LEGISLATIVE COUNCIL

Wednesday 9 April 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:17): 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

PAPERS

The following papers were laid on the table:

By the President—

Police Complains Authority—Report, 2006-07

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

Rural Industry Adjustment and Development Act 1985—Report, 2006-07
Reports, 2007-08—
Adelaide Hills Wine Industry Fund
Langhorne Creek Wine Industry Fund
McLaren Vale Wine Industry Fund
Riverland Wine Industry Fund

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:19): I bring up the 16th report of the committee.

Report received.

The Hon. J.M. GAZZOLA (14:20): I bring up the 17th report of the committee.

Report received and read.

RAPE AND SEXUAL OFFENCES

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:21): I lay on the table a copy of a ministerial statement relating to rape and sexual assault made earlier today in another place by my colleague the Premier.

MARJORIE JACKSON-NELSON HOSPITAL

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:22): I lay on the table a copy of a ministerial statement relating to the Marjorie Jackson Nelson hospital master plans made earlier today in another place by my colleague the Minister for Health.

QUESTION TIME

POLICE RESOURCES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Police a question about police resources.

Leave granted.

The Hon. D.W. RIDGWAY: On Monday, *The Advertiser* reported that South Australian police employees have breached federal copyright laws by illegally copying and burning movie DVDs. The report quoted an internal email to police management stating that a computer audit 'had

identified a number of instances where commercial DVD movies had been copied to the hard drives of police computers and possibly burnt to disks'.

Police sources have told *The Advertiser* that an official investigation will not be conducted. It is a claim which is supported by an internal email, which also maintains that managers must remind members of the policy relating to the use of SAPOL computers. On Monday morning, on 891, Superintendent Peter Harvey told listeners that a full investigation was yet to begin. He said that there were several hundred suspicious files, and because of the way they were titled it might mean that they are movies. Harvey said that, at present, 30 files have been flagged as of concern, and if any breaches of copyright are identified as part of the audit process they will be referred to the internal investigation branch of SAPOL.

In relation to inappropriate use of police equipment, the head of the Police Complaints Authority Mr Anthony Wainwright stated in a letter to the Police Commissioner that police video tapes were sold by the community programs section of the South Coast LSA. The sale of these tapes, which were supposedly wiped clean, was halted when it came to light that they were not properly scrubbed. One such tape, which made its way to *Today Tonight*, showed where a taped movie was followed by footage from within the interview room at the Christies Beach Police Station. My questions are:

1. Can the minister assure the public that footage captured within South Australian police stations, in particular, videos of investigations and the use for those purposes, has not made its way into the public domain?

2. Has the minister been given any indication of the number of SAPOL staff who have potentially breached copyright laws, and has SAPOL advised the minister at what point it would order a formal investigation into the illegal and inappropriate application of SAPOL computers?

3. Given the recommendation by State Coroner Mark Johns that a review of the Police Complaints Act will be made, what assurance does the public have that an internal investigation into the illegal burning of DVDs will be open and transparent?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:24): Yet again we have the shadow minister for police attacking our police force. Never in the history of this state has the opposition been so determined to attack ordinary police officers in this state going about their business and it is about time—

Members interjecting:

The Hon. P. HOLLOWAY: Yes, I will answer it. I will certainly answer it, but I will answer it in such a way that it will expose your disgraceful tactics, with your scurrilous, unfounded allegation. The shadow minister for police is quite happy to quote an *Advertiser* report. Why didn't you quote the letter from the Police Commissioner in *The Advertiser* responding to that article? Why didn't you quote him when he answered some of those false allegations? No, he will not do that. He is quite happy to come in here and repeat it, but he is too incompetent—or his office is—even to know that the Police Commissioner has actually responded to that particular article that was in *The Advertiser*.

Again, in the last question we had this suggestion about the Police Complaints Authority; the innuendo that this opposition is trying to make is that, somehow or other, the police are not subject to independent investigation. We have had all sorts of rubbish; even the Hon. John Darley was quoted the other day as saying we need an independent body to investigate police complaints. Well, what the hell is the Police Complaints Authority if it is not independent? It is a separate barrister that is actually doing it. We are having all this rubbish repeated by a number of members opposite to serve their own ends, but very little of it is founded on substance.

Basically, the question was: can I guarantee that police are always doing the right thing? That is essentially the question. Of course I cannot do that. But what I can say is that the police will investigate any allegations and, if the honourable member has any evidence that the police are misbehaving, then he should take it to the proper people. We had that nonsense yesterday when he was suggesting—the disgusting suggestion—that somehow or another we needed an ICAC because the Coroner said so when, in fact, he said no such thing. There was no allegation whatsoever that police had been involved in corruption in any way, shape or form in the Coroner's report—none whatsoever—and yet this sleazy allegation, this further attack on the police force of our state, comes from members opposite.

This is very typical, but I am not going to sit here and let the police force of our state be attacked by the opposition under parliamentary privilege. If the honourable member has anything of substance, let him come out and say so.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has a supplementary question deriving from the answer.

POLICE RESOURCES

The Hon. R.I. LUCAS (14:27): Given that the minister has just claimed that the Police Complaints Authority is completely independent, is it correct that the Police Complaints Authority actually uses the Internal Investigation Branch of SAPOL to investigate a number of the complaints that go to the authority?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:28): Exactly; indeed, as an independent commission against corruption does.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: 'Ha, ha!' he says. The great Rob Lucas laugh. That is exactly what happens, because who do you think—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Let us just reflect on this.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: By his behaviour, the Hon. Rob Lucas has just shown his contempt, and not only for this parliament; he obviously has contempt for the police as well. Of course, he is not averse to attacking anybody and everybody. But let the Hon. Rob Lucas reflect on this for a moment. Who has the skills to conduct investigations other than the police?

The Police Complaints Authority has a staff of somewhere in excess of 20, I believe. Incidentally, under the opposition's policy that it released yesterday it says that it would get rid of the authority, which employs something like 20 people. So, when members opposite are talking about this $15 million budget for this new body that they are talking about, if ever their policies come into effect, it makes one wonder, if they are going to absorb this, who is actually going to do the work? How are they going to do all the work that the Police Complaints Authority does now and all these other tasks they are wanting to do with a budget of $15 million when they claim they are going to get rid of this particular body?

We have this nonsense. They are trying to peddle this bit about secrecy; they are trying to use this argument that, somehow or other, the Police Complaints Authority is in some way a secretive body.

Of course, it is for very good reason. If there is a disciplinary proceeding against a police officer, it might involve matters such as phone tapping or police procedures. Is it in the best interests of the detection of crime in our community that at a public forum details of police operations and how police operate are exposed—which could advantage criminals? If members opposite spoke to people, they would know that there is a public interest defence for police officers so that details of their operations are not always released; because it would damage their effectiveness and help criminals in this state.

Maybe that is their purpose and maybe that is what they want to do. There are very good reasons why details of police operations—and often they could be exposed during police complaints and disciplinary tribunal hearings—should not be made public. There are very good reasons why that should not be the case. There are very good reasons why they should not be made public.

When one looks at the opposition's policy for a proposed model for a South Australian independent commission against corruption, it states that, in order to overcome and minimise the risk with an ICAC, it is proposed to make it an offence to disclose or publicise the fact that a complaint about a particular person has been made to ICAC. The opposition not only put out this policy and says it will be an offence for anyone to publicise it but it also has the gall to try to

deceive the people of this state by saying that, somehow or another, our procedures are unnecessarily secretive.

It is true that disciplinary hearings are part of the Police (Complaints and Disciplinary Proceedings) Act that members opposite introduced. They put up the changes to the act; and the whole parliament supported the act for very good reasons. We do not necessarily want details, which might indicate, for example, how one might get around phone taps, being made public. We do not want to disclose the names of informants. We do not want unnecessarily to put this information out into the public arena. That is why there are reasons for it. If members opposite want a cheap headline or a run in the paper, how easy is it to talk about excessive secrecy? But when their own policy comes out, they say that they will make it an offence to disclose or publicise the fact that a complaint about a particular person has been made to ICAC.

As I said earlier, the Police Commissioner did respond to the article by Colin James in Monday's *Advertiser*. It is completely false to claim that DVD piracy is rife amongst police. Hundreds of police officers across South Australia have not been caught using their work computer to illegally copy DVDs, as the article suggested. In this instance, a system audit identified electronic files in some areas of SAPOL that required examination. The instruction from SAPOL's Director of Information Technology reminded managers that if copyright infringements were occurring it would be a criminal offence; and some senior officers have been briefed on potential copyright issues and have agreed to an audit. However, that audit is still to be completed.

In the article in *The Advertiser* the reporter also claimed that an official investigation which would lead to criminal charges would not be conducted because of the large number of police officers involved. Again, that is incorrect. It was incorrect that the Police Commissioner responded that 'police are no different from other members of the community'. If there are breaches of copyright law, and they are identified as part of the audit process, they will be referred to the internal investigations branch and an independent and full investigation will occur without exception.

The article was quite misleading, and it is disappointing that the shadow minister for police should accept the article rather than make an inquiry to SAPOL or read the paper afterwards when the Police Commissioner responded and indicated that anyone who is guilty of breaching those laws would be dealt with under the proper procedures. It is absolutely abhorrent for a shadow minister of police to suggest that there is a fault in the procedures or that police are not following it up and to give credence to a misleading newspaper report. We ought to make sure that the police in this state are well aware of the lack of support from members opposite. In fact, it is worse than a lack of support: it is how little opposition members of this parliament think of them.

POLICE RESOURCES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): I have a supplementary question. At what time yesterday did the minister become aware that the Premier had announced an overhaul of the Police Complaints Authority?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:35): Again, the honourable member has got it wrong. I spoke to the Premier before question time yesterday and, of course, he had also spoken with the Attorney-General, so I was well aware of what his announcement was. In my answer yesterday I indicated that we always pay close attention to the considerations of the Coroner.

NATURAL RESOURCES MANAGEMENT

The Hon. J.M.A. LENSINK (14:35): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about natural resource management.

Leave granted.

The Hon. J.M.A. LENSINK: The Liberal Party has received information that the Adelaide and Mount Lofty NRM has identified a site at Oaklands Park it would like purchased, or acquired by some means, from the Department for Transport to use as wetlands and for aquifer storage and recharge.

I raised this issue on the Leon Byner program on 21 January with the Minister for Water Resources (Karlene Maywald). She said, 'I will certainly take it on board to take it back to my

ministerial colleagues to find out what the problem is there, Michelle, and I really thank you for raising it today.'

I understand that the transport department will not provide the land to the environment portfolio without funds of $1.2 million, which the department states it does not have. Given that that was some two or three months ago, will the minister advise whether there has been any agreement between departments on that site?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:37): I am aware that negotiations are occurring between the Adelaide and Mount Lofty NRM Board, the transport department and DEH. I am not aware that they have been completed or, at this point, exactly what stage they are up to. I am happy to find out those details and bring back a response.

FIREFIGHTERS

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about provisions for injured firefighters.

Leave granted.

The Hon. S.G. WADE: Yesterday, the Australian Nursing Federation, the United Firefighters Union of Australia and the Ambulance Employees Association of South Australia announced that they have united in a campaign to protect injured workers from cuts to WorkCover entitlements. A joint release issued yesterday quotes an injured firefighter as saying, 'We do important dangerous work. We want to know that, if we are injured, we will be properly supported.' The Branch Secretary of the United Firefighters Union of Australia, Greg Northcott, said that the primary focus of workers compensation should be the effective return to work of injured workers and the adoption of supportive strategies to assist this process. He said, 'There are fairer ways of fixing the financial viability of WorkCover that would provide equitable outcomes for all parties involved.'

A UFU press release relating to WorkCover, issued on 5 March, quotes the United Firefighters Union industrial officer as saying:

> The emergency services serve and protect South Australians with great pride and significant sacrifice...All that firefighters ask is that, if they were injured in the line of duty, the workers compensation scheme protects them just as they have protected the public...

The press release continues:

> [Rann] has lost touch with the workers of this state. Firefighters of this state will not accept nor will they tolerate the Rann attacks on the workers of the state.

I understand that firefighters of both the MFS and the CFS are covered by WorkCover. My questions are:

1. Has the minister met with the UFU or the CFSVA to discuss the impact of the WorkCover changes on firefighters?

2. Has the minister met or will she meet with the UFU to discuss fairer ways of fixing the financial viability of WorkCover?

3. Does the minister consider that the reduction of WorkCover entitlements will affect our ability to recruit volunteers to the CFS?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:39): I thank the honourable member for his question, and I am pleased that today he is a little more sympathetic to the UFU in particular—yesterday, he did not have time for it. I have placed on record on many occasions this government's commitment to the emergency services in this state—a great deal more than when members opposite were in government—but I will not repeat all of it again. I meet on a fairly regular basis with the Country Fire Service Volunteer Association. Indeed, I met with it this Monday.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: We discussed several issues, including the one that has been raised by the honourable member. About a week ago I met with the UFU as well. It is a disgrace that members opposite do not appear to understand the responsibilities that any

government has in relation to the WorkCover scheme in this state. It is an absolute disgrace. What this government is working towards is having a scheme that is fully funded and one, more importantly, that returns workers back to work. That is the aim of a responsible government. I notice that the Hon. Rob Lucas is not looking up, as a former treasurer. So, that is the aim of responsible government.

Members interjecting:

The PRESIDENT: Order! The minister does not need any help from those behind her.

The Hon. CARMEL ZOLLO: I have full confidence in the UFU. It would never put the community of South Australia at risk. As I said, we are acting responsibly. Clearly, we have met on a regular basis with the unions and have legislation in the other place which improves the WorkCover legislation.

Members interjecting:

The PRESIDENT: Order!

OPEN SPACE AND PLACES FOR PEOPLE GRANTS

The Hon. I.K. HUNTER (14:42): Will the Minister for Urban Development and Planning. provide the chamber with details of the latest round of funding for public space for the Open Space and Places for People initiatives?

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will come to order.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:43): I thank the honourable member for his question and for his interest in this subject.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, perhaps you should read Tuesday's *Advertiser* and read the Police Commissioner's letter. Perhaps that would be a good start if you want to go and read something. I know my press releases are really good and I greatly appreciate that you read them, but why don't you read what the Police Commissioner says?

I am delighted to inform members that I have this month approved more than $2.2 million in grants to enhance the quality of open space throughout South Australia in the latest round of public funding. These approvals relate to 13 new Open Space and Places for People grants to be financed from the South Australian government's planning and development fund.

The importance of these community projects is demonstrated by the continued strong demand from local councils for funding from the Open Space and Places for People initiatives. Joint funding from the Rann government and local councils endorsed by the Public Space Advisory Committee has financed the development of public parks, walkways, barbecue areas and other facilities.

Funding from the Open Space and People for Places initiatives have also helped to complete sections of the popular River Torrens Linear and Foreshore parks that link the Adelaide Hills to the gulf. In the latest round of funding, grants included $990,000 to the City of Playford for improvements to the Stebonheath Park at Andrews Farm. Stebonheath Park is a 25-hectare tract of land classed as regional reserve in Adelaide's northern suburbs, which presents a tremendous opportunity to develop a high standard of informal recreation for the local community.

Situated within the Smith Creek corridor, Stebonheath Park is an ideal location to create a multipurpose park that also incorporates biodiversity and water management. The park is also conveniently located to several housing developments in the area, providing an opportunity to create open space for the local residents. As part of a $7.956 million project to be undertaken by the City of Playford, Stebonheath Park would be extensively revegetated to provide shade and an attractive setting to complement the wetland development. This multi-million-dollar project will also physically improve the reserve through major earthworks and the linking of various open sections by path trails and board walks to create a linear park.

I am also pleased to inform members that the southern suburbs of Adelaide have also been well served by the latest round of funding. In fact, I have approved three grants worth more than $460,000 to the City of Marion to complete public works in that council area. These grants

approved comprise $328,250 for the Hazelmere Reserve development, $90,205 for the Scarborough Terrace Reserve community fitness facility, and $45,000 for the Glade Crescent recreational reserve and wetland development. The $328,250 open space grant for the Hazelmere Reserve development will contribute to the $656,550 overall cost of upgrading this reserve in suburban Glengowrie.

The City of Marion plans to upgrade community facilities within the 2.4 hectare reserve to include walking trails, basketball courts, a barbecue area, drinking fountains and public toilets. This project will go some way towards meeting the strong community demand for open space in this part of Adelaide. An additional $90,000 open space grant will allow the City of Marion to turn the Scarborough Terrace reserve into a community fitness facility at a total cost of $180,410. This project includes a 300-metre rubberised jogging track, eight strategically located exercise stations and picnic facilities. A further $45,000 has been granted to the City of Marion towards the $90,000 cost of developing detailed design plans for Glade Reserve—a key link in the 38 kilometre coast to vines trail from Marino to Willunga. Glade Crescent is currently an underdeveloped and degraded 13 hectares of open space that has the potential to be upgraded into a key regional recreational area.

I am also pleased to inform members that the residents of Adelaide are not the only ones to benefit from the government's open space grants. In the latest round of funding, the District Council of Ceduna received a grant of $373,000 for the third stage of its Ceduna Streetscape project. The district council will provide the remaining share of the $746,000 cost of the public works of the extension of this well received streetscape project from the main street to the foreshore. This extended streetscape will create a pedestrian-priority environment that, when enhanced by traffic management, will reduce the speed of vehicles through the town. Anyone who has been to Ceduna and seen the great job that has been done on the early stages of that project would, I am sure, agree that that was money very well spent. It has greatly enhanced Ceduna.

The area earmarked for the next phase of development includes the Ceduna Foreshore Hotel which was recently refurbished at a cost of $7 million. The Places for People grant will also allow the district council to create a multipurpose public space adjacent to the Ceduna jetty. This area can be combined with road space for community events. These public works, assisted by the Planning and Development Fund, will encourage private investment in shops and facilities in the town centre that will make Ceduna a more attractive and vibrant place to live.

The Rann government has now invested more than $36 million from the Planning and Development Fund to encourage local government and community groups throughout the state to develop open space in their local area for recreation, walking and cycling. This latest round of grants and the various projects they fund are further evidence that the Rann Labor government supports the South Australian community.

OPEN SPACE AND PLACES FOR PEOPLE GRANTS

The Hon. T.J. STEPHENS (14:49): I have a supplementary question. Minister, given your alleged commitment to open space, will you guarantee that those communities that are about to have their schools closed for the so-called super schools program that their land will be kept as open space?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:49): The fate of all government land is determined by Premier's Instruction 114, and any land that is disposed of has to adhere to that instruction. Under this government, there has been a significant amount of increase in important open space land. I would be only too happy to go through all the extra land that has been provided through the $36 million of the P&D Fund, even though it would take me the rest of question time.

ALCOHOL CONSUMPTION

The Hon. A.L. EVANS (14:50): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about binge drinking.

Leave granted.

The Hon. A.L. EVANS: The New South Wales government announced on Monday that, in the next few months, it will be releasing television advertisements aimed at 14 to 19 year olds, using graphic images and shaming tactics to curb binge drinking amongst young people. The *Daily*

Telegraph newspaper in Sydney also reported on Monday that the New South Wales health minister said:

> ...was shocked that hospitals were treating more than 1,700 children a year for alcohol abuse.

In response, the New South Wales government will require teenagers who want to host large parties to register on a new police-run website called www.mynight.com.au. This website advises young people how to idiot-proof and gatecrash-proof their homes, and suggests food and beverages to serve at the events. My questions are:

1. What advertising campaign will the minister run to curb binge drinking amongst our young people?

2. Will the minister urge the police minister to follow the New South Wales police lead and set up a web site to notify police of large teenage parties?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:51): I thank the honourable member for his most important questions. It is, indeed, a very serious issue for some of our young Australians and South Australians. Risky or high-risk alcohol consumption for short-term harm is defined as alcohol consumption greater than recommended in the current Australian Alcohol Guidelines, and that is no more than six standard drinks on any one occasion for men and no more than four standard drinks on any one occasion for women. A review of these guidelines is currently being finalised and may result in changes to those recommendations, but they are currently the definitions.

In South Australia in 2006, 30.6 per cent of people aged 18 years and over drank at risky or high-risk levels for short-term harm. That is, indeed, a serious concern. In terms of the South Australian response, there is a wide range of ways that we are approaching this very complex problem. There are obviously many factors that contribute to binge drinking by both adults and young people, including individual, family and peers, what alcohol is being consumed, and the environment in which it occurs.

DASSA (Drug and Alcohol Services SA) has developed a range of strategies such as undertaking the development of the SA Alcohol Action Plan in consultation across government and non-government sectors. This plan is in the process of being developed and will support priorities identified in the SA Drug Strategy and the National Alcohol Strategy, so work is being done at that broad policy level.

The DASSA website provides comprehensive information about alcohol consumption and related harm, including sections that are specifically directed at parents and young people. DASSA, together with SA Police, the Office of the Liquor and Gambling Commissioner and SafeWork SA, developed a Safer Celebrations kit with approximately 20,000 information kits having been distributed to date. These resources were promoted in the lead-up to the Christmas and New Year period to encourage responsible drinking and safe partying, particularly during the festive season.

We also have a Good Sports programs that assists community sporting clubs to manage alcohol responsibly (they also encourage smoke-free environments, as well). Currently, 270 clubs are participating in that Good Sports program to promote responsible drinking, particularly aimed at young people. DASSA collaborates with Encounter Youth and health and emergency services to implement strategies to minimise binge drinking by school leavers at the annual schoolies festival in Victor Harbor. DASSA also liaises with key industry and government agencies through the Alcohol Management Reference Group.

The group enables broad discussion and dissemination of current trends across South Australia in alcohol consumption; alcohol-related harm; and health promotion, prevention and harm reduction activities. DASSA also works with education sectors to develop appropriate prevention and intervention strategies in those sectors to promote more responsible drinking.

I am very pleased to see the national interest we are seeing at the moment. Members would be aware that the Prime Minister has made a number of public statements since the beginning of the year, expressing his concern about the level of binge drinking in Australia. This has culminated in an announcement, on 10 March 2008, of a $53 million National Binge Drinking Strategy.

This strategy is aimed at particularly young Australians and will focus on three main areas: $14.4 million (over four years) to invest in community-level initiatives to confront the culture of binge drinking, particularly in sporting organisations; $19.1 million (over four years) to intervene

earlier to assist young people to ensure that they assume personal responsibility for binge drinking; and $20 million (over two years) to fund advertising that confronts young people with the costs and consequences of binge drinking. This TV, radio and internet campaign will draw on the lessons of previous successful campaigns.

At the recent Council of Australian Governments (COAG) meeting, held on 26 March, there was agreement on the importance of tackling alcohol misuse and binge drinking amongst young people. It has agreed to look at a number of aspects in relation to binge drinking, and I believe one of those is to look at a national advertising campaign as well.

TAXIS, COUNTRY

The Hon. C.V. SCHAEFER (14:57): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question about country taxis.

Leave granted.

The Hon. C.V. SCHAEFER: During recent visits to regional South Australia, I have been approached by several taxi operators who have expressed concern about the delays in proper accreditation as country taxis. My understanding is that this process has continued now for about 2½ years.

