LEGISLATIVE COUNCIL

Thursday 19 June 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:03 and read prayers.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (11:04): 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.

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

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (11:04): 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.

CHILDREN IN STATE CARE APOLOGY

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (11:05): I move:

That this parliament recognises the abuses of some of those who grew up in state care and the impact this has had on their lives. Only those who have been subject to this kind of abuse or neglect will ever be able to fully understand what it means to have experienced these abhorrent acts. For many of these people, governments of any persuasion were not to be trusted. Yet many have overcome this mistrust. You have been listened to and believed and this parliament now commits itself to righting the wrongs of the past. We recognise that the majority of carers have been, and still are, decent, honest people who continue to open their hearts to care for vulnerable children. We thank those South Australians for their compassion and care. We also acknowledge that some have abused the trust placed in them as carers. They have preyed upon our children. We acknowledge those courageous people who opened up their own wounds to ensure that we as a state could know the extent of these abuses. We accept that some children who were placed in the care of the government and church institutions suffered abuse. We accept these children were hurt. We accept that they were hurt through no fault of their own. We acknowledge this truth. We acknowledge that in the past the state has not protected some of its most vulnerable. By this apology we express regret for the pain that has been suffered by so many. To all those who experienced abuse in state care, we are sorry. To those who witnessed these abuses, we are sorry. To those who were not believed, when trying to report those abuses, we are sorry. For the pain shared by loved ones, husband's and wives, partners, brothers and sisters, parents and, importantly, their children, we are sorry. We commit this parliament to be ever vigilant in its pursuit of those who abuse children. And we commit this parliament to help people overcome this, until now, untold chapter in our state's history.

When the Premier tabled the report of the Children in State Care Commission of Inquiry in early April, he made a commitment to the people of South Australia that there would be an apology to those who were abused as children in state care. On Tuesday this week the Premier honoured that promise and moved the same motion that I have just moved. That motion was supported in another place by the Leader of the Opposition. Today we stand together to illustrate our commitment not just to acknowledging our past but also to working together to take every reasonable step to ensure our most vulnerable children, those in state care, are protected from sexual abuse.

The findings of the Mullighan inquiry were nothing less than shocking, with 792 people coming forward to the inquiry and saying that they were victims of child sexual abuse. The inquiry determined that 242 of those people were children in state care at the time of their alleged abuse. As previously stated, these children's narratives of their abuse make sickening reading for anyone.

There being a disturbance in the gallery:

The PRESIDENT: Order! The honourable minister will be quieter in the gallery, please.

The Hon. P. HOLLOWAY: Victims of abuse bravely came forward to lift the curtain of silence on abuse. These courageous individuals have spoken. Through their actions we now know of these tragedies but also, through the telling of their stories and the way in which those stories have been respected and honoured by Commissioner Mullighan and his team, there has undeniably been significant healing for many of these people. For instance, in his preface to the report the commissioner tells of the family of a woman who gave evidence to the inquiry. The children discussed her evidence the night she gave it and, as one child told the commissioner, 'We had always felt sorry for our mother, now we feel proud of her.'

Today is mainly about that healing process. We need to show these courageous people that the government and the parliament, on behalf of all South Australians, acknowledge what they have been through and say sorry. The fundamental importance of this apology to the survivors of abuse in state care cannot be underestimated.

This apology is not only about acknowledging the past: it must also involve a commitment about the future. We must commit ourselves to doing everything we can to protect children entrusted to the state's care. As evidence of that commitment, the government has this week responded to the recommendations of the inquiry. Further evidence of our commitment to the care and welfare of our children is our recent budget that allocates an extra $190.6 million over four years on keeping children safe. This represents the largest ever investment in protecting children in our state's history and provides the resources to enable us to carry out the inquiry's recommendations, in particular, appropriately placing children in care and better supporting children in care and their carers.

We will also provide additional resources to the Guardian for Children and Young People to strengthen her role and independence as advocate for children in care and monitor of that care. We will expand screening processes in respect of people involved in child-related work and strengthen our child-safe environments. For those children in care who frequently abscond and place themselves at high risk, we will create a specialist team to provide assertive specialised therapeutic services, and we will provide for secure care.

To ensure perpetrators are brought to justice, this government has already committed an extra $2.4 million to the Office of the Director of Public Prosecutions. We will also pilot a scheme to fast track trials involving child complainants of sexual abuse.

The government's response constitutes a comprehensive package to help ensure that the horrific events that Commissioner Mullighan has uncovered do not recur. This is an important commitment to those who had the courage to speak out to Commissioner Mullighan. We have also accepted those recommendations aimed not so much at prevention but at healing. We will provide free counselling and support services for those who were sexually abused while children in state care. We will, as Commissioner Mullighan recommended, establish a task force to closely examine redress schemes and recommend the most appropriate model. And we will apologise to the victims of abuse in care.

In moving this apology, I want to acknowledge that nothing any of us say here today will take back that pain that these children have carried into their adult life. Nothing that we will say will be able to change the past actions and the past abuse that was experienced by some of those who were placed in state care. There is nothing to change the fact that people stood by and failed to act to prevent these tragedies from happening. But to say to the survivors of sexual abuse in state care that we believe them, that we understand the hurt done to them, that we accept our past failings, and that we are sorry is a powerful step forward. Today's apology is for all of those in state care—to those who are with us, those who are far away, and those who, sadly, are no longer with us. On behalf of this parliament and previous parliaments, I offer you this apology:

This parliament recognises the abuses of some of those who grew up in state care and the impact this has had on their life. Only those who have been subject to this kind of abuse or neglect will ever be able to fully understand what it means to have experienced these abhorrent acts. For many of these people, governments of any persuasion were not to be trusted, yet many have overcome this mistrust. You have been listened to and believed, and this parliament now commits itself to righting the wrongs of the past.

We recognise that the majority of carers have been and still are decent, honourable people who continue to open their hearts to care for vulnerable children. We thank those South Australians for their compassion and care. We also acknowledge that some have abused the trust placed in them as carers. They have preyed upon our children.

We acknowledge those courageous people who opened up their own wounds to ensure that we as a state could know the extent of these abuses. We accept that some children who were placed in the care of government and church institutions suffered abuse. We accept these children were hurt. We accept they were hurt through no

fault of their own. We acknowledge this truth. We acknowledge that in the past the state has not protected some of its most vulnerable. By this apology, we express regret for the pain that has been suffered by so many.

To all those who experienced abuse in state care, we are sorry. To those who witnessed these abuses, we are sorry. To those who were not believed when trying to report these abuses, we are sorry. For the pain shared by loved ones, husbands and wives, partners, brothers and sisters, parents and, importantly, their children, we are sorry. We commit this parliament to be ever vigilant in its pursuit of those who abuse children, and we commit this parliament to help people overcome this until now untold chapter in our state's history.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (11:13): I rise on behalf of the Liberal opposition to speak in support of the motion apologising to children in state care. The recognition of acts of abuse and neglect to children in state care is relatively recent. Decades of abuse not only left scarred survivors, many of whom are now in their 40s, 50s or 60s, but also claimed many victims.

For many years, these abhorrent acts went unspoken, or voices were muffled or not believed. Whether governments of the past turned away when faced with the sheer social embarrassment of these happenings, or whether it was simply that they were not prepared to provide for a change, they turned their backs on abused children. We as a parliament have a responsibility to rectify, as much as possible, the ignorance and inaction of the past.

For around 16 years, society has grappled with the truth about children in state care. It seemed that no matter how confronting and rife the evidence, there was a refusal to admit responsibility for these injustices. As more and more victims came forward to churches, welfare groups, state officials and the media, victims and their families exposed themselves to a new level of vulnerability, with the risk that inaction would continue—and it did for many years.

I take this opportunity to join the Leader of the Opposition in another place in thanking the Hon. Rob Kerin for his tireless battle in arguing the case for a state inquiry. I thank also the soon to be retired member of this place, the Hon. Andrew Evans, who successfully moved for the lifting of the immunity from prosecution of pre-1982 sexual offenders, as well as thanking the parliament of 2004 for initiating the inquiry undertaken by Ted Mullighan which culminated in his recently completed report.

The inquiry took evidence from some 792 people and detailed 826 allegations involving 922 perpetrators. Mr Mullighan took evidence for which, with his well versed career as a judicial officer and his acquaintance with human experiences over such a wide spectrum, he said he could never have been prepared. Compare his experiences with that of a five or 10 year old child being separated from their family and forced into unfamiliar surroundings only to be abused and silenced by those who were entrusted to care for them.

Most adults would not in their lifetime even witness some of the things which Ted Mullighan has been exposed to throughout his career as a practitioner and judge. These children were the subject of many of the most extreme cases of abuse both physically and mentally. Now there is no excuse for inaction.

Acceptance of the Mulligan inquiry means a commitment to children currently in state care and those who will be in state care in the future. Today we have an obligation not only to apologise to the victims and the witnesses of abuse but also to thank them for having the courage to come forward and expose the truth.

We apologise to the parents whose children we were entrusted to care for but in many cases failed, and to the friends of victims who have had to witness their loved ones battling with demons since a young age. They have taken a great deal of this burden upon their own shoulders.

I commend the work of Commissioner Mullighan and his team. They will carry a huge emotional burden as a result of their work, and for that we thank them. We also thank the Police Paedophile Taskforce for its investigations. As a society we have confronted many stark realities and grave mistakes over the past 16 years. We have admitted truths which we refused to believe because of shame.

Although we apologise today, we will never absolve ourselves of the events of the past. We must make a commitment to the future. The opposition joins the government in offering an apology on behalf of past parliaments and governments and those of today. In doing so, we cement our commitment as a state to all children.

The Hon. M. PARNELL (11:16): On behalf of the Greens, I wish to add my apology to all those who have suffered abuse in state care or otherwise been victims of our failure as a society to protect our children. Whilst the whole subject of abuse and betrayal of trust is a tragedy, one of the

greatest tragedies is the fact that, for many years, the victims were simply not believed. It has taken great courage on the part of many people to persist in telling their stories and not be defeated by the failure of governments or society to properly listen and hear what they were saying.

I particularly want to acknowledge the contribution of one victim of institutional neglect who has had the courage and perseverance to fight for justice and recognition for all victims and that is Ki Meekins. Ki will be familiar to many members as one of the public faces of the campaign. He was in this parliament when the apology was first delivered by the Premier, and he featured on many of the evening news bulletins.

I first met Ki about 15 years ago but only recently re-established contact. Quite fittingly, it was when he came up to me as we both stood in Elder Park and watched the apology to the Stolen Generations on the big-screen broadcast from Canberra. It struck me then that there was more than one apology that was long overdue.

When I first met Ki, about 15 years ago, he was homeless, jobless and in a pretty bad way. My sister-in-law took him into her family, and he lived with them for a short period. I can remember meeting Ki and hearing his stories of abuse at the hands of carers as a ward of the state. He also told of influential people in public life in South Australia who were paedophiles and preyed on vulnerable children.

I had to admit that Ki's stories were difficult to believe, because they challenged the view that most of us have about the basic and fundamental decency of our society. The idea of systematic abuse and the involvement of influential people and government agencies is not one that is easily accepted. I recall that my emotional reaction at the time was, 'This is terrible. If these things really happened, then there should be a high-level inquiry. People have to be brought to account.'

Ultimately, and to his credit, Ki and other victims did not give up and, as a result, we have had the Mullighan inquiry; there will be criminal prosecutions; there should be compensation; and this parliament, representing the people of this state, has said that it is sorry.

A month or so ago I was pleased to attend the launch of Ki Meekins' book entitled *Red Tape Rape*, and I got to hear more about the long journey that Ki and other victims have gone through to get recognition for what they have been through. I acknowledge that the Hon. Ann Bressington was also at the book launch.

As tempting as it might be to go though his story in great detail, I will just read a couple of sentences. The blurb on the back of the book states it pretty succinctly:

> Ki became a state ward when he was 'arrested' at the age of six months and placed into the 'care' of the South Australian government.
>
> The abuse that he had to endure as a child was brutal.
>
> He was raped by a foster carer when he was 10 years old, but when he reported the incident he was threatened with retribution from government authorities. Ki was regularly 'picked up' from government institutions by paedophiles for weekend 'outings'. Many state wards, some as young as 10, were drugged and raped repeatedly.
>
> They were known as the 'takeaway' children.
>
> At 13, Ki was kidnapped and taken to Queensland to be abused by a well known TV personality. For three months Ki was constantly sexually abused. The South Australia Police knew that Ki was in Queensland with his abuser but were not particularly worried because 'he [the abuser] was due back soon to face charges of bank robbery'.
>
> Ki then ran away to Sydney and fell into the dark side of the thriving 'boy prostitute' racket in the notorious Kings Cross.
>
> Ki's story is more than the shocking reality of child abuse. This book reveals Ki's inner strength. It tells how Ki spent seven years trying to get justice from the South Australian Government through the court system, and of his passionate pursuit to make governments accountable for their sins of the past and to ensure the heinous crimes he experienced as a child will never happen again.

The book, whilst full of terrible stories, does have an element of hope in it and, in a chapter entitled 'Adelaide will be rocked', he says the following:

> When I began my crusade for justice for my fellow abused state wards I never dreamed of the impact that would follow. The 'Pandora's Box' of Adelaide's secrets are being exposed one by one. The criminals hidden amongst the leafy suburbs of the 'City of Churches' are being caught in the spotlight of the Inquiry.

The paedophile networks are collapsing under the pressure of a motivated and skilled police force hell bent on cleaning up the dark past of a city blighted with sex murders and child abuse, a city that felt comfortable ignoring the criminal behaviour of some of its 'finest' sons.

So, even in this tale of despair, Ki is holding out hope that as a society we are dealing with this problem. To conclude, one of the quotes that Ki has in his book is from Albert Einstein, and I think it sums it up very well. Einstein said:

The world is a dangerous place to live, not because of the people who are evil, but because of the people who don't do anything about it.

The Hon. SANDRA KANCK (11:22): This poem, called 'Letters from our parents', is written by my friend Jeannie, and it is in the book, *Every Childhood Lasts a Lifetime*:

They didn't send us letters

directly,

they couldn't.

The letters we received

had the address blacked out,

destroyed

like the lives of children

taken in the black of night

crying,

fearful.

Taken

from parents,

transported,

processed,

numbered.

How many?

Black children.

White children

waited

for letters

for words,

from parents

in the black of night

crying,

fearful,

alone.

Taken

in the black of night,

by the government.

I am pleased to support this apology, and I am particularly pleased that it does not refer specifically to sexual abuse. When this inquiry was set up, and when the legislation was passed in 2005, the Democrats fought very hard to have other forms of abuse included; however, we were unsuccessful. I guess that, had we been successful, the inquiry would still be going on.

There are all sorts of forms of abuse, and I am going to use Jeannie's story as the basis to talk about the various types. Jeannie was picked up by police, who came to her home, about 600 kilometres from Adelaide, in the dead of night. She was seven and, with her nine year old sister and her brothers, aged three and five, she was put in the back of a paddy wagon and taken to Adelaide.

Think how that would feel as young children: police only come when you have done something wrong. They put those children in the back of a paddy wagon and carted them to Adelaide. That in itself has to be a form of abuse. The next abuse was that the children were charged. That was the way it was back then: all children were charged, never the parents. The children were charged with being neglected and under unfit guardianship.

Can you imagine the next morning? These four children, aged three, five, seven and nine, appeared before a magistrate, who said, 'You are charged with being neglected and under unfit guardianship.' Can you imagine a three year old saying, 'Guilty, your honour'? That was the way it was: those children were charged and found guilty.

The authorities then went about systematically breaking up those families, and that was what happened in Jeannie's case. Initially, they were kept together in one place. Their hair was completely shaved off, and they were deloused. For the first few days or weeks (I am not quite clear how long) they were put in separate sections at Seaforth Children's Home. The younger ones were isolated from the older ones and the boys were isolated from the girls. She says:

> At meal times, we saw them from a distance if a concertina partition was opened between the schoolgirls' and toddlers' dining room. The boys would hold up their arms and cry out for us but we were prevented from going to comfort them and they were made to stand with their faces to the wall until they stopped crying.

This was another form of abuse, and yet another was the way information was hidden from the children. As I read out in the poem, the children had parts of the letters blacked out. They did not know how many times their parents had tried to see them. Jeannie's mother died three years later of an overdose, which happened one week after her mother was denied access. She asked to have the children with her for Christmas Day, but she was denied access.

Jeannie did not know that her mother had died, however, because she was in hospital having an eye operation. They would not tell her because they did not want her to cry as it could have upset the result of the eye operation. She was never even taken to see her mother's grave. Like others, Jeannie suffered sexual abuse; however, it was not bad, but I will still tell you about it. Of a foster placement when she was 13, she says:

> The family had their grandfather living with them. He used to smoke roll your own cigarettes and let them hang from his mouth and dribble into them constantly. At night I would wake with his smelly prickly face kissing me on the mouth. It was disgusting. I ran away from there. When I turned myself in to the police I was interrogated at police headquarters in a small room and left alone for hours before I was taken then to the Windana juvenile lockup. This foster home received numerous teenage girls one after the other despite all of them running away. I met with some of these girls at the Allambie and Davenport teenage girls homes. All of them had stories of sexual and psychological abuse more horrific than I had endured. I count myself lucky.

She talks a little about the juvenile lock-up at Windana, where she was sent a number of times. She says:

> I hadn't committed any crimes and hadn't been taken to court charged with any offence. It was routine punishment to send us to the lockup when we became 'uncontrollable'. It didn't make us any more controllable. It made us wilder and angrier. We would be kept in the lockup until we became compliant. A lot of girls could never settle down again at school after being locked up.

I suppose the next significant thing that happened was that her father died. He died in police custody after injuries received while he was in custody. Again, indicative of the sort of bureaucratic abuse that went on, the children, because of a bureaucratic stuff-up, were not even invited to the funeral. His death certificate states that there was no next of kin. What sort of abuse is that—to say that those children did not even exist?

I have said that Jeannie acknowledges that she did not get a bad lot compared with some other children in care. I am pleased that this motion states, 'We acknowledge those courageous people who opened up their own wounds to ensure that we as a state could know the extent of those abuses.' Jeannie is one of them. There are a lot of them, and I think we have to acknowledge the extraordinary courage that it takes for them. I believe that this is a very timely and appropriate motion, and I want to add my apology and that of my party.

The Hon. D.G.E. HOOD (11:30): I rise on behalf Family First to support the motion and join with other members of this chamber in expressing a sincere 'Sorry' to victims of abuse over many, many years. 'Sorry' is indeed a powerful word. Too much debate in this country is centred on what that word means and what consequences follow from saying it. However, I think every person knows when it is appropriate to say sorry for something that has happened, as does every government and, indeed, every parliament. I am very pleased to see that this parliament has taken the steps that it has taken today.

Family First is profoundly sorry to the victims of the traumatic life-changing experience that was sexual abuse—as well as other abuse—in institutions in South Australia in the past. A dark cloud indeed has fallen upon our state's heritage and history in this regard, and for that, indeed, we are sorry.

I will not labour the point which we have made several times before and which other members have touched on this morning about the Hon. Andrew Evans opening the doorway for this abuse to be uncovered via his bill to remove the statute of limitations for offences occurring prior to 1 December 1982. I think the state will be forever grateful for that initiative.

Family First's sorrow about this issue is heightened by the way in which it flows through to all manner of other social problems that we are seeing today. Indeed, institutions from parliament and government to community organisations, I believe, have lost the trust of people today in many ways. I believe that this abuse plays no small part in that, as those abused become parents or grandparents. Without speaking of the abuse openly, in many cases, they have taught their families to be wary of these institutions and, in some cases, with good reason.

We have serious mental health problems in this state as well, and I wonder how much of that can be traced back to sexual abuse, made worse in many cases by the double blow of victims being told that they had imagined the abuse or would never be believed. Such trauma would be very difficult to recover from at all. Further, we have a broad range of problems with sexual health and attitudes that I suspect arise, in some part, due to the unwanted, strange and difficult sexual experiences that children have experienced as a result of these events.

I could go on, but I want to move on to pose a few questions for us all to consider soberly. First, it is a fact that Commissioner Mullighan had to turn away a great number of people who wanted to give evidence but who did not meet the terms of reference for this inquiry. In other words, despite the massive cost of the inquiry, there remains at least the same cost again in exploring the sexual abuse that occurred outside the parameters of that inquiry. I might add that this is a cost well worth spending.

Constituents have contacted us criticising the narrow scope of the inquiry. I suppose, to be fair, it is inevitable that some people feel this way, and the government would probably say it needed to have parameters to its inquiry, otherwise it could never actually deliver any findings, and we certainly are sympathetic to that view. Family First is profoundly sorry for all abuse that occurred in this state, whether within or outside the parameters of the Mullighan inquiry.

Another sobering thought is that we now face a looming issue in bringing to justice—that is, policing, prosecuting and imprisoning—in some cases very aged persons who committed these crimes many years ago. There is also a fear, as a number of victims have voiced to us, of cover-ups and other conspiracies as they speculate how 'high up' the abuse goes. This parliament must seriously ask the question of how high up sexual abuse goes and then fearlessly deal with the perpetrators, for any less action is not acceptable. That is a very sobering task indeed but one that Family First—and I am sure many other members of this chamber—is ready to tackle head on.

I want to congratulate the churches in particular that jointly signed the apology. The churches have suffered a great deal of embarrassment and conviction about the issue of sexual abuse and, in many cases, that is deserved. I congratulate them for the steps they have taken to ensure that this will not be repeated.

Another sobering challenge that is made clear by this situation is the very real need to strengthen families. In most cases, children came to be wards of the state due to family breakdown, and that is how they were able to be victims of abuse in the first place. The stronger we can make marriages, uphold marriage and create these safe social units called families that are the bedrock of a healthy society, the sooner, I believe, we will stem the alarmingly growing number of children coming under the care of the Minister for Families and Communities.

