LEGISLATIVE COUNCIL

Thursday 13 November 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:02 and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:02): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

GENE TECHNOLOGY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October 2008. Page 503.)

The Hon. M. PARNELL (11:03): The Greens do not support this bill. As members would know, the Greens have serious concerns about genetic engineering and its potential effects and implications for both human health and for our environment. Consistent with this, we do not support the introduction of the specific emergency dealings provision that this bill provides. This bill seeks to put emergency provisions in place within the Gene Technology Act 2001 that deal with non-GM emergencies. This goes beyond the scope of the object of the act, which I remind members is:

…to protect the health and safety of people, and to protect the environment, by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with GMOs.

These new provisions of the bill, rather than identify and manage risks posed by gene technology (which is the legislative intent), enable the fast-tracking of potentially untested genetically engineered (or modified) organisms for release into the environment, in an attempt to deal with emergencies that are unrelated to genetically modified organisms. The Greens are concerned that this may mean that potentially harmful organisms may be released into our environment without the usual regulatory process, proper assessment or any safeguards, and without any understanding about how the genetically modified organism might affect or interact with other organisms in that environment, and the result may have disastrous consequences. Members need no reminding of the story of the introduction of the cane toad in Australia, its impact on our environment and its impact on our economy.

In state legislation we have adopted the concept of the precautionary principle that, in its crudest form, says: if you do not know what the outcomes of a measure will be, then you exercise caution and you do not do it. We believe that the emergency provisions should be restricted only to medical emergencies, and the release of genetically modified organisms—especially those that have not been properly assessed—should be the last resort and not the first resort; however, even in relation to medical emergencies there are still concerns.

The government has advised, for example, that these provisions are required to enable a timely response to disease outbreaks, such as the bird flu. In such circumstances, it will be necessary to vaccinate a much larger number of people who have the potential to contract the disease than those who might actually be exposed and contract the disease, in order for the epidemiological containment to be effective. Essentially, this means that the government would need to immunise a larger part of the population. If, via these emergency provisions, a human vaccine that contained an untested genetically engineered organism were to be used to deal with such an outbreak, this would see a larger population than was at risk from the original disease exposed to a genetically engineered organism that may well have severe adverse affects on those exposed to it. It is possible that the effects of the vaccine could be worse than the disease itself.

In the federal arena, there was a senate inquiry into the federal version of this bill. An example was provided by Jeremy Tager into the possible effects of rushing through a vaccine. Mr Tager's evidence to the committee was as follows:

I remember that my father was working for the National Institute of Health in the 1950s when they rushed through a polio vaccine with the notion that this was an emergency that needed dealing with. They ended up killing more people than they saved with that particular vaccine.

Even though in this bill we are talking about gene technology, which was not an issue in the 1950s, the principle, I say, is exactly the same. Greenpeace Australia Pacific kindly sent me a copy of its submission, dated 13 April 2007, on the federal counterpart to this bill, namely, the Gene Technology Amendment Bill 2007. In its submission, Greenpeace Australia Pacific stated:

> Greenpeace believes that all GMOs should undertake a full safety assessment and that this should never be compromised regardless of the severity of any given threat that they may address. The problems that we are currently experiencing with organisms used to control a perceived threat, e.g., cane toads, demonstrate the importance of the precautionary principle. A full safety assessment is clearly needed before any new organisms, whether GMO or not, are released into the environment. The Minister, in making an emergency dealing determination would need to obtain advice from: (i) the Commonwealth Chief Medical Officer; or (ii) the Commonwealth Chief Veterinary Officer; or (iii) the Commonwealth Chief Plant Protection Officer; or (iv) a person prescribed by the regulations, as well as advice from the Regulator...However, given the unpredictable nature of GMOs, it is implausible that any of these parties could offer reliable advice in the absence of a full safety assessment.

I also received a copy of the submission from Mr Bob Phelps of the GeneEthics Network to the Senate Community Affairs Committee in relation to that same federal bill. The submission supports the view expressed by Greenpeace that I have just read out. Mr Phelps's submission states:

> Any GMO proposed for release must go through the same notification, assessment and licensing processes as any other GMO. If bird flu or other viruses are really the threat we are told, then preparing to prevent or ameliorate the threat in a measured and timely way makes sense. Being stampeded into giving certain parties too much power is dangerous and against the public interest.