The current act requires that all transport operators be accredited, and the Country Taxi Association wants to be accredited as country taxis. Currently, they are labelled as a type of hire car, which precludes them from picking up passengers who hail for a taxi and which also precludes them from having a taxi stand outside a hotel, for instance. At this stage, country taxis are legally expected to operate as hire cars and only respond to telephone bookings.

Although country taxi operators are concerned it may stop doing so, the South Australian government is honouring the Australian Transport Subsidy Scheme vouchers for some passengers. However, recently there have been inordinate delays in the government paying for those vouchers upon redemption. In fact, recently there has been a 12-week delay which, given that these taxis operate on quite narrow margins at any time, has caused some difficulty within the industry. My questions are:

1. Can the minister explain why the accreditation process for country taxis has been so slow?

2. Can the minister explain why his department is taking up to 12 weeks to pay country taxi operators for Transport Subsidy Scheme vouchers?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:59): I will refer the honourable member's question to the Minister for Transport in another place and bring back a reply.

NATIONAL PACKAGING

The Hon. R.P. WORTLEY (14:59): I seek leave to make a brief explanation before asking the Minister for Environment and Heritage a question about national packaging.

Leave granted.

The Hon. R.P. WORTLEY: Recent reports reveal that Australia's recycling rate is not as good as previously accounted for by industry. It appears that the National Packaging Covenant reporting has included, amongst other things, glass recycling in New Zealand and has failed to recognise the amount of glass imported in wine and beer bottles. The Hyder consulting report, 'Recycling activity in South Australia 2005-06', prepared for Zero Waste South Australia—and available on the Zero Waste SA website—shows that, per capita, South Australia recycles considerably more than any other state, and only the ACT recycles marginally more than South Australia. Will the minister inform the council of what can be done to increase Australia's performance to be more in line with South Australia's?

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:00):

Those sitting opposite obviously do not care about recycling and waste management. It is a shame, Mr President. Those opposite are not interested and do not care about recycling—

The PRESIDENT: The minister should refrain from exciting the opposition.

The Hon. G.E. GAGO: I know that those on this side of the chamber are interested in what is going on. I thank the honourable member for his question. As the honourable member explained, the Hyder Consulting report, 'Recycling activity in South Australia 2005-06', prepared for Zero Waste SA shows that South Australia recycles considerably more than any other state capital. A big part of this is the beverage container deposit system that we have had in place for the past 30 years, alongside our kerbside collection program and, of course, the levy on landfill.

The National Packaging Covenant referred to by the honourable member and agreed to by the industry, the states and the commonwealth is aimed at reducing the amount of packaging disposed to landfill. It includes requirements for the packaging industry to report recycling rates for its products. It has a stated aim of a 65 per cent recovery rate by 2010.

The Boomerang Alliance and others—for example, the Conservation Council—have frequently raised concerns about industry reporting of recycling rates. Recycling rates in Australia appear to have been inflated by industry figures, for example, by including glass cullet imported from recycling collections in New Zealand. The covenant recorded a 56 per cent recycling rate in 2005-06, but it got a second opinion from an independent consultant, Pitcher Partners, who found that the real figure was more like 43 per cent.

The concern is that the covenant will fall well short of its intended recovery rate of 65 per cent by 2010, whether or not the industry figures are accurate, and that is why South Australia is suggesting that we have a national container deposit scheme. We will propose that a national container deposit system be adopted by every jurisdiction in Australia at the ministerial council meeting on the environment next week. There is considerable interest amongst other states in how our scheme operates.

We have heard for 30 years from the beverage industry why other states cannot introduce a container deposit scheme, but now it is clearly time to act. Kerbside recycling is a terrific innovation and it has boosted resource recovery rates. Zero Waste SA has been encouraging local councils to implement high performing kerbside recyclables collection. We also have the best kerbside collection of household recyclables in the world, but half of these beverage containers are consumed away from home at pubs, clubs, events and ovals. We have seen an explosion in sales of bottled water, mixed alcoholic drinks and so on, which are designed to be consumed in public places, away from home and away from kerbside recycling.

A national container deposit on beverage containers will go a long way to fixing the problems, as we have demonstrated in South Australia, and the South Australian public knows what a winner our system is. Recycling resources, getting rid of the concept of waste and understanding that all materials are resources that must be used again and again, is central to moving us towards a sustainable and low carbon society. An effective means of getting materials back into the system after their initial use is to add a deposit in order to provide an incentive for return. Extended producer responsibility is a vital part of reducing the waste of precious resources, including energy and water, and the SA container deposit scheme is, indeed, a great model.

ATTORNEY-GENERAL

The Hon. A. BRESSINGTON (15:05): I seek leave to make a brief explanation before asking the minister representing the Attorney-General questions regarding the responsibility of the A-G, as the first law officer of South Australia.

Leave granted.

The Hon. A. BRESSINGTON: On 3 April, on Radio FIVEaa's Leon Byner program, the Attorney-General said:

> At any time people campaigning for Henry Keogh can approach the Supreme Court and seek to reopen the case, they don't need me.

In the ruling of the Supreme Court in R v Keogh (2007) No. 226 made on 22 June 2007 by Doyle, Bleby and Sulan JJ, it was determined that the Supreme Court had no legal power to reopen an appeal. That decision was subsequently affirmed by the High Court. The only way that the Keogh case can now be reconsidered by the Supreme Court is if the Attorney-General refers the whole case to the Full Court pursuant to section 369 of the Criminal Law Consolidation Act 1935.

It is quite clear from the transcript of evidence to the Medical Board of South Australia that both Dr Manock and Dr James have stated on oath that the true situation regarding the evidence in relation to the Keogh case is not consistent with the evidence which they gave at his trial. Dr James has explained that he withheld important evidence in relation to the purported grip mark on the leg of the deceased on the basis that he did not think it to be relevant. Dr Manock explained that he failed to disclose similar evidence because 'it did not come up in conversation'. The situation cannot be changed or undone by any determination of any appeal or of any tribunal proceedings.

In Gipp v The Queen (1998), the High Court of Australia made it clear that a conviction is unsafe if it is established that the jury was misled on a relevant issue. In his final address to the jury at the trial of Henry Keogh, the Director of Public Prosecutions stated in reference to Dr Manock's evidence:

> Whereas to murder I suggest the bruising on the lower left leg, if that is a grip mark, is almost in itself conclusive, providing you accept that it was applied at or about the time of death.

He referred to 'one positive indication of murder, namely the grip mark on the bottom of the leg'. It seems clearly inappropriate for the prosecutor to tell the jury that certain evidence was conclusive evidence of murder and for the Attorney-General to proclaim when that evidence is found to be wanting that it was not relevant to the verdict of the jury. I also make the point that this is not about whether Keogh is guilty or innocent; it is about a citizen's right to have a fair trial with due process. My questions are:

1. Is the Attorney-General aware of the ruling of the Supreme Court in R v Keogh (2007) SASC given on 22 June 2007 by Doyle, Bleby and Sulan JJ?

2. Will the Attorney-General correct his misleading statement broadcast to the public of South Australia, and take steps to ensure that the matter is, in fact, referred back to the court by him, if he has been acting in ignorance of the true legal situation?

3. If the Attorney-General still refuses to take any action to ensure Keogh's right to a fair trial, will he please explain why to this council?

4. And, if the Attorney-General is unable or unwilling to fulfil his statutory and constitutional duty in accordance with the law, will he consider resigning so that due process can be restored to the state of South Australia?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:09): What an extraordinary question, given there is probably no case in the recent history of this state which has been so investigated and re-examined. As I have previously said, this was a case that began under the previous government. It began years ago under the previous government. It is not as though this government has taken any action in any way that it should apologise for, but the issues that have been raised here have been gone over and over again. If there is any additional information that the Attorney can provide to this case, then I will get him to do so.

The issues raised by the honourable member about bruises, and so on, in relation to this trial have been examined many times and have been through courts of appeal in the past. If there is any additional information the Attorney-General wishes to provide, I will provide it. Again, I make the point that few cases have had such an exhausting examination as this case—and just because one particular television program repeats something over and over does not make it true.

MURRAY RIVER FERRIES

The Hon. J.S.L. DAWKINS (15:10): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about River Murray ferries.

Leave granted.

The Hon. J.S.L. DAWKINS: Members would be aware that due to low water levels in the River Murray one of the two ferries at Mannum has been closed for four months. Indeed, the Hon. Terry Stephens asked the minister a question about this subject on 5 March this year. In addition to Mannum, the low water levels below Lock 1 have made accessibility to other ferries, including Tailem Bend, Purnong, Walker Flat, Wellington, Narrung and Swan Reach, more difficult, particularly for heavy vehicles. My questions are:

1. Given the important road safety aspects relating to public access to ferries, will the minister indicate what options are being considered by the Department for Transport, Energy and Infrastructure to ensure safe and unrestricted access to all River Murray ferries?

2. Will the minister inform the council whether modified landings have been implemented at any ferry sites and, if so, which ones?

3. If that is the case, will the minister indicate whether modified landings are planned for other ferry sites?

4. In addition, I ask the minister in her emergency services role to indicate what action she has taken to ensure that heavy emergency services vehicles have unrestricted access to these vital transport links.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:12): I was asked a question by another member in relation to what alternative transport routes there were in cases of an emergency. I responded at the time that all emergency services would have alternative routes in the case of an emergency. I have not had the opportunity to table the response to the honourable member.

Members interjecting:

The Hon. CARMEL ZOLLO: Certainly, I will be doing that in the near future. In relation to the ferries, I will have to consult with my colleague the Hon. Patrick Conlon (Minister for Transport in the other place) and bring back a response for the honourable member.

ROAD SAFETY

The Hon. B.V. FINNIGAN (15:13): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about the government's tram stickers road safety campaign.

Leave granted.

The Hon. B.V. FINNIGAN: The state government is using an innovative vehicle to publicise the number of injuries and deaths caused by road crashes each year in South Australia. Apparently, the hundreds of people who die on the roads are of no interest to Her Majesty's opposition. Will the minister explain how a tram is being used to demonstrate the effect road trauma has on our society?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:14): Over the next three months, city workers, tourists and general visitors to the city centre and Glenelg will be witnessing tram advertising with a difference. The state government through the Motor Accident Commission is using the side of an Adelaide to Glenelg tram to drive home a serious road safety issue; that is, every year more than 9,000 people are injured on the state's roads.

I am sure that many people have noticed already the increasing number of red stickers on the tram. The tram set off with 24 red stickers on 31 March when I launched the campaign. They represent the average number of those injured on our roads each day. The stickers will progressively increase at the rate of 24 per day over the duration of the three-month campaign. In addition, black stickers will be added to represent fatalities as they occur—and we hope, of course, that we will not see too many of those.

By the end of the 12-week campaign, there will be at least 2,184 stickers across both sides of the tram. It is expected that road users who are exposed on a regular basis to the tram will take note of the number of casualties as they increase at an alarming rate and that they will gain a tangible sense of the impact of crashes—crashes that can be avoided if road users adopt a few simple rules. It goes without saying that trams are part of the character and atmosphere of Adelaide and Glenelg, and this campaign is a novel way of advertising a very serious issue.

Members interjecting:

The Hon. CARMEL ZOLLO: It is regrettable that those opposite just do not care about road trauma. The impact of road deaths and injuries is significant in South Australia. Last year, there were 125 fatalities and about 1,400 serious injuries in South Australia. Currently, the road toll is 24, compared with 32 at the same time last year. I am advised by the Commissioner of Police—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: —that serious injuries currently stand at 339, compared with 369 at the same time last year. This is 339 serious injuries too many, but it is still an encouraging reduction. Of the 9,000 people injured in road trauma each year in South Australia, 16 per cent are seriously injured enough to require hospitalisation; many take years to recover and, tragically, some live with spinal or brain injury.

The impact on the life of victims and their families and on the community should never be underestimated. The odds of being injured are much higher than people think. This campaign aims to challenge the perception, 'It will not happen to me.' I urge all South Australians to avoid having their personal grief, or the grief they inflict on someone else, reflected in a sticker. I urge everyone to travel under the speed limit, always to wear a seatbelt and not to drive if they are tired or have been drinking or taking drugs. Of course, we urge all South Australians to remain attentive.

ROAD SAFETY

The Hon. R.I. LUCAS (15:17): I have a supplementary question. Given that the minister has just outlined the government's use of trams for advertising, is it correct that it prevented unions and/or individuals from using the same trams to express and advertise concern about the government's cuts to workers' benefits under its WorkCover scheme?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:18): I am not quite sure what that question has to do with road safety.

MOTORCYCLE GANGS

The Hon. SANDRA KANCK (15:18): I seek leave to make an explanation before asking the Minister for Police a question about police surveillance of the Gypsy Jokers.

Leave granted.

The Hon. SANDRA KANCK: I have been contacted by several constituents who have expressed their outrage at the police intervention at the annual motorbike event, the Poker Run, held by the Gypsy Jokers on Saturday 29 March. My constituents, who include a member of a Christian motorcycle club and two others who are not members of any such club (that is, a bikie club), informed me that the contingent, which the *Gawler Bunyip* states included 95 motorcycles and 30 cars, gathered at Gawler and rode through the Barossa and up to Clare.

A majority of the participants in that contingent were not members of the Gypsy Jokers. They estimate that 50 police cars, each with two officers, attended, plus 20 police bikes, two police helicopters, two mobile alcohol and drug testing units and six STAR Group and six police surveillance four-wheel drive vehicles. The *Gawler Bunyip* reports that 150 police officers were involved.

Over the course of the run, the police photographed bike riders and also other members of the public. They set up a roadblock at which all riders had their licences, bikes and helmets inspected. Riders and passengers involved were also intensely questioned on their reason for being there and their association with club members.

The road block held up traffic for an hour, forcing a wedding party to take another route. Police cars and helicopters followed the bikie run for the remainder of the day. Two of the emails I received expressed concern at the irresponsible way a police helicopter hovered so close to the road on a blind corner, such that dust and debris were thrown into the face of riders by the downdraft and riders were pushed to the wrong side of the road.

The results of this massive display of police force were, according to the Gawler *Bunyip*, two people testing positive for drugs, three reports of drink driving, 11 defect notices and nine traffic infringement notices. My questions of the minister are:

1. Can he confirm that an operation of the magnitude I have described occurred on 29 March?

2. What was the nature of the threat to public safety that required this level of resources?

3. How many police officers are usually on duty on a Saturday in the combined Adelaide and Barossa areas, and were extra staff scheduled to allow this operation to occur? Was any overtime payable to the police officers who attended, and did this operation result in greater

than usual delays in responding to calls from the public for police assistance on Saturday 29 March?

4. Can the minister list other instances where a police force of this size was deployed in the absence of a specific threat?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:21): The Hon. Sandra Kanck's concern for the civil liberties of outlaw motorcycle gangs is very touching indeed, and I am sure she will continue to be concerned in her remaining (thankfully) now less than two years in this place.

One of the things we actually discovered was a ministerial briefing paper that was provided to a person who I understand will be joining us in this parliament, a former Liberal police minister, Robert Brokenshire. He was given a briefing note on the Gypsy Jokers outlaw motorcycle gang national run. So, these things are not new. Let us not pretend that these motorcycle runs are somehow or other something that has just happened—we have lots of them.

Indeed, I can just imagine the shadow minister for police up there slamming the police, as he always does; he would be up there criticising them, no doubt. Are you going to join in this as well? Are you going to criticise the police for being out there enforcing the rules? Are you going to do it? No; he will not say anything now, but he is always quick to kick the police. He is always quick to join in.

The PRESIDENT: The honourable minister should not be baiting the opposition.

The Hon. P. HOLLOWAY: These Gypsy Joker runs have been there for a time. The note was that a watching brief was maintained on the Gypsy Jokers' headquarters overnight, no further incidents occurred and the police operation was stood down, etc. It states:

> One of the difficulties police encountered during the run—

this was the Gypsy Joker run—

> back in 2001 was the lack of existing legislational penalties to limit or prevent such large number of outlaw motorcycle gang members participating in a national activity, nor the ability to break such a large intimidating group into smaller groups.

What we have seen in past runs is that these groups ignore traffic lights, to the risk of themselves and other members of the public. They go through red lights. They have total contempt. We have seen this happen for many years with these motorcycle runs.

If the police were not prepared we would have members opposite saying, 'We do not have enough police. Where are they? What are they doing? Crime is out of control.' We hear all this nonsense from members opposite. I think the opposition and minor parties in this state ought to make up their mind where they stand. Where do you stand? Are you going to protect the police? Are you going to defend the police or not, or are you going to attack them at every opportunity?

This is the sort of rubbish that we are getting. The Hon. Sandra Kanck and members opposite will have their say on the serious outlaw gang bill, which we will be debating fairly soon. If they want to say that bikies do not represent a threat, that they are all just harmless people out riding motorcycles and that is all they do, then they can come to that conclusion and the people of this state can then judge.

I am quite happy to defend the South Australian police force in the actions that they have taken in relation to this run. A number of these motorcycle gangs have intimidated and antagonised communities in the past, and they challenge police. In one case a few years ago, a Gypsy Jokers convoy set up camp at the Mount Gambier clubrooms. A contingent of 50 police officers was dispatched from Adelaide to assist local police at Mount Gambier. The bikies were attacking the police station. This has happened in the past—admittedly, under a Liberal government—so perhaps the bikies knew that they had a government soft on crime. Perhaps they knew that these people were soft on crime, or perhaps they knew they had friends over there.

This government will not be intimidated and we will not allow South Australians to be intimidated. If police presence is necessary—

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

The Hon. P. HOLLOWAY: The Hon. John Dawkins can defend the Gypsy Jokers if he wishes—he is quite entitled to do so—but this government will not allow outlaw motorcycle gangs

to intimidate ordinary South Australians. Perhaps the police presence that was at this particular run prevented a larger number of incidents like we had in 2001 when the previous government was in power, when we had these runs by the Gypsy Jokers and other motorcycle clubs where people were bailed up and where bikies were attacking police stations because some of their people were locked up.

As long as this government is in office, and as long as I am Minister for Police, we will not have that sort of behaviour in this state. If members opposite and the Hon. Sandra Kanck want to advocate something different, let them do so, but the public of this state will judge.

MATTERS OF INTEREST

INDIGENOUS SUCCESS STORIES

The Hon. J.M. GAZZOLA (15:27): We often read of the many challenges and issues facing indigenous communities, but today I want to inform the council of three indigenous success stories. The first is Bookyana at Port Victoria, a flourishing bush food industry run by indigenous Port Victoria couple, Liz and Ron Newchurch. Bookyana, under the commercial label of Outback Pride, grows and markets native and conventional herbs, cultivates quandong trees and produces lillipillies and muntries for a growing market.

The bush tucker grown and sold includes native sea parsley, saltbush and river mint, together with value-added products such as Desert Passion Syrup and Wild Lime Marmalade, joining the production of conventional herbs such as rosemary, chives, oregano, thyme, sage and basil. Pleasingly, Bookyana has signed a five-year contract to further supply bush foods to Reedy Creek Nursery, in addition to selling produce from a shop on the Port Victoria property and providing fresh produce to markets in Adelaide twice a week.

Recognition of the growing market in bush foods is seen in the Newchurch's recent participation in the Festival of Garden Living in Veale Gardens and Mr Newchurch's recent appointment to the Australian Native Food Industry Council Board which is looking to develop export markets.

There are other positive spin-offs. Bookyana currently employs four indigenous workers who complement their on-the-job knowledge with training in horticulture through Salisbury TAFE. Mrs Newchurch, a teacher by profession, helps with staff tutoring, and staff numbers will probably be increased next year, while Mr Newchurch is keen to work with indigenous groups in developing further economic growth in native foods. I am sure we all wish them well in what is an exciting and quickly growing field.

Another promising development is the success of the Dare to Lead national education campaign for excellence in leadership in indigenous education. The Deputy Prime Minister and Minister for Education, the Hon. Julia Gillard, recently recognised the outstanding efforts of 16 schools across Australia in improving educational outcomes for indigenous students. The awards are given to schools that show excellence in achieving education targets, effectively engage with their local indigenous community and for improving attendance, enrolment, graduation and retention rates.

Some statistics are useful in appreciating the importance of this national program. Four in 10 indigenous students continue to year 12—35 per cent lower than non-indigenous students. According to 2006 census figures, 47 per cent of indigenous South Australians are 19 or under, so efforts to improve the wellbeing, education and ultimately the health of the most marginalised group in our society are paramount. The future importance of the program is highlighted by the comments of Grant Feary, President of the Law Society, on career paths in Law for Indigenous Students.

I use information from Mr Feary's recent article in the media. He notes that only eight indigenous students, a miserable 0.002 per cent of all South Australian law graduates, have graduated. To assist indigenous law students the Law Society, in conjunction with the three major South Australian universities, has set up a mentoring program to provide individual assistance to each indigenous law student.

Out of this mentoring program, which was set up in response to the worrying concern of no new indigenous enrolments in 2007, a forum was realised involving a broad coalition of teachers, counsellors, social workers and students to redress this. I use this information to point out that things are happening; that the Dare to Lead program is also an important cog in developing momentum and continuity for indigenous career paths.

To return to the Dare to Lead Awards for 2007, it is pleasing to note the following successful South Australian schools: Cowandilla Primary School and Glossop High School for achievement awards; the Wiltja Program at Woodville High School for a high achievement award; and last, but not least, Point Pearce Aboriginal School for its achievement award. I wish the recipient schools, the Law Society mentoring program and Bookyana all the best in their wonderful work to close the gap.

Time expired.

ADELAIDE AIRPORT HOTEL COMPLEX

The Hon. R.D. LAWSON (15:31): In *The Advertiser* today there was an item dealing with a proposal to build a new hotel at Adelaide airport. The item was accompanied by a colour illustration which showed a fantastic building, although it appears to be located exactly in the car park which adjoins the terminal. Adelaide Airport Ltd has placed on its website a preliminary draft of a major development plan to allow this airport hotel complex to proceed.

What the article in *The Advertiser* is vague about is the precise location of this terminal. When one reads the fine print of the preliminary draft, it appears (as I mentioned before) that this proposal will take up significant car parking spaces which are presently located to the north of the existing terminal building.

Car parking facilities at Adelaide airport are already grossly inadequate. Members who have had to either go to the airport for the purpose of delivering passengers or collecting friends or relatives from interstate and had to use the car park will realise the truth of what I say. Hundreds of users complain about it. The car park is frequently full with cars driving around and around waiting for parking spaces to become available. There is simply inadequate parking.

There have been promises in the past for multi-storey car parks but none have materialised. Last year the operator of the airport opened a new long-term car parking facility, which is located about 800 metres from the terminal building. It is located alongside and to the south of the old terminal building. Anyone who has had to use that facility, especially during hot weather and having to walk long distances, elderly people walking long distances dragging bags and the like or waiting for a shuttle bus, which slowly goes around once every 20 minutes and which sits at the bus stop for about 15 minutes before it moves off, will realise the frustration that many people are feeling about the inadequate parking facilities.