If I may, I would like to conclude on the most important consideration of all, and that is the protection of children. I will quote from the Bible, in Luke chapter 18, verse 16, where Jesus called the children to him and said, 'Let the little children come to me and do not hinder them, for the Kingdom of God belongs to such as these.' I suspect that, in the past, people of good faith entrusted their children to the servants of the church, innocently believing they were obeying this verse. However, I think the lesson is that there is a deeper principle here. We are in a state of innocence lost. Let us hope that, in response to this tragedy in the state's history, we do a much better job of protecting the children entrusted into our care. I believe that, in doing this, we do more for our state's future than any other economic, environmental, social or other type of measure.

With those words, I indicate Family First's wholehearted support for the motion and reiterate that we are indeed very sorry for the terrible harm that has been done by various institutions to the most vulnerable people in our state.

The Hon. A. BRESSINGTON (11:36): I also support this motion, and I congratulate the government on taking the steps necessary to support and fund the Mullighan inquiry, giving these people who have been harmed in the past a voice, and have them, I guess, vindicated in their claims of abuse and neglect that they suffered at the hands of state care.

I too was at the launch of Ki Meekins' book, *Red Tape Rape: The Story of Ki Meekins,* as was the Hon. Mark Parnell. Over the past two years, through Ki, I have come to meet many of the victims of abuse and I have seen how some of them have been able to work through their trauma and pull their lives together. I have also seen some who simply will never do that. I wonder whether the apology that we are offering in this place today and in the other place yesterday is actually enough, and I am not talking about compensation here: I am talking about people who need to be supported for a very long time to be able to reconcile the past, move on and create a better future for themselves.

I am also concerned that as a member of parliament I am still hearing stories of children being removed from loving families, children being separated and families being broken apart, children making claims of being abused in care, and even now (today) they are still not being believed. Some grandparents of these children are not being believed, either.

We now have another situation where many foster carers are now being falsely accused of abusing children in care. This is not a blame game. This is about us, as a parliament, our ministers and their departments recognising that it is one thing to identify that things like this have happened in the past, it is another thing to reconcile that in our own minds; and recognising also the way that we do things and making a solid commitment to do them differently and to do them better. I am not saying that improvements have not been made, or that changes have not been made.

I guess—the impatient person that I am and the stories that I am still hearing—I feel that it is not happening fast enough. I fear that in 20 years' time we will be having another Mullighan inquiry because we were too slow to admit that what we are doing right now is simply not good enough. We should be mindful of the need to take advice from people outside the bureaucratic circle, ascertaining what needs to happen, what needs to change, and implementing those changes as soon as possible—and this may sound naive—regardless of the cost; otherwise we will have yet another generation of broken children, parents and grandparents.

I do commend the government. I know that the victims of this part of our history are grateful that they have been heard and vindicated. I beg the government now to put in place the changes that are needed to prevent this situation from going on any further.

Motion carried.

STAMP DUTIES (TRUSTS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.I. LUCAS: I thank the Leader of the Government for the answers he provided at the end of the second reading debate. There are a number of questions that arise as a result of those responses that I want to clarify with the minister and his advisers.

I asked the question: on what date after 28 September 2005 did the Crown Solicitor advise the Commissioner of Revenue SA of the concerns in relation to that particular matter raised in the High Court case of September 2005? The answer was that the Crown Solicitor's advice was provided to RevenueSA on 29 August 2006, and the Treasurer was advised in September 2006. If the Treasurer was first advised of this issue in September 2006, which is almost two years ago, can the minister indicate why there was a delay of almost two years in introducing the legislation?

Without repeating it all, because this is not a second reading contribution, I refer the minister to the comments that I made in the second reading debate where he, as the minister, and the Treasurer were critical of the former government's delay of about 14 months in terms of introducing correcting legislation.

The Hon. P. HOLLOWAY: The advice given to me during the second reading response last evening was that exhaustive consultation was needed to be undertaken with industry on this

matter. In fact, it is that detailed consultation that has been responsible for the delay in relation to bringing this bill before parliament.

In the answers provided to honourable members' questions during the debate on the bill last night, in the penultimate question the date of the Crown Solicitor's advice was said to be May 2002. However, on reviewing the file, RevenueSA has advised the date of the first advice received in this regard was in fact 19 August 2001, and the May 2002 advice was a supplementary advice to the original advice.

The Hon. R.I. LUCAS: Is the Leader of the Government now acknowledging that on these issues consultation sometimes does take some time, and does he withdraw the criticism that he made of former governments that took a shorter period (14 months) to bring complicated legislation to the parliament to correct these particular issues?

The Hon. P. HOLLOWAY: I do not know how helpful it is to try to compare this bill with that of two years ago. I concede it is important that with any major change to taxation legislation there be adequate consultation. Whether it be 14 months or a couple of years, I accept it is important to consult with industry on important amendments.

The Hon. R.I. LUCAS: It was not as genuine an apology as we have just passed in relation to another much more important issue, but it is probably the best we will get from the leader—and I am sure we would not get even that from the Treasurer, who can never admit he has made a mistake. I will not delay the committee, but I did highlight that in my second reading contribution.

The minister referred to extensive consultation. Somewhere in the second reading explanation or in the Treasurer's explanation in the House of Assembly there was an explanation that because of the particular nature of some of these amendments there had not been any consultation for fear of the industry taking advantage of certain issues. Will the minister clarify that issue?

The Hon. P. HOLLOWAY: It was in relation to one issue only, which was the exemption 26 issue.

The Hon. R.I. LUCAS: As I understand it, there are principally only two issues in this bill—exemption 26 and the land rich issue. The exemption 26 issue is a significant part of this legislation. The minister has confirmed that there was no consultation on the exemption 26 issue. The minister is saying that the extensive consultation that was occurring was only in relation to the other aspects of this legislation and did not include the exemption 26 issue at all.

The Hon. P. HOLLOWAY: My advice is that there are three main features of the bill. The first is the response to the 2000 amendments where there were two unintended consequences as a result of that legislation. One of those was the exemption 26. It is important I put on the record that the reason for consultation in relation to that is that it was, quite clearly, a loophole in the legislation. The second point was the response to the CPT case. The third point is that two extra exemptions were included in the act.

The Hon. R.I. LUCAS: In relation to the first point raised by the minister, namely, the two unintended consequences of the 2000 amendments, the minister is saying that the second unintended consequence was not consulted on with industry, which is the exemption 26 issue, but is he saying that the first unintended consequence (which is highlighted in the second reading and which we have debated) was consulted extensively with industry?

The Hon. P. HOLLOWAY: My advice is that it was extensively consulted on from 2002 onwards.

The Hon. R.I. LUCAS: I understand the minister is now saying that late in the term of the former government and very early in the term of the new government in May 2002 the government was advised of significant problems. What was the advice that the government is now saying it received from 2002 onwards?

The Hon. P. HOLLOWAY: It was in relation to the first issue only, which was the section 71(5)(e) issue.

The Hon. R.I. LUCAS: This becomes more serious and more curious. The minister is now confirming that Treasurer Foley was advised two months after he became Treasurer—more than six years ago—of this significant problem in terms of unintended consequences, and the minister is saying that for six years he did nothing.

The Hon. P. HOLLOWAY: My advice is that in practice there has been no impact in relation to this matter because the commissioner has continued to provide the exemption in the circumstances intended by parliament; and that was addressed in the second reading response last evening. The Hon. Gail Gago said:

> ...that is, the status quo position prior to the decision in the MSP case. That is, the Commissioner has interpreted the relevant section broadly in favour of taxpayers pending legislative clarification of the issue. In the intervening period, further issues have arisen in relation to the operation of the private unit trust provisions and the government considered it was better to deal with them in the same bill at one time.

The Hon. R.I. LUCAS: I am happy for the minister to take this question on notice and give an undertaking that he will provide by way of correspondence to me from the Treasurer the government's advice from the commissioner. What statements in the preceding parliamentary debate did the commissioner take to be the intention of the parliament?

Is he is referring to statements that former treasurers made, or is he talking about specific provisions? I assume that it would have to be statements that the former treasurer made or, indeed, statements he perhaps made as commissioner. I do not want to delay the bill today. If the minister is prepared to give a commitment that he or the Treasurer will write to me on that issue, I am happy to accept that commitment.

The Hon. P. HOLLOWAY: We will seek to get that response for the honourable member.

The Hon. R.I. LUCAS: I thank the minister for that. What we have now as a result of these questions is confirmation that Treasurer Foley knew from May 2002 (more than six years) that there was a significant problem in relation to the Stamp Duties Act and did nothing. As discussed over the last two days, this provision means that RevenueSA and the Treasurer had been told by the Crown Solicitor that the act did not give the legal authority for the commissioner to provide exemptions in the way he had been providing. The government's response is, 'Well, we continue to provide the exemptions with our interpretation of what the intention of the parliament was.'

We are now, more than six years later, correcting this. But let us be clear that what we now know is that Treasurer Foley was told that the commissioner and RevenueSA were acting not in accordance with the stamp duties legislation in relation to this issue and for six years did nothing about it. That is an extraordinary situation. Earlier I was making criticism of a two-year delay in terms of correcting other aspects of the legislation, but we have a situation where, for six years, the Treasurer was aware of significant breaches of the stamp duties legislation and did nothing about it.

I ask the minister why we have arrived at a position where, for six years, the Treasurer of the state did nothing, having been advised by the commissioner that there was a problem in relation to the 2000 legislation?

The Hon. P. HOLLOWAY: All I can say is that the commissioner has interpreted the legislation as intended by parliament. In other words, the exemption was granted.

The Hon. R.I. LUCAS: The Crown Solicitor told him he was wrong.

The Hon. P. HOLLOWAY: Well, I think he told the honourable member he was wrong back in 2001-02. The point is that it was able to be interpreted in such a way that the intention of parliament was given effect to; and, obviously, now, with its coming in, this bill is the opportunity. It was important, I guess, to consult widely in relation to this, and as a result that bill is before us now. The important thing is that I gather no-one has challenged any of those issues in the intervening period.

The Hon. R.I. LUCAS: That is an extraordinary proposition which, I guess, needs to be taken up with the Treasurer in another place, that is, that he has done nothing for six years despite having been advised. I am happy for the leader to take this on notice, but he did make the statement in the chamber that the Crown Solicitor had advised me in August 2001. I do not have a recollection of having received the Crown Solicitor's advice in 2001, but can I seek a commitment from the minister to indicate whether the Commissioner for Taxation, the Crown Solicitor or both conveyed to me in August 2001 that there was a significant problem in relation to this issue?

We can pursue that at another stage. Certainly, there would have been only one brief sitting period after August 2001 which, I think, went through until November or December. I suspect there is a reasonable chance that the commissioner was commencing his consultations in late 2001, particularly if he then went back and got further advice in May 2002. I also seek an undertaking from the minister to indicate, having received advice in 2001, why the commissioner

was seeking further advice in May 2002, and was the advice received in May 2002 any different from the advice received in August 2001?

I seek an undertaking from the minister as to whether he is prepared to request from the Treasurer and the commissioner a clarification of the statement he made quite unequivocally that I was advised on this issue in August 2001.

The Hon. P. HOLLOWAY: I will just reread the advice because I think it really answers most of the points. The advice states:

> In the penultimate question, the date of the Crown Solicitor's advice was said to be May 2002. However, on reviewing the file, Revenue SA has advised that the date of the first advice received in this regard was in fact 19 August 2001 and the May 2002 advice was a supplementary advice to the original advice.

I think that clarifies the situation.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I do not know what we will achieve. The Hon. Mr Lucas has made his point about the delay; but, if we can, we will see whether we can get any more information.

The Hon. R.I. LUCAS: I am happy to accept that. I just want to clarify whether or not the minister's statement was accurate, that is, that the advice had been provided to me in August 2001. To clarify the other issue, in relation to objections that have or have not been lodged, the minister's answers were, 'I am advised that there have been no objections lodged in relation to the CPT case, but there have been 25 objections lodged in relation to exemption 26.' I clarify that in relation to all aspects of the amending legislation there were no other objections in relation to any other aspect covered by this amending bill.

The Hon. P. HOLLOWAY: My advice is that that is correct.

The Hon. R.I. LUCAS: I have two other points of clarification, one not having been responded to. Has there been a change of policy from the commissioner in relation to consultation? The answers are now on the record with some clarification, which says that he consulted with significant parts of this legislation but that there was one issue in relation to exemption 26, where he did not consult with the industry. Is that a change of policy in recent years from the commissioner or does he maintain that it has always been the position in relation to issues like exemption 26 that they have never been consulted within industry?

The Hon. P. HOLLOWAY: My advice is that it does not represent a change of policy and that RevenueSA will consult on the details of any changes but, if there is a serious threat to revenue as a result of an anomaly that is found to have arisen, obviously that is where the commissioner will seek to act urgently in the interests of protecting the revenue.

The Hon. R.I. LUCAS: Finally, the minister's answer in response to some of my questions was that in relation to the High Court decision aspect of the legislation the Treasurer was first advised on 1 December 2006, and a commissioner's circular announced in December 2006 the intention for retrospective legislation to be enacted. To refresh my memory, given that I am six years out of date: with regard to the commissioner issuing a circular saying that there will be an intention for retrospective legislation (and I should not think there would be a problem in my getting a copy of the commissioner's circular of December 2006), what is the process the commissioner goes through? Does he have to get authority from the Treasurer or cabinet to issue a commissioner's circular saying, 'Hey, there's going to be retrospective legislation on this; you'd better start conducting your tax affairs in a certain way'?

The Hon. P. HOLLOWAY: My advice is that it was approved by cabinet.

The Hon. R.I. LUCAS: What date did cabinet approve it?

The Hon. P. HOLLOWAY: It was 11 December 2006.

The Hon. R.I. LUCAS: Can I take it that the answer is that, as a rule, before the commissioner issues such a circular to the industry, there is a requirement on the commissioner that he must receive cabinet approval before he issues such a circular?

The Hon. P. HOLLOWAY: It is a cabinet decision whether legislation is approved, and that generally would be the case, as all legislation has to be approved by cabinet.

The Hon. R.I. LUCAS: I accept that, but I am clarifying that the commissioner does not have the authority or power to in essence say, 'Hey, I'm the commissioner and it's my intention that there ought to be retrospective legislation introduced to amend this particular provision.' Clearly, the minister is saying in relation to this case that that was not the case, as he went to cabinet and got approval, but I am confirming that the general modus operandi of the commissioner vis-a-vis Treasury and cabinet is that, before any of these circulars can be issued, there has to be cabinet approval before that occurs.

The Hon. P. HOLLOWAY: My advice is that that is correct.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

PAY-ROLL TAX (HARMONISATION PROJECT) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.I. LUCAS: I thank the minister for the answers to the questions I posed; they resolve, clarify or answer most of the questions I raised. Having clarified the RevenueSA advice as to what the various provisions of the legislation cost, I do note that, where there has been a cost to state revenue of the changes, there is a specific estimate from RevenueSA or Treasury (I suspect probably Treasury), but where there are increased costs to businesses (that is, a revenue inflow to Treasury) it states that it is not possible to indicate what the revenue impact will be. For example, I cite the question I raised in relation to superannuation contributions from non-employee directors, which clearly will mean that some businesses will have to pay additional payroll tax they do not pay at the moment. That is an example of where there will be a benefit to the Treasury of some amount of money. In those cases, Treasury is unable to give an estimate as to what the benefit to the Treasury or the cost to businesses will be.

But in the other areas, for example, the grouping changes, where the changes will mean that businesses benefit and the state Treasury and the budget has a loss, there are quite specific estimates of $2.8 million this year and $3.2 million, etc. I accept that, in some cases, it may well be difficult to estimate, but the reality is that, even with the changes where it is talking about a cost, it is very difficult for Treasury to estimate those as well.

No-one is assuming that they are precise and accurate descriptions of exactly what will happen, because the vagaries of tax collection, businesses and the economy will mean that they can at best be estimates. I guess the only point I am making is that, when there is a downside to the budget, there is an estimate, but when there is an upside to the budget, there is no estimate at all.

I do concede, however, that, given the balance of the changes here, there would be a net cost to the state budget as a result of these changes; that is, I do accept the general flavour of the advice that has been given that, generally, this harmonisation in the first stage is a total net cost to the state budget and therefore a total net benefit to businesses, even bearing in mind my marginal comment in relation to the inability to estimate where there has been a benefit to the budget.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. R.I. LUCAS: This clause covers a number of issues. On my reading, it includes the issue that I have referred to as the grouping changes, which has always been a vexed issue in relation to payroll tax collections; that is, it is sensibly designed to try to ensure that companies cannot divide their business up into a squillion parts and get them all underneath the payroll tax threshold which, even with the recent changes, I think is still the lowest tax threshold in the nation. It is sensible to try to prevent that avoidance. But, clearly, the dilemma is that, naturally, there are some companies that, for sensible reasons, have been developed separately by the same person

or people and they are grouped together. That is always the argument about whether it has been an avoidance measure or whether it is just sensible, and these are the rules that try to resolve those issues.

The change in relation to this is that it essentially came down to what the common control test threshold was going to be. What on the surface appears to be a minor change does have a reasonably significant cost to the taxpayers. In his response, the minister said:

> The main reason for the revenue cost in the grouping division is that the common control test threshold will now be more than 50 per cent, where previously it was 50 per cent or more.

As I have said, what on the surface looks to be quite minor essentially means that the threshold will now be that you have to be more than 50 per cent to be grouped and therefore caught under these provisions. If you are right on 50 per cent, you will not be caught under these provisions, whereas previously you would have been. The estimates of the cost to revenue are about $3 million a year (a bit under and then a bit over) for the next three years. Can the minister advise whether we were the only state that had the threshold at 50 per cent or more, or were there a number of states that had that provision?

The Hon. P. HOLLOWAY: My advice is that Victoria and Queensland also had the 50 per cent or more.

The Hon. R.I. LUCAS: If three states had 50 per cent or more—and I assume three states had more than 50 per cent—what was the process of the government's agreement to moving to the other three states' provision rather than the provision that exists here in South Australia?

The Hon. P. HOLLOWAY: My advice is that the decision was the result of extensive consultation between the jurisdictions, but in the end the decision was made on the basis that more than 50 per cent would be the threshold, because 50 per cent is where actual control of the company entity is exercised.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes; more than 50 per cent. More than 50 per cent is where the actual control is exercised.

The Hon. R.I. LUCAS: Given the estimates that have been made, what estimates has RevenueSA made of the number of businesses that will be impacted on by this change?

The Hon. P. HOLLOWAY: My advice is that a broad estimate has been made based on the Victorian experience, and that is that approximately 15 per cent of those broadly controlled companies would be affected by this provision.

The Hon. R.I. LUCAS: Fifty per cent of all companies?

The Hon. P. HOLLOWAY: Fifteen per cent of those commonly controlled companies would be affected based on the Victorian experience.

The Hon. R.I. LUCAS: Can I just clarify then that, given that this 15 per cent of commonly controlled companies on estimate will receive a benefit, what is the process from here? Assuming the legislation passes today and is then proclaimed, do these provisions then operate from 1 July of this year in relation to payroll tax calculations for the financial year 2008-09?

The Hon. P. HOLLOWAY: My advice is that this will come into effect on 1 July, and the expectation is that we can rely on most companies to advise the commissioner that they are impacted on by this measure.

Clause passed.

Remaining clauses (8 to 11) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (INSTITUTE OF MEDICAL AND VETERINARY SCIENCE) BILL

Adjourned debate on second reading.

(Continued from 17 June 2008. Page 3294.)

The Hon. J.A. DARLEY (12:20): I rise to make a contribution to this bill. The Institute of Medical and Veterinary Science is internationally renowned for its pathology services and recognised for its great achievements within the research field. For example, the World Health Organisation recognises the IMVS as an international reference laboratory for tuberculosis. The clinical unit based in the Royal Adelaide Hospital, which provides services to patients with leukaemia and lymphoma, has gained both a national and international reputation.

The Hanson Institute established in 1990 provides not only research facilities for staff at the IMVS but also support for high standard researchers from numerous health care facilities in South Australia. The IMVS also supports the technological and service development of all pathology services, particularly in the areas of anatomical pathology, molecular pathology, immunology and haematology.

As demonstrated, the reputation of the IMVS is not only far-reaching but, perhaps more importantly, it boasts a stellar reputation at a local level too. The IMVS has managed to engage the support of general practitioners with its high-quality service, fast turn-around times and responsiveness to requests. This has raised millions of dollars for the service, moneys that did not have to come from the taxpayer. In the 70 years since the IMVS has been established, the service has been moulded and shaped into one of Australia's top four pathology and research services as judged by staff, publications and external peer review grants.

I have had the privilege and opportunity of working with Professor Brendan Kearney over the last 20 years when he was CEO of the RAH and, more recently, director of the IMVS. Professor Kearney is recognised worldwide as a leader in health administration and, under his leadership, RAH and IMVS have continued to gain a national and international reputation for service and medical research. Organisations strive to achieve what the IMVS has in regards to research results: community standing, reputation and industry respect.

The IMVS model of integrated service, education and research has been reproduced and emulated nationally and internationally. With a success rate such as this, it is to be wondered why the government seeks to abolish such a highly regarded institution. I understand that two other public pathology services, SouthPath and the Women's and Children's Hospital Division of Laboratory Medicine, have yet to establish a similar profile. Surely, the logical arrangement would be to bring the pathology services under the successful administration of the IMVS.

Experience has shown us that amalgamating services does not always lead to positive outcomes. The establishment of the Central Northern Adelaide Health Service (CNAHS) saw an increase in administration and management with no real benefit at the service level. Furthermore, the establishment of CNAHS effectively saw the abolition of the RAH as a legal entity. In the eyes of the government, the RAH does not exist as a legal entity. I would say that the majority of South Australians are not aware of this and, indeed, suggestions of a referral to CNAHS would be met with blank stares.

CNAHS does not have standing within the community. The RAH possesses such a strong identity and reputation that it is the RAH that stays strong in people's minds and not CNAHS. I anticipate the same occurring with the change from IMVS to SA Pathology. This begs the question: why sacrifice a successful operation for the sake of two less successful pathology services? Retaining the name for trading purposes simply reinforces the fact that the government recognises the respect and standing of the IMVS in the community. Amalgamating the services and restructuring the administration could seriously jeopardise this reputation.