He concludes by saying:

> All genetically manipulated organisms must be required to undergo a full risk assessment. This process must not be compromised. Full scientific risk assessments are necessary to the orderly and trouble-free introduction of any and all novel organisms into the Australian environment, not only GMOs.

I would like to thank the ministerial and departmental staff for the briefing they provided me on this bill. In that briefing, I asked a number of questions, and I was pleased to receive a written response to these. Some of this advice goes a little way towards assuring me on some of the concerns I had. One question I had related to the definition of the term 'threat' and whether or not an economic threat could be a trigger for the minister to make an emergency dealing determination under these provisions. The government's response states:

> When this amendment was debated in the commonwealth parliament it was also made clear that economic consequences of themselves would not be sufficient to trigger the use of emergency determination powers.

Another question I posed related to whether this legislation could be used to override our state moratorium on GM crops. The government's advice was as follows:

> It is not the intention that an emergency dealing determination would override state moratoria. The gene technology regulatory scheme recognises that states and territories may put in place moratoria over the growing of GM crops.

I guess that is stating the obvious. Whilst it might not be the intention that these emergency powers be used, they have not been absolutely ruled out. Whilst the Greens do appreciate that there is a need for legislative provisions for dealing with emergency situations such as pandemics, we do not believe that these amendments are the appropriate way to do that and, as a result, we do not support the bill.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (11:13): In summing up, I thank all those honourable members who have contributed to this debate. This amendment allows the South Australian minister to issue an emergency dealing determination only if the commonwealth minister has proposed or is proposing to make an emergency dealing determination.

The Commonwealth Gene Technology Act allows the commonwealth minister to expedite the approval process, not bypass the regulatory process. A risk assessment is still undertaken by the Gene Technology Regulator as the act requires that, before the commonwealth minister makes the determination, he or she must have received advice from the regulator that any risks posed by the proposed dealing with the GMO can be managed so as to protect the health and safety of people and the environment.

Stringent safeguards are provided in the legislation around the use of emergency powers. There are also ministerial guidelines that provide more detail on the circumstances of use of these

powers. While 'threat' is not defined, it must be an actual or imminent threat to the health and safety of people or the environment. The minister must receive advice of such a threat from the chief medical officer, the chief veterinary officer, the chief plant protection officer, or other person prescribed in the regulations.

Economic consequences of themselves would not be sufficient to trigger the use of these emergency powers, and it is not the intention that an emergency dealing determination would override state moratoria. The gene technology regulatory scheme recognises that states and territories may put in place a moratorium on the growing of GM crops to protect markets. States and territories agree to the mechanisms established by the legislation for issuing an emergency dealing determination, including consultation.

I hope these comments address at least some of the concerns raised during the second reading speeches. I am happy to address any other issues during the committee stage as we move along. Again, I thank all honourable members for their contributions and I look forward to the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. SANDRA KANCK: Clause 11 inserts new section 40A, 'Licences relating to inadvertent dealings'. There is, in clause 5, a definition of an inadvertent dealings application, but I would like an explanation, please, of what an inadvertent dealing actually is.

The Hon. G.E. GAGO: I am advised that an inadvertent dealing is where a person might come into possession of a GMO without knowing that the item is a GMO. For example, a person working in a laboratory where something like a reagent was ordered may not be aware that the item is a GMO when, in fact, it is.

The Hon. SANDRA KANCK: Who is going to determine whether something is an inadvertent dealing?

The Hon. G.E. GAGO: Regarding who would determine whether it is inadvertent or not, I am informed that, in terms of a research facility, it would be the institute's biosafety committee which, in turn, could get in touch with the Gene Technology Regulator, if need be.

The Hon. SANDRA KANCK: I am concerned that, with this notion of inadvertent dealings, it could create a backdoor way of getting a licence. For example, if we find that someone has inadvertently dealt in GM crops or products, does that mean that they can then legitimately continue to do so?

The Hon. G.E. GAGO: No; that is most unlikely to happen. A time limit is imposed, and the maximum time allowed is 12 months. That is with the intention of allowing the party to dispose of the material safely.

