the Triple S scheme.

One can understand that. If they have an existing benefit and are transferring, they are going to be entitled to maintain that. But the second reading explanation goes further and says:

> In fact, the bill also proposes that the age 50 retirement option will be made available to all police officers who are members of Triple S.

As I understand that, it seems to indicate that the almost 2,000 police officers who are already in the Triple S Scheme will now be given an additional benefit of being able to retire at the age of 50 years on similar conditions as these 380 officers. If I understand the second reading explanation correctly, I would like the government to confirm that, but can the government then indicate the cost of providing that extra benefit to almost 2,000 additional police officers? And I guess it then raises the issue of the equity within the Triple S Scheme for other members of that scheme who, as I understand it, do not have that particular option, and will not have it as well.

The other question I want to put is this. The government refers to a technical amendment in the legislation, and the second reading explanation says:

> ...an amendment is being made to the provisions in section 4(6b) of the Police Superannuation Act that deal with the determination of 'salary' for a member who has been seconded to serve with another police force or a prescribed body. The proposed amendment will address a deficiency in the current provisions that do not provide for the recognised salary with the external SAPOL body to have its real value maintained where the person is no longer working for that body at the time when an entitlement is to be paid.

This is intended to cover officers who are serving in the Australian Federal Police or overseas police forces, and others. But the phrase 'prescribed body' I understand also takes into account service within the Police Association and other such prescribed bodies—that is, an officer who serves for so many years in the police force, then serves a number of years in the Police Association and then goes back to the police force. I want to get some detail from the minister as to the impact of this particular proposal.

I will give the example of a police officer who, for 20 years between the ages of 20 and 40 years, for the sake of argument, earned a salary of $70,000. It would not have been consistent but, for the sake of argument, let us assume that it is. That police officer then, for 10 years between the ages of 40 and 50 years, goes to the Police Association and is on a salary of $140,000 for those 10 years. Then, at age 50, for whatever reason, he goes back into the police force for the next 10 years of his service between 50 and 60 years on a salary of $70,000. For that particular example I want the government's advisers to indicate the final benefit for that particular officer under the current legislation; and under the proposed legislation what would be the final benefit for that particular officer. I have just given that as an example so that we can perhaps try to understand exactly what is being proposed by what the government describes as a 'technical amendment' which will relate to a prescribed body. As I said, I have confirmed that the Police Association is a prescribed body in the government's proposed legislation.

I will indicate the final general question that I have. Mr Deane Prior was good enough to advise interested members in relation to the legislation. There has obviously been some concern about the earnings capacity of superannuation funds being invested on behalf of the public sector, and police officers also, in relation to the legislation.

The Treasurer has given some information in relation to the impact of the recent downturn in the investment climate on the investment performance of Funds SA. I am just seeking an assurance from the government's advisers that Funds SA has no direct exposure to the problems as they relate to the subprime crisis that has been discussed in recent months. My understanding, from the government's previous statements, is that I think the government has given that assurance in the other house.

I seek that assurance, and also whether or not any criticism or concern has been expressed about margin lending strategies, which have been discussed in the financial pages in most of the national papers in the past month or so, as they relate to the operation of Funds SA

and Super SA and the funds that have been invested on behalf of South Australian public servants; in this case, South Australian police officers.

As I said, some concern is being expressed by public servants and also one or two police officers, and now is the opportunity for the minister—on the advice of the Treasurer, obviously—to hopefully allay the concerns that some might have in relation to the investment policies of the government and its officers on behalf of police officers and public servants.

Debate adjourned on motion of Hon. J. Gazzola.

At 18:09 the council adjourned until Wednesday 2 April 2008 at 14:15.