The planning arrangements relating to the airport are unusual because of the original ownership of that land by the commonwealth government. Presently, the federal government has imposed a planning regime which requires a master plan to be presented by the airport operator and also provides for extensive consultation and input from local planning authorities. However, it is clear that the original master plan had an international hotel on the corner of Williams Drive, the main drive in the airport, and Sir Donald Bradman Drive. By subtle means, it is now proposed to shift the proposed airport to what is regarded by the developers as better for the international traveller—not better for the users of the airport generally and not better for the ordinary South Australian citizens who have to use those parking facilities but better for international travellers, high rollers, and the proposed developers of this hotel.

I hope that the government will exercise its powers to ensure that the airport operator does not sacrifice car-parking spaces or the convenience of South Australians for further profits for Adelaide Airport Limited. I urge the state Minister for Urban Development and Planning and all who have any say in the planning process relating to this proposal to voice opposition to it.

LIBERAL PARTY

The Hon. R.P. WORTLEY (15:37): I rise today to highlight how the nasty, caustic attitude of and the hatred within the Liberal Party is preventing members opposite from becoming a viable opposition in this state. My good friend Mr Finnigan is very often attacked by the opposition because he comes from the STA, headed by Don Farrell, who is now a senator elect. The Labor Party does have factions. We have a right and a left faction—we to used have a centre left faction, which is no more—and they have always served this state—

The Hon. R.D. Lawson interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Lawson will cease interjecting.

The Hon. R.P. WORTLEY: They do not like hearing the truth, Mr Acting President; they have hidden behind a facade for so long. Within the Labor Party, the factions have served the party quite well, because people of like mind have got together and debated our issues and policies. But once they have reached that position, they move together as one. Of course, with the Liberal Party, the difference is that their hatred goes back generations; it is actually inherited from their fathers and their mothers—

The Hon. J.M.A. Lensink: Are you talking about me? My parents are migrants. What are you talking about?

The Hon. R.P. WORTLEY: I am talking about the Liberal Party. The classic example would be the Chapman and Evans families, where the fathers, Stan and Ted, have brought up their children to hate each other to such an extent—

The ACTING PRESIDENT: Order! The honourable member is referring to former members of the chamber, one of whom is deceased. The honourable member might like to continue with a little more decorum.

The Hon. R.P. WORTLEY: With respect, their children have come into this parliament hating each other to such an extent that it prevents them from joining together to achieve decent policies for this state. The classic example is when Iain Evans was made leader of the party and Vickie Chapman was made deputy leader. Of course, both of them are members of another place—

The ACTING PRESIDENT: Order! It is appropriate to refer to members in another place in an appropriate manner rather than by their Christian name and surname.

The Hon. R.P. WORTLEY: It got to a situation where, when Mr Evans from another place, who was actually doing quite a good job at the time, was in Canberra at a memorial service for the late Ms Jeannie Ferris, Vickie Chapman organised the night of the long knives, which resulted in the Hon. Mr Evans being dumped as leader.

I remember listening to a Liberal Party member in the bar one day trying to attach a bit of honour to their party's divisions and generational hatred by comparing them to the Scottish clans. I must say that what it brought to my mind more resembled the old American hillbillies, the Clemet's and the McDonald's, who have been feuding and killing each other for generations.

If you ask a Liberal member, 'Exactly what are you feuding over?', they cannot even remember what the original problem was. We now have a situation where one of the most talented people on the opposition bench—

An honourable member interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.P. WORTLEY: —Mr Wade, is being attacked for his preselection because of the hatred between the wets and the dries in the Liberal Party. Mr Simon Birmingham and Cory Bernardi—

The ACTING PRESIDENT: Order! I remind the member that he is talking about senators, and he should refer to them by their proper titles.

The Hon. R.P. WORTLEY: Senators Bernardi and Birmingham are currently looking at new rules to make the Liberal Party more democratic. Just a suggestion for our friends on the opposite side: if you introduced PR—

Members interjecting:

The ACTING PRESIDENT: Order! Members on my left will remain silent.

The Hon. R.P. WORTLEY: If you introduce PR, people such as the Hon. Mr Wade would be protected, because his faction would be able to preselect Mr Wade in its own right. You should take that on board and tell your leadership that if you are truly trying to make your party democratic and not just another facade—

The ACTING PRESIDENT: Refer to the chair.

The Hon. R.P. WORTLEY: All right, Mr Acting President, if you would, please advise the opposition that, if they introduce PR, they would be in a much better place to protect the great talents of the Hon. Mr Wade.

Time expired.

DAYLIGHT SAVING

The Hon. C.V. SCHAEFER (15:41): I have had a great sense of relief and freedom over the past week to 10 days, because at last the hour that is traditionally stolen from me at the end of October has been returned. It is no secret to anyone in this chamber that I do not support daylight saving; however, I do acknowledge that the majority of people who choose to huddle on sidewalks and sip lattes enjoy daylight saving. However, we have been subjected to yet another 'trial period', where daylight saving now extends into April. If it was a trial, it has to be acknowledged that it was a resounding failure.

I happen to get a rural newspaper from Victoria in which it is revealed that even in the Yarra Valley people are complaining that it is dark at 6.45. Therefore, spare some sympathy for those on Eyre Peninsula, where the sun, at the end of this daylight saving period, was not rising until 7.40—some half an hour after those at the end of the school bus runs got onto the school bus.

The Kimba Area School decided, after its bus drivers complained, that there was a real health and safety issue, given that they were driving at dawn, which is the most dangerous time for kangaroos on roads, and given that they encountered over the previous week 15, 12, 10, 26 and 12 kangaroos and narrowly avoided hitting them. The school council then decided that it would experiment with starting school at 9.50 in the morning and finishing at 4.30. That, too, was a resounding failure, given that many of the mothers of those children worked in the town. It meant that they either had to take their children to town with them and sit them outside the bank, or wherever, or leave them at home alone for that additional hour. It also meant that the visiting music teacher, dance teacher and tennis coach all had to either shift their times or the kids had to miss an hour or so of school.

It is well-known that, many years ago now, I chaired a select committee in respect of this issue, only to discover that, in fact, the time meridian in South Australia does not even run through South Australia. For historical reasons, that is, for the convenience of sending cablegrams in 1899, our forefathers decided on the wisdom of putting us effectively on half an hour's daylight saving all year around. Our time meridian in fact runs through Warrnambool in Victoria.

If we were to apply the commonsense solution of having our own time meridian through our own state and three equal one hour time zones in Australia, many of the problems that we are now experiencing would be alleviated, or certainly reduced. But that does not detract from the fact that we are now looking—I believe by stealth—at having six months of daylight saving per year.

Watch this space! I believe that, experimentally, the Rann government, together with its Labor mates from the East Coast, will introduce daylight saving to the end of April. And I am just spiteful enough to hope that those in the city suffer the same inconveniences that they are imposing on those on the western side of the state.

BETANCOURT, INGRID

The Hon. M. PARNELL (15:46): I rise today to draw the council's attention to the plight of Colombian legislator, Ingrid Betancourt. On 11 March 2008, the federal senate passed a motion moved by Senator Bob Brown as follows:

> That the senate (a) notes that 23 February 2008 marked the sixth year that Ingrid Betancourt has been held hostage by the revolutionary armed forces of Colombia (the FARC); and (b) calls on the FARC to release Ms Betancourt and all its hostages.

The name of Ingrid Betancourt is not a household name in Australia, but her plight has seen thousands of people marching in the streets across major cities around the world. People have been marching for her release and in support of democracy.

Ingrid Betancourt is a remarkable person and she has been a tireless campaigner against drug running in South America, arms trading, political corruption and political assassinations and, at the time of her kidnap six years ago, she was a presidential candidate. The most recent marches in support of her release took place just this week, when the French first lady, Carla Bruni-Sarkozy, joined thousands of people in a solemn march in Paris, to call for Colombian rebels to release the ailing former presidential candidate, and similar rallies were held all over France.

The person of Ingrid Betancourt, as I said, is not well-known here, but she did visit Australia in April 2001 where she addressed, in fact, the first global Green's conference in

Canberra. I might just read a sentence or two from her contribution on that occasion. She commented on the world's slide into social and environmental degradation and she said:

> The salvation of the planet, the right to life, is nothing else than a fight for values. These values are shared by all of us human beings, regardless of the colour of our skin, or the name we give our god. And because they are essential values, they are not negotiable. To outline a new economic order, a new social pact, is not utopia. It is simply the basic thing, the minimum for society to continue in a globalised world. I say this with force and with anguish because we cannot waste any more time. We still have time to stop the self-destruction being foisted on us. But this will depend on our will, on our character, on our commitment and not on what power they choose to grant us.
>
> The first thing we must defeat is our scepticism. Do not let us think of what we have not achieved, but of what we can do and what we must achieve. Let us not deceive ourselves: we have to take on the uniform of the new samurai, to defend our values, our principles, our ideals above everything—even above our own life.

She has now languished in the jungles of Colombia as a hostage for the past six years. According to recent reports—and this is the main reason that I have brought this to the council's attention now—is that she is fading very fast. In a letter to her mother late last year, Ingrid wrote:

> I am tired, tired of suffering, I have been—or tried to be—strong. I have had many battles, I have tried to escape at several opportunities, I have tried to maintain hope, as one keeps one's head above water...I want to think that one day I'll get out of here, but I know that what happened to the [11 provincial legislators, held hostage since 2002 and killed in June] which hurt me greatly, could happen to me at any moment.

The time is now for us all to pay attention to the plight of our democratically elected colleagues in all countries who are suffering persecution or, in the case of Ingrid Betancourt, have been kidnapped. I congratulate the Senate on the passing of its resolution. I urge all members to be vigilant to make sure that the democratic principles we hold dear are also upheld in other countries. We all should use our best endeavours to ensure that democracy flourishes in this world, not just in our own lucky country.

ADELAIDE LIGHTNING

The Hon. T.J. STEPHENS (15:51): Today I want to highlight the recent wonderful achievement of the Adelaide Lightning women's basketball team in winning the 2007-08 WNBL championship. Last month, the Lightning defeated the Sydney Uni Flames 90-82 in the grand final at Wollongong to claim its first WNBL title in a decade. An unstoppable display from the Lightning's Renae Camino—who, coincidentally, is a former Wollongong junior—helped her team to the title as she set about racking up a game-high 32 points for herself and was rightly judged the MVP for the game. For my colleagues in the chamber who are not exactly sports nuts, I can advise that MVP stands for 'most valuable player'. Other players to star in the match were Camino's fellow Adelaide starting guard Erin Phillips, who had 16 points and seven rebounds, while Sam Woosnam had 13 points and eight rebounds.

However, the result clearly required a wonderful effort from the entire team to defeat a very strong team in Sydney Uni—a team that has played off in six grand finals in seven seasons. Adelaide raced to a 30-16 lead at quarter time, but Sydney Uni fought back hard to trail 40-35 at half time. However, a great third term to Adelaide broke the game open and it was never troubled in the final term. This victory was a sweet one for the Lightning, having forfeited home court advantage to the Flames after a shock loss in Adelaide in the semi-final. Having earned a spot in the grand final by defeating the Dandenong Rangers, Adelaide made sure its exceptional 21 to three season record did not go to waste. It should also be noted that Adelaide's 92 points is the highest score in a WNBL grand final.

Lightning coach Vicki Valk was delighted with the side, and I personally recognise Vicki's wonderful work through the season. Vicki should be proud of her efforts and those of her coaching panel and players in bringing the title to South Australia. The administration and the club as a whole should be very proud. In particular, owners Vince and Catarina Marino should be congratulated wholeheartedly for their solid financial backing of the team.

WNBL was established in 1986 and the Adelaide Lightning now has five crowns—a very solid effort which is worth recognising. Regrettably, that brings me to my next point. I have found a negative in all this—and, indeed, I am saddened by it. The Adelaide Lightning has received no public recognition from this government. I recall in September last year receiving some written notification from the Premier that should Port Adelaide win the AFL premiership a public reception would be held to honour the players. History shows that the reception was never required. Certainly, in 2004 Port Adelaide was publicly honoured by the government for winning the AFL premiership—and rightly so—as was the Adelaide Football Club in 1997 and 1998.

I also recall being invited and proudly attending public receptions in the past for the Adelaide 36ers when they won national titles. However, the Adelaide Lightning—a team which has won a national title with very little fanfare—has received no recognition from the government of the day. One has to ask why this is so. South Australia is a small state which constantly punches above its weight in a number of areas, none more so than the national sporting stage. That is why it is important that we celebrate our successes. I am sure the Lightning players would be delighted to be recognised publicly by the government: it would make their win even more special.

It is true that women's sport does not enjoy the public profile nor attract the big sponsorship dollars of men's sport. As opposition sports spokesman, I think it is even more important that we recognise special achievements in women's sport. This government must do its part to acknowledge the great achievements in women's sport. I am convinced that would help more young women become involved in sport. Growing participation in sport and recreation, after all, is one of this government's goals, apparently.

In addition, I am concerned about the recent news that South Australia has lost the chance to host a netball test between Australia and New Zealand in October. The state government has yet to commit the $150,000 needed to purchase portable flooring at the Distinctive Homes Dome that will allow Netball SA to secure big games for this state. I attended the last test; it was a magnificent event, and it needs to be supported.

At this stage, it appears that the government is dragging its feet in helping Netball SA to purchase the necessary infrastructure and, as a result, Netball Australia has given the test flag to Brisbane. My concern is that this government has committed $20 million towards a demountable stadium for motor racing but has yet to say that it will provide just $150,000 for women's netball. Coupled with the Adelaide Lightning's not receiving rightful recognition of its achievement, this sends the message that the Rann Labor government does not care about women's sport.

I can report to the council that I have written to Vicki Valk, the coach of Adelaide Lightning, and offered to host, at my expense, her and her team as my guests at Parliament House to show that at least some in South Australia care about their special achievements.

CAR THEFT

The Hon. J.A. DARLEY (15:55): Recently, I was contacted by one of my constituents (who I will refer to simply as Mr A) regarding the theft of his motor vehicle from his place of business. The vehicle had been purchased from a reputable car dealership in Adelaide in November 2004. The theft occurred from Mr A's business premises. At the time, he was in a meeting with a customer (a magistrate) who inquired about the whereabouts of Mr A's vehicle, which was usually parked in the same spot outside his premises. Upon discovering that the vehicle had, in fact, gone from where it had been parked, the police were called and the business's video surveillance footage was viewed.

The police advised Mr A that, in order for the theft to have occurred as quickly as it had, a key would be required. Mr A called the car dealership to inquire whether there were any other keys that had not been provided to him at the time of the purchase; he was advised that this was not the case. The salesperson also mentioned that the only way of obtaining an additional key was with a key code. This is usually provided to locksmiths to duplicate keys when the original key is not available. I am advised that only the manufacturer of the vehicle keeps these codes.

A subsequent phone call to a different dealership that sells the same make of vehicle indicated that, in order to obtain a key code, one has to provide the vehicle identification number. At a later date, my constituent contacted a friend who owned the same make of vehicle that had been stolen and asked whether he could use the identification number of that vehicle to attempt to obtain its key code.

He asked the same magistrate who had been present when the vehicle was stolen whether he would witness his attempt to obtain a key code from the car dealership in question without providing any proof of ownership of his friend's vehicle or identification. Mr A rang the car dealership and told them that he had lost his keys and required the key code for the vehicle. The service person he spoke to requested the identification number of the vehicle. The key code was located and provided to Mr A without any request for further proof of ownership or identification. Mr A, accompanied by the magistrate, went to the local locksmith and obtained the key with the key code provided by the service person.

I have chosen not to name the car manufacturer or vehicle involved in this matter because subsequent advice received indicates that such information has the potential to lead to an increase

in thefts of the vehicles in question. However, I met with the Executive Director of the Motor Trade Association, Mr John Chapman, who advised that the MTA will alert its members to the situation through its newsletter.

I might also mention that Mr A spent up to $28,000 in legal fees in a claim against the car manufacturer, who denied all responsibility. Unfortunately, when Mr A was advised that the manufacturer would defend the matter vigorously because its reputation was at stake, Mr A realised that he could not afford to continue with the action and withdrew his claim. At the time of the incident, there was no requirement for a 100-point check of identification and anyone could obtain the identification number of a vehicle and its key code, especially as that number is printed on vehicle registration labels.

DEVELOPMENT (POLITICAL DONATIONS) AMENDMENT BILL

The Hon. M. PARNELL (16:00): Obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. M. PARNELL (16:01): I move:

That this bill be now read a second time.

Unless honourable members have been out of the country or on a different planet, none of us can have failed to notice the situation in New South Wales in relation to local councils, development approvals and political donations. The scandal of the Wollongong council has created ripples right throughout the country.

All of us have been shocked at the stories that we have heard, whether it is the sexual activities of council planning staff, the early morning meetings at the 'table of knowledge' outside the kebab shop or the vast amounts of money that are donated to political parties by developers, presumably to assist in the furtherance of development proposals.

The response to these situations around the country has been mixed. In the state where most of the problems have been identified (New South Wales) the government has moved to take action to clean up the system and to provide more transparency in the area of political donations. One of the things that premier Morris Iemma announced some little while ago was that they would make a link between the declarations required for political donations and the development application process itself.

The thinking behind that is that it adds a level of transparency if people who lodge development applications are also required to disclose the donations that they have made. It is regarded as a far preferable system than waiting for a year or more after the event and then have people raise the issue, in parliament or elsewhere, with a range of questions about the propriety of those activities.

Interestingly, when the Wollongong situation first blew up even the Prime Minister was drawn in to the debate, and he used (on the ABC) the phrase 'democracy for sale'. 'Democracy for Sale', of course, is the title of a website that the Greens have run for many years now where we add value to the Australian Electoral Commission returns by analysing the numbers, categorising them in spreadsheets according to the types of industries and generally making those raw statistics from the AEC more acceptable.

We are talking about perceptions. There is always a danger, when you raise this topic, that one is accused of scaremongering and making accusations of corruption and bribery, even though the call that I have made in this place over the past two years has been to say that there are questions that need to be answered and that it is the perception of influence which is as dangerous as any fact of corruption. We are also told, whenever this topic is raised in South Australia, that we are not the same as New South Wales, and that is for a couple of reasons. The first thing is that they say we do not find as much corruption here. My response to that is—

The Hon. R.I. Lucas: How do we know?

The Hon. M. PARNELL: We do not know because, as the Hon. Rob Lucas says, we are not looking for it. Why aren't we looking for it?

The PRESIDENT: Order! The Hon. Mr Lucas is out of order.

The Hon. R.I. Lucas: Close your eyes and you won't see anything, Mr President.

The PRESIDENT: Order!

The Hon. M. PARNELL: We are not looking for it, and we do not have an independent commission against corruption and, if you do not look for something, your chance of finding it is very low. That is one reason why we are told we are different from other states. The other reason that we are told we are different is that most development approval decisions are made by local council development assessment panels, and two features of those panels in this state are different to other states.

The first thing is that party politics in local government in South Australia is more covert than overt. Most of us know in our local council that certain councillors are Labor Party people, other councillors might be Liberal Party, while others might be independents. They are never badged as such during elections, but most of us tend to know where people fit, and that is a different situation to New South Wales where the party politics in local government is more overt.

The other reason we are told that the New South Wales situation could not happen here is that these development assessment panels comprise not just elected members but, in fact, since we passed legislation a year or two ago, they comprise a majority of non-elected members—experts who are appointed—and, therefore, those experts not being politicians or candidates for public office are not in receipt of donations nor are they looking for donations for their campaigns; therefore, we are not going to get that same level of corruption in this state.

Those arguments hold a very small amount of water but not much. I think the situation here is still as vulnerable to corruption as the situation in New South Wales. One of the reasons for that is that some of the most important decisions around development are not in fact the majority of development applications which are dealt with by these panels, but they are decisions to do with rezoning and major developments. Both of those situations—rezoning decisions and major development decisions—in this state are political decisions, and they are effectively unfettered political decisions. For example, we know that, when a project is called in as a major project, one of the consequences of that decision made by the planning minister, presumably in consultation with cabinet, is that the primacy of the planning scheme (that is, the development plan for the area) is out the window.

A local council is not allowed to make a decision that is seriously at variance with the local development plan. Once it has been declared a major project, the Governor is allowed to make a seriously at variance decision. The Governor is only obliged to have regard to the planning scheme and therein lies the reason why some prominent projects, such as the development of the Le Cornu site, have been declared major projects. The proposed development for the Le Cornu site has been allowed to circumvent the planning rules for that part of North Adelaide, which declare it a three-storey zone, and they are proposing a six-storey building. It was never going to get approval by the Adelaide City Council because it was too high. Rather than change the zoning and go through that proper consultation process, the decision has been made to declare it a major project in which case that three-storey zoning is just one factor to be taken into consideration; it is not conclusive.

I will say at this stage that I have no particular arguments for or against the Le Cornu site development being six storeys. That might be the right location. Plenty of other local residents—and I have referred to that in this place before—say that it is an inappropriate development. That is not the point. The point is that those decisions are political decisions and, unless we have some more transparency in political donations, the question will always be asked whether people were seeking to buy influence in making political donations to the party in office.

My response to all of this is to amend the Development Act, which is the act under which anyone who wants to develop something, build something or change the use of land, must lodge an application. My amendments propose that, for large developments (developments over a prescribed threshold), a development application must be accompanied by a declaration of political donations that the developer or any associated entities have made within the previous two years.

In other words, it is not going as far as saying (as I have in this place before), 'Let's ban political donations from developers.' My bill does not do that. What it says is, 'When you lodge your development application, you also lodge a statutory declaration or some other prescribed form declaring what donations you have made.'

I think it is appropriate to put a threshold in there because, otherwise, every mum and dad wanting to add a rumpus room to their house or build a large chook shed would be required to lodge a declaration. Clearly, that is inappropriate, so I have chosen two thresholds for people to be caught by the provisions of this bill, if it is to be enacted.

The first provision is a monetary one to say that any development application worth more than $4 million should be subject to these political disclosure rules. Why $4 million? It seems that that figure already exists on our statute book; it is the figure that we use for sending public projects to the Public Works Committee; that is the threshold—$4 million. It seemed to me that it might be a sensible threshold for private developments. It is not going to catch any houses unless they are absolute mansions; it is not even going to catch small blocks of flats; it is going to catch big developments.

The other threshold that I have introduced is in relation to subdivisions. A subdivision, of itself, is not necessarily worth a great deal of money because the exercise consists of drawing lines on a map. It is only when the blocks are sold and when development occurs on each allotment that a value comes in, so I have set a threshold in this legislation of 10-lot subdivisions or more.

They are the two situations where I believe our democracy would be improved by having transparency in relation to political donations. If the cost of your development is $4 million or more or if you want to create more than 10 lots on a subdivision, you need to comply with this declaration.

Today, I was reading the latest edition of Crikey.com (which I know many members here subscribe to). There is always an interesting range of views in there. There was one correspondent to that online journal today who refers to these political donations in New South Wales as being more akin to a form of taxation rather than a form of donation. I will read a few sentences from that letter because I think it sums it up very nicely. John Addis is the correspondent and he states:

> There are three points that lead to a quasi-Sicilian conclusion. Firstly, property developers are pure-bred, uncompromising, unreconstructed capitalists. Not a cent is spent, unless there is an obligation to do so, without a pay-off. Secondly, the developers and Sartor [being the relevant New South Wales minister] both agree that the donations don't confer any benefit on the companies making them. Thirdly, despite this acknowledgment, developers continue with the practice.