The Hon. SANDRA KANCK: So, there is no way that somebody could inadvertently deal and then say, 'I want a licence on that basis'? Is that a reassurance that you can give?

The Hon. G.E. GAGO: They would then be subject to the normal application process and risk assessment process.

The Hon. SANDRA KANCK: So, if I read that correctly, it seems to me that it provides a mechanism for someone to apply and say, 'I've been inadvertently dealing with GM. Therefore, I should be given a licence.'

The Hon. G.E. GAGO: I have been advised that the intention of this provision is that they would have to dispose of the material. Then, if they wanted to have their application reconsidered, they would have to go through the normal process that everyone else has to, and there is a risk analysis process that is associated with that.

The Hon. SANDRA KANCK: If I am interpreting the minister's answer correctly, the minister is saying that, having disposed of the material, they are really back at square one and they will be treated like any other applicant.

The Hon. G.E. GAGO: That is my understanding.

Clause passed.

Clauses 12 to 16 passed.

Clause 17.

The Hon. SANDRA KANCK: In relation to a licence to conduct experiments, can the regulator grant such a licence independent of anything that the state government might wish?

The Hon. G.E. GAGO: Could I just clarify the information that the honourable member is seeking? Is it around the moratorium?

The Hon. SANDRA KANCK: This relates to the limited and controlled release applications.

The Hon. G.E. GAGO: I have been advised that there is always an opportunity for the state to have input, and that involves a public consultation process.

Clause passed.

Clauses 18 to 23 passed.

Clause 24.

The Hon. SANDRA KANCK: This clause deals with the variation of a licence, and the answer that I was given to the previous question may encompass it. Nevertheless, I am interested in the issue of consultation. When a licence is varied, will there be consultation?

The Hon. G.E. GAGO: I am advised that the standard process continues to apply, and that this amendment does not affect that.

Clause passed.

Clauses 25 and 26 passed.

Clause 27.

The Hon. S.G. WADE: I was stimulated by the contributions of the Hon. Mark Parnell in relation to the precautionary principle, which I understand is enshrined in principle 15 of the Rio Declaration, which states:

> Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

That principle is embodied in the intergovernmental agreement on the environment, to which this state is a party and, under that agreement, this state has a responsibility to reflect the precautionary principle in its dealings. In implementing this measure, I understand that officers would be required to take into account the precautionary principle.

Obviously this principle does not apply only to the environment: it can also apply to other aspects. In fact, section 72B of the federal act, which is reflected in clause 27, has hints of that principle by saying, 'You've got to consider the threats.' What is interesting is that it brings together the threats to health and safety and the threats to the environment.

The Hon. Mr Parnell suggested that, in the commonwealth debate on similar legislation, the commonwealth parliament was assured that environmental factors would not be overridden by other factors—and the Hon. Mark Parnell was referring to economic threat—but the section itself makes clear that environmental factors can be overwhelmed by health and safety factors. That is my first point. The Hon. Mark Parnell I think quoted Greenpeace, which said that it thought environmental factors should be quarantined. Does the minister understand that section 72B of the commonwealth act does not quarantine environmental factors from health and safety factors?

I understand that the Hon. Mark Parnell is proceeding on the assurance given in the commonwealth parliament that economic threats would not be relevant in the application of section 72B. The Hon. Mark Parnell, I understand (I do not want to misquote him), is of the view that the application of the precautionary principle in relation to environmental factors should not be compromised by the infusion of other factors. I suggest that section 72B is structured such that the section requires the consideration of health and safety factors and the environmental factors in the one consideration and that therefore this act actually provides for potential compromise. I do not object to that, but it seems to be the inevitable consequence of the state allowing for section 72B of the commonwealth legislation.

The CHAIRMAN: So, the Hon. Mr Wade agrees with section 72B?

The Hon. S.G. WADE: All I am saying is that the opposition is proceeding on the basis that it is legitimate to consider the full range of factors, but the Hon. Mark Parnell seems to be proceeding on a different basis.

The Hon. G.E. GAGO: The precautionary principle is enshrined in the act in part 1, section 4, 'Regulatory framework to achieve object', which provides:

> The object of the act is to be achieved through a regulatory framework, which—
>
> (aa) provides that where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation...