I have taken the time to read many of the findings of and statements taken from focus groups consisting of staff from all three existing public pathology services. I found that participants in the focus groups were hesitant about the consolidation; however, they felt obliged to support it as it would allow them access to salary sacrifice. This is to say that, were it not for the offer of salary sacrifice, I do not believe that the staff would be as supportive as they are. I believe that there are alternatives to providing access to salary sacrifice without having to consolidate these three services.

I thank the minister and his staff for their assistance to me in regard to this bill. Whilst I now have a better understanding of the government's intentions and motives behind the proposed bill, I still hold some reservations about the outcomes should it be passed. Whilst I supported the health care legislation, I am disappointed at the manner in which the implementation of measures for that legislation have been handled by the top-heavy bureaucracy. Without further evidence that the same will not occur under this proposed legislation, I regret that I am unable to support the bill.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (12:25): As there are no other speakers, by way of concluding remarks I thank members for their contribution and take this opportunity to say a few words in response to some of the issues and questions raised during the second reading stage.

The amalgamation being proposed by this bill is not a grab for cash: it is about ensuring sustainability of the state's pathology services into the future, given a rapidly increasing demand for diagnostic pathology services and an ageing pathology workforce. This amalgamation improves the state's ability to attract and retain pathology staff in an environment of world shortages in some pathology disciplines, such as anatomical pathology, and will provide greater career opportunities for pathology staff while reducing the competition for staff between the separate existing services.

There is also a need to develop integrated approaches to training and logistics and the effective use of increasingly expensive diagnostic equipment. This amalgamation is consistent with the approach taken by other Australian states and with world trends in relation to the delivery of pathology services. The government is already providing an operating budget to the IMVS of approximately $40 million and budgets to the other services of approximately $30 million. If it were really a money grab, this sum of $70 million could simply be reduced.

The Hon. Michelle Lensink questioned what the impact on GPs would be. A lot of work has occurred around marketing. The department has utilised an external consultant to conduct a number of focus groups with general practitioners, and these focus groups indicated that GPs will support SA Pathology. The question of where the savings would come from was also raised. The following savings plan has been proposed by Professor Brendon Kearney, from the IMVS, for the pathology service: savings from expenditure reduction, $1.15 million; and savings from revenue growth, $1.2 million, which is a total of $2.35 million.

I was also asked about the average cost per test. I inform the council that the average cost per test is not an indication of the relative efficiency of the three service providers. The three services provide a different mix of testing to different client demographics. The IMVS costs per test are reflective of its performing a large number of low-cost automated tests from community GPs and include a high proportion of normal outcomes.

SouthPath performs mostly hospital tests, with a much higher proportion of abnormal results. WCHDLM performs very specialised paediatric tests using techniques specifically developed for minimum sized samples. SA Pathology will have the same level of transparency as all other government agencies with health or other portfolios.

Several members questioned whether there was any plan to sell the IMVS assets. I can inform the council that there is no plan by the minister or the department to sell off any assets from any of the three pathology entities. I repeat: there is no plan by the minister or the department to sell off any assets from any of the three pathology entities.

This will become an operational matter for SA Pathology. On the issue of training, the amalgamation of the three separate entities into SA Pathology will enhance the training of pathologists in South Australia, providing a more attractive environment for trainees with a substantially greater variety of workplace experience.

The claim has been made that IMVS staff want this only because of salary sacrifice, and that was raised by a number of honourable members. We would not want to be seen to stand in the way of important benefits for all employees at IMVS—pathologists and others—however, staff focus group feedback on the SA Pathology intranet site and at a large number of staff meetings all indicate that, in addition to the issue of salary sacrifice, the staff recognises the value in a single service and supports that such a service will provide benefits and better outcomes. However, from the government's perspective, the fringe tax benefit is an important but incidental benefit for employees of the IMVS.

I have also heard it suggested that all the services be brought in under the control of the IMVS. This would have two detrimental effects. Those who work for SouthPath or the Women's and Children's Hospital would have thought that their work, their culture, their aspirations and goals, their intelligence, their research activities and their creativity would have been treated as being of little or no value, while all those aspects of the IMVS would appear to have been given a high value.

All those who provide pathology services in South Australia would have missed out on the very good tax benefits associated with those who provide services to hospitals. There is a distinct

financial advantage to them, and it is an advantage that we obviously want to keep. For those two reasons, we decided to bring the services together rather than have the IMVS take over the existing services. So, with those brief words, I commend the bill to the council.

The council divided on the second reading:

AYES (12)

Bressington, A.	Evans, A.L.	Finnigan, B.V.
Gago, G.E. (teller)	Gazzola, J.M.	Holloway, P.
Hood, D.G.E.	Hunter, I.K.	Kanck, S.M.
Parnell, M.	Wortley, R.P.	Zollo, C.

NOES (9)

Darley, J.A.	Dawkins, J.S.L.	Lawson, R.D.
Lensink, J.M.A. (teller)	Lucas, R.I.	Ridgway, D.W.
Schaefer, C.V.	Stephens, T.J.	Wade, S.G.

Majority of 3 for the ayes.

Second reading thus carried.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (12:39): I move:

That this bill be now read a third time.

The council divided on the third reading:

AYES (11)

Evans, A.L.	Finnigan, B.V.	Gago, G.E. (teller)
Gazzola, J.M.	Holloway, P.	Hood, D.G.E.
Hunter, I.K.	Kanck, S.M.	Parnell, M.
Wortley, R.P.	Zollo, C.	

NOES (10)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Lawson, R.D.	Lensink, J.M.A. (teller)	Lucas, R.I.
Ridgway, D.W.	Schaefer, C.V.	Stephens, T.J.
Wade, S.G.		

Majority of 1 for the ayes.

Third reading thus carried.

Bill passed.

NATIONAL GAS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 18 June 2008. Page 3402.)

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (12:43): I thank members for their contributions to the bill. A number of issues were raised during the second reading, and I will seek to answer them now. The first series of questions was asked by the Hon. Mr Hood. He said:

I would appreciate knowing what areas of the state cannot get natural gas as I have a question mark over Ceduna and the APY lands, for example, as well as some other areas.

The answer I have been provided with is that Envestra is the company that generally undertakes the distribution of natural gas to customers via its gas distribution network in South Australia. The specific areas serviced by the distribution network are Adelaide, Barossa Valley, Berri, Peterborough, Port Pirie, Mount Gambier, Murray Bridge and Whyalla. As has been highlighted, a number of other areas have smaller reticulated gas systems rather than being connected to the

natural gas network. This is understood to be principally due to the costs associated with the network investment required to connect regional areas not being commercially viable; that is, there will not be enough revenue generated by building a pipeline. Such commercial decisions are made by the privately owned network business Envestra. The second question asked by the Hon. Mr Hood was:

> The Victorian government spent—and it sounds like it will soon begin spending again given recent announcements—significant money expanding on infrastructure in that region. In June 2003, the then Bracks Labor government detailed a $70 million expenditure on gas networks to extend their natural gas network up to 100,000 households in country Victoria. I have to ask the minister: what was different or special about the Victorian Labor government's circumstances that saw it expand its gas network into its regional areas?

The answer with which I have been provided is that the government is unable to comment on the reasons why Victoria decided to contribute towards the expansion of the gas network. There may be merit in looking at the expansion of the gas distribution network into regional areas; however, this would need to be argued on a case-by-case basis without impeding the regulatory regime that requires businesses to act commercially. The third question asked by the honourable member was:

> The cost comparison between states also begs the bigger question: will this bill result in an across the network flat price?

The answer with which I have been provided is that the national gas law will not result in a flat price for the supply of natural gas across jurisdictions. The costs associated with the provision of gas by the regulated distribution businesses are assessed individually and, whilst a similar framework is utilised to undertake this assessment, network charges across jurisdictions will be different due to the particular circumstances of each business. The fourth question asked by the Hon. Mr Hood was:

> What plans are in the pipeline [I assume that was an intended pun] for our mines, especially given the significant plans that Queensland has for the extension of its gas pipelines?

The answer with which I have been provided is that, in general, it would be expected that mining companies will fund the provision of energy infrastructure to support their projects as part of the commercial decision to undertake the investment. Before any gas pipeline is considered, it would be necessary, first, to determine the gas requirements for that project; and, secondly, to determine the location and size of any other nearby projects that would increase the viability of the investment over time. The fifth question is:

> What has been done nationally or in this state about so-called fugitive emissions, that is, gas that seeps out of the pipelines, and, in a federal Labor carbon trading market, will that need to be taken into account?

The answer with which I have been provided is that it is understood that fugitive emissions from gas pipelines are being considered as part of the design of the commonwealth government's Emissions Trading Scheme, with a green paper detailing the key design parameters for the emissions trading regime expected to be released in July. Minister Wong outlined a number of key design parameters in a speech in February. Minister Wong indicated that the scheme will have maximal coverage of greenhouse gases and sectors to the extent that this is practical, indicating that over 70 per cent of national emissions are able to be practically covered by emissions trading, which implies that fugitives will be included in these emissions. Gas leakage is also dealt with under the gas licences issued under the Gas Act 1997.

Section 25 requires licensed gas distribution entities to comply with specified technical and safety requirements included in their licence conditions. Envestra's licence condition requires it to minimise gas leakage and account for gas lost to leakage. Furthermore, the Essential Services Commission of South Australia in its approval of Envestra's access arrangement has required it to meet certain gas leakage benchmarks. The Hon. Mr Parnell asked the following question:

> The current experience in Western Australia that members would be aware of with gas shortages has highlighted a number of considerations that we should be taking into account in relation to this bill, in particular, when we get to a situation of having to ration gas supplies. The important questions are: who makes those rationing decisions; and, also, whose needs are most important? Is it a large factory with lots of jobs at stake? Is that more important than a hospital's need to sterilise their equipment or a pensioner's need to cook their evening meal?

The answer with which I have been provided is that gas rationing in South Australia would normally be dealt with under the Gas Act 1997. Section 37 of this act enables the minister (or his delegate) to temporarily ration gas distributed or sold by retailers. The minister would normally take into consideration such issues as public safety, well-being and employment when issuing gas rationing notices. Nothing in this bill changes the current arrangement. The Hon. Mr Lucas then asked:

> What level of staffing has now been removed from ESCOSA and moved into the Australian Energy Regulator? What staff have left ESCOSA and have not gone into the Australian Energy Regulator? Have the total

budget and resources available to ESCOSA now been reduced or are they to be reduced as a result of the reduced workload that ESCOSA will now confront or face as a result of the transfer of significant responsibilities and functions to the Australian Energy Regulator?

I have been provided with the following answer. The National Electricity South Australia (National Electricity Law) (Miscellaneous) Amendment Act 2000 (the act) has given the Australian Energy Regulator responsibility in relation to the economic regulation of electricity distribution systems going forward with ETSA Utilities' next revenue period commencing in July 2010. The act ensures that the Essential Services Commission of South Australia (ESCOSA) will continue to be responsible for the operation, administration and enforcement of ETSA Utilities electricity distribution determination until the end of the current regulatory period in 2010. ESCOSA continues to have responsibility for matters under the transmission and distribution codes and will retain responsibility for setting transmission and distribution service standards, quality and reliability of supply.

ESCOSA also continues to set electricity and gas retail standing contract prices. The portfolio responsibility for ESCOSA is with the Treasurer. Section 23 of the Essential Services Commission Act of 2002 requires ESCOSA to submit an annual performance plan and budget. It is understood that this has been submitted to the Treasurer and is currently being evaluated by the Department of Treasury and Finance. It is understood that ESCOSA and the AER have been working together with the aim of ensuring a smooth transition of functions under the new regime, which includes the transfer of staff. These discussions are ongoing. The passage of the national gas law through the South Australian parliament will enable the AER to commence its responsibilities in relation to the economic regulation of gas distribution systems. I commend the bill to the council.

Bill read a second time.

STATUTES AMENDMENT (POLICE SUPERANNUATION) 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.

When we debated the bill the Hon. Mark Parnell moved amendments in relation to what has been generally known as ethical investment. Those amendments, which were originally supported by this council, went down to the House of Assembly, which did not support those amendments.

Obviously, there are some issues in relation to the implementation of these schemes. We did have a very lengthy debate on this matter during the committee stage of the bill when it was before the council, as well as on a number of occasions in relation to other like superannuation bills. The issue here is that the government would obviously like to get these amendments into operation as quickly as possible in relation to the police superannuation system. It is important that we do get these amendments up.

I think the government has indicated that, in general, before the government would support a move in this area, it would obviously like to see some broader indication of support through the relevant employer groups. For example, if the PSA and other groups were to approach the government in relation to this, the government would be happy to do so.

However, at this stage, the government's view is that the passage of these amendments, given the low demand for such schemes, would simply delay the passage of the legislation. That is why I ask the committee to not insist on its amendments.

The Hon. D.W. RIDGWAY: I indicate that the opposition joins with the government in not insisting on our amendments. Certainly, the opposition has a broad view that ethical superannuation options, as proposed by the Hon. Mark Parnell, are a sensible way to go. The advice the opposition has is that the demand is low and that the range of products available in the South Australian market is also low.

More importantly, another concern we have relates to the amendments to the police superannuation scheme, which this bill amends. Some of South Australia's very hardworking police officers stand to be disadvantaged if, unfortunately, there is death or if there are injuries which necessitates their retirement, etc. during this period. That is our number one concern. We broadly support the principle of ethical superannuation options, and that is why we were interested in supporting the other bill that was around. However, this bill in particular presents a risk to some members of SAPOL in that they could be disadvantaged because it is being held up in this place.

We certainly do not want to see those hardworking South Australians disadvantaged at this point, so I indicate that we will not support insisting on our amendments.

The Hon. M. PARNELL: In light of the opposition's position, I have a number of questions. I have a reasonable contribution to make on this matter, and I will be dividing on it. I am happy to do that after lunch.

Progress reported; committee to sit again.

[Sitting suspended from 12:59 to 14:18]

PAPERS

The following paper was laid on the table:

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

Adelaide Film Festival—Report, 2006-07

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:17): I bring up the report of the committee on Natural Resources Management on Kangaroo Island.

Report received.

SOLAR FEED-IN LAWS

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:18): I lay on the table a copy of a ministerial statement relating to solar feed-in laws made earlier today in another place by my colleague the Premier.

WORKCOVER CORPORATION

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:18): I lay on the table a copy of a ministerial statement relating to WorkCover reforms made earlier today in another place by my colleague the Premier.

QUESTION TIME

MOTORCYCLE GANGS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Police a question about outlaw motorcycle gangs.

Leave granted.

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: The Hon. Russell Wortley just interjected that there will not be any here soon and that they are going to get rid of them. That is an appropriate interjection. Earlier this week—

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: Have you finished? Earlier this week we saw in Adelaide the funeral of Wayne 'Chiller' McGrath, and a number of bikie gang members came to Adelaide. Given this government's commitment to crack down on outlaw motorcycle gangs—

The Hon. R.P. Wortley interjecting:

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

The Hon. D.W. RIDGWAY: Chuck him out. Did he say that no daughter is safe? You are a disgrace. You are a waste of space.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Talking about other members' daughters is a disgrace.

The PRESIDENT: Order!

Members interjecting:

The Hon. D.W. RIDGWAY: I will get to my question if that disgrace would be quiet.

The PRESIDENT: Order! The Hon. Mr Ridgway has the call, and members of the opposition will come to order.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President. Given the government's strong stance on bikies, can the minister please advise how many expiation notices were handed out to non-helmet wearing bikies attending the funeral of Wayne 'Chiller' McGrath on Wednesday?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:21): There was a funeral service for Mr McGrath (a member of the Gypsy Jokers Motorcycle Club) that took place at a funeral parlour at Ridgehaven before travelling to Smithfield Cemetery.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: No, I did not, actually. I am advised that officers from the Crime Gangs Task Force spoke with members of the Gypsy Jokers Motorcycle Club to identify the funeral arrangements. I am advised that police experience is that funerals of this nature usually attract the attendance and participation of all members of the club in the cortege between the service and the cemetery. As is the past practice—

The Hon. D.W. Ridgway: The laws don't apply.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —of the police in relation to these types of events, while the obligation of police to enforce the wearing of motorcycle safety helmets is recognised, a determination was made prior to the funeral to make observations of those offending in order to provide evidence for subsequent action. SAPOL members filmed the movement of the cortege and they will view the film to identify those who failed to wear helmets to enable traffic infringement notices to be issued in response to the offending.

That is a very sensible way for the police to monitor such events. The only other strategy available would have been to halt the funeral process. Given the known character and behaviour of those involved, the nature of the event and the consequent emotion, it would have had the potential to result in a significant confrontation. The police, through the Crime Gangs Task Force, have had experience in policing these matters. I think their action is entirely appropriate. Where members do not wear helmets, they will be issued with a traffic infringement notice following the viewing of the tapes. I believe that would be the appropriate way to deal with these things rather than, as I said, take action which would clearly have resulted in significant confrontation. What is important is that the law is upheld, and it will be.

MOTORCYCLE GANGS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): Will the minister please advise in a week or so—perhaps the next sitting week might be best—the number of expiation notices that are issued as a result of the film footage recovered, subsequently and in the past?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:23): So, the honourable member is asking me in advance for something—

The Hon. D.W. Ridgway: You said you were going to view the film and issue notices.

The Hon. P. HOLLOWAY: The honourable member asked me whether I could provide him with the number. That will have to wait until—

The Hon. D.W. Ridgway: Because they're not going to issue any. You just said they were going to issue some.

The Hon. P. HOLLOWAY: We will have to wait until they are issued, obviously, before we can talk about the number. So, I can take it on notice, but I cannot provide an answer now on the basis of facts. It will be done, obviously, after the requisite period of time. The important thing in relation to dealing with outlaw motorcycle gangs is that one should deal with these groups in an intelligent policing fashion. That is exactly what we have done, and that is how this government will ensure that the scourge, the criminal behaviour of such groups, is dealt with.

I would not have thought that a funeral, even of a bikie, is necessarily the appropriate time at which one should be seeking confrontation with these particular groups. As I said, if there are breaches of the law that are observed and filmed by police then they will be dealt with appropriately, as has been done in relation to all previous events of this kind.

MOTORCYCLE GANGS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): Is it government policy now that all funeral processions will be filmed, whether they involve motorcycles or motor vehicles? I went to a funeral yesterday: am I to be filmed in relation to whether I am wearing a seatbelt or not?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:25): I am sure that, if the honourable member goes to a funeral and he does not wear a seatbelt and it comes to the attention of the police, something would be done. In relation to the filming of these events, obviously that will be undertaken only in relation to these types of events. It is the sensible and appropriate way of doing it.

LEVEL CROSSINGS

The Hon. S.G. WADE (14:26): I seek leave to make a brief explanation before asking the Minister for Road Safety a question relating to railway crossing safety.

Leave granted.

The Hon. S.G. WADE: On 13 May 2007, the Australasian Railway Association wrote to the minister urgently calling for an increase in penalties for breaching road rules at railway crossings, stating that the penalties are ridiculously low and do not reflect the potential for a catastrophic accident that illegal behaviour can cause at level crossings. Earlier this month the association reissued its demand that all jurisdictions follow the lead of Victoria, which the association regards as the benchmark jurisdiction in relation to railway crossing safety. The Victorian fee for a rail crossing offence is $430.

A recent Australian Transport Safety Bureau report found that in almost every case the primary factor in a rail crossing accident is the failure of the motorist to abide by the traffic controls at the crossing. In South Australia the penalty for failing to stop at a level crossing is $297. In legislation before the council the penalty for failing to notify of a change of address would rise from $250 to $1,250. My questions to the minister are: on what basis does the government consider that failing to notify a change of address is a greater offence than risking lives by breaking the road rules at a railway crossing, and will the minister have the fees reviewed in light of the rail industry's call?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:27): I thank the honourable member for his question. I did receive correspondence last year, as he has mentioned, and I did respond back to—I am trying to remember his name—

The Hon. S.G. Wade: Mr Nye.

The Hon. CARMEL ZOLLO: Mr Bryan Nye; that is right—to advise him that expiation fees for level crossing offences, which previously had been between $183 and $223, were increased in line with expiation fees for road intersection offences to $297, and that occurred on 17 December last year. The maximum court-imposed penalty for offences under the Australian road rules, which do include level crossing offences, was increased from $1,250 to $2,500 in April 2007—we are talking about a court imposition now.

I should also place on the record that we have a penalty for offences such as reckless and dangerous driving, and reckless and dangerous driving can occur in many different situations. So, there may be occasions where a level crossing offence is committed without reckless or dangerous driving being involved; however, if the police believe the circumstances of the breach constitute reckless and dangerous driving they are able to charge the driver of the vehicle with this offence.

So, yes, the expiation fee was increased last year, and that was obviously achieved by regulation. We believe there are, at this time, sufficient sanctions, because we have court-imposed penalties and the Australian road rules, which do include level crossing offences. And, yes, police

can obviously avail themselves of reckless and dangerous driving provisions and all the permutations that arise from that.

LIQUOR LICENSING HOURS

The Hon. R.I. LUCAS (14:29): I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of Mike Rann's proposed lockout of Adelaide's bars and clubs.

Leave granted.

The Hon. R.I. LUCAS: Concerns have again been expressed to me and my office in the past 24 hours in relation to this ongoing controversy about Premier Rann's proposed lockout of bars and clubs in the Adelaide CBD. I raised earlier this week concerns from some licensees about what they felt was undue pressure from police officers from the Licensing Enforcement Unit trying to encourage them to sign the voluntary administration order to agree to Premier Rann's proposed lockout.

In the past 24 hours I have been contacted by another licensee who has indicated that on a recent Saturday evening—which is, of course, the busiest evening for most of these venues—officers from the Licensing Enforcement Unit asked that particular licensee (who has not signed the administration order) whether they were prepared to sign the administration order. The licensee on that busy Saturday evening said that they were not prepared to sign that particular administration order for the voluntary lockout.

The licensee claims that officers from the Licensing Enforcement Unit then proceeded on an inspection of the venue and pointed out to the licensee what in the licensee's opinion—and I accept that—were minor issues which the police officers identified as being problems in relation to their management of the site. Certainly, the licensees felt that they were being pressured indirectly by the police in relation to their unwillingness to sign that voluntary lockout order that Premier Mike Rann wants them to sign.