Clearly, it does not add up. The article concludes:

> Why does a property developer give money for no apparent return? If it isn't a bribe, and clearly it is not, then it can only be one other thing: a de facto tax on developers levied by the New South Wales Labor Party, to be spent at their discretion. There is simply no other rational explanation.

I am not suggesting that the Labor Party in South Australia is levying a tax in the form that this person suggests New South Wales is, but the confluence of all of these points does lead to this type of a conclusion. If developers are out there to make a dollar, if they do not throw money away on things that do not deliver a return, why on earth are they giving money to political parties?

Many of us heard (and I have referred to it in this place before) the interview that was given on ABC Radio a year or so ago, where the general manager of a large development corporation said in response to questions that yes; they did give money, because it helped them to do business. The person went on to say, 'That's the way business works in this state.' These companies feel that they need to make political donations.

So, my bill does not seek to prevent companies or individuals from making donations. That is an argument to be had on another occasion, on another day. All I am seeking to do now is to invite this parliament to follow the lead of New South Wales and to accept the principle that sunlight is the best disinfectant. The way in which we get sunlight into the development industry is to require the developers of large projects to disclose at the time they lodge their applications what donations they have made.

If they do not make the disclosure, they do not get their development processed. It is as simple as that. I think that most of the development industry is likely to welcome a move like this, because most people in the development industry are not involved in giving donations to political parties and they see their whole industry being tarnished with the same brush as the New South Wales situation.

With those brief words, I commend the bill to the council, and I urge all honourable members to support the principle that sunlight is the best disinfectant.

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

ALCOHOL CONSUMPTION

The Hon. D.G.E. HOOD (16:16): I move:

That the Social Development Committee inquire into and report upon the adequacy and appropriateness of laws and practices relating to the sale and consumption of alcohol and, in particular, with respect to—

1. Whether those laws and practices need to be modified to better deal with criminal and other antisocial behaviour arising from the consumption of alcohol;

2. The health risks of excessive consumption of alcohol including—

(a) 'binge drinking'; and

(b) foetal alcohol syndrome;

3. The economic cost to South Australia in dealing with the consequences of alcohol abuse; and

4. Any other relevant matters.

It is now almost a year since Family First federal Senator, Steve Fielding, in mid April 2007, blew the lid on the alcohol epidemic and set in motion a vital debate about matters such as binge drinking and the need to regulate alcohol advertising, amongst other things.

The Family First Alcohol Toll Reduction Bill 2007 is now before a Senate committee awaiting submissions. In addition to the federal review, we think there are members of the South Australian parliament, from all sides of both chambers, who have something very useful to contribute to the debate about curbing excessive alcohol consumption.

I pay credit to the Hon. Bob Such in the other place who has approached me in private about this issue; to some extent, the terms of reference of this proposed inquiry also reflect the concerns raised by the member for Fisher.

Excessive alcohol consumption, including the scourge of binge drinking, has been ingrained in Australian culture for generations—since white man first settled here some 200 years ago. Honourable members can probably recall over the years countless headline-making incidences of drunken episodes by members of the public or celebrities in public venues, planes, foreign shores and elsewhere. Some of these episodes were once celebrated as heroic or condemned as foolish, sometimes both, depending on one's point of view.

In 2008, this has translated, especially amongst the younger generation, into an attempt to emulate at some level what are perceived as role models and, in some instances, that has meant adopting a binge drinking lifestyle.

Many of the members in this place would have seen the *Enough Rope* television program recently aired on the ABC featuring Wayne Carey, for whom many of us would have a great deal of admiration because of his football exploits. Here is a man who, during his decorated playing career, almost singlehandedly took teams apart yet, as a captain, he coordinated drinking sessions with his team mates, where he would consume, according to his own admission, up to 30 beers in one session.

It would be surprising to many people that someone could consume that much alcohol and still conduct themselves well the next day, or the day after that, for that matter, yet, by Mr Carey's own admission, that is exactly what he did. In fact, he claims that that was a regular part of what they did. Mr Carey went into all sorts of other incidents surrounding those events.

The results of the 2004 National Drug Strategy household survey showed that one in seven women could not remember afterwards what had happened whilst they were drinking. In relation to young people in certain subcultures in Australia, with binge drinking you get a very dangerous cocktail that needs addressing.

In recent times, we have passed the Criminal Law Consolidation (Rape and other Sexual Offences) Amendment Bill, and I think it is critical that, in considering this type of rape, you must look at the problem of alcohol consumption as well, as often the two can be closely related. Indeed, parliament has heard evidence on the very dangerous correlation between binge drinking and unwanted sexual advances.

Before moving on to some specific data and to reassure honourable members that I am not overstating the point in describing binge drinking as a scourge, I will quote the federal member for Adelaide, the Hon. Kate Ellis, the Minister for Youth and Sport, who was blogging just yesterday on the *Adelaide Now* website as part of Youth Week. She wrote the following at 12.40pm:

We—

I assume by 'we' she means the federal Rudd government—

are concerned at the alarming rate of teenage binge drinking and the risks that this poses to our community. It is important that people are aware of the dangers and damages that this can cause. The chances of being involved in

violent assaults, drink driving accidents, sexual assault or personal injury spike if you engage in binge drinking activities—this is to say nothing of the health effects.

Then at 1.51pm, during the blog, she wrote:

I think that binge drinking is an issue that needs to be addressed right across our community. Having said this, teen binge drinking levels are at horrifying levels and remain a key priority to address.

So, that was Kate Ellis, the Minister for Youth and Sport, just yesterday on the *Adelaide Now* website.

I want to move beyond these anecdotal points, although I do think they illustrate the magnitude and severity of the problems of alcohol abuse, and move on to the substance of this motion to give members some hard data to contemplate as they weigh the merits of this inquiry.

I want to begin with something that came across my desk just last week, the *Of Substance* magazine, which I regularly receive at my office and which I understand a number of other members also receive. The April edition begins with the following words from Dr John Herron, Chairman of the Australian National Council on Drugs:

This April 2008 *Of Substance* issue may become part of a watershed moment for dealing with alcohol issues in Australia. The National Public Opinion Survey on Alcohol commissioned by *Of Substance* has provided us with more clear evidence that the community wants to see changes in the way we regulate, promote, market and use alcohol in Australia. The announcement of a federal Senate inquiry into alcohol—

which I note for honourable members is the inquiry into Senator Fielding's bill, to which I have already referred and which is due to report in mid June 2008—

will provide a real launchpad for action, and the results of the *Of Substance* national opinion survey will be a core part of the submission of the ANCD to assist the inquiry.

It seems that some influential people are certainly agreeing that there is a significant problem in the community with respect to not only binge drinking but also the negative impacts that can be associated with excessive alcohol consumption. To give further data and specifically to follow on from the reference that I just made, what did the ANCD find? These are the findings released this month. Its survey was run from 19 to 20 December last year, when it polled some 1,054 people aged between 18 and 69 across Australia. It found a number of very alarming things.

The first thing was that 85 per cent of people expressed concern about alcohol in relation to public safety; 84 per cent in relation to property damage; and 82 per cent in relation to alcohol increasing the workload of police and emergency service staff due to alcohol related matters. I will return to the police work side of it a little later, but some 85 per cent expressed concern. It also found that over 50 per cent of respondents believed that there should be a levy on alcohol products to help fund treatment and prevention services.

One of the potential beneficiaries of such a levy, the National Alcohol Education and Rehabilitation Foundation (ADR), has identified that alcohol abuse is estimated to cost some $15.3 billion annually. I will return to that issue a little later.

Most respondents believe that alcohol advertising should be reviewed by an independent body; note (and this is very important): not an industry self-regulating body, but an independent body. Self regulation in many cases is really no regulation. They believe that this advertising should be reviewed by an independent body before that advertising appears in the media—'before' being the important word. More specifically, only 11 per cent of respondents disagreed with the suggestion of an independent body to screen alcohol advertising—a clear, very low minority.

Referring to RTDs, 80 per cent of people believe that these are specifically designed to appeal to young people and, in fact, the 2004 National Drug Strategy Household Survey data, to which I will refer in a moment, demonstrated that the most popular beverage types in 2004 for 14 to 24 year olds are bottled spirits, liqueurs and pre-mixes in cans and bottles, plus, for males, regular strength beer—probably not surprisingly.

Of the people surveyed, 63 per cent were very concerned about underage drinking without parental permission or supervision, with a further 27 per cent somewhat concerned, making a total of 90 per cent either very concerned or somewhat concerned about underage drinking without parental permission or supervision. The results go on. Of those surveyed, 52 per cent were very concerned, and further 34 per cent somewhat concerned, giving a total of 86 per cent being concerned about underage drinking where parents actually give permission but where there is no supervision, (on the subject of underage drinking, the DrugInfo Clearinghouse found in 2002 that

young people, when intoxicated, are more likely to indulge in risky behaviour such as swimming, driving, unsafe or unwanted sex, or verbal or physical abuse).

Of the people surveyed, 65 per cent were very concerned and 25 per cent somewhat concerned, giving a total of 90 per cent being concerned about underage binge drinking. Of those surveyed, 36 per cent were very concerned and 43 per cent somewhat concerned, giving a total of 79 per cent being concerned about binge drinking specifically by 18 to 29 year olds.

I note that, in defining binge drinking, 75 per cent of respondents said that binge drinking was drinking more than five standard drinks on one occasion. Alarmingly, 20 per cent of the people thought that a drinking session was not binge drinking until more than 10 standard drinks were consumed in that session. I might add that the National Health and Medical Research Council found in 2001 that binge drinking led to an increased incidence of falls, accidents, including motor vehicle accidents, and violence. Indeed, the Minister for Mental Health and Substance Abuse, in her answer to the Hon. Mr Hunter's question on 20 June 2006 in this place, stated that every year some 41,000 South Australians are physically abused by people affected by alcohol.

The ANCD and other researchers identified that 450,000 children under the age of 12 are at risk of being exposed to binge drinking in their home by a parent or another adult, approaching half a million children under 12. This initial ANCD data is compelling. I think that the Social Development Committee will do well to draw upon the expertise of those who will, we are told, contribute to a July 2008 issue of *Of Substance*, the magazine to which I referred earlier, to explore the implications of the survey.

I mentioned binge drinking in that initial ANCD data, and I think it wise to mention here that I read recently—and I cannot put my hands on it right at the moment—comments by a senior figure in the Australian Hotels Association that we need to take action against binge drinking. It may have been an editorial comment in the most recent AHA newsletter. I think we all know the power of the AHA and the liquor industry in terms of political donations and influence. I do hope, however, that it can put its self-interest aside and be a positive contributor to this inquiry to somehow impact on and reduce the massive social, health and economic cost of alcohol abuse.

The 2004 National Drugs Strategy Household Survey identified some concerning trends amongst 14 to 24 year olds in our community. Three particular things are worth noting. First, for each successive 10-year generation over the past 50 years, initiation into drinking has been occurring at earlier ages. By the age of 14, twice as many young people in the now 20 to 29 year old age bracket had consumed alcohol than those who are now in the 40 to 59 age bracket—twice as many.

The second point worthy of note is that by 18 years of age approximately 50 per cent of males and females are what are considered risky drinkers, with a majority of 67 per cent saying that they are just social drinkers; in other words, in some denial about the risks their drinking poses to their own health and the health of others. Finally, on average, nationwide, 264 young people, defined as aged between 15 and 24, die each year due specifically to risky drinking.

Another relevant matter to consider in relation to binge drinking was something that the previous health minister, the member for Little Para, placed on record in answer to a Dorothy Dixer about the Good Sports Accreditation program on 28 October 2004, when she stated:

> Clubs participating in the pilot program identified that binge drinking and under age access to alcohol are big issues for sporting clubs in South Australia.

We are now some 3½ years past that and I think the committee would be well entitled to consider whether the Good Sports program has been effective in reducing risky drinking behaviours, such as binge drinking. The committee might also do well to take submissions from not only the hotel sector but the club sector as well for an insight into the prevalence of binge and other risky drinking behaviours at licensed venues.

One constituent whom we spoke to recently indicated that as a volunteer barperson at a community club, he was dismayed to see young people spend over $100 a night on alcohol and, indeed, in some cases, much more than that. At other times when he told binge drinkers for their own good that he was not going to serve them any more alcohol, he was dismayed at the abuse he received. He also reported that when he spoke to these young people days later, these young people remembered little, if anything, of the abuse that they gave him during their binge drinking episode. Indeed, in many cases they remembered little of the night at all.

Family First research indicates that, aside from the 264 young people nationwide dying per annum directly related to risky drinking, there are some 4,300 deaths per year caused by alcohol abuse. Research data from 2003 shows that in South Australia from 1990 to 2001 there were almost 2,500 deaths from harmful drinking, which at roughly 227 a year in South Australia correlates fairly closely with our per capita share of the nationwide 4,300 deaths per year.

I think it is worth pointing out that some 3½ years ago, specifically on 22 November 2004 in this place, my colleague, the Hon. Andrew Evans MLC, raised concerns about binge drinking when asking a question about youth deaths from alcohol—also referring to the National Drug Institute data—indicating that one in six youth deaths could be attributed to excessive consumption of alcohol. Indeed, today in question time, my colleague, the Hon. Andrew Evans, has continued his concern in this area when asking the minister whether she will follow her New South Wales colleague's action to curb binge drinking.

The National Health and Medical Research Council has in the past produced alcohol safety guidelines detailing the relatively safe number of standard drinks to take as well as the risks of drinking whilst pregnant. Family First has said during this year of debate since last April that we should be applying those to alcohol labelling in the same way that we do with lung cancer and other health warnings on cigarette packaging, for example.

Family First research indicates that at least 20 per cent of road deaths feature alcohol as a factor, and I recall that coronial data indicates that there is such a correlation between fatal road deaths and alcohol consumption with a high number of deceased persons in car accidents having alcohol in their bloodstream.

I also think it fair to mention anecdotally, as honourable members will have seen, not only the proliferation of liquor outlets—witness, for example, the Sip'n'Save advertisements and the number of liquor outlets co-located at Woolworths or suburban outlets, such as Dan Murphy's, Liquorland and Plonk!, or the like—but in addition to that proliferation and perhaps with the increased competition, a driving down of prices such that alcohol is now cheaper than ever before.

In August 2006, the Australian Bureau of Statistics released a snapshot of Australia's alcohol consumption in 2004-05 and it found a number of things, including, first, via the Australian Institute of Health and Welfare data, alcohol dependence and harmful use was ranked 17th in the 20 leading causes of the burden of disease and injury for Australia in 2003, and harm from alcohol was estimated to be the cause of 5.5 per cent of the burden of disease for males, and 2.2 per cent for females. That is all disease.

Secondly, 12.5 per cent of all adult Australians—and that is not just the young ones—drank at a risky or 'high risk' level. Thirdly, the proportion of those who drink at a risky level has risen from 8.2 per cent in 1995, to 10.8 per cent in 2001, to 13.4 per cent in 2004-05. The figures are on the rise.

Finally, in relation to that data, the increase in those drinking at a risky or high risk level since 1995 has been greater for women than for men, the number of women rising from 6.2 per cent to 11.7 per cent (or by a factor of 5.5 per cent) whereas the number of men rose from 10.3 per cent to 15.2 per cent (an increase of some 4.9 per cent).

On the subject of risky drinking, the state government's own Alcohol.go easy website claims that 180,000 South Australians drink at harmful levels once a month and I think it is a staggering figure alone when you consider the latest ABS estimate of our state population is some 1.588 million and, leaving out the very young who presumably do not drink at all, it has got to be perhaps one in seven or one in six teenage to mature South Australians drinking at a harmful level every single month. The government's own figures also recited by the minister on 20 June 2006 in this place show that 86,000 South Australians drink at harmful levels every single week.

In my motion I have mentioned as one particular health effect the question of foetal alcohol syndrome. I am aware that this is sometimes called foetal alcohol spectrum disorder, and I put on record my concerns under that heading as I am intending to see the committee address all the problems that come with the consumption of alcohol and effects upon the unborn child.

I have commented before upon the need for welfare departments to consider taking action when children are born when doctors or other medical staff believe a mother has an alcohol problem because that child deserves the best chance at life. Where research has been conducted into foetal alcohol syndrome incidence rates, for instance in the Top End of the Northern Territory, the incidence rate was 1.87 per 1,000 live births overall and a staggering 4.7 per 1,000 within the indigenous population.

Another study in Western Australia revealed a rate of 0.2 per 1,000 live births overall. Here in South Australia the most recent Birth Defects Register (from 2004) lists foetal alcohol syndrome as having an incidence rate of 1 per 1,000 live births in 2002 and 2003 but nought in 2004. It would be good if the committee could explore what the more recent records indicate as 2004 is some three reporting years ago now and an awareness of foetal alcohol syndrome and perhaps therefore diagnosis has arisen since then.

If the committee obtains evidence from the Women's and Children's Hospital and the data shows that the rate now is something like the Northern Territory's 1.8 per cent overall per 1,000, or even 4.7 as it is amongst indigenous people in that part of the world, when compared against 12 for spina bifida or 14 per 1,000 for cleft palate, I suggest that a returned ranking for foetal alcohol syndrome in the region of 2 to 5 is sufficient reason to be very concerned and to take significant action, especially given the obvious preventive measures that can be taken against this condition.

I suggest that there is every reason to be proactive about foetal alcohol syndrome, especially since there is still a question mark over whether the slightest drink affects an unborn child. If you consider the way in which the smoking industry covered up the lung cancer epidemic and the problems associated with lung cancer through smoking, I find it simple to understand how research continues to emerge muddying the picture on foetal alcohol syndrome.

At the middle of the spectrum of outcomes would come a public rejection of alcohol consumption if even mild consumption affects unborn children; and, at the end of the spectrum there could be lawsuits or class actions if it could be shown that the alcohol industry knew of these risks and did nothing. I will not go into the legal concepts as I am no expert, but I am told that the classic case of Donoghue v Stevenson involved a woman drinking ginger beer with a snail in it, and the liability was found to be upon the maker of the product.

I refer again to foetal alcohol syndrome. I think the National Organisation for Foetal Alcohol Syndrome and Related Disorders ought to be called upon to make a submission to this inquiry, should it proceed.

I have added as an area for the inquiry's consideration the question of economic impact. The AER states in its 2006-07 annual report that alcohol abuse is estimated to cost $15.3 billion annually across Australia, as I mentioned earlier. We must bear in mind that alcohol contributes to the economy through taxes and the like, such that, as a result of Family First research data, we are looking at a cost to Australian governments of $7.6 billion. I know the state government's own Alcohol. Go easy website puts it at about $7 billion.

South Australia's share on a pro rata basis (based on the Australian Bureau of Statistics estimated population in early April 2008 of 21,263,000, with September 2007 quarter ABS data giving a state population of 1.588 million) indicates that a 7.4 per cent share of $7.6 billion in the cost of alcohol abuse nationwide equates to a bill of some $567.6 million per annum to the South Australian taxpayer—over $500 million.

I would be most interested to hear actuaries, economists and other experts explain how the figure might be comprised and even how it matches up with the government's own data on expenditure in alcohol-related areas. I am sure that part of the impact on the state budget is in relation to police work, with Family First research finding that alcohol abuse is responsible for some 40 per cent of police work. The government's own data on the Alcohol.Go easy website states that, out of its estimate on 2002 data of $7 billion net cost to community, some $1.2 billion comes in the cost of crime.

Then there are the economic costs in needing to provide hospital services to those who are drunk or who have over-indulged and need hospitalisation due to binge drinking, through to the flow-on consequences of life-threatening health problems due to sustained excessive alcohol abuse. On the harmful drinking side alone, 2003 research data shows that from 1993-94 to 2000-01 there were approximately 40,000 hospitalisations due to harmful drinking—a period of six years. The committee could explore the cost of hospitalisation of each of those people and the flow-on costs to the health system. I am sure that some nurses, emergency department staff and other medical specialists could give some horrific stories of what they have had to deal with as a consequence of binge drinking or other alcohol abuse.

I would like to list a number of proposed reforms. I say in mentioning these reforms that I do not necessarily cast an opinion on them at this stage but, merely, say that these things could be considered by the committee. In face of this weighty data, what could we do as legislators in response? A number of these reforms have been suggested to me by other people. We could ban

or restrict the sale of certain potent pre-mixed drinks (sometimes called 'ready to drink' or RTDs) in South Australia. The drinking age should be debated. Is 18 the appropriate drinking age? Should it be raised to 20 or 21? Should we have different ages for different types of drinks, as in some states of the United States?

The committee should investigate the extent to which alcohol companies try to market alcoholic products, such as RTDs and alcohol popsicles. The committee could investigate the advertising of alcohol at sporting events and/or the endorsement of alcohol products by sporting stars. Should the blood alcohol content of drivers aged under 25 be reduced to zero? Should there be tougher enforcement of liquor licensing laws, including allowing South Australian police to use teenagers to test whether under-age drinking laws are being flouted, as currently occurs in 'stinging' retailers who sell cigarettes to under-aged children? Should the committee reconsider appropriate trading hours or alcohol service hours at nightclubs, pubs and clubs and the like, and the number that are licensed to do so?

Should South Australia follow the New South Wales ban on giving alcohol to other people's children so that the only adults who can legally give alcohol to children are that child's parents? I refer again to the Hon. Andrew Evans' question of November 2004 which, in effect, called for stricter parental consent regarding consumption of alcohol; and I note the question to the Attorney-General is yet to be answered.

Further, I note the New South Wales government's lead (as reported on the AAP news wires on Monday 7 April) to require parents to attend counselling with their child if their child is caught under the influence of alcohol, with failure to attend counselling twice resulting in a fine of $500 (in the case of New South Wales). Initially trialled in Sutherland Shire police local service area since 1999, apparently some 140 under-age drinkers and their parents are attending such mandatory programs. The reform came in response to news in New South Wales that some 1,700 children were treated in hospital in relation to their alcohol consumption each year—some 1,700 children each year in New South Wales alone are treated in hospital as a direct result of their alcohol consumption.

Other reforms might come to mind, if members take the time to consider these measures; and I invite them to bring forward other suggestions. I have not mentioned things such as television advertising, because these are federal issues. I think there are things we could do here in South Australia to do our bit to curb the alcohol toll locally. However, I do note in the data to which I have referred members that some of the data concerns matters nominally falling within the federal jurisdiction, such as advertising at certain sporting venues and the like. However, I think those matters are worth including in order to demonstrate Australia's attitude towards alcohol consumption and the promotion of alcohol in the early 21st century.

I do not want to labour the point further. Clearly, I believe that there is merit in this inquiry, and I urge members to help Family First address this matter; at least, let us put the issue on the table for serious debate. The impact on the community is real, both economically and socially. It is a matter for serious debate. I should place on the record for members' interest that I am a drinker. I have the occasional glass of wine. I am not a heavy drinker, so it is not as though I am calling for prohibition; rather, just a serious debate on a serious problem.

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

SOCIAL DEVELOPMENT COMMITTEE: SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

The Hon. I.K. HUNTER (16:45): I move:

That the report of the committee, on its inquiry into the South Australian Certificate of Education, be noted.