The Hon. S.G. WADE: I appreciate that that is a confirmation of the fact that this state legislation is consistent with its obligations under the intergovernmental agreement on environment and does include consideration of the precautionary principle, but my reading of section 72B of the commonwealth act is that it requires consideration of both health and safety risks and benefits and environmental risks and benefits; in other words, it applies the precautionary principle to both health and safety and to the environment. Therefore, the opposition believes that is a responsible balancing of all the interests of the public. I want to put on the record that the Hon. Mark Parnell's presumption that the environmental precautionary principle overrides the health and safety precautionary principle is not enshrined in section 72B.

The CHAIRMAN: So, you are asking the minister whether she agrees with your point of view?

The Hon. S.G. WADE: As a member of the Legislative Council, I do not want to pass a piece of legislation that I misunderstand.

The Hon. G.E. GAGO: Both principles are upheld in the legislation. It is a balance of both economic and environmental issues and they are both incorporated. My understanding and advice is that one is not given greater predominance than the other.

The Hon. S.G. WADE: If I can be so cheeky, the minister inadvertently misstated the last statement. She said 'economic threat versus environmental'. The act talks about health and safety versus environmental. I take it that that is what she meant. I thank her for the clarification and defer to my colleague.

The Hon. M. PARNELL: To pursue this line, the commonwealth act in section 72B provides for the things the minister has to take into account in deciding whether or not to allow an emergency dealing determination. The section provides that the minister has to be satisfied that any risks posed by the dealings proposed to be specified in the emergency dealing determination are able to be managed in such a way as:

> (1) to protect the health and safety of people; and,
>
> (2) to protect the environment.

The difficulty with that provision is that the way ministers would normally satisfy themselves that the potential harm of the release of GMOs will not adversely affect the environment or the health and safety of people is with a thorough process of regulation and assessment. The whole purpose of this act is to dispense with that process of assessment and regulation. Therefore, it begs the question: how can the minister be satisfied?

The commonwealth act talks about the minister receiving advice from the regulator, but the regulator is in no better position than the minister. If the thorough assessment has not been done, the concept of these people having to be satisfied is unsatisfactory, because we are taking away from the very means they would normally use to achieve satisfaction.

The Hon. G.E. GAGO: The regulator is not being bypassed. The minister may make an emergency dealing determination only if the minister has received advice from the regulator. So, that is required. A risk assessment is still undertaken by the Gene Technology Regulator, because the act requires that, before the commonwealth minister makes a determination, he or she must have received advice from the regulator that any risks posed by the proposed dealing with the GMO can be managed so as to protect the health and safety of people and the environment.

The Hon. S.G. WADE: I might be showing my ignorance here but I presume that, when the minister uses the term 'regulator', we are talking about the Gene Technology Regulator?

The Hon. G.E. GAGO: Yes.

The Hon. S.G. WADE: My reading of section 72B(2)(a) suggests that the minister is not required to consult the regulator. The minister is required to consult the Commonwealth Chief Medical Officer, the Commonwealth Chief Veterinary Officer, the Commonwealth Chief Plant Protection Officer or a person specified by the regulations. Is the minister quoting regulations under the act that require consultation with the regulator? If so, I think it is also worthy of note that the commonwealth minister would need the advice of his other officers.

The Hon. G.E. GAGO: I can only read what is in front of me, and this is section 72B of the commonwealth act. Section 72B(2) provides:

> The minister may make an emergency dealing determination only if:
>
> …
>
> (c) the minister has received advice from the regulator...

I do not think it can be any clearer than that.

The Hon. S.G. WADE: My colleague the Hon. Mark Parnell has highlighted section 72B(2)(c), which talks about the advice from the regulator, and I understand the difference. Perhaps the difference is that section 72B(2)(b) is about assessing the threat to health and safety and paragraph (c) is about the impact of the changes to the genes. I appreciate the minister's clarification.