As well as that, sources within the Adelaide CBD hospitality and entertainment industry have indicated that they have had discussions with police officers from Hindley Street Police Station. They have highlighted to me that the normal complement for the Hindley Street Police Station is about seven, but that on the Sunday evening of the long weekend in June—which was a busy day for many venues in the Hindley Street entertainment precinct—there were only three officers in the Hindley Street Police Station responsible for controlling activity in that area. There was a single officer in the Hindley Street Police Station and there were two officers in one car patrolling that particular precinct.

Having spoken to a source within SAPOL, those same people also indicated that on occasions when there is an additional special patrol used on a Saturday evening the patrol is employed from 7.30 on the Saturday evening until 3.30 on the Sunday morning. When most of the activities causing concern (according to the police) would be occurring in the streets in the period from 3 o'clock through to 5 o'clock or 6 o'clock in the morning, why does a special patrol conclude its work at 3.30am when, conversely, there are fewer problems in the streets between 7.30 and 8.30 on a Saturday evening? My questions are:

1. Is it correct that on the Sunday of the June long weekend the Hindley Street Police Station had only three officers responsible for security in the Hindley Street precinct; that is, one officer in the station and two officers in a police car?

2. Is it also correct that when additional special patrols are brought in for a Saturday evening the time for those patrols is from 7.30pm through to 3.30am? If that is the case, what is the reasoning from the Police Commissioner for that particular timing? I accept this is not a decision for the Minister for Police, but does the Police Commissioner accept that there is any argument for changing the timing of that special patrol so that it concludes at, say, 5.30 or 6.30 on the Sunday morning?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:34): It is interesting how the Hon. Rob Lucas has been doing his best in the past few days to try to sabotage police efforts to get a voluntary lockout in the city. Apparently, this view is not shared by all his Liberal colleagues.

Yesterday, the member for Morphett presented a petition signed by 332 residents—and I accept that we cannot hold members responsible for petitions—requesting the house to urge the

government to require licensed premises located in Glenelg to close no later than midnight. Remember that a voluntary lockout has been brought into place at Glenelg. Just like the proposed lockout for the CBD, that came out of discussions between local government, the police and the industry to try to deal with the issues of violence in the street—the very issues the Hon. Rob Lucas raised two years ago. Yesterday in parliament, Dr McFetridge said:

> This morning I had leave from parliament for a little while to attend a meeting in Holdfast Bay with the council, the police, the Office of the Liquor and Gambling Commissioner and DRUG ARM, who do a fantastic job. We were talking about whether there is a need to curb the opening hours in the Bay and whether there is a problem with binge drinking. Chief Inspector Graeme Adcock was there who gave us some real insight into what is going on. The statistics have actually been going down through good policing in the past couple of years. He had some very interesting video footage of Moseley Square very early in the morning between one and three o'clock in morning.
>
> Very little was going on. The perception of antisocial behaviour is there and the noise is there and, certainly, we need to cope with some issues. A lot of younger people come down there and the Bay has been a fantastic place for years and years, so people want to come there. The younger people go there and they are getting a bit out of control, but it is not over the top. It is not a bad place to be, and the police are doing a fantastic job.

What has happened down at Glenelg—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, that is what some people want down there, yes; and that is why the member for Morphett presented the petition on behalf of his constituents. The honourable member said that very little was going on and that, up until three o'clock, there was relatively little bad behaviour. Of course, what they have down at Glenelg is the voluntary lockout after that period. All that is happening is that, following the success of these measures and the fantastic job that police are doing down at Glenelg (acknowledged by the local Liberal member), the police are trying to do the same thing in the city.

What is highly regrettable is that members of the opposition, such as the Hon. Mr Lucas, have been seeking to undermine and sabotage the efforts of police in trying to get a voluntary lockout within the CBD, which would have the potential to provide the benefits to young people in the city, as has clearly happened at Glenelg. No-one is saying that licensed premises should not be able to serve alcohol after 3am. All the voluntary lockout is trying to do is to stop people wandering around. After 3am, if they are wandering the streets, people are more likely than not to have had too much to drink. If they want to keep drinking they can stay, and there are plenty of establishments where they can do that.

However, through the lockout and once they leave premises they would not go back. Now, what is wrong with having a trial within the CBD to see whether that is working? I think it is highly regrettable that the Hon. Mr Lucas should be seeking, as he has done, to undermine the attempts to prevent that lockout being agreed to. Where the police have had the cooperation of publicans in the community, such as those at Glenelg, it has been appreciated by the local community. In relation to police numbers, of course, there is a station in Hindley Street, but Adelaide's Local Service Area has its main base at Norwood, which provides the patrols for that area.

The honourable member would be well aware from questions he asked several years ago that, when required, police have the capacity to bring in additional resources through the patrol base. They have the capacity to bring in extra patrols when that is required. Perhaps the Hon. Mr Lucas should talk to some of these publicans he keeps supporting and try to persuade them to give it a go. He should try to cooperate with the police to enable a lockout trial to see whether in fact it does have benefits, because less violence in the city will not only make it a safer place for all South Australians but it will—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It is the old story: in government we try to put a fence at the top of the cliff rather than having ambulances down at the bottom, but not Mr Lucas: he says, 'Get another ambulance down there as people keep going over.' This matter has been highlighted in the media, and everyone who has been in the city would be aware that there is an issue with binge drinking, particularly among young people. The government believes that, in relation to this growing problem, a range of issues are involved: not just extra police, which of itself will not resolve the problem of binge drinking. In particular, it will not provide any benefit to the health of the young people suffering from over-consumption of alcohol, and that should concern us all.

LIQUOR LICENSING HOURS

The Hon. A. BRESSINGTON (14:41): By way of supplementary question, is the minister considering further down the track re-evaluating closing hours of entertainment venues in Hindley Street, given that Mal Hyde on the radio this morning said that that also needed to be looked at as part of the strategy?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:41): The Police Commissioner has raised issues in relation to closing hours. They are matters for my colleague the Minister for Consumer Affairs and for cabinet, but as far as this government is concerned all we wish to see at this stage is a trial of the lockout, which does not involve reduced hours. It means that, if people want to drink beyond 3am, they can do so. I am told that in places such as Los Angeles, the entertainment capital of the world in many respects, after 2am—

The Hon. R.I. Lucas: You said 12 o'clock.

The Hon. P. HOLLOWAY: —I think it is 2am—no alcohol is served at all.

The Hon. R.I. Lucas: You said 12 o'clock.

The Hon. P. HOLLOWAY: Well, I was wrong, and I apologise; it is 2am, on my understanding.

The Hon. R.I. Lucas: Why don't you tell the truth?

The Hon. P. HOLLOWAY: Here we are talking about a 3am lockout, but that does not mean you stop serving at 3am. People can still continue to drink if they desperately need alcohol. If they leave premises beyond 3am they are more than likely, unfortunately, to be intoxicated and more likely to get into street violence, and that is a sad statistical fact.

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 how regional South Australia is sharing in the benefits of the government's open space and Places for People grants?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:43): I am delighted to inform members that recently I approved more than $1.1 million in grants in the latest round of funding to support projects that will improve the quality of public space throughout regional South Australia. While much of the money provided by these grants has gone to projects in metropolitan Adelaide, such as the River Torrens Linear Park and the Coast Park initiative, regional South Australia has not missed out. Only this month nine new open space and Places for People grants went to regional councils to be financed from the South Australian government's planning and development fund.

The latest round comprises $1,104,500 of funding for works that include redeveloping the riverfront along the River Murray and upgrading town centres. The grants approved by this government support public projects worth $2,916,750 in six regional councils: the District Council of Yorke Peninsula; the District Council of Mount Barker; the Adelaide Hills Council; the Northern Areas Council; the City of Port Augusta; and the District Council of Loxton and Waikerie. This government has now invested more than $40 million in grants to beautify this state through the creation and improvement of public spaces, both in Adelaide and in regional South Australia. Whether it involves beautifying the Lobethal town centre or developing riverfront parks along the River Murray, the state government is keen to support local government bodies and invest in their communities.

The newest grants from the open space and Places for People initiative are: $270,000 to the District Council of Mount Barker for the $551,050 Laratinga linear trial development; $225,000 to the District Council of Loxton and Waikerie for the $342,000 Waikerie riverfront redevelopment; $180,000 to the Northern Areas Council for the $340,000 Belalie Creek footbridge; $180,000 to the Northern Areas Council for the $539,000 Gladstone town centre redevelopment; $100,000 to the Adelaide Hills Council for the $870,700 stage 1b of the Lobethal redevelopment; $75,000 to the District Council of Loxton Waikerie for the $120,000 Loxton riverfront redevelopment; $50,000 to the District Council of Yorke Peninsula for the $54,000 Walk-the-Yorke project; $12,500 to the District Council of Mount Barker for the $25,000 Mount Barker Entry-Keith Stephenson Park

project; and $12,000 to the City of Port Augusta to help fund a $75,000 study into the redevelopment of the civic centre.

These grants include funding for a concept plan for a trail development within Yorke Peninsula. The concept plan, part-funded by this grant, will look at linking together existing trails and identifying potential new trails along Yorke Peninsula. The plan will also identify appropriate locations for rest stops, as well as picnic areas, providing barbecue settings, shelters and overnight camping facilities.

Two Places for People grants provided to the District Council of Loxton Waikerie will help local government carry out further work on the Loxton and Waikerie riverfront developments, and work planned for Loxton will improve access between the Loxton Historical Village, a new visitors' information centre, a new cafe, the town centre, and the riverfront, and it will encourage boat users to visit services in the town. The Waikerie project includes building new community facilities along the riverfront, including barbecue shelters, benches, lighting, and an upgrade of the adjoining boat ramp.

A Places for People grant to the Northern Areas Council will help fund the upgrade of remediated parkland along the main street of Gladstone. This money will help fund the creation of community space, including seating, picnic tables, lighting, street art, a water feature and tree planting near the memorial park that commemorates the tragic death two years ago of three people in the explosives factory explosion at nearby Beetaloo Valley.

A further Places for People grant to the Northern Areas Council will provide step-free pedestrian access and landscaping from the Belalie Creek footbridge to Ayr Street in Jamestown. One of the Open Space grants provided to the Mount Barker District will help fund a master plan to redevelop the approach to Mount Barker, its main thoroughfare, and Keith Stephenson Park. The other Open Space grant will help fund the construction of a shared-use path from the Laratinga Linear Park Trail to Anembo Park in Littlehampton.

A Places for People grant to the Adelaide Hills Council will help support the completion of stage 1a of capital works in Lobethal. The grant will assist the construction of new footpaths, kerbing, tree planting, street furniture, a cycle lane and landscaping along the western side of Lobethal's main street after the planned undergrounding this year of powerlines. These capital works will replicate the existing eastern side improvements to Lobethal carried out after overhead powerlines were put underground last year. A Places for People grant to the City of Port Augusta will top up a previous $25,000 grant to the council to help fund a study into a possible redevelopment of the civic centre.

When it comes to the provision of quality open space, this government does not overlook the communities in regional South Australia, many of whom have struggled through years of drought and economic uncertainty. These grants provide construction and design work in rural and regional areas and will leave a lasting legacy of parks and open space for all to enjoy. So, they complement the reforms the government plans in relation to hospitals and will bring significant benefits to a number of country areas. But that is really a matter for my colleague the Minister for Health.

BAROSSA RAILWAY

The Hon. D.G.E. HOOD (14:49): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, representing the Minister for Transport, a question regarding the future of the Barossa railway line.

Leave granted.

The Hon. D.G.E. HOOD: The transport minister has expressed opposition on a number of occasions to passenger rail services resuming to the Barossa Valley. Indeed, I have a letter signed by the minister dated 26 May this year, which states:

> I am advised by the Department for Transport, Energy and Infrastructure that the Barossa Valley does not meet basic patronage criteria to justify investment. Traffic planning studies have repeatedly shown that there is not sufficient demand for regular passenger transport into Adelaide.

Despite this, I have in my possession an internal TransAdelaide study regarding passenger trains to the Barossa that speaks in very glowing terms of the idea. The proposal, entitled 'TransAdelaide Proposal for an Adelaide to Tanunda Metroticket Train Service', proposes that a 'metroticket train service operate Sunday to Saturday inclusive'. It also makes the following points:

> TransAdelaide has researched the provision of such a service and identified that the service will:

1. be environmentally sustainable and provide social inclusion to the Barossa region;

2. generate increasing and sustainable economic job growth;

3. reduce inequality of opportunities currently in place between the Barossa region and metropolitan Adelaide;

4. provide better access to important services such as health and education;

5. promote innovation and creativity by extending the current Metroticket service to the Barossa region;

6. extend further opportunities to South Australians in the Barossa region.

Further, such a project would align closely to the State Strategic Plan, according to the report and it would also see a 'flow on effect to the tourism industry'.

I note a recent newspaper article complaining that high petrol prices were seeing an end to day trips to the Barossa and the other tourist areas surrounding it, so a train service would definitely do something to rescue the Barossa tourist industry. My questions are:

1. Does the minister agree that his statements claiming no benefit in rail services returning to the Barossa are actually in conflict with the report from his own department?

2. If not, will the minister release the studies that he claims show that there is no benefit in resuming Barossa rail services?

3. Will the minister confirm whether or not his department or GWA are planning to actually demolish one of the historic railway stations on the Barossa line, and that is the Nuriootpa station?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:51): I will refer that question to my colleague the Minister for Transport but, again, I make the point that the current rail system in this state is totally antiquated, and there has been massive under-investment over many years. Some of the sleepers on the lines, so I am told, go back to the 1950s.

The first thing that has to be done to provide this city with a viable rail service—and this is the point made by my colleague the Minister for Transport—is that it has to be resleepered. All of our lines have to be resleepered. Secondly, of course, they need electrification for the reasons I gave yesterday. In those outer areas around the Barossa and the like, under the planning review recommendations, about 30 per cent of the city's new dwellings will be in greenfield development and the other 70 per cent will come from various forms of infill from high-rise in the city and more dense development along transport corridors.

That is where the bulk of the new dwellings will be provided. As I understand it, the line that now goes out to the Angaston Quarry, I think Penrice uses it; it is used once or twice a day. It is clearly not suitable; it is not up to the standards required for a passenger railway. For a length of railway on that line to serve a couple of towns with a few thousand people would require a massive investment.

As it is, this government is putting in nearly $2 billion over the next decade to upgrade our rail system and try to get it up to scratch, and that begins with concrete sleepering the existing rail line and then of course electrification. If one were to give priority to try to extend services now, what would happen is that the whole system would gum up once you got closer to Adelaide, because the system would not cope with it. As it is now, there are problems on our rail service, because the under-investment on the track for so many years, for so many decades has meant—

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

The Hon. P. HOLLOWAY: And the rolling stock is antiquated; yes, exactly, and that has to be replaced.

Perhaps honourable members might think for a moment how we would go trying to replace broad gauge diesel rail cars, and the answer is that it would be very hard. One of the benefits of the electrification, as I understand it, is that it will be much easier to purchase rolling stock, because the fact is that most modern urban rail transit is electrified. There would be very few diesel systems left in the world. We are probably one of the few places that has one.

That is why that investment has to be made, and that is why I fully support my colleague the Minister for Transport in his efforts to upgrade the transport system. It is just a tragedy that some of this investment was not made years ago. We have had the Leader of the Opposition in

another place going out saying, 'This is too late.' Well, where was he? Where was Mr Hamilton-Smith? He was a member of a government before the last election. Where was its investment in public transport?

In the past six years, until this government announced these benefits in its last budget, all he has done in public transport, and the only words you will find attributable to him, is criticism of the tramline extension. That is his only contribution to the public transport debate in the previous six years. I appreciate the honourable member's concerns—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Dawkins might contain his excitement.

The Hon. P. HOLLOWAY: The Hon. Dennis Hood asked a question voicing concerns in relation to this. What the government has to do is provide the priority. We have to ensure that every dollar we spend on our public transport system, given the massive underinvestment over so many years, provides the best return to the public. Given that in-fill and high-density development in established areas will provide 60 to 70 per cent of new dwellings in the city, it makes good economic sense to ensure that that gets priority. Obviously, in the future one would hope that, once the electrification of the line to Gawler is completed—

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

The Hon. P. HOLLOWAY: Something has to be first, and something has to be last. Your leader in the other place is saying that we should extend the rail line south. That is his policy. If you do that—

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

The Hon. P. HOLLOWAY: Let's just think about this. This government is spending $2 billion on rail investment, on electrification. What the member opposite is saying is that we should be doing the north first, but his leader is saying that we should be spending hundreds of millions of dollars (because that is what it will cost) on extending the line to Seaford. If you spend there, you cannot spend somewhere else.

Members opposite can argue about their priorities, but what they cannot say is that they will do everything at once, because that does not add up—and the public of this state know that it does not add up. I think that the Hon. Mr Dawkins should talk to the Leader of the Opposition in another place and work out exactly what their transport priorities are.

EMERGENCY SERVICES CENTRE, PORT LINCOLN

The Hon. C.V. SCHAEFER (14:56): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the emergency services centre at Port Lincoln.

Leave granted.

The Hon. C.V. SCHAEFER: Earlier this month, it was brought to my attention in the local press that the council had withdrawn its support for the MFS, CFS and SES centre, which was to be on land at Kirton Point. Council still supports the centre but at a different location. The Chief Executive of Port Lincoln council, Mr Geoff Dodd, is quoted as saying that the state government is not offering any compensation for the land, which has been controlled and developed by council. He said:

> Basically, they can't just ride roughshod over councils, and there may be a bit of a precedent here with ramifications wider than Port Lincoln that, if there are sporting and recreation grounds that councils do look after which are crown land, can the government step in and take them back whenever they see fit for their purpose? I think that communities should certainly be taken into account.

In a letter of reply to the council, the state's Fire and Emergency Services Commission states that there is no statutory entitlement for any community compensation. My questions are:

1. What new site has the minister or her department decided on for this badly needed facility?

2. Does she agree that, although there may be no statutory entitlement, there is a moral obligation to compensate communities that have cared for crown land for generations?

3. What is she going to do about it?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:58): The issue of building a new emergency services centre for Port Lincoln has gone on for very many years. Certainly, the government has made its intentions clear for quite some time. The site to which the honourable member refers, where the new emergency services centre will be built, is currently vacant and comprises old asphalt tennis courts that are in a state of disrepair. The site is overgrown with weeds and littered with rubble. As recently as December last year the government was advised that the council supported the use of this land. It is crown land, and it has been rededicated to me by the minister (Hon. Gail Gago). I do not need to emphasise in this place how important the new emergency services precinct is for Port Lincoln, and ensuring the best delivery of emergency services to the Port Lincoln community in the future.

As I said this morning when I was asked a question on radio, the crown land is there for the use of people. We are talking about a piece of disused crown land on which we are building a state-of-the-art emergency services community centre. We are not taking from the community: we are actually giving back to the community, and it is a very important piece of infrastructure for Port Lincoln.

The coronial inquest actually made a comment that, at the moment, emergency services are being delivered in very difficult circumstances. This is something that we recognise, and we have recognised it for several years. We have had ongoing discussions for several years. My priority always is to community safety. Again, this government wants to provide the community of Port Lincoln with a top-class emergency services facility. That has always been the plan, and we have been consulting for many years. So, it is disappointing at this stage to see that compensation is sought for what is, as I said, crown land which is being used for the community.

Certainly, the need to rededicate crown land on a regular basis occurs in emergency services because, in the past, for historical reasons, because the SES and the CFS are community-based agencies, often they have been on crown land under the care of council. So, this is really not at all unusual. I reiterate that this discussion, this debate, has gone on for many years, and my concern is always to see a safer community. I believe that is my duty of care.

EMERGENCY SERVICES VOLUNTEERS

The Hon. B.V. FINNIGAN (15:02): My question is to the Minister for Emergency Services. Is the minister able to provide any information about the progress of an important project within the emergency services sector where a number of parties are working towards a volunteer charter?

Members interjecting:

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:03): I thank the honourable member for his important question, and I am pleased that honourable members opposite read my media releases. On the afternoon of Tuesday 17 June, I was delighted to be joined at the signing of volunteer charters by the Premier, the Hon. Mike Rann MP, and my colleague the Minister for Volunteers, the Hon. Jennifer Rankine MP; the chief officers of the Country Fire Service and State Emergency Service; the President of the Country Fire Service Volunteers' Association, Mr Ken Schultz; the Chairperson of the State Emergency Service Volunteers' Association, Mr Warren Hicks; and members of the South Australian Fire and Emergency Services Commission Advisory Board.

It has taken two years to develop the volunteer charters, and this is because these documents actually mean something—a great deal of passion, enthusiasm and dedication has gone into the their drafting. The charters represent another step in what is a continuing process to recognise and celebrate our emergency services volunteers. They reiterate the government's commitment to consulting and considering the views, needs and interests of South Australia's emergency services volunteers.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I am glad I am being shadowed; at least he is on the ball.

The Hon. G.E. Gago: Very inspirational, really.

The Hon. CARMEL ZOLLO: He is very inspirational. Our charter builds on South Australia's protection for volunteers, which is provided under the Volunteers Protection Act 2001 and the South Australian Fire and Emergency Services Act 2005.

Members interjecting:

The Hon. CARMEL ZOLLO: It is always regrettable that those opposite simply are not interested when we talk about our volunteers. It is just very regrettable.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: Importantly, our state signed the Advancing the Community Together partnership agreement in 2003, which developed a whole-of-government approach to supporting volunteering in South Australia. The charters show a commitment on the part of all parties concerned to work in partnership with each other in the best interests of our emergency services volunteers. They provide a framework for an even closer working relationship among the volunteers, CFS, SES, the community and government.

One of the key principles of these charters is the recognition of the value of emergency services volunteers. Emergency services volunteers are an integral part of our state's emergency response capacity. They are committed and passionate about safety within their communities. Their contribution is invaluable. Importantly, they add to the social capital of their communities and contribute to building strong and resilient communities. They are an inspiration to others within a community when disaster strikes.

These charters will now hang in all the CFS brigades and SES units right around the state. They will also hang in our government offices and meeting rooms and will be a constant reminder to us of the partnership between volunteers and the community. Again, I thank the volunteer associations, the members of the SAFECOM advisory board and Volunteering SA for their assistance in bringing this important project to fruition.