The South Australian Certificate of Education (SACE) is the common certificate of achievement of high school education in this state. It is also used as a basic requirement for entry into a range of tertiary centres, including universities and TAFEs.

The inquiry of the Social Development Committee came about as a result of the most recent reforms to senior secondary school education as proposed in the final report of the SACE review, Success for All. After extensive consultation, that review, which was completed in 2006, recommended that a new South Australian certificate of education should be established. In other words, the current high school certificate, which has been in place for almost two decades, will be replaced by a new SACE.

Although the new SACE has not yet been fully introduced, parts of it have been trialled in about 40 government, Catholic and independent secondary schools across the state. The new

SACE will be completely introduced next year, with the first cohort of students expected to graduate with the new certificate in 2011.

Over the past two decades, there have been significant social and economic changes in our community. In particular, new technologies and industries have significantly transformed the nature of training and employment. The inquiry of the Social Development Committee heard that these changes, as well as the concern about the number of students failing to complete their high school education, compelled the need to reform senior secondary education in South Australia.

While the new SACE is intended to build upon some of the positive features of the current certificate, the inquiry heard that it will have greater flexibility and provide the opportunity for students to undertake in-depth study of subjects that are of particular interest to them. The inquiry also heard that the new SACE will also be more responsive to the needs of students, parents, further learning and training institutions, employers, and the community in general.

Before going further, I take this opportunity to thank other members of the committee for their contribution: first, from the other place, Mr Adrian Pederick, Ms Lindsay Simmons and the Hon. Trish White and, from this chamber, the redoubtable Hon. Dennis Hood and the redoubtable Hon. Stephen Wade. Indeed, this inquiry was referred to the committee by the Legislative Council on motion of the Hon. Stephen Wade, and I thank him for that. I also acknowledge and thank the staff of the Social Development Committee for their contribution.

The committee was keen to ensure that any concerns about the new SACE were fully and thoroughly aired. To this end, the inquiry was advertised nationally, and its terms of reference were placed on the committee's website. It commenced hearing public evidence on 23 July last year and completed its hearings on 3 December. Despite the inquiry calling for submissions from interested parties, it generated a relatively small number: in total, it received 17, consisting of nine written submissions and eight oral presentations.

This low number of submissions may be due in part to the extensive consultation undertaken by the government as part of its SACE review and the structures put in place to work through the reform process. Nevertheless, on behalf of the committee, I acknowledge and thank the individuals and organisations who presented evidence to the inquiry, whether via written submissions or appearance before our committee. Through their evidence, the committee was able to gain a clearer picture of the key issues.

Most submissions supported the need for South Australia's senior secondary school education to be reformed and were in principle supportive of the new certificate. However, there were some areas of concern, and I will touch on some that were brought to the attention of the committee.

Some witnesses to the inquiry considered that there had been delays in communication about the new SACE and/or inadequate information about the proposed changes and their implementation. Other evidence focused on the external assessment component of stage 2 of the new SACE. At present, subjects are either entirely school assessed (that is, they have no external assessment) or they have an external assessment component that varies from 30 to 50 per cent. As part of the new SACE, all stage 2 subjects will have 30 per cent external assessment, with the remaining 70 per cent being school assessed.

While some evidence suggested that this was reasonable, other evidence argued that any reduction in the external assessment component from 50 to 30 per cent (for those few subjects that have 50 per cent) may compromise the degree of reliability and validity required for university selection. Other matters raised (some of which are yet to be finalised) focused on:

- the tertiary entrance rank (TER), which is derived from SACE studies and used by higher education institutions to rank students for selection to particular courses;
- the process of moderation used to ensure that standards of assessment are comparable and fair; and
- the alignment of the South Australian certificate with proposed educational changes at the national level.

The committee also received evidence on:

- the composition and representation of the SACE Board;
- the ongoing training and professional development of teachers; and

- the capacity of the SACE to cater to the needs of disadvantaged students.

The committee acknowledges that there are ongoing concerns about the new SACE. It understands that it represents a significant change to the way in which senior secondary education has operated in this state. The committee considers that the state government has a responsibility to ensure that senior secondary education is ready for this change, and for this reason the committee recommends that an effective communication strategy be established so that information regarding the implementation of the new SACE is conveyed in a clear and timely fashion.

The Social Development Committee also identified a range of other areas in which it considers improvements should be made. The inquiry heard that indigenous students and students from low socioeconomic backgrounds face particular barriers that impede their capacity to fully engage in educational opportunities. The committee recommends that the government provide focused support for these students. Sufficient resources must also be provided for the ongoing professional development of secondary school teachers.

Changes such as those proposed by the new SACE require open and continuing dialogue with stakeholders. The committee sees an ongoing role for the SACE Review Implementation Steering Committee or similar multisector body. It will provide a forum for the discussion of contemporary educational issues and, importantly, ensure that the senior secondary school sector is well placed to adapt to emerging educational and labour market needs. The committee believes that the membership of this committee should include representatives of the government, independent and Catholic schools, and representatives of the further education and tertiary sectors.

At a national level, as members will know, discussions have occurred about the introduction of a national Australian certificate of education. The Social Development Committee would certainly like to see the government closely monitor the proposed introduction of a single nationally consistent Australian certificate of education and examine its likely implications for the new SACE.

Finally, the committee considers that an evaluation of the new SACE must be undertaken in due course to determine its success or otherwise in meeting the needs of the community. In particular, it must be responsive to the needs of students at risk of disengaging with the education system.

In conclusion, the committee welcomed the feedback it received and, while it heard some criticism, overall the evidence supported the proposed changes. I am pleased that the committee had the opportunity to look at this issue in detail. The new SACE must respond to the needs of a diverse group of young people moving from senior secondary education into higher education, training or employment. At the same time, it should maintain the academic standards and rigour that have long been the hallmark of the high school education offered in this state.

The committee is unanimous in its view that SACE should meet the needs of all students in the education system. We want to ensure that South Australia continues to provide a high quality, properly resourced education system for our young people to enable them to build their skills and leave school with a solid educational foundation. Therefore, we hope that the government will look closely at the report's findings and take on board our recommendations. I commend the motion to the council.

Debate adjourned on motion of Hon. S.G. Wade.

WORKCOVER CORPORATION

The Hon. A. BRESSINGTON (16:53): I move:

That this council recognises and condemns the intimidation and harassment that is being perpetrated by lawyers representing WorkCover.

Over the past 18 months or more, I have heard reports from many injured workers that they are being placed under undue and questionable surveillance, not for the purpose of detecting suspected fraud but to intimidate and harass. In dealing with claims that cannot be substantiated, it is often best to err on the side of caution; however, I am raising this issue in this place because I personally witnessed two examples of just how injured workers are intimidated and bullied by both lawyers and the corporation.

On 26 March 2008, I was standing on the corner near the casino, speaking with my research officer and a WorkCover claimant. My attention was drawn to a man, known to be a

lawyer, crossing the road pointing and smirking at the claimant. The man crossing the road then pulled out his mobile phone and took a photograph of the three of us standing on the corner. He proceeded to the footpath, held up his mobile phone, gave another smirk and waved it around to let us know that he had the picture, and then he went on his way.

I found this, for a split second, intimidating. I question the right of this so-called representative of the courts to take a photo of me blatantly without my permission and without any reason to do so. On many occasions constituents have been told not to talk with my office on other matters such as child protection and family law court issues. In fact, this is considered to be contempt of parliament. One has to question the motivation behind this lawyer's actions. Was it a warning to the WorkCover claimant not to speak with a member of parliament, or was it a warning to me as a member of parliament?

The reasons why he would take a photograph in a public place are quite limited when we think about it. If he dared to be so blatant in his actions with a member of parliament as a witness, we can only imagine what those of his kind do when they are tailing more vulnerable people.

I have taken the time to find a document called 'Guidelines for Workers Compensation Investigation and Surveillance Providers'. The title alone would imply that not just anyone, including lawyers representing the WorkCover Corporation, has the authority to undertake surveillance, and it would be hard to argue that the public photographing of a WorkCover claimant is not surveillance. The introduction of the document states:

> These guidelines have been developed in consultation with agency workers, rehabilitation and compensation managers and the providers of surveillance and investigation services to government. It is important to understand that any surveillance program or investigation be approached from an unbiased position. Private investigators who are contracted to provide professional services, in either investigation or surveillance, do so on the understanding they are subject to the same public scrutiny as government employees.

I can only assume that the lawyer in question, as well as being a lawyer, perhaps has a licence to be a private investigator; if not, he is in breach of WorkCover policy and practice based on its own documents, and I believe he should be referred to a disciplinary committee for his actions on 26 March. That same document further states:

> Investigation and surveillance programs are authorised and managed by the contracting government agency. In order to obtain appointment as a provider for factual investigation, enquiry and surveillance purposes, the provider—

who in this case must be the lawyer who represents WorkCover—

> shall agree to operate according to the guidelines and conditions set out in this document. Any breach of the standards may result in the termination of services of the Provider.

The document clearly states, among other things, under section 3.6 about customer service that providers shall comply with the provisions of the act, treat customers courteously and with respect, and introduce themselves clearly. Section 3.5(e) of the document states:

> Providers (surveillance and investigators) must be aware of and where applicable abide by the requirements contained in the Code of conduct for Public Sector Employees.

Section 3.7 about surveillance guidelines states:

> Under section 27(1)(e) of the Privacy Act 1988, the privacy commissioner is entitled to issue guidelines designed to protect the privacy of individuals when optical surveillance equipment is to be used to gather evidence about suspected offence.

This lawyer did none of the above. I doubt he had time to approach the Privacy Commissioner, and he certainly did not take the photograph as evidence of a suspected offence. In fact, his actions intruded into a personal interaction between three people without any reasonable cause.

I have identified who this lawyer is and what firm he works for. I will await direction from the Legislative Council as to whether or not it is appropriate that this council write to this person and request an explanation of his actions and also question his authority to take an impromptu photograph or to seek evidence that he is certified to undertake surveillance activities. In my mind, conducting surveillance is exactly what he was doing.

I am advised by injured workers that support groups have been placed under surveillance—infiltrated, in fact—with this surveillance going so far as to have people pretend to be injured workers and attend these meetings. What country are we living in? One injured worker who reported suspected fraud by a WorkCover officer ended up being promptly referred to the fraud department for surveillance at a cost of over $8,000 for nine separate days of surveillance, not for

any fraud investigation, but for the collection of what could be described only as 'dirt' to pin on the worker. They found nothing.

There is a long history of WorkCover agents following individuals to courts. Most of these, I have been told, are WorkCover lawyers using methods of verbal and physical intimidation. However, when these issues have been raised by injured workers in the various courts, they have been told that these examples of intimidation and bullying are 'not relevant' to the matter at hand. The courts are 'not interested' in this conduct by WorkCover representatives when they overstep their professional boundaries, as they cannot be called to task under section 122(4) of the legislation.

Surely this was not the original intent of this section of the act. Apart from all of the other issues surrounding WorkCover legislation, these matters must also be addressed as soon as possible.

In 1998 an incident arose at the Workers Compensation Tribunal where Judge McCusker insisted on an undertaking from WorkCover that no surveillance would be carried out while a certain matter was before him. However, despite this, WorkCover then, after giving the undertaking, proceeded to organise, in its own words, 'the largest undercover surveillance operation on a private individual in the Southern Hemisphere' to be conducted against the worker, and it lasted two full years.

Court records have shown the sequence of events that led to this surveillance operation and, at no time, were proper procedures followed. As stated in WorkCover's own policy and procedures manual, such surveillance is required to go through the proper documented channels of written authorisation.

When questioned by the worker on numerous occasions in the courts, these people have denied this and, accordingly, misled the courts that it was surveying the worker against a given undertaking. However, some three years later, WorkCover responded to further such allegations by saying, 'So what? It doesn't matter how we got the evidence as long as we have it.'

It may be said that this particular example was 10 years ago, but this is not a case of 'that was then, this is now', because the complaints continue to roll in, and there were no consequences for WorkCover representatives breaking the undertaking given to Judge McCusker. It is obvious from the actions of this particular lawyer just a couple of weeks ago that this still continues.

Surely, if we abide by the laws of jurisprudence and natural justice, it does matter how evidence is acquired. So, too, it should matter how charges are laid and convictions or acquittals are obtained. Indeed, I reiterate similar concerns I raised during the debate on the Criminal Law Consolidation (Rape and Sexual Assault) Bill last week in this place, questioning the investigative processes used to determine whether a crime has been committed. This is one of the reasons that I am deeply concerned about the manner in which forensic and other forms of legal evidence have been acquired, gathered, documented, presented and/or suppressed.

The practices of the surveillance agents resulted in an injured worker losing over $1,000 per week in entitlements for maintaining his trade qualifications, which WorkCover had ordered him to do, purportedly as part of a return-to-work program. No fraud charges were ever laid against the injured worker as a result of the surveillance operation but, for some years now, his entitlements have been slashed because he followed a directive and then was deemed fit for work for undertaking instructions—those instructions issued from the WorkCover Corporation.

Information was gathered from the undercover agent who wrote down every car numberplate of people visiting this injured worker, took names and photos of anyone visiting the worker, and further investigated them for associating with the injured worker. This is both entrapment and overstepping the very guidelines set out in the document referred to earlier. It also poses the question: why bother to have such policies and procedures if no-one else holds anyone accountable for unprofessional and unconscionable behaviour?

In 1998, while members of the Injured Workers Association were giving a submission to the Legislative Review Committee, they reported being followed, photographed, verbally abused and told by representatives of WorkCover (again, some of them lawyers) not to give any evidence to the inquiry. The injured workers did place on the record the fact that these threats and intimidation tactics were used by WorkCover in an attempt to stop them from giving evidence and their submissions, only to have the committee, at that time, wipe it aside with the suggestion that they were merely 'WorkCover bashing'.

This has led to many injured workers fearing for their safety, or making any further submissions or complaints against this corporation, and it has also led to an overwhelming level of scepticism in respect of the parliamentary process. This is not a question of 'that was then, this is now' (as I said earlier) because injured workers are making the same complaints now that were being made in 1998. I have witnessed myself proof positive that anyone, at any time, can take a photo of a WorkCover claimant and fear no retribution at all, not even implied contempt of parliament.

Surveillance pictures and tapes clearly show that injured workers have been followed into supermarkets and so on, as they go about their everyday tasks, thus making it impossible for any worker not to become paranoid about everything they do, because it is either being recorded or filmed, ready to be pounced upon and used in courts against the worker for the most false, misleading, malicious or punitive purposes.

In the words of Dr Darryl Cross (a well-known psychologist in South Australia), 'If you weren't neurotic before entering the WorkCover system, you will be after the fact.' These are serious circumstances that not only require but demand that this government and this council become proactive in curbing the aberrant behaviour of those who should, not only by definition alone, know better.

We have had this situation of unauthorised surveillance of a WorkCover claimant, being accused without any evidence of threatening WorkCover executives, via a blog site in a period of one week, as well as the many other claims made to my office. When will their allegations be investigated, and when will action be taken on behalf of injured workers whose pain and suffering to date seems to have fallen on deaf ears?

In 20 years will we have to have the equivalent of a Mullighan inquiry for abuse of recipients of WorkCover benefits because so many of them have chosen to end their lives rather than endure this abuse of power any longer? One only has to read some of the postings on that blog site to understand the desperation felt by those who are targeted.

There is a culture in this state where making false allegations, intimidation and bullying are a common practice and the rights of average citizens are being thrown aside. One would think that civil libertarians would have a field day with the situations raised but, apparently, these are not quite as dramatic or newsworthy enough for them.

I will leave this topic now for members of the council to think upon. I request that this council takes whatever action within its authority to deal with the immediate matter of a member of parliament and a WorkCover claimant being photographed in a public place by a person not authorised to do so, without permission and with no case pending. This WorkCover claimant has been intimated, bullied, placed under surveillance and has had to endure a multitude of invasions of human rights for over 18 years and, apparently, it continues to this day.

This is a WorkCover claimant who was described by a member of the Australian Lawyers Alliance as merely 'a product of the system'. Psychologists and psychiatrists will attest to the fact that the tactics employed by WorkCover representatives cause emotional and psychological damage to claimants. This intimidation and harassment surely cannot be condoned by this parliament. These matters must be considered when we debate the WorkCover legislation that will come to this council. The sorry saga of WorkCover is not just about slashing entitlements; it is also about the tactics used by this corporation and its representatives and agents to make ordinary citizens feel like criminals and to try to unhinge them.

I ask that, when members debate this motion, they keep in mind that I am requesting that perhaps this council can take some proactive action and write to this legal firm and to the particular lawyer (I can provide the details) and ask for an explanation as to why this occurred in the first place.

Debate adjourned on motion of Hon. J. Gazzola.

CULLEN, PROF. P.

Adjourned debate on motion of Hon. M. Parnell:

That the Legislative Council notes with sadness the recent passing of Professor Peter Cullen and acknowledges the great contribution he made to South Australia.

(Continued from 2 April 2008. Page 2220.)

The Hon. C.V. SCHAEFER (17:10): I rise on behalf of the Liberal Party to support the motion of the Hon. Mark Parnell noting with sadness the recent passing of Professor Peter Cullen and acknowledging his great contribution to South Australia and, may I add, to Australia generally.

The achievements of Peter Cullen are noteworthy, and I realise that the Hon. Mr Parnell has noted them. He was a founding member of the Wentworth Group of Concerned Scientists, and he won the Prime Minister's Prize for Environmentalist of the Year in 2001 for his work on the National Action Plan for Salinity and Water Quality. He graduated in Agricultural Science from the University of Melbourne, and he is noted as almost singlehandedly significantly influencing former prime minister Howard and his government to see the big issues on water management.

He was passionate about alerting Australians about the crisis facing the country's river system. He was president of the Federation of Australian Scientific and Technological Societies from 1998 through to 2001, and he was founding chief executive of the Cooperative Research Centre for Fresh Water Ecology at the University of Canberra. He was a visiting fellow at CSIRO Land and Water and director of Land and Water Australia from 2002.

He was awarded an Officer of the Order of Australia in 2004 for services to fresh water ecology, and the Naumann-Thienemann Medal of the International Limnology Society for 2004 'for his exemplary scientific leadership'. He was also a fellow of the Australian Academy of Technological Scientists and Engineering, and he was a member of the International Water Academy and the International Ecology Institute. His website states that he had worked in the field of natural resource management for over 35 years.

As I previously said, he was a graduate in agricultural science from the University of Melbourne, and his major professional work areas were nutrient dynamics, eutrophication, lake ecology and environmental flows. He was a member of the International Water Academy and a director of both Land and Water Australia and Landcare Australia.

He was a professor emeritus of the University of Canberra, where he was dean of applied science. He was a member of the Community Advisory Committee of the Murray-Darling Basin Ministerial Council, and a chair of the Scientific Advisory Panel for the Lake Eyre Basin Ministerial Forum.

He was known internationally and was responsible for developing the *Blueprint for a Living Continent* via the Wentworth group. But perhaps his greatest skill was his ability to bridge the gap between science and landholders. He came from country New South Wales, and he never ever lost his ability to speak with landholders and to inform them.

In his contribution on the death of Professor Cullen, Tim Flannery made a number of comments, some of which the Hon. Mr Parnell has already quoted. However, I think they are worth repeating. Mr Flannery said: Peter Cullen insisted that Australia's water problem was basically a moral one. He coined two water commandments that he believed Australians needed to live by to solve the country's water crisis: do not covet thy neighbour's water; and do unto others as you would have them do unto you.

As our water crisis deepens, I think it would pay us all to think in those terms. Flannery goes on to say:

> ...Cullen filled to capacity a career in ecology as a scientist and adviser to governments. [He was] a member of both the National Water Commission and the Wentworth Group of Concerned Scientists, he was someone to whom prime ministers looked for leadership...the man who listened patiently and gave back sensibly at rural forums; the professional colleague who never failed to return a phone call or an email.

He is quoted as saying, after John Howard's announcement of the comprehensive plan, which was to be required to deal with the country's water crisis, the following:

> With $10 billion to invest...we have great opportunities to build irrigation communities that are economically, environmentally and socially sustainable. Is this possible in a Western democracy, or will we spend this money pandering to special interests?

Again, as we face what I believe is one of the great ecological, environmental and economic crises that Australia has ever seen, the words of Cullen should be carefully remembered.

I met Peter Cullen on perhaps half a dozen occasions, always when he was a keynote speaker at a conference or meeting that I attended. The most recent was when he was a guest speaker at our Natural Resource Management Standing Committee in this parliament, I think just prior to Christmas, or it may have been just after. I do not pretend to have known the man well, but I always found him disarmingly humble and able to speak with anyone to answer any question in non-scientific language so that everyone understood what he was talking about.

He was passionate about the environmental and ecological future of Australia, and he was brave enough to put forward some controversial plans for the recovery of our national water crisis. Let us hope that, in his passing, the efforts that he has made for South Australia and for Australia are not wasted or forgotten. I support the motion on behalf the Liberal Party.

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

IRRIGATION BUYBACK

Adjourned debate on motion of Hon. S.M. Kanck:

That this council—

1. Notes the crisis in the Murray-Darling Basin and calls on the Rudd Labor government to urgently commence the purchase of water from irrigators for environmental flows utilising the $3 billion allocated by the Howard government in 2007 for this purpose.

2. Directs the President to convey this resolution to the Prime Minister of Australia.

(Continued from 27 February 2008. Page 1849.)

The Hon. C.V. SCHAEFER (17:18): I move:

After paragraph 1 insert new paragraph—

2. Calls on the government to acknowledge the critical state that the Lower Lakes and Coorong now face, to further acknowledge that any action arising from the recent MOU will have no benefit to the region within the next three years, and take immediate action to acquire water to preserve this vital environmental and commercial asset.

The demise of the water flow to the Murray Mouth has been something of concern to environmentalists, irrigators and residents for many years now. But, in the past two years, the national drought has certainly exacerbated a crisis that has, in fact, been heading our way for a long time. It has been described as a tsunami which could have been averted.

It is tragic to travel along the River Murray within South Australia. I have not been, in recent times, outside of South Australia along the Murray Darling Basin. Within South Australia we have seen over the past couple of years the tragedy of piles and piles of citrus trees simply bulldozed into heaps. It is an industry that will have difficulty recovering in the foreseeable future. Similarly, one does not have to drive very far off the main highway to see grapevines which have simply been abandoned. And one does not have to look very hard to see river red gums, which are probably hundreds of years old, simply dying or dead through lack of water.

Fortunately, those in the upper reaches of the Murray are still receiving water. What little water they are receiving is of reasonably low salinity and is able to be used by the people and by the environment along the way; but that supply, as we all know, is diminishing rapidly and no one sees any real solution to this dreadful dilemma in which we now find ourselves. Interestingly, Professor Mike Young of Adelaide University claims that the time when allocations were set for the use of River Murray water is now considered by many scientists to have been the wettest 50 years in the history of this part of Australia. Therefore, perhaps no one can be blamed for the over allocation that has taken place, but someone has to take responsibility for reducing those allocations and for allowing the river to flow again. Undoubtedly there will be great human suffering and undoubtedly there will also be great environmental suffering before any real solution is found.