The Hon. Mark Parnell, in his learned contribution on this item, mentioned that in the commonwealth parliament there was a comment that economic threat would not be a consideration for section 72B. I understand that, under the commonwealth Acts Interpretation Act, the fact that that assurance was given in the commonwealth parliament may assist a court in the future to consider the intent of the legislation. However, under South Australian law, any comments in this parliament in relation to a piece of legislation do not assist the courts in interpreting the legislation. I would like clarification on what assurance we have in the legislation itself—not just in commonwealth *Hansard* assurances—that economic threat is not part of that balancing act that we are considering in section 72B.

The Hon. G.E. GAGO: I am advised that the bill before us states quite clearly under new section 72B that the minister may make an emergency dealing determination. Subsection (2) provides:

> The minister may make an emergency dealing determination only if the minister administering section 72B of the commonwealth act has made, or is proposing to make, a corresponding commonwealth emergency dealing determination.

So, we would not be doing it separately from the commonwealth.

The Hon. SANDRA KANCK: I am curious to know, in terms of what constitutes an emergency, whether a spillage of GP canola would be in that category.

The Hon. G.E. GAGO: I have been advised that, while 'threat' is not defined, it must be an actual or imminent threat to the health and safety of people or the environment. There is a similar provision in the therapeutic goods legislation. So, this is not the only legislation where it is not specifically defined, and it does not seem to have created any ambiguity there. In relation to a GM canola spill, you would not use emergency provisions for that, because it is already a GMO and already would be covered under the current regulatory system.

Clause passed.

Remaining clauses (28 to 57) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL

Adjourned debate on second reading.

(Continued from 11 November 2008. Page 583.)

The Hon. M. PARNELL (11:46): The Greens support this bill. The bill will ban retail outlets from providing single-use plastic bags to their customers to carry away goods. The bill is a good

initiative. It will reduce littering, prevent environmental harm and improve resource efficiency. I note that the bill, to a large extent, follows the recommendations of the 53rd report of the Environment, Resources and Development Committee dated 5 April 2005.

Importantly, the bill applies equally to all types of shops and stores. The bill exempts barrier bags such as the lightweight fruit and vegetable bags. The measures are to be phased in to minimise the impact on retailers. The introduction of these changes will be accompanied by an education campaign, and substantial penalties are imposed for breaches of these new laws. Those provisions are all consistent with the recommendations of the ERD Committee over three years ago.

The evidence clearly shows that the array of disadvantages of continuing to use plastic bags outweighs their convenience. We know that plastic bags can take 1,000 years or more to break down—the research of Planet Ark has shown us that—and we also know that these bags are, in the main, produced from non-renewable resources. Plastic bags of the type banned by this bill might not be a huge proportion of the litter stream—it may be around 2 per cent—but they are highly visible and highly dangerous. We know that they pollute our waterways, clog drains and kill marine life. On a global scale, tens of thousands of sea birds, whales, seals and turtles are killed by plastic bags annually.

I am reminded of the last Adelaide Fringe festival where one of the performances, aimed specifically at children, involved a juggler. He was juggling these plastic bags—which is no mean feat, given their flimsy nature. The story that this juggler told as he juggled the bags is: this is what they look like, floating in the water column, to a turtle. It was quite majestic to see three of these bags floating in the air, and he would catch them and toss them up again. We know they are dangerous and, thank goodness, some of our entertainers are helping to bring that message to the next generation. We know that plastic bags have potentially dire consequences for livestock, agriculture and, also, our tourism industry.

In spite of voluntary measures, such as the agreed Code of Practice for the Management of Plastic Bags, we still use 6 billion HDPE bags annually, which is around 345 bags per person per year, so it is nearly one bag a day for every person in this country.

When I came to South Australia in the late 1980s, my first political act was to write a letter to the editor about cycling; but my second political act, in conjunction with my wife, was to write letters to all the supermarkets, because we had come from Great Britain where they were charging for plastic bags, and it seemed a very simple initiative that could be used here. Rather than engaging in the parliamentary political process, we chose to write to the supermarkets, and were promptly ignored.