SAFEWORK SA

The Hon. J.A. DARLEY (15:06): I seek leave to make a brief explanation before asking the Minister for Police representing the Minister for Industrial Relations questions in relation to SafeWork SA.

Leave granted.

The Hon. J.A. DARLEY: Recently I was informed of an incident which occurred in mid-2006, whereby a dog fell down the lift shaft in an occupied building at Port Adelaide. I am advised that the accident occurred after an old lift in a building was reinstated for use by a well known multinational elevator company. In these sorts of circumstances I am advised that SafeWork SA usually provides advice as to the level of work required before allowing the reinstatement of a lift.

The lift in question had old, manually operated doors. I am advised that a person and their dog used the lift to get to the top floor of the building, closing the doors of the lift behind them when they reached that floor. The lift was then apparently called to the bottom floor by somebody else in the building. When the person on the top floor returned to the lift in order to return to the bottom floor they were unaware that the lift had been called to the lower floor by another person.

My understanding is that when this does occur and the lift has been called to a different floor, the landing doors are supposed to lock so that nobody can enter. However, in this instance that did not happen, and the person on the top floor proceeded to open the landing doors. I am advised that the dog walked ahead of its owner, only to fall in the lift shaft. Unfortunately, the dog was killed. However, this could have ended much more tragically, had the person accompanying the dog also stepped forward only to find that there was, in fact, no lift there.

I am advised that this incident occurred as a result of the door locking system failure mentioned above, and that the contractor responsible for the maintenance of the lift sacked two employees over the incident. As I mentioned earlier, this accident is said to have occurred in mid-2006. I am advised that SafeWork SA is yet to take any action against either the owner of the building or the lift maintenance contractor in relation to the incident. My questions are:

1. Is the minister aware of the situation outlined above?

2. Can the minister advise whether SafeWork SA provided any advice as to the level of maintenance required before allowing the reinstatement of the lift in question?

3. Can the minister advise whether any action has, in fact, been taken by SafeWork SA with respect to the incident, and, if not, why not?

4. Will the minister seek further information from SafeWork SA regarding this incident?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:09): I will refer the Hon. Mr Darley's important questions to the Minister for Industrial Relations in the other place and bring back a reply.

MALTARRA ROAD FENCING

The Hon. T.J. STEPHENS (15:09): I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Housing, questions about a proposed six foot high fence for Maltarra Road, Munno Para.

Leave granted.

The Hon. T.J. STEPHENS: A constituent has been in contact with me recently about Housing SA's plans to erect a six foot high fence along the northern side of Maltarra Road, Munno Para. It has been reported to me that this move has been decided without consultation with the tenants in Maltarra Road and that the local MP has told constituents that it is government policy. Certainly, the constituents' immediate neighbours have not asked for, nor do they want, the fencing. I am also advised that some tenants of Maltarra Road have been asking for the dividing fence to be repaired for years and there has been no action, yet this 6-foot high fence (which tenants have described as a monstrosity) has been erected straight away. My questions are:

1. Has Housing SA consulted the residents of Maltarra Road?

2. Will the minister explain the reason for construction of the fence?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:10): I will refer the question to my colleague the Minister for Housing in the other place and ensure that the honourable member has a response.

MARINE PARKS

The Hon. J.M. GAZZOLA (15:11): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about marine research.

Leave granted.

The Hon. J.M. GAZZOLA: With planning and consultation well under way for South Australia's 19 marine parks—and I note the minister's active and positive role in the consultation process—it is important that the Department for Environment and Heritage have access to the very latest and best information on the marine environments we are striving to protect. Will the minister inform the council of the latest research into our marine environment?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:12): I am pleased to inform the council that planning for the state's 19 new marine parks is progressing well; and I know the honourable member has taken a great deal interest in the development of these very important parks. Of course, close community and industry consultation is extremely important to this process. As well as staff from the Department for Environment and Heritage, I have spent considerable time engaging our coastal communities. Just as important is hard scientific data gathered from possible marine park locations.

Therefore, it is exciting that scientists from DEH have been given the chance this week to use a $2.1 million submersible robot to reveal the mysteries of the ocean around the Sir Joseph Banks Group. The team will use the data collected by the robot to map and characterise the sea floor in the area. This information will help to form and contribute to the design of South Australia's 19 marine parks, one of which is likely to be located in this region.

As I speak the team is out in the water on the 104-foot SARDI vessel *Ngerin* which, I am told, means 'good fishing' in Kaurna. Already the team has completed four intensive surveys, covering distinct areas around 500 by 200 metres—which is quite an intensive process. The team is enjoying the experience, and I am sure it will yield some very important results about these hidden environments once the team is back on dry land and able to analyse and scrutinise the data.

The technology being utilised is quite remarkable. The 200-kilogram submersible robot is capable of automatically avoiding obstacles and travelling to depths of up to 700 metres. It is equipped with a range of monitoring equipment, including sonar audio and video, temperature gauges and depth sensor, and is able to complete high resolution survey work. The advantage of using the robot is that it will generate very detailed information from areas where it is difficult to dive and over larger areas than divers could cover. It is a great opportunity to use very sophisticated equipment to which we do not normally have access.

This current research commission is one of two South Australian projects to win the annual contest run by the nationwide marine pool of resources known as the Integrated Marine Observing System (IMOS) and gives the scientists the extraordinary opportunity to use an autonomous underwater vehicle. SARDI has also won the opportunity to investigate areas of the Great Australian Bight, which I am sure will reveal some remarkable data about this global icon. I wish the crew well, and I look forward to utilising the data it collects in completing the plans for our 19 marine parks.

MARINE PARKS

The Hon. J.M.A. LENSINK (15:15): As a supplementary question, in relation to any of the research taking place for marine parks, will the minister advise whether there is an intention to survey penguin colonies that may feed in marine parks?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:15): I have been advised that very extensive and intensive research has been going on now for a number of years, which I understand involves particularly those areas that are potentially of high environmental value and particularly those species, both fauna and flora, that are endangered or threatened, as well as those colonies that are important to our marine environments. In terms of the specific colonies that are being investigated, I do not have that detail with me, but I am happy to take that on notice and bring back a response.

POST-TRAUMATIC STRESS DISORDER

The Hon. SANDRA KANCK (15:16): I seek leave to provide an explanation before asking the Minister for Police, representing the Minister for Veterans' Affairs, a question about treatment for veterans suffering from post-traumatic stress disorder.

Leave granted.

The Hon. SANDRA KANCK: Post-traumatic stress disorder (PTSD) involves the development of characteristic symptoms following exposure to an extreme traumatic stress disorder. The traumatic event could be experienced on active service in a war zone or in a workplace, such as a bank or service station when an armed robbery takes place; it could be a rape; or it could involve being trapped by fire. MAPS—the Multidisciplinary Association for Psychedelic Studies—is a US-based non-profit research and educational organisation which assists scientists to design, fund, obtain approval for and report on studies into the risks and benefits of the therapeutic uses of MDMA, psychedelic drugs and marijuana.

It has had excellent results from trials of MDMA on former serving US and Israeli soldiers suffering from PTSD. Roughly 4 per cent of US soldiers returning from wars in Afghanistan and Iraq suffer PTSD. In turn, they make up 8 per cent of health claims to the Veterans Affairs' section. It is expected that, over the next 50 years, they will cost the US taxpayer $100 billion because one-third of these PTSD sufferers will be unemployable. Dr Ben Sessa of Bristol University's Psychopharmacology Unit told Britain's *Sunday Times* on 4 May this year that the use of MDMA for severe, unremitting PTSD sufferers could be a lifeline. My questions to the minister are:

1. What numbers of veterans in South Australia are experiencing PTSD?

2. Is he aware of the international scientific research that has investigated the use of methylenedioxymethamphetamine (MDMA) as a treatment for PTSD?

3. Does he consider that the supervised therapeutic use of MDMA holds promise as an efficacious treatment for PTSD; and, if so, will the government support clinical trials of pharmaceutical MDMA as a treatment for PTSD?

4. Will he approach the Centre for Military and Veterans' Health at the University of Adelaide to suggest a local trial of MDMA for veterans suffering from post-traumatic stress disorder?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:19): I will pass those questions onto my colleague the Minister for Veterans' Affairs in the other place, although I imagine that most of those statistics would be held by the federal department rather than the state department, but I will —

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

The Hon. P. HOLLOWAY: Well, exactly, but that is a federal department. Anyway, I will refer those questions to my colleague in another place and bring back a reply.

ANSWERS TO QUESTIONS

WASTE STRATEGY

In reply to the **Hon. J.M.A. LENSINK** (14 November 2007).

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

The report entitled 'Benefit cost analysis for South Australia's waste strategy' is available on the Zero Waste SA web site together with a peer review report and a Zero Waste SA explanatory paper.

PORT NOARLUNGA AQUATIC RESERVE

In reply to the **Hon. J.M.A. LENSINK** (25 July 2007).

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

1. The Adelaide and Mount Lofty Ranges Natural Resources Management Board (AMLR NRM Board) established the Christie Creek Taskforce in late 2005. The City of Onkaparinga is represented on the taskforce.

The role of the taskforce is to engage and work with the community and other stakeholders oversee and to provide advice to AMLR NRM Board on the development and implementation of integrated natural resource management strategies for the Christie Creek catchment. In particular, a key focus has been minimising impacts on the catchment and the coast and marine environment.

The government is also engaged with the City of Onkaparinga on the Water Proofing the South project. It is anticipated that the project will increase the reuse of recycled water in the Onkaparinga region and help reduce the volume of stormwater and effluent discharged to the gulf.

2. Adelaide's Living Beaches strategy covers the continuous stretch of sandy metropolitan coastline, from Kingston Park (Kingston Park headland) in the south, to North Haven in the north.

Adelaide's Living Beaches strategy focuses on the management of the continuous sandy beach system. Port Noarlunga aquatic reserve is outside of the continuous sandy metropolitan coastline, and subject to different coastal process, and is therefore not covered by the strategy.

WINE INDUSTRY

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:20): I lay on the table a ministerial statement in relation to the incredible success of the South Australian wine industry made today by the Minister for Agriculture, Food and Fisheries.

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

Consideration in committee of the House of Assembly's message (resumed on motion).

(Continued from page 3425.)

The Hon. M. PARNELL: It will be no surprise to members that I am very disappointed that the government has not seen fit to support these sensible amendments to offer an ethical superannuation choice to police officers and other public servants. I am also very disappointed that the Liberal Party has capitulated and backed away from the principled stance it took just a few

weeks ago. To comment on the opposition's position, it says that our insisting on these amendments is holding up other important reforms in the police superannuation bill and that there is the potential for some police to be disadvantaged if this bill is unduly delayed. I understand that position. However, the other way we can ensure the legislation goes through is to keep up the pressure on the government to pass these sensible amendments.

The point still remains that we would not need these amendments or this legislation if Funds SA and Super SA simply acceded to the wishes of what is quite clearly a majority of fund members who want this opportunity for ethical investment. The government keeps referring to the low demand for ethical superannuation schemes. I am starting to get tired of the government hiding behind the excuse that there is low demand. I remind members of the evidence that has already been presented in summary form.

First, we have had petitions tabled in this place. On 3 April I presented a petition signed by 354 residents of South Australia concerning ethical superannuation choices, and the petitioners prayed that this council call on the government to instruct Super SA to offer an ethical superannuation option for all its fund members and instruct Super SA to commission a review of its major investment portfolios to explore opportunities of investing in ways that exhibit greater social responsibility and that result in more positive outcomes for our environment, society and economy. I note that the actual number of signatories to the petition was 470 public servants. However, 116 of those were not accepted because they put their work addresses rather than their home addresses on the petition.

I am also aware of an online petition started by a worker at TAFE, and that had hundreds of signatures from public servants. I know through freedom of information requests I have lodged that at least 50 people made contact with the Treasurer's office or with Super SA asking for an ethical superannuation option up to November last year, so that was before there was any further publicity in relation to the principled stance the upper house had taken. I also remind members that there was a survey of Super SA members, and I will outline what the survey found. Under the Freedom of Information Act, again I tried to find out where the real blockage was in the provision of an ethical superannuation option, so I obtained the survey results that had been collected on behalf of Super SA.

The survey, which was conducted in March and April 2007, was called 'Satisfaction Research' and was conducted by MRD Research Pty Ltd, and it produced the following results. First of all, they sampled members of the Triple S super scheme, and the sample size was 2,678 members. Anyone who is familiar with market research would know that that is a reasonable sample size. The question people were asked was: would you choose to invest your super in socially responsible investments if that option were available to you? The result of the survey was that 828 people, or 31 per cent of the sample size, said yes, they would choose to invest if that option were available to them; 10 per cent said no, they would not; and 58 per cent said maybe. So, 89 per cent of people answered 'yes' and 'maybe' and said they were interested in a super ethical option.

To show that that option was not just a fluke, another survey was undertaken involving members from a different public fund, and it was done around the same time. Members of the Super SA Lump Sum Scheme were surveyed, and the sample size was 423 (so it was a smaller sample). The question posed was: would you choose to invest your super in socially responsible investments if that investment were available to you? The result was that 34 per cent said yes, they would; 10 per cent said no, they would not; and 54 per cent said maybe. So, they were very similar results. In that case 88 per cent of people were in the 'yes' or the 'maybe' category. So, clearly, there is a massive demand among public servants for an ethical superannuation choice.

I also have to remind members that the police, as well as members of parliament and public servants and all other Super SA members, do not have any choice about which fund their superannuation money goes into. They do not have the same superannuation choice that other workers in society have. They cannot vote with their feet; they cannot choose to use a different fund. So, what do they do when the fund they are forced to invest in refuses to provide them with an option that is increasingly a standard option in many other funds?

So, I do not think it is good enough for the minister to just say 'We haven't done it because no-one representing members has asked for it.' The minister did say (and I agree with this) that we have debated it at length on other occasions, but it seems to me that this clear evidence, which has been put on the table before, is being ignored. The minister said this morning:

It [the government] would obviously like to see some broader indication of support through relevant employee groups; for example, if the PSA and other groups were to approach the government in relation to this.

Really, this is code for the government saying, 'We may do it at some stage in the future—maybe.' I have to say that we have heard that before but, at the end of the day, nothing has happened. I have been writing to the Treasurer for some time, and I am fobbed off when I write. Other members have written as well and have been fobbed off. So, it seems to me that the government is refusing to take this issue seriously. The rhetorical question is: what do we as a parliament say to these people who want this ethical superannuation option now and we are going to deny it to them?

As I have said, the only reason I have been forced to bring amendments like this forward is that the Treasurer and Super SA have refused point blank to do anything about this. I am prepared for these amendments not to be insisted upon, but what I need is an ironclad guarantee from the government that it will ensure that an ethical superannuation option is offered. I need that guarantee, and I need the time frame, and I need the government to say that it has listened to the members of this fund. Super SA could do this tomorrow, and we do not need to go down this legislative path but, clearly, without those guarantees, I think the Legislative Council should insist on these amendments.

I want to ask the minister some questions about that, and my first question to the minister is: does he accept that there is a significant demand from Super SA members for the provision of an ethical option?

The Hon. P. HOLLOWAY: The honourable member mentioned a statistic, and I think he said that something like 30 per cent of members had expressed an interest in these sorts of funds if they were available. However, the experience (and I recounted this advice during the committee stage of the bill) is that only about 1 per cent of people tend to take this up. That is the known experience from other funds.

While I am on my feet, because the honourable member did ask for some commitment, I will read out the comments that the Treasurer made when he debated the bill in the other place. He said:

We would possibly give consideration to having a product available for members should they want a particular ethical fund but, given the problems in creating an ethical fund (by definition, what is ethical and what is not) and given that the success of Funds SA and the whole scope of merging various funds into Funds SA is to give us some scale for purchase—remember, Funds SA is a manager of managers and we have conservative, growth, balanced and cash funds—to try to configure an ethical fund from the available products is not something that I am particularly keen on doing.

Having said that, I am looking at whether or not we can make a product available through Super SA, whether there are options available to us, so short of creating such a product ourselves, we are looking at whether or not we can contract with a current provider of an ethical fund that can be utilised or purchased through Funds SA or Super SA.

That is as far as I can go in relation to undertakings. I am certainly not going to give time frames but, clearly, the Treasurer has indicated that the government is looking at the option of providing members of Super SA with an ethical alternative.

The Hon. M. PARNELL: I thank the minister for that response, but I have to say that I am still not happy. He read from the Treasurer's statements which can be summarised as, 'We are looking at it.' Earlier he said 'possibly give consideration to.' The sorts of undertakings that I thought would assist me in not pushing for these amendments would be certainly stronger than that. If we cannot get assurances now that this option will definitely be made available to public servants, is the government willing to allow Super SA members to leave Super SA and place their money elsewhere, perhaps in a fund that does offer an ethical option?

The Hon. P. HOLLOWAY: The honourable member's question is part of a much broader choice of fund issue. My advice is that the current fund, Super SA, has an exemption from those choice of funds provisions, so that does not apply at this stage. As I said, those issues are part of a broader debate that will be had.

The Hon. M. PARNELL: I thank the minister for his answer, but it does not satisfy me. I know that this issue has been on the agenda for years. I have put it on the agenda at every opportunity when superannuation has been debated in the two years that I have been here and, really, I think that our public servants deserve to be treated with more respect and to have their wishes acceded to. It is not that hard. It would be easy for Funds SA or Super SA tomorrow to go out into the market and to purchase off the shelf one of the recognised ethical superannuation options and offer it to members.

Later, we will be debating a bill on local government superannuation where there is an ethical option, and it outperformed the standard option. We are not talking about charity here: we are talking about giving people an option to make money for their retirement through their superannuation funds in an ethical way. I conclude by asking the committee to insist on our amendments.

The committee divided on the motion:

AYES (18)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Evans, A.L.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Holloway, P. (teller)	Hood, D.G.E.
Hunter, I.K.	Lawson, R.D.	Lensink, J.M.A.
Ridgway, D.W.	Schaefer, C.V.	Stephens, T.J.
Wade, S.G.	Wortley, R.P.	Zollo, C.

(NOES (2)

Kanck, S.M.	Parnell, M. (teller)

Majority of 16 for the noes.

Motion thus carried.

SUPPLY BILL 2008

Adjourned debate on second reading.

(Continued from 18 June 2008. Page 3403.)

The Hon. R.D. LAWSON (15:40): I rise to support the passage of the Supply Bill, which will appropriate the sum of about $2.3 billion from the Consolidated Account for the Public Service of this state for the year ended 30 June 2009. It is to be applied during the period until the Appropriation Bill is passed, and I certainly look forward to the debate on the Appropriation Bill. I will not canvass the number of issues that will arise in the context of the bill when the government's current budget will be torn apart. It is already falling apart under the weight of informed criticism.

I think there are a number of issues that are particularly disappointing. One is the fact that, despite significantly increased revenues flowing from the GST and from higher taxes and charges imposed upon the South Australian community, this government, despite its rhetoric, is failing to invest in a number of significant areas, particularly in the area of the provision of services to the courts. It is all very well for the government to say that over the next four years money will be applied to reopen two courts in Sturt Street and that judges will be appointed to replace those who are retiring, but the fact is that the delays in our courts are still unacceptably long. The fact is that this government ought to be spending money refurbishing facilities in the existing courts.

The Chief Justice and his fellow judges had the temerity to suggest that the old Supreme Court building in Victoria Square—in which the judges have their chambers and the court staff work—requires significant new investment to bring it up to date! The building is actually a disgrace. The facilities are not only for the judges and their staff but also for the public, and they are disgracefully inadequate. When the Chief Justice and the judges raised their concerns, what did they get from this government—a sympathetic response? No, they got a mouthful of abuse, namely: 'We are not going to fund some new Taj Mahal.' It was as though the judges were seeking the investment of significant funds for their own comfort and for no benefit to the community—a Taj Mahal!

Members of the judiciary well know the sort of abuse you get when you express a view which is inconsistent with that of this particular government. The Deputy Chief Magistrate, Dr Cannon, has this week aired a view that some might agree with and some might not, but what did he get in response? He got a mouthful of personal abuse and denigration from the Attorney-General. He might say that the Deputy Chief Magistrate is one judicial officer. The Chief Justice is, of course, a far more elevated officer, but he gets exactly the same thing: he is told that he is after a Taj Mahal. It is a deplorable state of affairs, and it is actually disgraceful. The Premier and his government ought to be ashamed.

What we do see this government always going for is the big announcement to endeavour to get the political heat off itself. I think a perfect example is the Adelaide Entertainment Centre.

The Adelaide Entertainment Centre is a popular facility, which has been running quite well. In fact, in recent times—and certainly in the past year—it has been doing very well. It is a good facility. It has 900 car parks and holds about 250 wedding events—and other like events—in addition to the 60 or so major concerts held there every year. The government has been steadily flogging off the land around that facility, most recently to the Kerry Stokes-owned Channel 7, of the strategic site on the very corner of Port Road, thereby diminishing the car-parking facilities.

So, what does the government do in relation to a facility of this kind? It announces that it is going to spend $50 million on the Adelaide Entertainment Centre. A lot of people would think that that is quite a good idea, that it will be money well spent but, when you look at the economic justification for expenditure of that kind and look at the figures, you will notice that the situation is entirely different. If you look at the Auditor-General's Report for last year, he states:

> The Corporation reported a net loss for each of the past three years. This reflects the impact of depreciation expense upon the Entertainment Centre building.

The viability of the centre is being diminished by reason of heavy depreciation charges on the building. So, what do you do? You spend $50 million to improve it. What does that do? It, of course, increases immensely the depreciation charge, the very lead in the saddles of this organisation. The $50 million will result in what are called 'major facility enhancements': construction of a small live entertainment venue, expansion of patron services around the existing building, and the development also of a Port Road drop-off and pick-up point.

These things, no doubt, are intended to increase the usage of that facility, including the daytime usage, and will thereby reduce the available car-parking spaces available. On the other hand, the government is saying, 'We are going to extend the tramline from North Terrace to the Adelaide Entertainment Centre because people can't park there and this will be a good way for people to get there.' Indeed, during the daytime it will be used as a 'park and drop' facility, so that people can park their cars at this particular place.