I concur with the motion of the Hon. Ms Kanck in that there is urgency in the commencement of the purchase of water and, sadly, most of that water will be purchased from irrigators. I am desperate, however, to see that those irrigators are willing sellers and that the water is purchased at market value.

We have already seen, in recent months, this government manipulate, if you like—either deliberately or otherwise—the market value of water. Irrigators were assured that they would have no more than 16 per cent of their allocations and many of them borrowed significant amounts of money to purchase water from upstream in order to keep their various crops alive, only to be told that, in fact, they could have 22 per cent of their allocation, and then I believe an additional allocation on top of that; I think now up to 32 per cent (however, I am not so sure of that), but certainly to 22 per cent of allocation.

So people who in good faith had purchased water at some $1,200 per megalitre, suddenly found that they did not need that water and the price of the water had, in fact, dropped to what I believe now is $300 a megalitre. So, not only had they purchased at $1,200 and locked in water that they now were allocated, if they sold it back onto the open market for others to use they were

going to take a loss of some $900 per megalitre—and we are talking, in many cases, of borrowings in the vicinity of $100,000 to $200,000, so we are not talking about a minor amount of money for people who are already facing total destruction or partial destruction at best.

Whilst I agree that we are facing, I think, an unprecedented crisis for the supply of water to irrigators and the environment in this state and the fact that something must be done with urgency, I believe that the federal government and its Labor colleagues must address this in a commercial manner and pay people a decent independently valued market price for this water. However, I think anyone who has been to the Lower Lakes and the lower end of the Murray must be doubly concerned. I know that my colleague the member for Hammond (Mr Adrian Pederick) has continued to fight for the people in his electorate, and he notes in his most recent newsletter:

> The drought is still with us and the situation with the river is worse than hoped—

he is talking about 12 months previously when he had described it as a crisis—

> with the spectre of a weir at Wellington still hanging over our heads.

He said further:

> The situation in the Lower Lakes is dramatically worse. The closing off of wetlands upstream and the exposure of thousands of square metres of lake bed downstream has exposed humans and the river itself to a new problem—acid sulphate soils. We must take this new peril into account before we allow the Lower Lakes to dry out as there is no guarantee that when rains return they will revert to normal.

He continued:

> It should also be noted that the first concern of all these struggling people is that the river and lakes be returned to their normal state—a freshwater ecosystem thousands of years old. It has been brought to its knees by 150 years of greed and ignorance. Lower Lakes residents understand better than anybody the vital importance of a healthy river.

He went on to say:

> Another symptom of the river's woes emerged recently as river banks below Mannum begin to slip into the falling river.

And he has a very graphic photo in his newsletter of the banks of the River Murray actually crumbling into what remains of the river. I travelled down there recently and it is, indeed, distressing to see Lake Albert and Lake Alexandrina being nothing more than stinking mud holes.

I also note a publication by the South Australian Murray Irrigators (SAMI) of March 2008. I will not read all of this because it is quite a long publication, but it refers to a number of case studies and how difficult life has become for these people with the demise of the River Murray. It begins:

> The irrigators of the Lower Lakes are facing ruin. While they have struggled with limited allocations over the past five years, a growing number are now reaching the point where they cannot access usable water. Water levels continue to recede and salinity levels climb. Grape growers, graziers, dairy farmers and orchardists are struggling to survive, let alone to make money.

It goes on to talk about—as many of us have heard—the desperate efforts of the Langhorne Creek wine grape growers, who are looking at borrowing $70 million from their own limited resources to pipe water from Murray Bridge to Langhorne Creek, simply to continue with their industry.

There is a case study of Philip Shaw from Currency Creek. He established his vineyards at Currency Creek in 1994 and started Ballast Stone Winery in 2000. He has not been able to pump from the Lower Lakes since March last year and has been surviving on underground water and rainfall, where possible. He is using water until it exceeds 1,800 units EC in salt. Another story is entitled 'Dairy survivors in up to their necks', and there is a photo of a pump which formerly pumped water from the lakes to water cows and which is sitting high and dry on a sandhill. There is a story about Narrung graziers, Joe and Lorraine Leese, who have had to reduce their stock to such an extent that they are well below sustainable rates. The article states:

> The Leese's quest for clean water is almost a daily ritual as they peer out across the vast mudflats that were once covered in water and teeming with bird life.

There is the story about John Eckermann who has five kilometres of lake front but no water. There is the story of Mick and Lesley Fischer. I was privileged to be one of the judges in the year they won South Australian Dairy Farm of the Year. The title to that article (as distressing as it is) is, 'From 700 cows to none'. They are just some of the stories. Dairy farmers Melanie and Nigel Treloar are paying $3,000 a week to cart water. The Lower Lakes of South Australia are beyond simply talking about farmers, however. We are talking now about the towns and the small

communities that have no water, that are having to pay to have water carted in. The situation is little better than a third world country.

The government has trumpeted that it has signed an MOU. The memorandum of understanding on the Murray-Darling Basin reform was signed on 26 March. I am sincerely concerned that this is nothing more than another talkfest. It will set up what is described as a new independent authority 'which will be responsible for developing, implementing and monitoring the basin plan'. It goes on at some length, and it states that the Murray-Darling Basin Authority will provide a basin plan in early 2011. Well, by early 2011 the Lower Lakes, Fleurieu Peninsula and Langhorne Creek will be finished. I do not believe that they have ever before been in such a parlous state. Anywhere south of the Adelaide Hills—

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

The Hon. C.V. SCHAEFER: As the Hon. John Dawkins interjects, anywhere south of Lock 1 will be ruined if nothing is done before 2011. Dot point 14 states that the role of the advisory council will be formalised eventually and the authority will report to a new ministerial council. We are now onto dot point 17 and I cannot see anything which makes South Australia any better off than it is currently.

The Hon. Sandra Kanck: We will be worse off.

The Hon. C.V. SCHAEFER: As the Hon. Sandra Kanck interjects, it is my great fear that we will be worse off. In my view, this has been a brilliant con by Premier Mike Rann and a brilliant strategy by the Premier of Victoria, Mr Brumby. He has committed to 'saving' 175 gigalitres of water in Victoria (off the top of my head) and for that he is being paid an additional $1 billion, over and above any of the spending to be generated from this national plan. He is getting an extra $1 billion to save '100 billion litres'—and they think people from the city will think that is a lot of water. In fact, it is 100 gigalitres. Why suddenly they have started to talk about billions of litres is beyond my comprehension. I understand that 75 gigalitres of that saving will go straight to Melbourne, some 25 gigalitres will go to irrigators in Victoria (if my figures are correct) and the rest, supposedly, will go in savings to the River Murray.

However, it fails to take into account the leakage from the open drains that currently goes back into the river. A number of us who do basic back-of-the-envelope sums are saying, 'South Australia is actually going to be net worse off'. The River Murray in South Australia will be net worse off under this grand scheme than it is now. In addition, dot point 37 states, 'The commonwealth agrees to honour all existing water resource plans in all jurisdictions, including Victoria's plans, that continue until 2019.' So, for our money we get a plan by 2011, but Victoria does not have to come on board: it is paid an additional $1 billion up front but does not have to come on board until 2019.

The Premier of this state tells us that this is a breakthrough and that this will save the people, the ecology, the environment and the economy of the people who are dependent on the flows of the River Murray. It will also save the environment, the birdlife, the marine life and the flora culture of the River Murray. I am sorry; I am very sceptical—very sceptical.

The Hon. Sandra Kanck: Let's be cynical.

The Hon. C.V. SCHAEFER: I do not want to be cynical. I am desperate to see that the South Australian section of the river, and indeed all the Murray-Darling Basin, survives, flourishes and returns to being not only the fruit bowl and supplier of food for the nation of Australia but also a magnificent and profitable exporter.

I do not want to be cynical: I would actually like to see something good come out of this. I have read this document, and every time I read it I become more depressed for the people of the Murray-Darling Basin and particularly for those of the Lower Lakes and south of Lock 1, and that is why I moved my amendment.

The Liberal Party supports the Hon. Ms Kanck's motion, but I very much suspect that, like many of these motions, the government will move that it be adjourned and that it will sit on the *Notice Paper* for as long as we wait for anything to be done that will practically assist anyone on this system.

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

PEAK OIL

Adjourned debate on motion of Hon. Sandra Kanck:

1. That a select committee of the Legislative Council be established to inquire into and report on the impact of peak oil in South Australia with particular reference to—

   (a) The movement of people around the state, including—

      i. the rising cost of petrol and increasing transport fuel poverty in the outer metropolitan area, the regions and remote communities;

      ii. ways to encourage the use of more fuel efficient cars;

      iii. alternative modes of transport;

      iv. the need to increase public transport capacity; and

      v. implications for urban planning;

   (b) Movement of freight;

   (c) Tourism;

   (d) Expansion of the mining industry;

   (e) Primary industries and resultant food affordability and availability;

   (f) South Australia's fuel storage capability including—

      i. susceptibility of fuel supply to disruption; and

      ii. resilience of infrastructure and essential services under disruptive conditions;

   (g) Alternative fuels and fuel substitutes;

   (h) Optimum and sustainable levels of population under these constraints;

   (i) The need for public education, awareness and preparedness; and

   (j) Any other related matter.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That sanding order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

To which the Minister for Police has moved to amend in paragraph 1 by leaving out the words 'That a select committee of the Legislative Council be established to' and inserting 'That the Natural Resources Committee', and by leaving out paragraphs 2, 3 and 4.

(Continued from 2 April 2008. Page 2222.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:41): I rise to speak on the motion of the Hon. Sandra Kanck to establish a select committee—

The Hon. I.K. Hunter: Another one!

The Hon. D.W. RIDGWAY: Yes; another one—on the impact of peak oil in South Australia. A couple of weeks ago, the Hon. Sandra Kanck sent an email around in relation to the possibility of the select committee comprising three members. Bearing that in mind, I look forward to her contribution, and I know that the Hon. Mark Parnell has an amendment.

I indicate that the Liberal Party will be supporting the establishment of the select committee and, in particular, it has someone who is prepared to be one of its three members. I know that we have a number of select committees and that it is always difficult to get people to fill those positions. I will be interested to hear the comments of either the Hon. Sandra Kanck or the Hon. Mark Parnell in relation to what will constitute a quorum of a committee of three.

In relation to the thrust of the establishment of the select committee, I have been contacted by a number of people. I know that there are a number of doomsdayers in our community who say that the world will end, that the sky will fall in and that we will run out of oil. My view is that that is probably accurate. Oil is a finite resource; however, as its price goes up, I guess that those areas where it has been difficult and expensive to extract will become more viable and accessible.

I am sure that we will run out of oil at some point in the future. The Liberal Party and I see that our role as legislators and leaders in the community is not to sit around wringing our hands and worrying about the sky falling in: it is to prevent the sky from falling in and to take some steps for the future.

I know that peak oil is a bit like climate change: the uncertainty is when we might run out of oil or reach the point where we are at the peak and start to decline. I suspect that it may well be still some time off; nevertheless, changes in our behaviour as a society and, in particular, changes in the way we operate as a society will protect our quality of life and standard of living and give our children and future generations the opportunity to experience the lifestyle to which we have all become accustomed.

I am interested in some of the points made by the Hon. Sandra Kanck, particularly those in relation to the rising cost of petrol and the increasing transport poverty in the outer metropolitan area, the regions and remote communities. Most of us grew up in a time when we went to the service station and filled up the car or the ute until the tank was full. We did not put in just enough to get us by until the next payday because we had groceries or things to buy for our family.

I have read in the paper and heard in the media more and more reports about people nowadays putting in only $5 or $10 worth of fuel to get them by because they simply cannot afford to fill up their vehicle.

So, I see that as an issue we need to look at in order to consider how we might gather information from other parts of the world that are experiencing similar problems. The honourable member's reference also suggests that we look into alternative modes of transport. I hope the committee is prepared to look at transport planning and the way you can facilitate the movement of vehicles in a much smoother way.

The Hon. Sandra Kanck: Nothing like coordination.

The Hon. D.W. RIDGWAY: Yes, more coordinated. In the western suburbs some years ago we had some land set aside for a freeway, which was part of the original MATS plan, which was a very grand plan. A lot of it had merit, perhaps some of it did not. That land was sold off by the government of the day (I think it was a Labor government) and that opportunity was lost to the community. That would have provided a more free-flowing corridor through the city which would have meant that travel north and south through the city would be a much more fuel efficient route rather than the stop-start route we have today. I hope the committee has a look at that.

The member refers to the need to increase public transport capacity. The new tram that has come through the city of Adelaide has been well-patronised, I suspect mostly because the bee line bus service has been cancelled or has disappeared so that it has almost been an example of predatory behaviour—people have no choice but to get on the tram. Notwithstanding that, the advocates of trams say that this is great that we have clean, green transport that is electrically powered, and so it could be coming from a wind turbine or some other form of cheap green power. However, it has caused significant disruption to the flow of existing traffic through the city. Although we have the benefit of the tram, we have considerably more congestion in the city and vehicles that are creating a greenhouse effect by sitting in traffic, burning fossil fuels and oil unnecessarily.

I would like the committee to look at how transport planning can capture the benefits of public transport whilst not impeding people's lives. Unless it was an agenda of the government to force people out of their cars and onto public transport, unfortunately, we do not have a public transport system that is reliable, quick and efficient enough to cope—

The Hon. Sandra Kanck: Or that works.

The Hon. D.W. RIDGWAY: Or that works, as the Hon. Sandra Kanck interjects, and that actually makes it a viable alternative. I hope that the committee takes a close look at that and also the implications for urban planning. I have just returned from a conference in Coober Pedy, run by the Property Council, which was—

The Hon. Sandra Kanck: On urban planning?

The Hon. D.W. RIDGWAY: The Hon. Sandra Kanck interjects and laughs, but one of the speakers spoke about TODs, PODs and GODs. TODs are transport-orientated developments, PODs are pedestrian-orientated developments and GODs are green-orientated developments. The conference itself was very useful and informative, but one of the guest speakers spoke about

sustainability and made particular reference to getting more people on to public transport or back on to their feet and being more sustainable. So, I hope the committee has a particular look at that.

I also note that reference 1(b) is about the movement of freight. As members know, I have come from a country background where the road transport industry largely carries most of South Australia's products. I know that from a diesel point of view you can have biofuels run on canola oil and other fuels that are made from products grown on farms, and I wonder whether the committee might want to look at the application of genetically modified crops that produce a greater volume of biofuels per hectare. A whole range of exciting things are happening all over the world. People talk about genetically modified crops as being food crops that are Frankenstein foods that are going to give us two heads and be dangerous to eat, but I think it would be of benefit to look at genetically modified crops for other uses and, in particular, in the production of biofuels. I suggest the committee looks at that.

I note that reference 1(f) states:

South Australia's fuel storage capability including:

i. susceptibility of fuel supply to disruption; and

ii. resilience of infrastructure and essential services under disruptive conditions;

I would have thought that that reference has been covered reasonably well by the Port Stanvac committee which was set up with the Hon. Nick Xenophon and my former colleague the Hon. Angus Redford prior to the 2006 election and which has been reinstated under the chairmanship of the Hon. Bernard Finnigan. It is about to report. A good deal of effort and energy was put into fuel supply, distribution, the number of days of storage we have and what would happen if we had a particularly bad weather event which we are told could occur with climate change where we may get more intense storms and, on occasion, ships might not be able to get into the gulf. A lot of that was covered, so I urge this proposed select committee to have a look at the evidence that was given to that committee. The Hon. Sandra Kanck wants it to do its work quickly, so it would seem a little foolish to cover ground that has already been considered by members in this place.

It is interesting to note the reference about 'optimum and sustainable levels of population under these constraints'. I would have thought it may be better to look at how we could support the population we have and our potential population, which inevitably will grow. I would have thought that it would be more appropriate for the committee to look at how you can support a maximum number of the population. We have a state target of 2 million people by 2050, and the government believes we are likely to reach that by 2030 or sooner. So, it is likely we will have to deal with 2 million people and it may well be more appropriate not to look at 'optimum and sustainable levels' but rather how can we actually deliver transport opportunities to remove the pressure of the peak oil problem from a population of, say, 2 million people.

A number of people have contacted my office in relation to this matter, urging me to support it, and I will mention one letter in particular as an illustration of some of the ideas that people present. They are not necessarily my ideas but there is a lot of interest and some interesting ideas. This person talks about the possibility of having new train lines in the future. They mention a whole range of areas in the city such as Semaphore to Seacliff, West Beach to Kensington, Brighton to Bedford Park, St Agnes to Semaphore, and the suggestion of connecting hundreds of new villages such as Hendon, Seaton, Glenelg, West Beach and Marion.

So, as we can see, there are people being quite creative in their thoughts. I am not sure that some of these suggestions are all that practicable: tram lines along the beachfronts on routes that are not serviced by trains; cycle or cycle power for routes not serviced by trains; trains that are partly underground, roofed by dome-shaped solar panel film cover so that they can be solar-powered; infrastructure to be paid for by nearby development; savings of $10,000 per household if you live next to where you need to shop, work, go to school, etc—this particular person claims it can be achieved by living close to all of those things. There is a range of ideas being suggested that are quite innovative. I am not sure that I share these people's views, but there will be quite a range of interesting options that will be put to the committee.

I note, in closing, that the Queensland government set up a Queensland Oil Vulnerability Task Force and it tabled a report last October. It is quite interesting. The Queensland Minister for Sustainability responded by saying:

Queensland would have to adopt a wartime mentality in regard to its oil use and the committee has now been set up to prepare a recommended strategy for that state.

I am sure there have been little bits of research and work done all over the world (like Queensland) and certainly in larger countries like, perhaps, the United States of America where there is the same sort of tyranny of distance. I hope the committee has the opportunity to draw on some of that work, as well. Work may well have been done that this committee does not need to do it and it can use some of the research that has already been done. The Liberal Party sees a benefit in supporting this committee and looks forward to seeing how it will operate with three members on it. If that can be a workable solution then—

The Hon. C.V. Schaefer interjecting:

The Hon. D.W. RIDGWAY: Then we can have twice as many committees—as the Hon. Caroline Schaefer interjects. I do not think that is a likelihood, but this does seem to be a worthwhile committee to support, and I look forward to the contributions to come from members.

[Sitting suspended from 17:55 to 19:48]

The Hon. M. PARNELL (19:49): I rise to support the motion and move:

Leave out paragraph 2. and insert the following new paragraph—

2. That the committee consist of three members and that the quorum of members necessary to be present at all meetings of the committee be fixed at three members and that standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

I have consulted with the Hon. Sandra Kanck in relation to this amendment, and she is agreeable to it. I will leave it to her, in her summing up, to explain why she believes this amendment is appropriate.

The Greens are happy to support this motion to establish a select committee of the Legislative Council to inquire into and report on the impact of peak oil in South Australia. In fact, it was only a year ago that I was in this place calling on the South Australian government to commit to the Oil Depletion Protocol and to start reducing our dependence on oil.

The Oil Depletion Protocol was originally proposed by UK petroleum geologist Dr Colin Campbell whereby signatory countries and organisations commit to reducing oil consumption by the world oil depletion rate, and this equates to a reduction rate of just below 3 per cent per year. By reducing oil consumption, it is hoped to soften the blow of reaching peak oil and the higher and increasingly volatile world oil prices.

This issue of peak oil, oil depletion and oil price rises has been on the Greens' agenda for some time, and we are pleased that the Hon. Sandra Kanck has moved that a committee be established to look into it further.

Like the Hon. David Ridgway, in his contribution earlier, I have had a number of people write to me, urging me to support this motion. I will read a sentence or two from one constituent's submission, as follows:

Dear Mark

I hope you will be supporting the Hon. Sandra Kanck's motion for a parliamentary select committee on the impact of peak oil in South Australia. It is essential this urgent issue is faced now. Already South Australia is on the back foot compared to the Queensland government, which is preparing its oil vulnerability mitigation strategy and action plan as a result of an inquiry in 2005.

Adequate measures must be taken with a strong forward planning approach. To not do so will mean economic and social crisis with government to blame.

A number of other constituents wrote to me in similar terms.

The concept of peak oil is not that new, but it would be new, perhaps, to a number of members. The best way of describing it, I believe, is to talk about that point where half the world's oil supply has been extracted and used and half remains. Further oil extraction beyond that half way point will become increasingly more difficult and more expensive. Some people believe that peak oil has already occurred, perhaps as early as 2006; some say even earlier. The most supreme optimists believe that we have until 2035, but what is without doubt is that it is a finite resource, and eventually we will get to a point where the amount of new discoveries is exceeded by our rapacious demand, and what oil does remain will be the most difficult and expensive to extract.

Of course, our economy and way of life— the way we currently do things—developed over the past half century or so, are completely dependent upon cheap oil. As oil becomes more

expensive, the whole nature of our economy will be forced to dramatically change. Australia is dependent on other countries for oil. Those countries, as members would know, are often in politically unstable parts of the world. It is estimated that we will need to import nearly 50 per cent of our oil by 2010.

I was interested to read this week that our new federal resources and energy minister, Martin Ferguson, was speaking about peak oil at the Australian Petroleum Production and Exploration Association Conference in Perth. The minister stated:

> With only about a decade of known oil resources remaining at today's production rates, Australia is looking down the barrel of a $25 billion trade deficit in petroleum products by 2015.

He also went on to promise that his department would undertake a national energy security assessment that would include a future liquid fuel outlook.

Even recent reports that predict future oil price rises have tended to underestimate the speed and the extent of those rises. We were talking not so long ago about whether oil would reach $US80, and it was very soon reaching $100. Increased oil prices in our economy, as in all developed country economies, and the decreased availability of oil will have a drastic effect on many of our industries such as transport, agriculture, tourism and mining.

Clearly, we will have to rethink the way we move people, especially in our urban environments, and that means a significant increase in public transport. We also have to look at alternative fuels. This is where peak oil is a slightly different debate to the normal debate over energy, where the alternative fuels to, say, electricity are that we do not need to not use electricity: we just need to generate it in a different way.

Oil is different. Oil as a liquid fuel, or some of its derivatives in gas form, is necessary for transportation. Electric cars can provide some of the load, but we will still need liquid fuels. That raises the question of whether or not our productive farming land will increasingly be devoted to growing crops for fuel rather than crops for food. The interesting convergence of the two issues of peak oil and climate change is that solutions to address peak oil will also tend to be solutions that address climate change. The classic example is public transport in an urban environment. If we are using less oil to transport ourselves around in private cars, we can use public transport instead. The two issues of climate change and peak oil go hand in hand.

Members might be familiar with some analysis that was done in South Australia not that long ago under the somewhat confusing acronym of VAMPIRE, which stands for Oil Vulnerability Index Mapping; in fact, it is not a straight acronym, but that is what VAMPIRE is. It looks at how vulnerable people in Adelaide are to shocks such as increased petrol prices and also increased housing prices, in particular, mortgages. This is an issue that has concerned me for some time; so, when the opportunity arose, as it does with many members here, to take on students on an internship, I took advantage of an offer from the University of Adelaide and accepted an intern, Jill Woodlands, who produced a report for me entitled, 'Implications and policy responses of rising petrol prices for vulnerable people in Adelaide'.