So, at the one time we are spending a vast amount of money to extend the tram track to a facility, and the car-parking facility to make the 'park and drop' system work is being reduced. This is populism at its best. There has been no planning study. We heard Mr Rod Hook on the radio this morning saying that this tramline will be going down Port Road and across the bridge by the police barracks. A four-lane bridge which carries the highest volume of traffic in South Australia every day will now have a tramline on it as well, thereby further increasing congestion in that area.

You have a facility that we are spending $50 million on to create more opportunities, to have more people there on more days, and you are actually diminishing the car-parking area and it will not be used as a 'park and drop' facility. There does not seem to be any rational planning behind this decision other than the desire to extend a tramline that the government regards as iconic and to appeal to popular opinion: opinion which, unfortunately, will not be well informed on the cost benefit analysis, if indeed any cost benefit analysis has been done, and if indeed there has been any business case of the Adelaide Entertainment Centre to indicate that an additional $50 million of expenditure would be a wise investment of public funds.

We see the Adelaide Entertainment Centre advertising in a prominent position in last weekend's *Advertiser* about its wedding and reception facilities. One might say that is great, but many private investors in South Australia are running wedding reception venues. They are not getting the benefit of a $50 million handout to have their premises updated. They are competing against a massive government enterprise. They are not getting these sorts of breaks. They are not getting tramlines running to their front door to enable them to compete effectively against this government behemoth.

This government in so many ways shows that it has lost its way. Its priorities are not about solving the problems of the community but, rather, about solving the political problems of the Rann government by endeavouring to show that it has some sort of vision and plan for the future when, clearly, it does not. They are ad hoc announcements for an immediate headline.

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

ROAD TRAFFIC (HEAVY VEHICLE DRIVER FATIGUE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April 2008. Page 2530.)

The Hon. S.G. WADE (15:52): This bill enables the adoption in South Australia of the model heavy vehicle driver fatigue legislation and model compliance scheme regulations. I do not propose to respond in detail to the legislation, because members of the opposition in the other place have done so. I want to put on record a couple of questions which I appreciate may not be answered before the bill passes, but I would appreciate receiving the information when it might be available.

The bill is part of a series of measures to improve safety in heavy freight movements. In that context I note that the roadside rest area strategy for South Australia has an allocation of $10 million, with an annual allocation for both the past financial year and the current financial year of $2.5 million. I understand the strategy is due to complete in 2011.

According to the budget papers, implementation of the roadside rest area improvements on long distance state arterial roads within the strategy is consistent with national standards. What are the national standards? What were the number of roadside rest areas before the strategy was launched? What is the target under the strategy? What is the progress to this point compared with the target to this point?

I also ask the minister to outline the application of this legislation on primary producers who primarily operate vehicles on private land and who may need to incidentally travel short distances on public roads during their work. In relation to any intended exemptions for primary producers, I ask whether the procedures under the legislation for exemptions to expire will apply to those exemptions, as well. I understand that the exemptions will be reflected in regulation, and I would seek confirmation of that fact. In particular, I am interested in the situation of primary producers who operate heavy vehicles across an area, for example, contract harvesters or primary producers operating two or more properties which are separated by significant distances.

The Hon. R.P. WORTLEY (15:55): I rise today to speak in support of this bill, which has a great personal significance for me. This bill enables the adoption in South Australia of model heavy vehicle driver fatigue legislation and model compliance scheme regulations relating to trucks with a gross vehicle mass exceeding 12 tonnes and buses seating more than 12 adults, including the driver. This bill is significant to me on a number of levels. It is significant to me because, as a member of the local, state and national communities, I am well aware of the devastating damage to lives and futures caused by heavy vehicle crashes, which statistics reveal are often fatigue related.

I speak not only of the heavy vehicle drivers but also of the other road users who may be caught up in one of these tragic events. I speak of the families, friends and colleagues and the employers of all those involved, and of the reverberations felt throughout the community when one of these events occurs—sadly, all too frequently. This bill is significant to me because, in my nine years as a member of the Federal Council of the Transport Workers Union of Australia, I participated in the development of many of the initiatives which are contained in this bill today. I know that the Transport Workers Union regards safety as a very significant priority for its members and the public.

Its federal office works tirelessly with various federal industry associations, governments and the various state branches. The South Australian branch in particular has worked for many years trying to get protection for drivers and the community with regard to driver fatigue. This bill is significant to me as a member of this council. Road safety is of the highest priority to this government, and I am pleased to have the opportunity to express my support in that context for the measures I am about to discuss. First, may I say that the magnitude of the transport sector in the 21st century can be readily imagined—if not nearly encompassed—by way of even a brief consideration. We live on an enormous continent with cities, regional centres, towns and communities, often separated by massive distances. Conditions are often harsh.

The transport task in a global economy where operations take place 24/7 is extraordinary. As has been pointed out already, it is estimated that the transport and storage industry contributes 4.8 per cent to the economy, accounts for 3.8 per cent of the workforce in South Australia and supports a huge and diverse range of industries. As has been mentioned, the road transport sector employs more than 2 per cent of the workforce, and it is expected to grow exponentially, with the transport task anticipated to double in the period 2000-20. More and more frenetic transport events mean more and more opportunities for close shaves, accidents and even fatalities, but let us hope that our retail industry does grow. It is all good for jobs, employment and for the future of this state.

The Hon. R.D. Lawson interjecting:

The Hon. R.P. WORTLEY: I know that it would upset the honourable member to think that the Shop Distributive and Allied Employees' Association might grow, but that is all about employment and growth.

The Hon. R.D. Lawson interjecting:

The Hon. R.P. WORTLEY: I know that it might upset the honourable member, but people on this side of the chamber would be happy if it doubles in size in that time. Fatigue is a major element in so many of these events. According to research carried out in my office, fatigue is now acknowledged world wide as the main cause of accidents in the transport sector. The commonwealth House of Representatives inquiry into managed fatigue released its report 'Beyond the Midnight Oil' back in October 2000, but its terms still inform debate today. The report provides a useful definition of 'fatigue' derived from a number of sources. The report states:

> ...fatigue is the result of inadequate rest over a period of time...[and] that fatigue leads to physical and mental impairment.

Two types of fatigue are postulated in the report. Acute fatigue is short term and is experienced as a direct consequence of activity, such as strenuous exercise or intense mental concentration. Chronic fatigue, and I do not refer to the medical condition, is defined as a cumulative state of tiredness and decreased alertness, and is more severe and long term than acute fatigue. Interestingly, the UK Committee on Flight and Time Limitations, whose report is quoted in the commonwealth inquiry report, supported the concept of fatigue that I am talking about today. The committee said:

> Whilst tiredness may develop into fatigue, it differs from it in that a tired person can quickly be aroused to a high level of performance. We have come to consider fatigue as a markedly reduced ability to carry out a task. It is a condition of reduced performance from which there is no certainty that a person can be aroused in an emergency, even when considerable stimulus is present. Put simply, this level of fatigue can only result in an inadequate response to circumstances of sudden danger for a heavy vehicle driver and/or other road users.

The UK committee's words need only be considered in conjunction with the mass, rigidity and velocity of a heavy vehicle to result in mental images with which we would be all too familiar.

On a related note, members may be interested to know that the fatigue expert group was set up jointly by the National Road Transport Commission, the Australian Transport Safety Bureau and the New Zealand Land Transport Safety Authority. This group constructed evidence-based principles for regulatory options. It noted, even back in 2001:

> The management of driver fatigue is not a matter for operators and drivers alone...the chain of responsibility—

and I will mention again that the Transport Workers Union of Australia had a significant amount of input into the chain of responsibility provisions—

> are designed to highlight that on-road performance is closely related to decisions made by customers, consigners and loaders. Competitive pressures, payment systems, contracting arrangements and even the unintended consequences of the current driving hours regime combine to create an environment in which fatigue has become an accepted part of industry practice.

These words are very prescient indeed. In its 'Reform Evaluation Survey on Driver Fatigue—a National Study of Heavy Vehicle Users', the National Transport Commission stated:

> Heavy vehicle driver fatigue reform shifts the focus from the driver to a range of other roles within a company. These roles are responsible for management and safety practices, for example, scheduling with the ability to manage driver fatigue precursors, such as opportunity to sleep, time of day influences and the cumulative nature of fatigue and sleep loss. The aim of this reform is to improve road safety through the implementation of company policies and practices.

The NTC continued:

> This reform will affect all parties in the road transport supply chain, including: freight forwarders; shippers; stevedores; loaders; schedulers; distribution centres; unloaders and prime contractors; and third parties, such as consignees and major consigners of goods, including manufacturers, farmers and retailers, among others, who exert influence and can affect compliance with road safety regulations.

It is within the dual and related context of driver fatigue and widescale reform that I turn to the Road Traffic (Heavy Vehicle Driver Fatigue) Amendment Bill. These provisions are soundly based on expert advice and represent the accord between the Australian Transport Council, the National Transport Commission, jurisdictional transport agencies, unions and the heavy vehicle transport industry. Adopting the model legislation will bring South Australia into alignment with other

jurisdictions in the administration of the scheme. Its implementation will introduce a three-level approach to fatigue management.

Heavy vehicle operators may choose standard hours, as set out in the provisions, or choose between basic and advanced fatigue management, which allow for scaled flexibility of work and rest hours for those with systems and protocols to manage fatigue risk. There will be new provisions for bus drivers and two-up operator teams to meet both fatigue management and productivity imperatives. The provision of safe rest areas, with appropriate facilities for heavy vehicle drivers on major transport routes in all states, is crucial to the operation of this legislation.

It is on this proviso that unions and industry are supporting the implementation of this legislation. The government has provided significant resources for its roadside rest areas initiatives and, as members are aware, the budget handed down recently included major new investments in road infrastructure to create safer and more efficient road systems and freight routes.

The government is committed to improving road and workplace safety. The safer and fairer system and the more effective enforcement and improved industry efficiency that will result from the cross-jurisdictional implementation of these provisions will benefit stakeholders and the broader community, as well as achieving the transport task. The product of significant concern and goodwill right across the transport sector, the bill represents a very pleasing level of cooperation and consultation between those stakeholders.

Again, I particularly mention the Transport Workers Union's sustained efforts to arrive at an outcome that provides greater equity within the heavy transport industry, as well as enhanced regulatory consistency between jurisdictions. I commend the bill and look forward to bipartisan support for its terms.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:06): I thank the Hon. Mr Wade and the Hon. Mr Wortley for their contributions to this important bill. The Hon. Mr Wade raised a couple of issues, and I undertake to provide a written response to him in relation to those matters he raised. I thank members for their support.

Bill read a second time and taken through its remaining stages.

SUPPLY BILL 2008

Adjourned debate on second reading (resumed on motion).

(Continued from page 3443.)

The Hon. R.I. LUCAS (16:09): I rise to indicate my support for the second reading of this bill. There are really only about three issues I want to raise in my contribution. We will have an opportunity in about a month or so to debate the more substantive Appropriate Bill, and we can all, if we so choose, speak at greater length on that occasion.

I want to address two or three of the key issues that relate to the Supply Bill and to the state budget's position. In doing so, I want to refer to a statement the Treasurer made on 10 June this year on ABC Radio.

Indeed, I am sure all South Australians would welcome the fact that both the Treasurer and the Premier have put their dummies back in and are now again being interviewed by Matt Abraham and David Bevan on ABC Radio, having spat the dummy and refused to be interviewed for somewhere between 12 and 18 months. On 10 June, in a sort of general attack on the former Liberal government, the Treasurer said:

> ...all through the eight years of the Liberal government they borrowed money, racked up debt.

Then further on he said:

> ...the debt we will have in...four years' time, in 2012 will be not that much larger than what I inherited from the Liberal government when I took office, in which I paid down...

I seek leave to have inserted in *Hansard* without my reading it a purely statistical table which is Appendix B page B.8 of Budget Statement, Budget Paper 3, headed 'Table B9: Non-financial public sector key balance sheet aggregates'.

Leave granted.

Table B.9: Non-financial public sector key balance sheet aggregates ($ million)					
As at 30 June	Net debt [a]	Unfunded[b] Superannuation	Net Financial liabilities	Net financial worth	Net worth
1988	4 397				
1989	4 197				
1990	4 457				
1991	5 418				
1992	8 142				
1993	11 610				
1994	10 550				
1995	8 844				
1996	8 432				
1997	8 170				
1998	7 927				
1999	7,658	3 909	13 099	-12 258	10 622
2000	4 355	3 543	9 914	-8 986	12 445
2001	3 223	3 249	8 152	-7 109	14 816
2002	3 317	3 998	8 973	-7 902	14 721
2003	2 696	4 445	9 096	-8 811	15 288
2004	2 285	5 668	10 031	-9 550	15 760
2005	2 126	7 227	11 511	-11 004	16 359
2006	1 786	6 146	10 451	-9 889	19 703
2007[c]	1 989	5 075	9 518	-8 795	22 128
2008[d][e]	2 029	6 910	10 902	-11 169	21 682
2009	2 776	6 992	11 761	-11 969	22 425
2010	3 804	7 062	12 934	-13 096	23 361
2011	4 849	7 120	14 185	-14 374	24 320
2012	5 230	7 164	14 739	-14 900	25 427

(a) Net debt data for the years up to and including 1998 are sourced from the *Australian Bureau of Statistics, Government Financial Estimates 2003-04* (catalogue number 5501).

(b) There is a structural break in the methodology used to calculate superannuation liabilities between June 2003 and June 2004. This accounting change, which involved the adoption of the Commonwealth Government bond rate for valuation purposes in line with the accounting standard on employee benefits, resulted in a significant increase in superannuation liabilities.

(c) There is a structural break in 2007 reflecting the amalgamation of SAFA and SAICORP on 1 July 2006. The transfer of SAICORP'S assets and liabilities from the general government sector to the public financial corporations sector resulted in an increase in non-financial public sector net debt of $99 million at 1 July 2006 and an increase in net financial liabilities of $90 million at 1 July 2006.

(d) There is a structural break in 2008 reflecting the amalgamation of the South Australian Community Housing Authority (PFC) with the South Australian Housing Trust (PNFC). This results in an increase in net debt and net financial liabilities and a decrease in net financial worth of $98 million in 2007-08, with no impact on net worth.

(e) There is a structural break in 2008 reflecting the first time recognition on the general government balance sheet of South Australia's share of the net assets of the Murray-Darling Basin Commission. This has no impact on net debt, however results in a reduction in net financial liabilities of $615 million in 2007-08, and increases in net financial worth and net worth of $615 million.

The Hon. R.I. LUCAS: This table shows, among a number of other aggregates, the net debt levels in the non-financial public sector which is in essence a combination of the general government sector which is the narrowly-defined budget sector and the non-financial public corporation sector, which includes organisations and agencies like SA Water, TransAdelaide, West Beach Trust and a variety of other similar agencies.

The table shows that in 1993, when the former Labor government left office and the former Liberal government came into office, the net debt levels in the non-financial public sector were

$11.6 billion. On 30 June 2001, at the end of the last financial year before the change of government in March 2002, that $11.6 billion figure had been worked down to $3.2 billion, a reduction of almost $8.5 billion dollars in the level of net debt in South Australia. I repeat the quote that I gave earlier. We have the Treasurer going on morning radio saying:

> ...all through the eight years of the Liberal government they borrowed money, racked up debt.

That statement was clearly untrue. Not only did we not rack up debt: we actually paid off debt to the tune of $8.5 billion dollars, and it was reduced from $11.6 billion down to $3.2 billion in the last year of the former Liberal government. Given that the receipts from the electricity sale and privatisation were approximately $5 billion, it was not just the proceeds from the difficult decision on the electricity privatisation that meant we were able to reduce the level of net debt in South Australia.

This is a sad testament to this government that, from the top down, from the Premier to the Deputy Premier, we have them on morning radio or in any sections of the media, just blithely making untrue statements all over the place. It is not always possible for working journalists to be able to immediately pick up on the Premier and the Deputy Premier and others when they make these untrue statements, for example, that for the whole of the last eight years of the Liberal government we were racking up debt during that particular period.

The Treasurer then went on to say that the debt he will have in four years will be not that much larger than what he inherited. Well, it is actually going to be about $2 billion larger. I am not sure what the Treasurer's definition of 'not that much larger' really is. To me, $2 billion sounds like a lot of money. It is approximately a 60 to 70 per cent increase in the levels of net debt.

As of 30 June 2007, the net debt level was $1.9 billion in South Australia, and the position in 2012 is estimated to increase to $5.2 billion. In fact, it is not an increase of $2 billion: it is an increase of $3 billion which, in percentage terms, is an increase of not 60 or 70 per cent but probably 100 or 160 per cent. It is a very significant increase in the level of net debt in South Australia.

Again, the Premier and the Treasurer are out there in the media making untrue statements, saying, 'We're not actually increasing debt by much at all, and the debt we'll have in four years won't be that much greater than that we inherited.' In relation to the $2 billion, it is not the level of debt he now has; it is the level of debt he inherited, which was $3 billion at that time. His argument is that it is going from $3 billion to $5 billion.

So, when you compare the net debt in four years ($5.2 billion), it is an increase of just over $2 billion on the debt he inherited in 2002, and it is an increase of $3 billion on the debt he currently has ($1.9 billion). On both counts, the Treasurer has not been making truthful statements to the media in relation to the critical issue of net debt figures.

The issue of net debt is important, and I think it is fair to refer to the statements issued by Standard & Poor's. As a former treasurer, I have had some experience with the normally cautious language used by ratings agencies when they comment on state finances. They are not prone to hyperbole or exaggerated and emotional statements. Generally, they undertake a dispassionate and independent assessment of the financial position of the various states. A statement, issued this year after the state budget on 5 June, certainly confirms in the first instance that the budget announced is consistent with the AAA rating and the stable outlook already assigned to the state. It states:

> As in the other Australian states, South Australia's net debt is rising so that it can fund capital expenditure projects. Indeed, whole of government net financial liabilities as a proportion of revenue are forecast to grow to 79.3 per cent in the year to 30 June 2012 from an expected 66.9 per cent in 2008. The 2012 debt forecast is close to what was recorded by South Australia when its credit rating was one notch lower.

This is a clear warning sign from a normally cautious ratings agency. I repeat: the 2012 debt forecast ($5.2 billion) is close to that recorded by South Australia when its credit rating was one notch lower than the AAA credit rating. It continues:

> Since then, South Australia's economy has become stronger and more diversified; however, it will become more difficult for the state to retain the current rating if it exceeds its debt level forecasts.

When one looks at recent credit rating reports by Standard & Poor's, this is a clear shot across the bow of the Treasurer and the state government. When one goes over similar statements made by Standard & Poor's after other budgets over the past five or six years, one will not see similar language; that is, that it will become more difficult for the state to retain the current AAA rating if it exceeds its debt level forecasts. It is a clear warning: if you go above $5.2 billion, it will be difficult

for you to stay with a AAA rating and you may well end up dropping back a notch to AA or AA plus. The statement from Standard & Poor's continues:

> The state's operating surplus as a proportion of revenue is forecast to average 2.4 per cent between 2009 and 2012. It is a strength that the government has improved its operating position and is planning to implement additional efficiency measures to further shore up the state's operating position.

I interpose that, for a number of years now, the government has been maintaining that it will shore up its operating position by implementing efficiency measures. This is advice from me to Standard & Poor's: go back and check the statements made by this Treasurer and the government over the past two or three years in relation to savings targets for agencies.

I would be happy to provide Standard & Poor's with evidence collected from the hardworking Budget and Finance Committee of the Legislative Council, which has demonstrated that, having been given savings targets by the Treasurer, a number of agencies have not delivered on them. One example is the issue of the Shared Services centre, which is meant eventually to save $60 million a year from the implementation of the Shared Services initiative.

I think that at least four or five agencies have reported to the Budget and Finance Committee that they have been given savings targets as an individual portfolio, that the Treasurer had his own shared savings target of $60 million a year and that some initiatives taken by agencies were being double-counted; that is, they had already been incorporated into the agencies' savings measures and the Treasurer had included them in his estimate of overall savings from the Shared Services initiative.

A couple of chief executive officers reported that they took up these issues with the Under Treasurer, who agreed that they would stay within the agencies' savings measures. If that is the case, it means that they therefore cannot be double counted in the $60 million figure of the shared services savings initiative. If that is the case, to the tune of many millions of dollars, we will have a black hole in the supposed savings measures to be implemented by those particular agencies.

This government's record on achieving savings measures is, being generous, very patchy. For six years the government has refused to provide details of the savings measure supposedly implemented in 2002, in its first budget. As I have placed on the record before, a source within Treasury has told me that one of the reasons why the Premier and the Treasurer will not release the details of the actual savings measures is that, one, a significant proportion were not achieved and, two, a significant proportion were actually not savings measures or cuts but were actually increased revenue measures. That is, rather than cutting back on expenditure, agencies were ratcheting up revenue and extra fees and charges collection within those particular agencies.

The final statement by Standard & Poor's analyst, Anna Hughes, is as follows:

> The rating could come under pressure if the state's balance sheet was to weaken more quickly than forecast.

The commentary continues:

> Standard & Poor's considered this outcome unlikely between now and 2012, particularly given South Australia's unresolved infrastructure and labour market bottlenecks.

What Standard & Poor's is saying there—and it really has not been picked up by the media in its commentary—is that significant commitments have been made by the government in relation to infrastructure, but it is unlikely to meet some of its spending targets in relation to those programs because it has not resolved some infrastructure and labour market bottlenecks within those areas.

So, for the first time in many years, we have a very clear warning sign from Standard & Poor's (the rating agency) about the state of the budget and the state of the budget over the next four years or so. I think it is really imperative that this government listens to some of those cautionary notes from Standard & Poor's and that it tries to start to address some of the issues identified by Standard & Poor's and other commentators.

When one looks at the table that I have incorporated, one only has to look at some other aggregates to see that the unfunded superannuation levels from 2001 of $3.2 billion are now estimated to go up to $7.1 billion in 2012. So, we see an increase in unfunded superannuation of almost $4 billion during that period if the Labor government stays in until 2012 and this program is implemented.