We asked Jill to have a look at what increased petrol prices, brought about by peak oil, would mean for socially isolated people in the outer suburbs of Adelaide. Jill's excellent report provides a range of strategies to help deal with those social implications. I note that in the honourable member's terms of reference for this inquiry one of the topics is the rising cost of petrol and increasing transport fuel poverty in the outer metropolitan area, the regions and remote communities. It is exactly the issue that I identified last year and on which I engaged a student to do research.

It is an issue that will not go away. All of the analysis that I have seen shows that, whilst there might be some debate over exactly when peak oil will be reached, it is inevitable that we will reach it. We need to make sure that our society is in as robust a position as possible to be able to handle the consequences. The honourable member's terms of reference also refer to things such as the movement of freight and the expansion of the mining industry—two industries that depend very heavily on fossil fuels.

I do not know whether members might have turned on their television sets at lunchtime and heard the National Press Club address given by Don Henry, the Chief Executive of the Australian Conservation Foundation. This was a large part of his talk, including the billions of dollars of taxpayer subsidies that go to fossil fuels. We have often thought about it as a subsidy to farmers using diesel, but the forestry and agriculture sector is only about 15 per cent of those subsidies, the vast bulk of them going to mining and transport. When you have companies such as BHP Billiton

making $16 billion or $17 billion profit, I think it is a very poor call to say that they cannot afford to pay the tax on their fuels that the rest of us pay.

I think this is an important issue. I support the motion in its original form, and that is to have a select committee. I understand the Minister for Police has moved that this, instead, be dealt with by the Natural Resources Committee. My understanding is that that committee is well occupied with a number of important issues and that adding this particular topic to their list of works in progress would inevitably mean it being delayed for at least a year; possibly longer.

I am conscious of this council being sensible in its selection of select committees and I think that we have been responsible. We have picked some of the most important issues, the most pressing issues facing this state—issues such as water through the select committee into SA Water and the one that the Hon. Sandra Kanck seeks to raise through this inquiry.

With those brief words, I advise the house that I urge members to support my amendment and I give notice that I will be opposing the government's amendment to send this to the Natural Resources Committee instead.

The Hon. SANDRA KANCK (20:00): I thank all honourable members for their indications of support. That, in itself, is pleasing because it does show that members are beginning to grasp what a crucial issue peak oil is for this state. I note the comments of the Hon. David Ridgway about needing to look at the work that other committees have done with their reports so that we do not reinvent the wheel. I think that that is a very important message to take on, because my hope is that we could actually have a report done by the end of the year, and finding the work that others have done will be extremely useful.

I also noted in the Hon. Mr Holloway's contribution his passing comment that the urban planning review, which was done last year, would be released in a few weeks' time and that that would, at least in part, address this issue of transport fuel poverty. I sent the Conservation Council that information and I have to say that there are many people now waiting for that to be released.

The Hon. Mr Holloway has moved that this be referred to the Natural Resources Committee. I am a member of that committee and I am very much aware of its workload. We have standing referrals under the River Murray Act, the Natural Resources Management Act and the Upper South East Dryland Salinity and Flood Management Act. Under, for instance, the NRM Act, we have a role of overviewing all the levies that are set each year by each of the NRM boards. We have a requirement to do an annual report on the Upper South East Dryland Salinity and Flood Management Act, and we have spent about two days taking evidence on that so far this year, with a trip to the Upper South-East being scheduled for later in the year so that we can talk to the locals.

In addition to those three standing referrals, we are also keeping a watching brief on Deep Creek, following our report last year, and we are hoping to have departmental officials back in about a fortnight's time to talk some more about that. We are also keeping a watching brief on the River Torrens and on stormwater management and there is, of course, the reference to which this chamber agreed last year of the impact of irrigation in the Murray-Darling Basin on South Australia.

As an indication, from the beginning of February to the end of April the committee will have met 12 times, so it is a very hardworking committee. I am not trying to avoid an extra workload for the committee, but I really am concerned that, if this was to be referred to the Natural Resources Committee, it would probably be the end of this year, or maybe sometime next year, before the committee was able to truly look at it.

In regard to the issue of the three member committee, I had indicated to some members in an email that I wanted a three member committee, but in moving the motion as I did initially I made no mention of that. So I thank the Hon. Mark Parnell for moving that amendment and making sure that what we do here actually matches what I have said. I think a three member committee is important to allow this to progress quickly. All members of our committees know how often we struggle to match dates in our diaries, and the fewer members we have, the easier it is likely to be to be able to find suitable dates for meetings.

I am not attempting to make this a party political committee in any way. For that reason, I think it is important, as the Hon. Mark Parnell's amendment states, that the quorum for this committee of three be three, so that at no time would this committee meet or deliberate without all three of the members being present.

The Hon. Mark Parnell mentioned lobbying. I have to say that I did not organise this. I did send a copy of my speech to Beyond Oil South Australia, and within 24 hours it had gone out

worldwide. The reaction that it brought was quite extraordinary from members of not only BOSA but also ASPO (Australian Society for Peak Oil), who were lamenting that they do not have a similar initiative occurring in their state.

Today on Crikey.com.au—for those members who subscribe to Crikey.com.au—there is an interesting observation in the tips and rumours section, which states:

> BHP's internal costings show that the excavation at the Roxby Downs expansion will require one million litres of diesel per day for four years. This quantity is required to simply remove the overburden and reach the targeted ore body.

If one million litres a day are to be used for that purpose, one has to double that, effectively, because that million litres a day has to be brought up to Roxby Downs in order for it to be there in tanks ready to be used. One has to be looking at at least two million litres of diesel per day for four years. It is illustrative of why, for instance, I have included mining as a term of reference in the motion. In relation to peak oil, this could have big problems for not only the Olympic Dam mine but also other mines, particularly those in remote areas in South Australia.

I thank members for their support. It was good that I did not have to argue with anyone about the importance of the issue. I urge members to support the setting up of a select committee rather than a referral to the Natural Resources Committee and to support the Hon. Mark Parnell's motion that it be a committee of three.

The Hon. P. Holloway's amendment negatived; the Hon. M. Parnell's amendment carried; motion as amended carried.

The council appointed a select committee consisting of the Hons S.M. Kanck, J.M.A Lensink and R.P. Wortley; the committee to have power to send for persons, papers and records and to adjourn from place to place; the committee to report on Wednesday 23 July 2008.

STATUTES AMENDMENT (SURROGACY) BILL

Adjourned debate on second reading.

(Continued from 2 April 2008. Page 2223.)

The Hon. SANDRA KANCK (20:10): I want us to be very clear about this bill. It is not about allowing or promoting surrogacy, because surrogacy is already happening. The key thing that this bill does is to ensure that the genetic parents are able to be named on their child's birth certificate as being the parents. At present the relinquishing surrogate mother and her husband/partner (who has had nothing whatsoever to do with the conceiving of the child) are listed on the birth certificate as the mother and father. As we have heard from others in this debate, this creates problems for the genetic parents and their child, particularly when it comes to signing permission notes for their child to be involved in school activities or to sign off on medical procedures for their child.

As it currently stands, the only way in which to resolve the continuing problems is for the genetic parents to adopt their own child. South Australia's Family Relationships Act 1975 was enacted to ensure that the donor of sperm was not counted as the father of the child. Now we have a situation arising from surrogacy where almost the exact opposite is required.

The circumstance that this bill envisages is that the genetic parents are the mother and the father of the child in every way except for two things: first, conception occurred in a test tube and, secondly, pregnancy occurred courtesy of a very special woman who cared enough about that couple to act, effectively, as an incubator. She has to be a very special person, because we are talking in this legislation about altruistic surrogacy; so no payments are allowed other than, for instance, medical costs associated with the pregnancy and the birth.

Surrogacy is a problem that will not go away. It is an age-old practice, and when I spoke in support of a similar bill two years ago I read from the Bible the story of the infertile Rachel and her husband Jacob. Rachel commanded her servant to allow herself to be impregnated by Jacob, with a resulting successful pregnancy. The Bible records two other examples of surrogacy. Jacob—who some of us might now regard as a serial offender—and his other wife Leah used Leah's servant Zilpah; also, Sarai and Abram used Sarai's servant Hagar for the same purpose.

Surrogacy was the biblical response to infertility, although I am inclined to think of it as being more like institutionalised rape because the three women concerned clearly were not consulted. The stories that follow in the Bible tend to indicate that, like forced adoption, the birthing mothers were not very happy about having to give up their children.

The point of these stories for me is that, first, surrogacy has been with us for thousands of years and, secondly, those with wealth and/or status have always been able to get around their infertility They will continue to do so. In present times, we see celebrities such as Madonna and Angelina Jolie being able to travel to developing countries and, effectively, buy children.

For whatever reason—putting off having children until a woman is in her late 30s or environmental pollution impacting the quality of male sperm, for example—there is increasing infertility in our society. IVF and its use of surrogacy is an option for an increasing number of childless parents.

I have made clear on numerous occasions that I am not a fan of IVF, but I cannot uninvent the technology. Given its existence, childless couples will access it, and surrogacy can be an outcome. I make clear that I react very unfavourably to the view expressed by some potential parents that they have the right to have a child: there is no such right. Nor do I like the idea that a baby is a purchasable commodity, but I am not in a position to be able to change those attitudes.

The reality is that couples travel to Sydney to access surrogacy technology that is legal there. I recently attended the annual John Kerin Symposium, which was addressed by, amongst others, Dr Derek Lok, the Clinical Director of Sydney IVF, and that clinic has dealt with a very small number of cases—60 since 2002. The symposium also heard about the legal aspects from local lawyer, Julie Redman, for whom I have a great deal of respect. She spoke of cases being taken (by her, I think, in the main) to the Family Court here in South Australia, where parentage orders are being successfully sought; however, those arrangements still do not change the legalities.

I know that there are a lot of 'what ifs' around this issue; they abound. What if the surrogate mother wants to keep the child? What if the surrogate mother wants to smoke and drink during the pregnancy and the genetic parents do not want her to? What if neither party wants the child when it is born? What if relationships break up or partners die? What if the pregnancy goes wrong and the child is imperfect in some way?

These are questions that will be raised, but they should not be used as an impediment. They should not allow us to be deterred from doing our parliamentary duty. We are legislators, and it is our job to find solutions to problems through legislation. If you think about it, adoption procedures have held many of the same concerns in the past, yet it was the chief source of children for infertile couples, at least for decades if not centuries. We cannot let the complexity of an issue be a reason to deter us from taking action.

Regulation in this area provides a way for surrogacy to be a controlled activity, much like legal abortion. It is something that will occur, so the best public policy is to accept it and regulate it. You can have backyard surrogacy or you can allow it under tight guidelines so that we know just what is happening and are aware of problems should they emerge.

As I mentioned before, the bill seeks to allow altruistic surrogacy only. Regulation would provide control and ensure greater responsibility, transparency and accountability. We need to address gestational surrogacy because, as I have previously argued, the parents of children born through surrogacy will continue to face myriad legal problems.

Further, as human fertility continues to decline, gestational surrogacy will increase with or without controls implemented by this parliament. This bill has been informed by the Social Development Committee's inquiry, so I think that any problems that might have existed in the earlier bill have now been ironed out.

I know that an argument will be made that we need to wait for nationally agreed legislation, but that could take years. I remind members that back in 1996 I introduced legislation for the labelling of genetically modified foods. I was told that we had to wait for a national approach—that was 12 years ago.

Given that surrogacy is happening now and that there are children caught up in the legal complexities, I believe it is appropriate for the parliament to get on with the job, pass this bill and make amendments at such time in the future as national legislation is agreed upon. The Hon. John Dawkins is to be commended on showing the leadership necessary to raise and pursue this issue in these increasingly neo-conservative times. I support the second reading.

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

CRIMINAL LAW CONSOLIDATION (DOUBLE JEOPARDY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 April 2008. Page 2321.)

The Hon. M. PARNELL (20:25): I rise to speak in support of the second reading of the bill. I note that we have just been presented with 16 amendments from the government, so I guess we will have a good look at those before we reach the committee stage.

My contribution today will be fairly general. First, I acknowledge that the principle of a person being tried only once for a particular offence is sound and that it should not be overturned lightly. I think it is important to protect citizens from what could amount to persecution by the state through multiple prosecutions for the same offence. You could conceive of situations where there was no rule against double jeopardy were a person could be tried again and again with the hope that one day a prosecution might result. So, the double jeopardy principle is a sound one. The prosecution gets one chance and it should not proceed with a trial—or with charges, for that matter—unless it has evidence to support it.

However, I do concede that there are cases where the objectives of justice do require tipping the balance in favour of a retrial. The example that is most often given is the case of DNA evidence, an emerging technology that has not been available for longer than about 16 or 17 years, I think. The late 1980s was probably the earliest that we saw this technology used. It seems to me that if, through the use of DNA evidence, we can obtain fresh and compelling evidence that an injustice might have been done at a trial, then you can see that there may be a case for trying that person again.

I note in the bill that 'fresh evidence' is described as evidence which was not adduced at the trial of the offence and which could not, even with the exercise of reasonable diligence, have been adduced at the trial. I guess, for older cases, DNA evidence would fall into that category. It was not available earlier than the late 1980s or even the early 1990s. 'Compelling evidence' is defined as evidence that is reliable, substantial and highly probative in the context of the issues in dispute at the trial of the offence. So, it seems that there is a fairly high bar being set to the circumstances in which a person can be tried again using fresh and compelling evidence.

Aside from DNA, I would be interested to know from the minister what other types of evidence might be included, for example, a witness who comes out of the woodwork; a witness who was not located at the original trial of the offence; a person who could not have been expected to have been located; a witness who might have first-hand knowledge of a crime but who left the scene quickly and no-one else knew that they were even there. Is that evidence of a kind that is likely to be sufficient to overturn this double jeopardy rule? In other words, could we retry a new person on the basis of a new, unknown witness coming out of the woodwork?

Certainly, that evidence would be fresh. Whether or not it was compelling would probably require a hearing of the evidence. Whether the alleged new witness's testimony was reliable, substantial and highly probative would require some investigation. I query how that investigation might take place in the absence of a trial, because that is the forum in which evidence is tested. I am interested in the minister's response to that.

Another thing I want to say about new and compelling evidence is that it cuts both ways. In this bill we are looking at new and compelling evidence that would enable somebody to be tried again following an acquittal and, subsequently, convicted and sentenced. However, it does cut both ways. The other way that it cuts is that there can be no doubt that we have a number of people who have been convicted, who are currently being incarcerated and who should not be there.

There is no doubt that we have innocent people in gaol. I do not know how many we have. I do not know whether the proportion is in single digit percentages, double digits or fractions of a single per cent. However, if we look at the situation in other jurisdictions, I think it does make for some sobering analysis.

One source of information that I have come across in the past year or two has been out of the United States. It is a project known as the Innocence Project. This project is basically a campaign to exonerate people who are currently in gaol and who have been convicted of crimes which they did not commit. It is an exoneration program that relies on DNA evidence. If members are interested, it is easy enough to find this information: the web address is www.innocentproject.org.

A quick look at some of their basic statistics reveals the following: there have been 215 post-conviction DNA exonerations in the United States. Of those 215 people who were exonerated, 16 of them were on death row. That means there are 16 people who, potentially, would have been

executed if they had not come to the notice of the Innocence Project and, through DNA evidence, been found to be innocent and released from death row in gaol.

The average length of time served by people who were exonerated using DNA evidence was 12 years—an average of 12 years spent in gaol for a crime they did not commit, until they were exonerated by DNA evidence. The total number of years served by 'exonerees' in the United States is 2,640 years of gaol time—by innocent people who were exonerated later through DNA evidence. It is also interesting that the true perpetrators were identified in 82 of the exoneration cases, so they were double whammy cases. Not only was an innocent person found to be such, but a guilty person was identified as well. My questions of the government are: what steps is the government putting in place and what steps is it proposing in order to ensure the type of fresh and compelling evidence that we are now going to be able to use to retry people to try to gain more convictions, and how will that new evidence be used to exonerate people who are, in fact, innocent?

We had some discussion yesterday and today about a particular murder case that members here have been calling for to be re-opened—not on the basis of DNA, as I understand it, but on other bases. I think the question is still valid: what is the mechanism for people who might have exhausted traditional avenues of appeal under the criminal justice system to have their cases reopened using fresh and compelling evidence? I would like to think that, if we are going to overturn double jeopardy, we are also going to ensure that that evidence can be used by convicted persons to be exonerated as well as trying to convict new people.

Very briefly, I will run through the types of causes of wrongful conviction in the United States where people have been helped by the fresh and compelling evidence of DNA. The Innocence Project, in one of its online fact sheets, states that the exoneration cases have provided irrefutable proof that wrongful convictions are not isolated or rare events, but they arise from systemic defects that can be precisely identified and addressed. For more than 14 years, The Innocence Project has worked to pinpoint these trends.

I want to identify three of the main causes of innocent people being convicted in the United States. The first one is mistaken eyewitness identification testimony, which was a factor in 77 per cent of the cases where people were exonerated on DNA evidence. That made it by far the leading cause of known wrongful convictions. It was also interesting that of that 77 per cent, 48 per cent of cases where the race of the defendant was known involved cross-racial eyewitness identification. That means that white people misidentified black people and, to a much lesser extent, the other way around.

Studies have shown that people are less able to recognise faces of a different race than their own, and I guess, if we are going to be crude about it, the situation might manifest itself in a criminal line-up where someone's view is that all black people look the same or all Asian people look the same. So, in 77 per cent of cases, that was the cause of the wrongful conviction. In 65 per cent of cases, laboratory error and what the Americans refer to as 'junk science' have played a role in the wrongful convictions.

The misapplication of forensic disciplines such as blood type testing, hair analysis, fingerprint analysis, bite mark analysis and so on has played a role in convicting the innocent. In these cases, forensic scientists and prosecutors presented fraudulent, exaggerated or otherwise tainted evidence to the judge or jury which led to the wrongful conviction. In fact, three cases involved erroneous testimony about DNA test results; so, DNA itself is not an infallible replacement for judges and jury. It is a form of evidence, but it is not absolute proof.

That lab error and junk science category is at the heart of calls that some members have been making today and yesterday for one prominent South Australian murder case to be reopened. The third category I refer to is false confessions and incriminating statements which led to wrongful convictions in 25 per cent of cases. What was most disturbing is that, in about a third of those, the people involved with these false confessions and self-incriminating statements were either juveniles or they were people who were developmentally disabled.

This might all sound like an indictment of the US justice system that could not possibly happen in this country, but I suggest that, whether or not it is to the same extent, it is inevitable that these same errors in the criminal justice system occur in this country and that, as a result, even though the absolute numbers of people will be lower, innocent people are in our gaols.

Again, without pressing the point too hard, I want to know from the government what it is doing in this bill to modify the rule against double jeopardy to deal with the flip side of the coin—

innocent people who are in gaol. With those words, I support the second reading of this bill and I look forward to the committee stage after we have had a chance to examine the government's amendments.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (20:36): I thank honourable members for their contributions to the debate and for their indications of support. The Hon. Mr Wade drew particular attention to the provision that says that evidence can be fresh and compelling even if it was inadmissible at the time at which the first or original trial was held. He has asked about the relationship between this proposal and the idea of retrospectivity. This is a good question that has a complicated answer.

The first point to be made is that in the criminal law a distinction is drawn between rules of substance and rules of procedure. In the most general terms, it is said that rules of substance should not be retrospective but that rules of procedure can be. The leading authority on the matter is the decision of the High Court in Rodway (1990) 169 CLR 515. That case involved the retrospectivity or not of the rule of evidence about the old law that there should be a warning to the jury to the effect that it is unsafe to convict a person on the uncorroborated evidence of a person against whom a sexual offence is alleged to have been committed. In this case, the Tasmanian parliament changed the law on the issue between the time Mr Rodway was charged and when he was tried. The trial judge applied the new law; that is, not the law that was in place at the time the crime was committed. Mr Rodway objected all the way up to the High Court. The High Court held that, in the absence of an explicit provision to the contrary, the trial judge was right and the new law applied. The court stated:

> But ordinarily an amendment to the practice or procedure of a court, including the admissibility of evidence and the effect to be given to evidence, will not operate retrospectively so as to impair any existing right. It may govern the way in which the right is to be enforced or vindicated, but that does not bring it within the presumption against retrospectivity. A person who commits a crime does not have a right to be tried in any particular way; merely a right to be tried according to the practice and procedure prevailing at the time of trial.

So, the proposed amendment to which the honourable member drew attention conforms to that law.

The second part of the answer is shorter. It is that the law in general distinguishes judicial law changes from statutory ones. When a court changes the law it is said to be declaring, by convenient fiction, what the law always was. Parliament alone changes the law. So, if the change in the law of evidence and procedure came about because, say, the High Court made a decision, the law was always that and there is no retrospectivity at all.

One could make a distinction between law changes of a judicial or statutory kind, but the first principle says that that is unnecessary and, in any event, it would unduly complicate a law and a principle which is right. These two principles combine to say that the proposed provision is not legally retrospective; it accords with principle.

The Hon. Mr Lawson asked four questions. The first question is whether the Attorney-General could present an indictment, notwithstanding that the Full Court has not given permission for a person to be charged in these circumstances. The answer must surely be no. The previous acquittal stands as a bar to any indictment until it is removed. The bill gives the Full Court the exclusive power to remove it. In addition, the bill is clear that the DPP has the power to make the application.

Similarly, the Criminal Law Consolidation Act is clear. When it wants the Attorney-General and the DPP to have corresponding powers in this area of the act it explicitly says so. The Attorney-General could, conceivably, exercise a power to direct under the Director of Public Prosecutions Act, subject to the detailed rules and qualifications set out in that act.

The second question is whether there has been any judicial exploration of the phrase 'compelling evidence'. The answer is no. The requirement was borrowed from the analogous United Kingdom legislation. There has been one retrial under that legislation. The court commented that the fresh evidence was not only compelling but overwhelming. The concept is not, of course, at large. The bill essays a definition of it in section 332(1)(b).

The third question is why the only conspiracy included in the retrial possibility is conspiracy to murder. The purpose of this proposed reform is to allow an overturn of a well-established rule, but only in clear cases. The honourable member has expressed some disquiet about the possible over use of the reform. Conspiracy is a crime ill-suited to such a policy of restraint. It is well known

that the crime of conspiracy is protean and far-reaching. The classic statement illustrating the width of the crime is that of Brett JA (later Lord Esher) in R v Aspinall (1876) LR2 QBD48 at 58:

> Now first, the crime of conspiracy is completely committed, if it is committed at all, the moment two or more have agreed that they will do, at once or at some future time, certain things. It is not necessary in order to complete the offence, that any one thing should be done beyond the agreement.

As a matter of interest, this doctrine dates back at least to the decision in the Poulterer's case in 1610.

The fourth question is whether there is any judicial or other experience about the police having to seek the authority of the DPP before an investigation. The answer is no; but this is a rare and exceptional law. The case for such a check on investigation is, if I may be permitted the word, compelling. It is clear that one of the major purposes of the rule against double jeopardy is the protection of citizens from harassment by the state.

The careful legal protections built into the bill would be seen to be of little worth if the police, with all of the resources at their command, could keep after the acquitted accused indefinitely and on any basis. There must be some kind of case to answer.

I want to apologise to the council for the late government amendments which have just recently been filed. The Chief Justice made some very helpful comments on the bill late last week and, of course, coming from such a source they warranted particular care and attention. The comments have resulted in some proposed amendments for the consideration of the council, and obviously members will need to look at those. Unless there are any other questions we could perhaps go to clause 1 and then adjourn and deal with the amendments later.

Since these amendments have come in late, I will perhaps explain them at this stage for the benefit of the chamber. For the first amendment, the bill defines 'acquittal' to include an acquittal made on appeal or an appeal made at the discretion of the court. The latter was intended to include an acquittal by direction (most obviously after a successful no case to answer submission) and an acquittal in other circumstances (such as an acquittal entered by verdict on trial by judge alone). The Chief Justice thought that 'discretion' was a misprint for 'direction'. That was not so, but given the comment I think it is useful to make the distinction clear.

The second amendment is to clause 5, page 7, after line 16. This clause defines the discretion of the court to determine whether the new trial would be fair. The Chief Justice thought that the wording as the bill stands is too confining. I think it right that the court should be given an amplitude of discretion. This amendment, which is No. 2 in my name, is to the same effect as amendment No. 11, both are amendments to clause 5.

The third amendment standing in my name is to clause 5, page 8, line 2. The Chief Justice commented that he thought the word 'indictment' should be replaced by the word 'information' wherever it appears, and that is being done. Since they are all in clause 5, this amendment is the same as amendment Nos 4, 5, 7, 8, 9, 12, 13 and 14 in my name.

In relation to the sixth amendment to clause 5 (page 8, after line 8), the Chief Justice pointed out that, although the bill provided for the removal of the bar of acquittal at the point at which the barrier to retrial had been passed, it did not provide explicitly for the restoration of the acquittal should the retrial fail for any reason. The government agrees that this should be done, and this and two other amendments achieve that end. So, as well as amendment No. 6, amendments Nos 10 and 15 are associated with that.

In relation to the final amendment (No. 16) to clause 5 (page 11, lines 13 to 21), this provision in the bill is about the practice of courts on appeal against a sentence to discount an increase in sentence on the basis that the offender has been subjected to a form of double jeopardy because he or she has faced a second hearing.

The policy of the government on this point is clear, and it is that there is not a question of double jeopardy here, nor should the sentence be discounted. The court on prosecution appeals against sentence will interfere with the original sentence only in exceptional cases. It will interfere when there is some point of principle; it will interfere where there is manifest inadequacy; and it will interfere where the sentence is such as to shock the public conscience. These criteria are well established.

Once that initial threshold is reached, there should be no question of discount just because it happens to be an appeal. While the policy is clear, the way to deal with it in statutory words

without unintended or unforeseeable consequences is not so clear. There are no successful models to follow.

The clause in the bill as introduced into the council received late comment. We have done our best to address those comments. This bill is proposed as a compromise wording. So, that explains those late amendments, and I trust that that explanation will help and will be dealt with when we come back to this bill.

I also need to add some comments in response to the Hon. Mark Parnell's question, when he asked, 'What other evidence could be fresh?' The possibilities are potentially endless. The Hon. Mr Parnell's examples could qualify. You could not tell whether it was compelling without looking at each case. In the one successful case in England (Dunlop), the fresh and compelling evidence was his own confession. Current avenues exist for those convicted who seek to produce fresh evidence for their innocence. For example, one may make late application for leave to appeal against conviction, or there is the procedure of petition for mercy.

Notoriously, Mr Keogh has made full use of these procedures, albeit without success to date. Without going into the details of that case, the point is that there are a number of avenues, and they have been used. I think that addresses the point made when the Hon. Mark Parnell asked, 'What about the reverse to the intention of this particular bill?' With those comments, I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: My understanding of the Attorney-General's second reading explanation in the other place is that the bill before us is the result of the work of the Model Criminal Code Officers Committee and the Senior Officials Working Group of the Council of Australian Governments. As I understand it, except for the variation between jurisdictions as to the scope of the offences that would be able to be reconsidered under the bill, the bill is basically the same throughout all jurisdictions. Is that the case?

The Hon. P. HOLLOWAY: My advice is that, yes, that is the case, with the exception that Queensland, as I understand it, did not want its particular act to be retrospective in the sense that it did not want it to apply to acquittals before the act came into effect.

The Hon. S.G. WADE: In that context, do any of the amendments put forward by the government this evening threaten the national consistency that SCAG and the Model Criminal Code Officers Committee were seeking?

The Hon. P. HOLLOWAY: No.

The Hon. S.G. WADE: Did the Chief Justice propose any amendments that the government is not putting forward?

The Hon. P. HOLLOWAY: My advice is yes. We can either go through them or, if the honourable member wants a briefing about them, we can arrange that, too.

The Hon. S.G. WADE: Just on a general point, I wonder whether the government can explain, in very broad terms, what the process is for consultation with the judiciary. I am not clear, for example, whether judges get copies of draft bills as a consultation document or whether judges receive copies through the Courts Administration Authority as part of a cabinet process, etc.

The Hon. P. HOLLOWAY: We are talking about legal bills. I am not sure what the practice is. Usually (not always), following the introduction of Attorney's bills, which are different from bills that are the responsibility of other ministers, copies of the bill and the second reading speech are sent to the Chief Magistrate, the Chief Judge, the Chief Justice, the Law Society and other like bodies for comment.

Progress reported; committee to sit again.

STATUTES AMENDMENT (REAL PROPERTY) BILL

Adjourned debate on second reading.

(Continued from 6 March 2008. Page 2139)

The Hon. S.G. WADE (20:54): I do not intend to speak long, as the opposition supports the bill, and our position has been put by my colleague in the other place, the member for Heysen, the shadow attorney-general. I note that one of the purposes of the bill is to bring the management and transfer of real property into the 21st century by computerising the system, and for that I commend the government. As I said, the opposition supports the bill; however, we do have concerns in relation to clause 68, which were expressed in another place.

The history of clause 68 raises concerns about consultation. I understand that the government has continually asserted that it consulted widely with the business community in relation to this bill and made some amendments to it accordingly. Nonetheless, my colleague the member for Heysen made contact with relevant professional bodies to seek their views on the bill, and she was surprised to learn that, in fact, these two organisations had concerns relating to clause 68.

The Australian Institute of Conveyancers has indicated that it and the Law Society were given the draft of the bill only the day before their meeting with government representatives, leaving them no time to consult with their members. These two organisations advised the government that they would need to consult with their members and would then provide the government with their response. However, the government instead chose to introduce the bill without waiting for the responses of these organisations. It is the opposition's view that this is indicative of the arrogance of the government and the way that it approaches consultation—well short of what would be expected in a respectful relationship with the community.

To address this issue and the concerns of the industry, the opposition moved an amendment in the other place to delete clause 68 from the bill, in line with the concerns of the AIC and the Law Society. Unfortunately, the government refused to support the amendment and used its numbers in the other place to negative the amendment. Should we be surprised then to find in this house that the government is proposing exactly the same amendment—identical to the amendment moved by the opposition in the other place and rejected by the government? The government is now moving it in this place.

While we are obviously pleased that the government is finally listening to the concerns of relevant stakeholders, we believe that it is indicative of the arrogance of the government. As far as this government is concerned, if the idea is not its own it is not worth considering. The government needs to remember the purpose of this parliament: the parliament is not here to simply rubber-stamp the government's every idea. We regard ourselves as having a duty to have informed debate and to seek opportunities to improve. We also take the opportunity between the houses to consult with the government. It is high time that the government acted in a more consultative form with its community and with the opposition.

Debate adjourned on motion of Hon. B.V. Finnigan.

CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL

Consideration in committee of the House of Assembly's message.

The Hon. P. HOLLOWAY: I move:

That the council do not insist on its amendments.

These amendments were moved by the Hon. Mr Darley in this place to the Criminal Law (Sentencing) (Victims of Crime) Amendment Bill. Of course, we have discussed them at some length. There are essentially two amendments. Regarding the first amendment, the government bill extends all general rights to make a victim impact statement that exist now only for indictable offences to what the bill calls prescribed summary offences.

In the government bill, these will be confined to any summary offence that results in the death of a victim or that causes total incapacity. 'Total incapacity' is defined as permanently, physically or mentally incapable of independent function. This is then a limited exception to the indictable rule. It is limited because the superior courts may have the luxury of time to allow these extended rights but summary courts do not.

The exigencies of the business of the Magistrates Court and the need to deal with a list in an expedient manner means that business cannot be interrupted or delayed except at great disruption to the summary dispensation of justice. That is what summary courts are for: to be summary.

The practical reason for the election policy that the bill proposes to fulfil is that sometimes a defendant will plead down to a summary offence where there has been an outstanding charge of cause death by dangerous driving or something similar. There are not many of these and the exception can be justified on balance of the harm caused and the practical delivery of speedy justice. This amendment—the Darley amendment—extends the exception to all cases where the victim has suffered serious injury or what used to be called, in the old language, grievous bodily harm. The result of this will be that all the panoply of the victim impact statement process will be applicable in any case where the offence has resulted in:

(a) harm that endangers or is likely to endanger a person's life; or

(b) harm that consists of, or is likely to result in loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in serious disfigurement.

The government believes that the amendment should be opposed; in other words, we should not insist on this amendment because: it does not respect the balance between, on the one hand, extreme damage to a victim who happens to have turned up in the Magistrates Court and, on the other hand, the necessity for delivery of summary justice in a summary court. There will be many of these cases. The Office of Crime Statistics has provided a table. There will be between 100 and 200 such cases per year. The Attorney in another place inserted that table in *Hansard* on 3 April, and, if anyone wishes to see that, I would refer them to that.

On 14 May 2006, section 23 of the Criminal Law Consolidation Act—'Inflict grievous bodily harm on a person'—was replaced by the new Criminal Consolidation Act, section 24(1)—'Intentionally cause harm to another'. The old law is reported under the offence 'assault GBH'; the new law under 'major assault other'. The new law would also include some offences that would have been charged under the old less serious law of 'commit assault occasioning actual bodily harm', which ceased to exist on 14 May 2006. In addition, there will be plenty of scope for the aggrieved victim of any bar fight to argue that his case falls within the scope of this when the prosecutor thinks not.

Indeed, one can well see that it would not be uncommon for both sides of a bar brawl or a domestic fight to argue that this applied to them both. This kind of complicating scenario may be multiplied. The amendment is not workable, particularly when the court system is under stress and under pressure to deal with delays and case loads.

The government's view is that we made an election promise, we introduced the particular bill, and we believe that, for the reasons I have just outlined, the measure is impractical and unworkable.

The Hon. J.A. DARLEY: I maintain my position and I am disappointed that the government has not agreed to these amendments. I reiterate that this legislation is about empowering victims. The first amendment would have improved and enhanced victims' rights by making the definition of 'prescribed summary offence' wider than the extremely narrow definition proposed by the government, which has the potential of leading to terrible injustices for victims. Limiting the clause to victims who are permanently, physically or mentally incapable of independent function simply does not go far enough.

Again, I ask the question: what if a person is horrifically injured and suffers excruciating levels of pain for a prolonged period of time but is not left permanently, physically or mental incapable of independent function? Should they not also be able to furnish the court with a victim impact statement about the impact of that injury?

In relation to the second amendment, I reiterate that it does nothing to remove the court's discretion and that the court still has the ultimate say in whether an order is to be made. What it does do is, at the very least, allow the request of the victim to be considered by the court.

The Hon. S.G. WADE: The opposition will be continuing to support Mr Darley, and will be seeking to insist on the Legislative Council amendments. In our view, the story of the victims of crime legislation, particularly victim impact statements, is a story of, on the one hand, attorneys-general manning the floodgates and insisting that all hell will break lose if we open this right too broadly and, on the other hand, those who are calling for recognition of victims' rights.

I must say that perhaps the paragraph that clinched it for me was the comment in the Attorney-General's statement in the other place, which has been reiterated by the leader of the government this evening, which says:

The amendment is not workable, particularly when the court system is under stress and under pressure to deal with delays and case loads.

Why is the court system under stress and under pressure to deal with delays and case loads? Because it is not properly funded and not properly resourced and so forth. So this government cannot deny victims' entitlements and the voice of victims within the judicial system because of their own incapacity, or unwillingness to properly manage the courts. We do not believe that victims should pay the price for this government's mismanagement. We do not believe it should happen in WorkCover and we do not believe it should happen with victims' rights in the courts.

The Hon. P. HOLLOWAY: How could it be that, if this bill is proposing something new which will add additional burden to the court, that is mismanagement? It will be mismanagement if we keep adding things to the system; it will cost more money. The Hon. Mr Wade is now a shadow minister. In two years he will be facing an election. Clearly, the Hon. Mr Wade will find millions of extra dollars for the court system. That is great, but he will have to find them from somewhere. I challenge him to tell us now how many more millions of dollars the Liberal Party, if elected, would put into the legal system and where the money would come from. Would the Liberals cut police services? Would they cut health? Would they raise taxes? What would they do? I put that challenge to him.

I cannot let pass this nonsense that somehow or another this has resulted from mismanagement when what is being proposed here is an additional significant burden, if you like, for the court to carry. Of course, there must be a balance. Of course, victims should be represented. The Labor Party pioneered this area with Chris Sumner but, as always, there must be a balance between reasonableness (in terms of the capacity to fund these things) and achieving the desirable social objectives. It is all very well for the opposition to make glib comments about mismanagement, but I challenge members opposite to say what they would do and how they would fund it.

The Hon. S.G. WADE: I find it extraordinary that the Leader of the Government would suggest that the comments of the Attorney-General are glib when he says 'the court system is under stress and under pressure to deal with delays in case loads'. This is a recognised problem in the current environment in South Australia, and we are being told that the government does not want to recognise an opportunity for further recognition of victims' rights because of a situation that it has itself created. It is our view that the courts should be resourced and managed in an appropriate way—and that does not necessarily mean more money; it might mean, for example, people being available for judicial appointments, and so forth—to facilitate the progressing of cases.

The point is that over many years attorneys-general—both Liberal and Labor—have wanted to constrain the expansion of victim impact statements, usually on the basis of a floodgates argument. I think this parliament has every right to maintain the tradition of the parliament and to be cynical of those claims. If the government wants to issue challenges, the opposition, too, can issue challenges. I challenge the government to give one example where it has been proven to be true that a victim's rights have been wound back because an attorney-general has claimed that the courts have been overwhelmed by the expansion of the rights.

My understanding is that these incremental rights have been established over time. They have not been wound back once, because every time an attorney-general has claimed it would overwhelm the courts it has not been proven to be correct. We believe that the Hon. Mr Darley's amendment is responsible. The provision of serious harm is a significant impact. We believe that victims who are experiencing that sort of impact have the right to be heard in the court. There is a proud tradition of attorneys-general wanting to scaremonger on the floodgates argument, but we are not convinced and we will continue to support the Hon. Mr Darley.

The Hon. M. PARNELL: I put on the record that I believe we should insist on this amendment. I think that the amendment is a sensible addition to the right of victims to engage in the process. I agree with the Hon. Stephen Wade's comments that, rather than this being a situation of the floodgates opening up, it is likely to lead to only a small increase in demand on court time. In the justice system we do not prevent defendants from presenting all the evidence they want to present. Criminal trials can go for a long time. It seems to me that the purpose of this legislation is to ensure that a wide range of people with an interest in the matter—the defendant, the prosecutor and the victims of crime—have an opportunity to have their say. I do not think this is an unreasonable extension. I agree that if increased resources to the courts system are necessary to enable this amendment to be carried through without adding to the current unacceptable delays

in the court system, then there is a budget coming up and the government can allocate the necessary resources.

The CHAIRMAN: The first question is: that the Legislative Council insist on its amendment No. 1.

The committee divided on the question:

AYES (13)

Bressington, A.	Darley, J.A. (teller)	Dawkins, J.S.L.
Evans, A.L.	Hood, D.G.E.	Kanck, S.M.
Lawson, R.D.	Lensink, J.M.A.	Parnell, M.
Ridgway, D.W.	Schaefer, C.V.	Stephens, T.J.
Wade, S.G.		

NOES (6)

Finnigan, B.V.	Gago, G.E.	Gazzola, J.M.
Holloway, P. (teller)	Hunter, I.K.	Wortley, R.P.

PAIRS (2)

Lucas, R.I.	Zollo, C.

Majority of 7 for the ayes.

Question thus agreed to.

Members interjecting:

The CHAIRMAN: Order! Members will take their seats. The next question is: that the Legislative Council insist on its amendment No. 2.

The Hon. P. HOLLOWAY: Members may recall when this amendment came before the committee. The effect of it is that if any court intends to impose a sentence that involves community service in any form, and the court is informed that the victim wants the community service to be performed for the benefit of the victim, or of a kind requested by the victim, the court should do it or give reasons why not. Further, if such an order is made, Community Corrections must consult with the victim before issuing any directions requiring a person to perform projects or tasks.

Interpreted literally, as the Attorney pointed out, it seems that the Community Corrections officer would have to consult with the victim before directing the offender on whether to pick up that kind of litter, paint that colour or whatever detail may arise. As I argued, it is completely unworkable.

My colleague the Minister for Correctional Services also spoke and indicated that it would create great difficulties for her department if it were required to consult with victims in the circumstances suggested by the proposal. It would be time consuming and create delays in the work being completed. Normally, community service is group work. It is really impractical for a number of reasons, and the government believes that this amendment should not be insisted on.

The Hon. S.G. WADE: In his earlier remarks, the Hon. Mr Darley indicated why he believed that we should insist on this amendment. He highlighted that it clearly states that the court may order community service. The opposition believes that, with that discretionary element in place, the amendment is entirely workable.

I note the comments of the minister in relation to clause 3 in terms of the implementation of these orders on the ground. I note that he used the term 'if the order were to be interpreted literally'. I would go so far as to say that the government's interpretation is clearly absurd, and I would not expect a court to interpret it in that way. The opposition therefore will continue to support the Hon. Mr Darley and believes that the committee should insist on this amendment.

The Hon. M. PARNELL: I believe that the committee should insist on this amendment for similar reasons to those given by the Hon. Stephen Wade. It seems that the discretion is still with the judge and that it is not further fettered by this provision. It provides that the court may order that the community service be conducted in a certain way; if the court refuses to make such an order, it has to give reasons.

I can imagine that the standard practice of some judges would be to say, 'I don't think it is appropriate, and that is enough.' It is not a decision that is challengeable. If the court does not think that, in the circumstances of this case or, in fact, ever it is appropriate, I do not believe that this clause imposes any obligation on them.

Another point to make is that we are in the realms of conjecture a little bit as to how many people might seek to take advantage of putting their views to the court. It may well be that a common response will be, 'I don't care what community service they do, as long as it is a long way from where I am. I don't want to see them again.' That is not much of a direction, and it might not result in any particular order, but there will be a lot of people who do not care.

On the other hand, cases were provided during the debate on the original bill where, in the case of property damage, the victim might think that there was some restorative value in having the community service order done in the location, fixing up some of the damage that was done. It seems to me that it is not too bold a measure to put this in as an option that may, in a small number of cases, be exercised.

I do not think that that there is a sound argument either in the form of floodgates or unworkability. If it turns out, through the passage of time and the use of this clause, that it is unworkable, bring it back to us and we will have another look at it. However, it seems to me to be a proposal that is worth trying, and it is consistent with much of the theory of restorative justice which is now gaining in popularity in criminal justice circles.

The Hon. S.G. Wade interjecting:

The Hon. M. PARNELL: As the Hon. Stephen Wade points out, the Mullighan report also endorses the restorative justice approach. I think we should insist on this amendment, and I urge the government to allow it to go through and let us give it a try.

The Hon. P. HOLLOWAY: I understand where the numbers are, so I will not waste time in dividing on the amendment. I think it is regrettable that, on yet another occasion, a government reform (in this case one that it went to the election with) has effectively been destroyed by this chamber by the imposition of an unacceptable amendment. Sadly, it is not unusual for the Legislative Council post 2006.

The Hon. R.D. LAWSON: I wonder whether the minister could indicate to the committee the particular inconvenience or cost which the government considers will occur if this amendment, as moved by the Hon. Mr Darley, is carried. I am not convinced by anything that the minister has said thus far that there is any serious inconvenience either to the scheme of the act or to the general scheme of the Criminal Law Sentencing Act.

The Hon. P. HOLLOWAY: It is quite clear that, if this scheme is implemented, apart from the problems it creates in relation to the principles of restorative justice, there are some problems particularly for Correctional Services. Corrections would inevitably have industrial concerns about victims giving directions to their officers; insurance problems about various places of community service, namely, the victim's home or perhaps the victim's roof; or practical problems about not putting offenders into designed programs.

Community service is generally designed for supervising a number of workers involved in the program. If this program is ever to be employed, clearly, it will create all sorts of problems for Correctional Services in terms of implementing it. If it is actually used and is to be effective then, clearly, it will cause a number of difficulties for Correctional Services which they can only overcome at significant cost. That is why it really is unworkable.

The Hon. R.D. LAWSON: The minister has just talked about difficulties and problems, and finally mentioned costs. Has the government factored in or determined the estimated cost of meeting this new requirement? The minister also mentioned industrial issues. Does the minister suggest that Correctional Services officers have industrial concerns about this particular amendment?

The Hon. P. HOLLOWAY: I am suggesting that they are some of the issues that are likely to arise. This is not the government's amendment; it is not the role of the government to cost amendments made by others. However, how does one do it anyway? Obviously, it depends on the take-up. However, it certainly has the potential to raise a number of these issues. I have indicated the sorts of issues that could arise and could create significant costs.

If one trades that against the benefit, surely what is important here—if we are talking about victims' rights—is that the victim should be assured that the perpetrator of the crime is appropriately dealt with. If community service is the choice, surely the victim's interest is that that community service should be performed, and performed adequately, so that that person does meet their debt to society.

However to try through this amendment to refine that into actually doing work of a kind by a victim does significantly increase the difficulty without, I would suggest, adding any particular benefit in relation to victims' right. What is important is that the community service, if it is ordered by a court, be so performed.

The Hon. R.D. LAWSON: The minister also mentioned insurance concerns in his justification for the government's dog-in-the-manger attitude to this amendment. Will the minister described to the committee the precise nature of the insurance concerns which have led the government to oppose this amendment?

The Hon. P. HOLLOWAY: In indicating some of the potential pitfalls, if an offender on a community scheme is injured, presumably they would have the right, if there is some negligence. If they can claim negligence for a scheme, I presume they have legal rights in relation to any injury that may occur. That is why these schemes for community corrections are carefully designed so that the occupational health and safety requirements of correctional service officers and the people they are responsible for are properly looked into. Issues could arise if a person is doing work as part of a community service program that is not of a nature that has been well-designed. These sorts of issues could possibly arise.

Question agreed to.

STAMP DUTIES (TRUSTS) AMENDMENT BILL

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

CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL

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

At 21:33 the council adjourned until Thursday 10 April 2008 at 14:15.