In net terms, the state's total net financial liabilities from 2001 would have jumped from $8.1 billion up to $14.7 billion (almost a doubling), an increase of $6.5 billion. One of the Treasurer's fiscal strategy targets of net financial liabilities over revenue, which was meant to have

been around about 70 per cent or so, has been exploded by this budget and recent budgets. As Standard & Poor's commented, that number is well into the high 70s. The budget papers actually record net financial liabilities to revenue rising to 75.8 percent in 2011-12, although Standard & Poor's has reported that whole of government net financial liabilities as a proportion of revenue are forecast to grow to 79.3 percent in the year to 30 June. I am not sure what Standard & Poor's includes in its whole-of-government estimate, but the government's estimate is just off the general government sector net financial liabilities to revenue of 75.8 percent, and that is significantly higher than the fiscal strategy target that the government laid down.

That has been a common theme for the past five or six years. The Treasurer came to government and said that the one true measure of the health of the budget was the deficit measure called net lending and that he was going to have the budget in surplus underneath that measure. When that started going significantly south, all of a sudden he changed his definition to the operating result and net operating balance. As we have highlighted for the past two or three years now, of the three measures—whether the budget is in deficit or surplus—two of the three are in significant deficit: cash and the net lending measure. As I said, the net lending measure was the one the Treasurer said was the best.

If we look at the net lending measure in broad terms, under this budget we will be $2 billion in deficit over the next four years. If we look at cash, it will be $2 billion in deficit over the next four years. As I said, the only measure that is actually in surplus is the net operating balance.

The final point I make—and, as I said, we will have the opportunity during the Appropriation Bill to speak at greater length—is that again we are seeing in this budget another blow-out in the employment of public servants over and above what was originally budgeted. Of course, what the Supply Bill that we are debating at the moment provides is payments to these public servants and other services until the Appropriation Bill passes.

One of the reasons why it has to be as large as it is at the moment is that, again, the Treasurer had a blowout of 2,000 more full-time equivalent public servants in the last year than he predicted. If you remember, two or three years ago we were going to have this cap on the public sector. We had been highlighting for quite some time that the Treasurer had budgeted for 2,000 full-time equivalent public servants in his first six budgets and he ended up with 12,000: he went over the budget by a lazy 10,000 full-time equivalents.

After we had raised those issues over a number of years the Treasurer said, 'I'm now instituting a definite cap on the public sector. I'm going to rein in these ministers who keep coming back for more money and they're going to be locked in in terms of the total number of people they can employ.' What do we see in the first full year after that? We see another blowout of 2,000 full-time public servants.

So, over seven budgets now the Treasurer has budgeted for an increase of a bit more than 2,000 full-time equivalent public servants, and now we find that he has actually employed 14,000 full-time equivalents: a blowout of 12,000 full-time equivalent public servants in seven years. That is the reason why the number has to be so large in the Supply Bill: he has not been able to keep his ministers and his budget in control.

There is a simple message there. If you were the chief executive officer of a major private sector business and over a seven-year period you budgeted for an increase of 2,000 full-time employees, and at the end of that seven years you had to go back to the board and say, 'Whoops, we overshot just a little bit,' the chair of the board would say to the CEO, 'Well, how much did you overshoot by—a couple hundred?' 'No, I overshot by 12,000. Instead of 2,000 extra employees I find we have 14,000 extra employees in the business.' I would ask members to think through how long that person would remain as chief executive officer in that major business.

The PRESIDENT: Extend the canteen a bit.

The Hon. R.I. LUCAS: Extend the canteen a bit, the President is suggesting. The chief executive would not last very long and, frankly, that ought to be the position in relation to the current chief executive—in charge of the finances, that is—and that is the Treasurer, Mr Foley. Even though he waxed lyrical a year or so ago about having a hard employment cap on agencies, he has been unable to control himself or his ministers in terms of that particular cap and, as I have said, we have seen a further blowout of 2,000 full time public servants.

That is one of the reasons why we are starting to get warning shots from Standard & Poor's, which is beginning to see a history of serial offending in relation to not being able to deliver on targets. The only reason we have been able to deliver surpluses on one of the three

measures now—and not the one that he wanted to—is that we have been winning X Lotto every year with extra GST and property taxes.

In each of the last seven years, the Treasurer has been relying on winning X Lotto, and he has won it in each of those years. The budget blows out, he employs extra people, but—voila—there is a few extra hundred million dollars every year, sometimes more than half a billion dollars, in unexpected revenue inflows from GST and property taxes. I am sure the Hon. Mr Darley would be familiar with the inflows that have gone into the budget over the past few years.

You cannot go on balancing your books by relying on winning X Lotto every year. Sooner or later you are going to have to have the discipline to actually stick to the budgets that have been approved in relation to some of these departments and agencies. With that, I support the second reading of the Supply Bill.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:37): I thank honourable members for their contribution to the Supply Bill. This bill simply provides a sum of money to enable the operations of government to extend beyond 1 July. As this is the last sitting day scheduled before the end of the financial year, I will not take any further time on the bill. Most of the issues that were raised, in fact, related to the budget. When we resume on 3 July we will be receiving the Appropriation Bill and we will have the opportunity to have a full debate on those matters then. Again, I thank members for their contribution to the Supply Bill.

Bill read a second time and taken through its remaining stages.

The Hon. CARMEL ZOLLO: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

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

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (16:40): I have to report that the managers for the two houses conferred together but that no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the council, pursuant to standing order 338, must either resolve not to further insist on its amendments or lay the bill aside.

Consideration in committee.

The Hon. P. HOLLOWAY: I move:

That the council do not further insist on its amendments.

At the conference the government believed that the amendments of the Legislative Council were unacceptable because they possibly could contribute to a significant logjam through the Magistrates Court. The government did propose an alternative, which was not acceptable to the mover of the amendments (Hon. Mr Darley). The government has taken the decision that it cannot proceed with the bill in its current form because of the potential that the amendments could logjam the Magistrates Court.

The Hon. R.D. LAWSON: I think this is a deplorable situation which illustrates the arrogance of the government. On this occasion the Hon. Mr Darley introduced amendments which were carried in this place. The government proposed amendments which were not acceptable (for very good reasons) to the Hon Mr Darley. The claim being made by the government was that to extend to all victims of crime the right to make a victim impact statement—and to give that right to all rather than only to a selected few—would clog the Magistrates Court, a court so easily denigrated by the Attorney-General as daft and delusional.

The Attorney-General simply says, 'Well, the bill can lapse'. Any benefits that were proposed by the government to victims will be lost entirely. The political purpose of this is transparent. The Attorney-General wants to see this council as having led to the collapse of his proposal, but he has insufficient enthusiasm for the rights of victims in that an amendment of the kind proposed by the Hon. Mr Darley is simply unacceptable and non-negotiable on the part of the government. It is absolutely deplorable.

I must say that the Hon. Mr Darley was quite prepared to suggest that a sunset clause be put on the bill. Indeed, if it had the effect of clogging the Magistrates Court—the claim being made by the government—then the legislation simply would not continue beyond the period of two years,

but the Attorney-General was not prepared to consider any proposal at all, other than his own compromise and he flounced out. It is deplorable.

Without divulging the nature of the discussion, it is deplorable that the government would let flow down the drain some useful amendments proposed by the government and agreed to by members in this place. Because the Hon. Mr Darley proposed yet another amendment (which I think was derived from a suggestion made by the Hon. Nick Xenophon in a previous bill), the government simply takes its bat and ball and goes home when it does not get its own way. The parliament of South Australia comprises two houses of equal power. The attitude of the government to this is deplorable.

The CHAIRMAN: I just remind members that it is a government bill. Standing order 338 allows the government to make the choice whether it pursues a bill that has been amended; it is part of the democratic process.

The Hon. J.A. DARLEY: These amendments are about improving legislation for victims of crime, and the government's unwillingness to accept the amendments seems to be based on sheer stubbornness rather than any merit. I find it extraordinary that the government is not willing to negotiate any further, and I am extremely disappointed with its pettiness. It seems to me that the government is more interested in playing politics than helping victims of crime.

The committee divided on the motion:

AYES (6)

Gago, G.E.	Gazzola, J.M.	Holloway, P. (teller)
Hunter, I.K.	Wortley, R.P.	Zollo, C.

NOES (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.	Lucas, R.I.
Parnell, M.	Schaefer, C.V.	Stephens, T.J.
Wade, S.G.		

PAIRS (2)

Finnigan, B.V.	Ridgway, D.W.

Majority of 7 for the noes.

Motion thus negatived.

Bill laid aside.

NATIONAL GAS (SOUTH AUSTRALIA) BILL

In committee.

Clause 1.

The Hon. R.I. LUCAS: As I said in my second reading contribution, I was interested in seeing the responses the government would give to the questions put by my colleague the Hon. Mr Hood. I congratulate him on the work he and his office put into the second reading. I have seen and heard the government's reply and do not believe that it addresses one of the key issues raised by the Hon. Mr Hood. Without going over the whole argument, the Hon. Mr Hood quoted some gas price figures in South Australia compared with Victoria and New South Wales, and I asked the government specifically, first, whether it accepts the figures produced by the Hon. Mr Hood. The minister made no comment specifically on that issue. In the past when various figures have been quoted the minister has said that they are not accurate or do not give a fair reflection, and so on, but there was none of that flavour in the minister's response. Does the government accept that they are a fair reflection of gas prices for consumers in South Australia compared with the eastern states and, if so, can the minister indicate what he believes are the reasons for that significant differential?

The Hon. P. HOLLOWAY: The officers have not had the opportunity to check those prices, but there is some suspicion that they may not be accurate. They do not in any way relate to the bill, in any case: the bill would have no impact on those prices.

The Hon. R.I. LUCAS: Pricing issues are canvassed in the national gas market. In terms of the regulation, ultimately we will look at pricing issues and their impact. When we discussed the national electricity market there was a huge debate on the cost of electricity in South Australia compared with other states, so I do not believe that with the national gas market we cannot talk about pricing differentials between gas prices in the various states and say that it is not part of this. ESCOSA and soon to be the Australian Energy Regulator, in varying stages after transition, will make regulatory and other decisions that will impact on the price of gas in South Australia compared with other states. We had this debate in relation to electricity, and members of the current government when in opposition were critical of the price of electricity in South Australia compared with other states, so I do not accept the argument that this bill has nothing to do with price. Is the government's answer that it has no idea why gas prices are higher in South Australia? If that is the case, so be it: let us say so and we can move on.

The Hon. P. HOLLOWAY: In answer to the last question, we did say that there will not be a flat price because there will be differentials between the markets, which will reflect transmission and distribution costs within that market. The Hon. Mr Hood could inform us whether he was talking about retail prices at those locations. Obviously they will reflect the various transmission and distribution costs to those locations.

The Hon. R.I. LUCAS: Is the government saying that the structure of the gas market in South Australia is such that transmission and distribution charges within South Australia result in significantly higher prices for both industrial and residential consumers in this state?

The Hon. P. HOLLOWAY: The honourable member quoted places like Bordertown. I am not certain whether Bordertown is on a distribution grid, as that obviously would be one big factor. The specific areas serviced by the distribution network are: Adelaide, the Barossa Valley, Berri, Peterborough, Port Pirie, Mount Gambier, Murray Bridge and Whyalla, so one assumes that Bordertown is not on the grid. Its price was compared with Kaniva and Mildura, which are almost certainly on the grid. He also referred to Renmark. Berri is on the grid, but it appears that Renmark is not, so again that probably explains the differentials.

The Hon. R.I. LUCAS: At this hour, I do not want to prolong the debate; I know the government wants to get the bill through. I understand that the house is trying to expedite the passage, but officers have not been able to investigate closely the claims the Hon. Mr Hood has made. Is the minister prepared to give the committee an undertaking on this issue whereby officers will look at the issues raised by the Hon. Mr Hood and, if there are problems with the prices, they will come back with a considered response in relation to what the various issues are that might have led to what are significantly higher prices in South Australia compared with Victoria and New South Wales.

The Hon. P. HOLLOWAY: If the honourable member really wants that information, I guess we can get it. I do not think it detracts from the point that, if these locations, such as Bordertown and Renmark, are not on the grid, that will reflect different factors than those other places that one presumes are on the grid. That is the obvious answer. However, we can check that out. I guess I can undertake, on behalf of the officers, that we will do that with those particular cases. However, whether that provides any useful information is another matter because we might be comparing apples with oranges rather than like with like.

The Hon. R.I. LUCAS: I thank the minister for that undertaking to correspond with the Hon. Mr Hood and myself. I will not pursue those particular examples, because I understand they have not been able to be checked. However, the government's advisers must be in a position at the moment, as we were with the national electricity market, to be able to make general commentary in terms of some measure of average gas prices on grids on an 'apples and apples' comparison. Is it fair to say that, on that 'apples and apples' comparison, consumers in South Australia are paying higher prices for gas than Victoria and New South Wales?

The Hon. P. HOLLOWAY: The only advice we can provide from the officers is that, generally speaking, Victorian gas is cheaper than South Australian gas because a much larger volume of gas is being distributed over a much wider area; therefore, the distribution costs per unit are less than they would be in a smaller network. That may not be the case with New South Wales. There are different factors in New South Wales; I guess the distribution link is longer and, presumably, transmission would be more expensive. But, generally speaking, if it is lower in Victoria that would be the reason for it.

The Hon. R.I. LUCAS: Can the government indicate whether the sort of information that I have asked for is available through ESCOSA or any other government department or agency, that

is, an 'apples and apples' comparison of the price that residential, commercial and industrial consumers pay for gas, on average, in South Australia compared with New South Wales and Victoria?

The Hon. P. HOLLOWAY: One could presumably get the cost in Melbourne versus the cost in Adelaide, for example. We do not have that information with us but, if the honourable member really wants it, I suppose we could get it.

The Hon. R.I. LUCAS: I am happy with that undertaking. As I have said, I do not want to delay the debate. When we talk about the national gas market, we spent days or weeks talking about the comparative cost and price of electricity when we debated the national electricity market. So, a debate about the national gas market and the issues the Hon. Mr Hood has raised I think are absolutely integral to this whole debate.

There may well be valid reasons why we pay more for gas in South Australia compared with New South Wales and Victoria. We as the former government thought there were valid reasons we paid more for electricity, although the then opposition did not accept those. The issues of long transmission lines and distribution lines, the fact that we generated more electricity through natural gas, rather than coal, which New South Wales and Victoria did not, meant that, inherently, we had high cost inputs going into the price of electricity in South Australia. The now government (the then opposition), however, did not want to accept any of those lines of argument. It may well be that it has to now in relation to natural gas.

I am happy with the undertakings the minister has given, and I do not intend to delay the debate on that issue any more.

The Hon. M. PARNELL: I want to make an observation and ask a question about the uniform nature of this legislation. In the second reading explanation, it states:

> Under the proposed reforms, the new National Gas Law, the regulations made under the National Gas (South Australia) Act 2008 and, now, the National Gas Rules, will be applied in all Australian jurisdictions by application acts which apply our law, regulations and rules.

I understand that that means that an act of parliament will be passed in other jurisdictions which basically says, 'We adopt the South Australian act.' I received information late this afternoon that last night New South Wales passed an act to accept the South Australian act. Is that correct?

The Hon. P. HOLLOWAY: Yes, that is correct.

The Hon. R.I. Lucas interjecting:

The Hon. M. PARNELL: The Hon. Rob Lucas says, 'Pre-emptive strike.' People might wonder why this is important. It seems to me that, if you are looking for an abrogation of our legislative responsibility, you need go no further than this regime because what we have had is an insult across the states. It is an insult to the people of New South Wales that their parliament has passed a law when it does not know what it contains because we have not yet passed our law. I have amendments that have not yet been dealt with; we will get to them shortly.

What an outrage for the people of New South Wales that their parliament has passed a law the contents of which it is uncertain. It is an insult to the people of South Australia as well, because the pressure, obviously, that that puts on us is to say, 'Well, it's a national uniform scheme. There can be no amendments. There is no scope for any changes, however sensible.' So that is an insult to us as well. I know that we saw it with the national electricity laws, we are seeing it now with gas and we will see it again, but what an appalling way to treat the voting public of Australia whatever jurisdiction they are in, that laws are passed of which they do not know the content, and the pressure is put on the lead state not to make any changes.

We are going through the motions here. We are able to ask some questions; I guess there is a democratic exercise there but, in terms of amendments, the pressure is very much on legislators here not to propose or to accept any amendments. Really, if we were honest, we are not the lead legislative jurisdiction; we are not the lead legislator: we are the lead rubber stamp. I think that is an outrageous way to pass laws in this country. Having got that off that my chest, I will move my amendments when we get to them.

The Hon. P. HOLLOWAY: I think it would be far more outrageous and economically stupid if, as a country or as one nation with an interconnection of grids, we have a whole series of different rules across state boundaries. In Europe, where they have 30 countries all speaking different languages, they can get a greater degree of uniformity and cohesion in their legislation in some parts then we can.

Surely, in relation to something like national gas we can get some cohesion within our legislation. There are significant national benefits. That is why we have developed COAG; that is why competition policy and the savings through that have been documented at many hundred millions, if not billions, of dollars of benefits in having that uniformity. Overall, through those uniformity policies I am sure that as a small state we would benefit to the tune of many, many hundreds of millions of dollars each year.

The Hon. SANDRA KANCK: I do not think that anybody is disagreeing with what the minister has just said in terms of what value we get. The problem I think that at least some of us on the crossbenches see—and I do not know whether the Hon. Mr Lucas finds it the same—is that one wonders what we are even doing here bothering to debate this legislation. The reality is that we have had no input into its makeup; it is something that has been agreed beforehand by a set of ministers. I do not know whether anyone else has had any input into formulating this bill, and I would be interested to know from the minister just who has been consulted in the process.

The Hon. P. HOLLOWAY: With the development of these bills—we have indicated that when we dealt with the electricity—there is very extensive consultation. There were two exposure drafts for this bill before it took its final form. There is very extensive consultation. Let us be frank too: these are highly technical pieces of legislation, and the reality is that few members of parliament are likely to get down and into the nitty-gritty technical detail of these sorts of bills. Perhaps the Hon. Mr Lucas does.

The Hon. R.I. LUCAS: I have great sympathy with the comments that have been made by all members in this debate because, as an individual legislator, I share the frustrations of the Hons Parnell and Kanck have expressed but, as a former minister of a government, when you do have things like national gas markets and national electricity markets, I understand why you need to have consistent legislation.

One of the clever techniques this parliament could adopt, given our lead legislator role, is that we could delay the legislation in this parliament sufficiently until all the other states had passed their adopting legislation and then we could change it. It would only work once, because we would lose lead legislator status. It is extraordinary that the others enact legislation prior to ours; at least they should go through the pretext of waiting for us to pass it before they pass theirs, and I understand that frustration.

I am sympathetic to that. The only other point I would make is that I doubt very much whether minister Conlon and indeed probably all the other ministers at the moment actually understand the legislation that is going through the council. It is actually only being driven by hard-working and very competent officers who work on this as their livelihood, and the point that the Hon. Mr Holloway made is almost entirely accurate. It is certainly my experience that, in trying to debate some of these issues as they were, not in relation to national gas but national electricity, and have a debate with some ministers in the past, they had no comprehension at all of the details of the legislation.

Ministers get a summary brief from their offices which says, 'Here is what has been arrived at. These are the major issues.' The major issues are identified by the officers after they have consulted with some within the industry, and I think it is fair to say that there are consultation drafts and people can make submissions in the early stages within the industry, in the national generators and the national gas forums—all those sorts of things that are done at that level.

Again, I am not going to delay. This is a very interesting and important debate, and we can perhaps have it on another occasion about how do you actually engage the cross-benchers and opposition, because we are not involved in this debate, either. We will come to the discussion about potential amendments as we did about national electricity and say, 'Hey; even if we were in 100 per cent agreement with the amendments that are being talked about, the dilemma we have is that there is this national agreement and what we are going to do in relation to it.'

The Hon. SANDRA KANCK: I have a question regarding the consultation drafts. Were any environment or social justice groups invited to have input on the discussion drafts?

The Hon. P. HOLLOWAY: My advice is that there were public consultations, and they were released on the ministerial council website so, obviously, there were a number of forums.

Clause passed.

Remaining clauses (2 to 22) passed.

Schedule.

The Hon. M. PARNELL: I move:

Clause 23, page 41, lines 27 to 31—Delete clause 23 and substitute:

23—National gas objective

(1) The objective of this Law is to promote efficient investment in, and efficient operation and use of, natural gas services for the long term interest of consumers of natural gas with respect to price, quality, safety, reliability and security of supply of natural gas while taking into account the principles set out in subsection (2).

(2) The following principles are relevant to the objective of this Law:

(a) decisions under this Law should take into account principles of ecologically sustainable development;

(b) recognition should be given to the long-term environmental and economic impacts associated with greenhouse gas emissions arising from the use of natural gas;

(c) reasonable and reliable access to natural as should be viewed as an essential service within the community.

(3) For the purposes of subsection (2), principles of ecologically sustainable development will be taken to be principles of ecologically sustainable development applying under the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth.

To reflect briefly on the comments of the Hon. Rob Lucas—namely, that we could delay this bill until all the states have passed their enabling legislation and then provide the country with true leadership—I am very tempted that we should go down that path. Now that I realise that I represent the citizens of New South Wales in relation to this amendment (and I think the Hon. Rob Lucas said other states as well), I look forward to meeting my new constituents before the next election.

My amendment is very similar to one I moved in relation to the National Electricity Law, and it goes to the heart of the new system, that is, to the national gas objective. As it currently exists in clause 23, the national gas objective is purely an economic objective. It talks about promoting 'efficient investment in, and efficient operation and use, of natural gas services for the long-term interests of consumers of natural gas with respect to price, quality, safety, reliability and security of supply of natural gas'.

Those are economic drivers for decision makers under this legislation. My amendment seeks not only to adopt all those economic criteria but also to add to them the following principles: first, decisions under this law should take into account principles of ecologically sustainable development; secondly, recognition should be given to the long-term environmental and economic impacts associated with greenhouse gas emissions arising from the use of natural gas; and, thirdly, reasonable and reliable access to natural gas should be viewed as an essential service within the community.

I went through each of these principles in my second reading contribution, and I will not go through them all again, other than to say that I do not think they should be regarded as contentious. They are entirely consistent with most other pieces of natural resource legislation we have in this state, at least, and at the commonwealth level. For example, with respect to the principles of ecologically sustainable development, I have taken as my meaning of that phrase the existing commonwealth law, and that is the meaning of ESD in the Environment Protection and Biodiversity Conservation Act 1999.

So, I have not even made up a new definition. I have just said that we should recognise that this natural resource, this fossil fuel and this essential community service (because it is all those things) is not just something driven by economic priorities. It is also an integral part of our environment and our society, and I am saying that we should recognise that.

This afternoon, I had an extensive conversation with the shadow minister (Mitch Williams), when we talked through these amendments. I do not think that he minds my saying that he was very sympathetic to what I am trying to do. He could not really point to them and say that they make no sense, that they undermine the regime or that they impose unacceptable burdens. There were no meritorious reasons that these ought not be accepted.

However, as the Hon. Rob Lucas says, we are all in a difficult position, because our various executives have got together and decided what our laws should be, and here we are effectively being invited to rubber-stamp them.

Whilst supportive of uniform national approaches, I for one am not prepared to be a rubber stamp to the extent that I turn my back on sensible amendments that incorporate into our legislation recognised environmental and social principles. It just makes sense that we do it, and I do not think that it undermines the uniform national legislation. It does not require any more licensing, it does not alter fee structures, and it does not provide for any different consultation regime. In fact, it does nothing other than require decision makers to think about the environment and society when making decisions, not just economics.

It seems to me that, if we cannot accept such a simple principle, then heaven help us across a whole range of issues that come before us. I think it is short-sighted in the extreme for us to pretend that this is entirely an economic measure and that no mention of society or the environment should be countenanced. With those words, I urge all honourable members to support this amendment.

The Hon. P. HOLLOWAY: Not surprisingly, the government opposes the amendment, and the mover (Hon. Mark Parnell) has himself suggested one of the reasons. I point out that the objective contained in the current bill is designed to promote efficiency to benefit the long-term interests of consumers with respect to price, quality, reliability and security of supply. The objective is the same as that included in the National Electricity Law, but it is tailored to natural gas services.

The objective guides the Australian Energy Regulator (AER), the National Competition Council (NCC) and the Australian Energy Market Commission (AEMC) in performing their functions. As highlighted in the debate on the National Electricity Law, having a single overriding objective has the benefit of clarity and avoiding the potential conflict that may arise where a list of separate and sometimes disparate objectives is specified.

It is important to align the gas and electricity objectives to ensure the consistent application of the economic regulatory framework over the long term. The principles that are proposed to be taken into account in respect of the national gas objective may give rise to conflicting interpretations that have the potential to undermine the provisions of national gas services for the long-term interests of consumers of gas.

While environmental objectives are very important, and the South Australian government is actively seeking to take leadership in responding to climate change, clearly the AER, the NCC, the AEMC and regulated network businesses are not the most appropriate bodies to determine the environmental policy priorities of governments across the energy sector. As with other policy objectives that are not directly addressed as part of the national gas law, such as industrial relations, occupational health and safety and specific environmental protection, the broader environmental objectives, including principles for ecologically sustainable development and reduction of greenhouse gas emissions, are best addressed via policy specific legislation. For example, the commonwealth government's Mandatory Renewable Energy Target (MRET) has achieved increased renewable energy and has indirectly impacted on choices in the Australian energy market without having changed energy-specific legislation.

The commonwealth has committed to increasing the MRET to 45,000 gigawatt hours by 2020 (almost five times the current target of 9,500 gigawatt hours by 2010), which will require a substantial increase in renewable energy capacity across Australia. In addition, the commonwealth has committed to implementing a broad-based emissions trading scheme by 2010 that should, over time, provide incentives to fundamentally transform the energy supply industry towards low emissions generation capacity.

The government supports the principle that reasonable and reliable access to gas should be widely available to the community. Providing a legislative framework that supports investment in the ongoing development of the gas industry is an important part of delivering improved access to gas infrastructure, which the government considers will be assisted by this legislative package. So, for those reasons, the government opposes the amendment.

The Hon. SANDRA KANCK: QED, which is shorthand for the Latin words 'quod erat demonstrandum'. It was a term that was used, I think, in the 1940s and 1950s when students studying advanced maths in high school were taught Pythagorean geometry. One began with a proposition, worked through the mathematics and, at the end, came up with the statement QED, or 'to be demonstrated'. That is what has happened here. We have once again demonstrated that putting up an amendment to this national legislation is, effectively, a sham. We have proven it on a number of occasions.

I think that the minister's argument—that what is in this bill reflects what is in the national electricity law, therefore we should not change it—is illogical, and certainly circular. As lead legislators, we have attempted to alter the national electricity law when it has been before this chamber previously by putting in a requirement to take into account social and environmental concerns. I do not think that it is asking too much of these decision makers to take it into account. It is not establishing a policy: it is asking them to take it into account. It will not make any difference. I still think—as I thought when we dealt with the electricity laws—that this is worth fighting over.

The committee divided on the amendment:

AYES (2)

Kanck, S.M.	Parnell, M. (teller)

NOES (18)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Evans, A.L.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Holloway, P. (teller)	Hood, D.G.E.
Hunter, I.K.	Lawson, R.D.	Lensink, J.M.A.
Lucas, R.I.	Schaefer, C.V.	Stephens, T.J.
Wade, S.G.	Wortley, R.P.	Zollo, C.

Majority of 16 for the noes.

Amendment thus negatived; schedule passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 30 April 2008. Page 2530.)

The Hon. S.G. WADE (17:32): As always, the opposition is keen to facilitate the business of the council, so I do not propose to recount the debate in the lower house or to go into any great detail to summarise the bill. Suffice it to say that the Statutes Amendment (Transport Portfolio) Bill 2008 includes a number of amendments to a series of acts which are related to transport. Most of the changes are minor in nature and aim to improve the operation and administration of the respective pieces of legislation.

I do have a couple of questions on which I would appreciate the advice of the minister. That may not be possible before the passage of the act through this place, but I am happy to receive the advice by correspondence. There are three main themes in the bill. First, the bill aims to improve the management of unregistered and uninsured vehicles by making the offences of driving or leaving standing on a road an unregistered vehicle and/or uninsured vehicle expiable. Secondly, the bill also aims to improve compliance by increasing the perceived risk of detection by making both offences detectable by camera.

There was discussion in the lower house about the need to avoid a person becoming liable to a series of offences by camera. The government tried to mitigate that risk by including a provision that if a person received a notice within seven days then they would be waived, but after seven days they would be enforced. It is clearly an attempt to avoid unfair burdens on motorists who might have inadvertently overlooked a need to renew.

It does raise the issue, if you like, of natural justice within the operation of our road safety laws. In that context, I would be interested to know what the practice is in relation to multiple offences regarding the one event. I appreciate that the member for MacKillop in the lower house suggested scenarios which were not acceptable to the minister such as, for example, that you could have a limited number of speeding fines per day.

One can understand the government's position on that. You do not want people to feel as though: 'I have just been picked by a speed camera, so I am going to go for broke for the rest of the day.' It is possible for a motorist in relation to one single incident at one point of time to be liable

for a whole series of road safety offences. It is possible to wipe out all your demerit points. In fact, to be honest with you, demerit points is the area of my greatest concern.

Even a significant financial penalty through a number of offences might be a burden for a number of motorists, but to have all your demerit points wiped out and have your licence withdrawn in relation to one incident would be unfair, except in extraordinary circumstances. I would appreciate the advice of the government as to what is the practice of the police and the prosecutorial authorities in relation to multiple offences relating to one road incident.

The third theme of the bill is to increase the maximum penalties for driving an unregistered vehicle or driving uninsured. The government figures were impressive, in a negative sense. They were that in 2000-01 there were 14,500 unregistered or uninsured charges before the courts, and in 2005-06 that number had increased to over 19,000 charges. The total number of unregistered and/or uninsured vehicles being used on the road network, of course, is likely to be much higher.

The government says that the increase in penalties is designed to counteract the perceived financial benefit of not paying the registration and insurance fees, and allows the courts to impose penalties that equate to the amount of registration and insurance avoided and reflects the seriousness of those offences, and the opposition accepts that.

I was interested, in looking at the bill, that it seemed to be the sort of bill that could have included the government's proposed mandatory carriage of licence. I would ask the government whether in fact the government has dropped that proposal. Its absence from this bill seems to suggest that it has been. With those comments, I indicate that the opposition supports the passage of this bill.

The Hon. D.G.E. HOOD (17:37): I rise to indicate Family First's support for this bill. I note that Family First introduced a similar bill with an identical aim as the main objective of this bill back on 6 December 2006. In fact, our bill to expiate unregistered/uninsured motor vehicles passed this council and still remains at No. 23 on the *Notice Paper* in the other place, as we were unable to obtain government support for it.

At that time, after studying the court lists in four Adelaide jurisdictions over a period of seven weeks, we discovered an alarming statistic; that is, the offences of driving whilst uninsured and unregistered consume one-sixth of all matters in the Magistrates Court. Over a seven-week period we counted some 3,347 cases involving one or both of these offences. That is in just seven weeks in the court lists of only four of our prominent courts—specifically, the Adelaide, Holden Hill, Elizabeth and Port Adelaide magistrates courts. Christies Beach court was not included, nor any of the country courts or circuit courts.

Nevertheless, the figures are clear that we are sending tens of thousands of these cases to court each year, perhaps unnecessarily. The Elizabeth Magistrates Court was the worst offender (if I can put it that way) during our study of this data, with some 44.7 per cent of matters on a particular day being one of these two offences. Overall 21.1 per cent of all matters before the courts featured one of these two offences. That is just over one in five matters before the court and potentially, therefore, one day a week being taken up by magistrates dealing with uninsured motor vehicles.

For the record, over the four trial court jurisdictions Elizabeth dealt with either of these offences 21.1 per cent of the time, Holden Hill 20.8 per cent, Port Adelaide 18.9 per cent and Adelaide was significantly lower at 12.1 per cent. The total number of unregistered and uninsured cases we examined was 16.5 per cent of the caseload of the magistrates courts across the four magistrates courts in Adelaide over a six-week period. Conceivably, 16.5 per cent of the total cases in the magistrates courts would disappear if this bill were passed.

In reality, these matters are often quicker to sort out than other types of offending, but the court process is devoting significant time and resources to deal with these offences which could be otherwise dealt with. Currently, we have what Family First describes as a fractured system. People who forget to pay their car registration on time are hauled before the courts, yet illicit drug cultivators are given on-the-spot fines. I would much prefer that we switch the way in which we deal with these offences, and I hope that the measure before us today will free up court time to deal more properly with drug dealers and other criminals.

This is an offence that other jurisdictions expiate; in other words, they grant on-the-spot fines for them. The reason for that is that most, but not all, offenders are honest people who have simply forgotten to pay their car registration. I am careful not to over-minimise the offence. However, as an uninsured motor vehicle is exactly that—uninsured—with respect to third party

personal injury we must remember that serious financial issues need to be sorted out when drivers of uninsured motor vehicles are involved in accidents.

Queensland is one of the jurisdictions that expiates matters such as this. From May 2005 to April 2006, Queensland handled some 36,124 expiations for unregistered vehicles and trailers and 21,197 expiations for having no compulsory third party insurance—a total of some 57,321 expiations in 13 months. Clearly, they are seeing a significant saving in resources.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD: This bill proposes an expiation fee of $250 for an unregistered vehicle being driven or left standing on the road and $500 if that vehicle also becomes uninsured—which I understand occurs 28 days after the registration lapses. The proposed fines are similar to the interstate average. The expiation fees in Queensland range from $120 for an unregistered trailer up to $1,200 for an unregistered B-double truck. For an uninsured vehicle, it ranges from $150 for a motorcycle to some $900 for a B double.

In New South Wales, the expiation fee is $461 for a class A (standard vehicle) and $974 plus four demerit points for class B, class C or heavier vehicles. In Victoria, the expiation fee for driving an unregistered vehicle starts at $110 for an unregistered motorcycle of less than 60cc through to $500 for a two-axle vehicle and up to $900 for a vehicle with more than four axles. In the ACT, the expiation fees are $484 for each offence; in other words, $968 for the usual case where both offences are committed. Finally, in the Northern Territory, the expiation fee is $200 if the registration and insurance are less than one month overdue, $500 if they are between one and 12 months overdue, and if it is a trailer a flat rate of $100 applies.

This bill is essentially for people who have simply forgotten to pay their registration for a period not exceeding 30 days. Someone might be overseas or interstate on holidays or business, the registration renewal might arrive in the post but they do not pay it and, as a consequence, they get a court summons.

Not surprisingly, I prefer Family First's bill to this bill, which imposes the same penalty for a car uninsured for one day as it does for a vehicle uninsured for six months. The Family First bill gave people who simply forgot to pay their registration on time an on-the-spot fine, but forced drivers of long-term unregistered motor vehicles to court. Our bill also distinguished between unregistered motor vehicles and unregistered trailers. They are clearly offences of a different magnitude but they are treated similarly by this bill.

Nevertheless, we are happy that the government has brought up this proposal. We think it is an incredibly sensible proposal. It will free up court time so the courts can deal with real criminal matters, and it will stop making criminals out of many ordinary people who simply forget to pay their car registration on time.

I have raised with the minister's staff our concerns regarding expiation fees for unregistered trailers. I have also raised our concern regarding clause 28, which provides for a seven-day grace period when an unregistered car is caught on a Safe-T-Cam camera. These cameras automatically recognise numberplates on unregistered cars, and I have suggested that seven days is potentially not long enough for a Safe-T-Cam fine to be processed and received by the driver; something like 14 days might be more appropriate.

I have also raised whether it would be more appropriate for these notices to be sent by registered post or a process server, as is done with notices of licence disqualification. Overall, however, this is a welcome and sensible bill from Family First's point of view. We certainly endorse the bill and we thank the government for listening to Family First's concerns regarding the expiation of these offences. We indicate our support for the second reading.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (17:44): I thank the Hons Mr Wade and Mr Hood for their contributions to this bill. The Hon. Mr Wade asked: what is the practice re multiple offences relating to one road incident? I am advised that a person cannot get multiple demerit points unless it is a red light and speeding offence as prescribed by the Motor Vehicles Act. That is the only occasion. In all cases, I am advised that where two or more offences arise from the same incident the highest demerit points apply. If three offences were committed with two points, two points and five points, the person would get five points. In relation to the mandatory carriage of a driver's licence, my advice is that provisional and heavy vehicle drivers—as well as those subject

to alcohol interlock schemes—are required to carry their licence. The matter of making the carriage of a driver's licence mandatory has not yet been considered by cabinet. There are some proposals around, but, at this point, that matter has not been considered by cabinet. I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: I refer to the contribution of the Hon. Mr Hood who queried whether seven days' notice might be sufficient in terms of equity or fairness for people to be notified of the fact that they have been identified as an uninsured or unregistered driver. I do not have the document with me, but my understanding was that the material on this bill suggests the introduction of digital cameras might reduce the time to three days rather than seven days. Would the minister be able to clarify that in the context of the Hon. Mr Hood's comments?

The Hon. P. HOLLOWAY: My advice is that the government has chosen the seven-day period because not only does the photograph have to be taken but also it has to be downloaded. It then has to be adjudicated, and the sorts of issues that might arise in the adjudication process would be whether or not the vehicle was stolen, whether the vehicle currently was subject to a change of ownership and, perhaps, whether the vehicle was unregistered but at the same time driven under a permit. They are the sorts of matters that might be subject to the adjudication. Of course, following all that, the matter must be processed and the expiation notice issued, so that is why it is seven days.

The Hon. S.G. WADE: Would that period be reduced to three days with digital cameras?

The Hon. P. HOLLOWAY: My advice is that, with the improvement in technology, it may be possible. I digress for a moment to say that at the police ministers' conference a week or so ago there were talks about better linkages of databases into things such as international databases on stolen goods, drivers' licences, and so on. It would be possible to reduce the time, but at this stage the government intends to stick with the seven days because, even if it is theoretically available, the technology may not yet have access to it. Also, the seven days does take into account any unforeseen delays that might occur. It does have that buffer.

Clause passed.

Remaining clauses (2 to 33) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (DOUBLE JEOPARDY) AMENDMENT BILL

In committee.

(Continued from 17 June 2008. Page 3312.)

Clause 5.

The Hon. S.G. WADE: Just as I thanked the government for the briefing on the comments by the justices, I thank the government for the courtesy of adjourning the council after the second set of amendments were identified so we could consider the suggested amendments from the DPP. Having done so, the opposition supports them as clearly they are wise. Also, the break gave us an opportunity to reflect further on the issue of the balance between the access of parliament to the best advice available from the public sector and the risk of the judiciary being drawn into political debate. Members will recall that that came up because of the comments of the Attorney-General about a magistrate's advice being 'daft and delusional'. On reflection, the best option is probably to change the Attorney-General, and we will do what we can to facilitate that at the earliest opportunity. We support the amendments to clause 5.

The Hon. P. HOLLOWAY: I move:

Page 3, line 28 [clause 5, inserted section 331(1), definition of administration of justice offence, (e)]—

Delete 'an offence against' and substitute:

'a substantially similar offence against a previous enactment or'

Page 4, line 12 [clause 5, inserted section 331(1), definition of Category A offence, (h)]—

Delete 'an offence against' and substitute:

'a substantially similar offence against a previous enactment or'

These and the second lot of amendments do precisely the same thing, are in the same clause and may be considered together. A late submission from the DPP was received by the government. The effect of the submission was that the legislation was rightly expressed to apply to offences committed in the past, but the list of offences to which the various methods to retrial were drafted referred only to recent manifestations of the relevant offences and not to versions of those offences as they existed in the past. The modern versions of the offences did not, of course, exist then, so the object of the legislation would be hampered significantly. The criticism is quite right: it should be fixed, and that is what these amendments do.

Amendments carried.

The Hon. P. HOLLOWAY: I move:

Page 7, after line 16 [clause 5, inserted section 336(1)(b)]—

After subparagraph (ii) insert:

and

(iii) any other matter that the Court considers relevant.

This clause defines the discretion of the court to determine whether the new trial would be fair. The Chief Justice thought the wording as the bill stands is too confining. I think it right that the court should be given an amplitude of discretion.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 7, line 38 [clause 5, inserted section 336(4)]—Delete 'indictment' and substitute: information

Page. 8—

Line 2 [clause 5, inserted section 336(5)]—Delete 'indictment' and substitute: information

Line 8 [clause 5, inserted section 336(5)(b)]—Delete 'indictment' and substitute: information

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.

Amendments carried.

The Hon. P. HOLLOWAY: I move:

Page 8, after line 8 [clause 5, inserted section 336]—After subsection (5) insert:

(5a) If, more than 2 months after an order for the retrial of a person for a relevant offence was made under this section, an information for the retrial of the person for the offence has not been presented or has been withdrawn or quashed, the person may apply to the Full Court to set aside the order for the retrial and—

(a) to restore the acquittal that was quashed; or

(b) to restore the acquittal as a bar to the person being retried for the offence,

(as the case requires).

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 this should be done. This and two other amendments (to be moved later) achieve that end.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 9—

Line 16 [clause 5, inserted section 337(4)]—Delete 'indictment' and substitute: information

Line 20 [clause 5, inserted section 337(5)]—Delete 'indictment' and substitute: information

Line 26 [clause 5, inserted section 337(5)(b)]—Delete 'indictment' and substitute: information

These amendments are consequential and relate to using the word 'information' instead of 'indictment'.

Amendments carried.

The Hon. P. HOLLOWAY: I move:

Page 9, after line 26 [clause 5, inserted section 337]—

After subsection (5) insert:

(5a) If, more than 2 months after an order for the retrial of a person for a Category A offence was made under this section, an information for the retrial of the person for the offence has not been presented or has been withdrawn or quashed, the person may apply to the Full Court to set aside the order for the retrial and—

(a) to restore the acquittal that was quashed; or

(b) to restore the acquittal as a bar to the person being retried for the offence,

(as the case requires).

That amendment is consequential on the one just moved. The Chief Justice pointed out that, although the bill provided for 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. This is one of the amendments that achieve that.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 10, after line 6 [clause 5, inserted section 338(1)(b)]—

After subparagraph (ii) insert:

and

(iii) any other matter that the Court considers relevant.

This is consequential on an earlier amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 10—

Line 21 [clause 5, inserted section 338(4)]—Delete 'indictment' and substitute: information

Line 25 [clause 5, inserted section 338(5)]—Delete 'indictment' and substitute: information

Line 31 [clause 5, inserted section 338(5)(b)]—Delete 'indictment' and substitute: information

Again, these amendments replace the word 'indictment' with the word 'information'.

Amendments carried.

The Hon. P. HOLLOWAY: I move:

Page 10, after line 31 [clause 5, inserted section 338]—

After subsection (5) insert:

(5a) If, more than 2 months after an order for the trial of a person for an administration of justice offence was made under this section, an information for the trial of the person for the offence has not been presented or has been withdrawn or quashed, the person may apply to the Full Court to set aside the order for the trial and to restore the acquittal as a bar to the person being tried for the offence.

This is consequential on amendments Nos 6 and 10.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 11, lines 13 to 21 (inclusive) [clause 5, inserted Part 10 Division 5]—

Delete Division 5 and substitute:

Part 10A—Appeal against sentence

340—Appeal against sentence

Despite any other rule of law, if on an appeal against sentence the court is satisfied that the sentence should be quashed and another sentence (whether more severe or otherwise) imposed, the court must—

(a) impose the sentence that should have been imposed in the first instance; and

(b) order that the sentence—

(i) will be taken to have come into effect on a date before the date of the order; or

(ii) will take effect on a date on or after the date of the order.

This provision in the bill is about the practice of courts on appeal against sentence to discount an increase in the 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: it is that there is not a question of double jeopardy here, nor should the sentence be discounted. The court on prosecution appeals against a sentence will interfere with the original sentence only in exceptional cases. It will interfere where there is some point of principle. It will interfere where there is manifest inadequacy. 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, and this amendment is proposed as a compromise wording.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 8) and title passed.

Bill reported with amendment.

Bill read a third time and passed.

At 18:01 the council adjourned until Thursday 3 July at 11:00.