I also note that this bill is similar to a Greens bill introduced by the member for Mitchell in 2003. In fact, I think there were three attempts. At the first attempt on 2 April 2003 the bill lapsed in the House of Assembly when parliament was prorogued. That bill proposed a pricing mechanism (a minimum price of 25¢). Another Greens bill on 2 October 2003 was withdrawn and sent to the ERD Committee. That bill proposed an outright ban, which is very similar to the bill we have before us. The following year, a third Greens bill of 10 November 2004 also lapsed in the House of Assembly when parliament was prorogued, and that was the same as the October 2003 bill. So, the Greens have been calling for measures such as this in this parliament for five years.

I think this bill deserves support and, if we were to get it through and implement it, I think, as South Australians, we should feel some small level of pride that we are leading the way on this issue, much the same as we have led this country with container deposit legislation. I note again that the Greens support this bill.

The Hon. R.I. LUCAS (11:53): I rise to make a contribution on the second reading of this bill. In so doing I am pleased to canvass the subjects that relate to the shopping habits of the Lucas family (including me) and people I know. As I have indicated on previous occasions, I am happy to concede that I may be a minority—I do not know—in relation to my shopping habits. I will religiously ensure that I never purchase anything such as free-range eggs or free-range chickens. I am always looking for the battery ones. I will not purchase anything which advertises GM free or something similar. I definitely ensure that there is gluten in my biscuits. As we have seen in relation to recent developments, some of the initiatives we see in marketing are excuses to charge consumers significantly more, in my view, for basic products (such as eggs and chickens) and a variety of other products (such as tuna) on our shopping shelves. I do not pretend that I am typical

of the majority, although I am not the insignificant minority as some might otherwise believe in relation to my shopping habits.

In relation to plastic bags, to the extent that it can the Lucas household tries to use the green bags where possible. On a good number of occasions we are avid consumers of what is called by this legislation the single-use plastic bag. On some occasions you are not doing a big weekly shop—where you remember to take the half a dozen or, in the Lucas case, sometimes up to a dozen green bags which might be required for the extra big weekly shop—and you pop in for an item and you do not have the green bag with you. If you happen to be on a walk on a weekend and you call into the supermarket to get bread and milk to take home, you use the supposedly single-use plastic bag (which will be banned by this legislation) with handles on it so that, as you walk back home, it is a matter of convenience. On other occasions, if you call in after work to get bread or milk, or whatever it happens to be, the supposed single-use plastic bag is used. Our household uses the green bag whenever it can, but accepts the convenience and the logic of what is supposedly the single-use plastic bag.

Our household—I suspect like many others—disagrees strenuously with those who push this particular legislation that the supposed single-use plastic bag is, indeed, what they call it. As a number of speakers have acknowledged, many people pile the single-use plastic bags in a corner of their laundry or kitchen and use them for a variety of purposes, including as bin liners, and the Hon. Ms Lensink talked about a child-care centre that a family member attends requesting them for disposable nappies and other similar purposes. Certainly, many people use them to collect dog litter—if I can put it that way—whether it be dropped in their own garden or when taking a dog for a daily or weekly walk and doing the right thing in terms of collecting any litter. There are many other purposes for which this type of bag is used.

The supposed single-use plastic bag is used by some members of our family as a lunch container on one or two occasions, where rolls or sandwiches, chips and fruit boxes, or whatever else, are thrown into a plastic bag and, with the convenience of the handles, taken to school and, in more recent times, to work as a convenient carry item. There are many other uses for the supposed single-use plastic bag. As members in both chambers have highlighted, the notion that drives this legislation—that this is supposedly a single-use plastic bag which we all, as soon as we get it, throw away immediately—is far removed from reality in terms of its usage.

Other members have highlighted this is just one component of the issue of plastic bags. I understand from reading the contributions of the Hons Ms Lensink and Mr Hunter, and other members, that the vast number of plastic bags in the fruit and vegetable sections will not be banned. I am assuming, also, that the plastic bags which most of us purchase to put in our big bins will not be banned and, also, many other varieties of plastic bags will not be banned.

One of the questions we will have the opportunity to pursue in the committee stage, or the minister may respond during the second reading, is that, if a retailer was to arrange the manufacture of plastic bags larger than those used in the fruit and vegetable section—that is, there are no handles on them, but you snap them off the roll at the perforated edge—the supermarket, under this legislation, will be able to allow customers like me to use those sorts of plastic bags at the customer checkout.

The consumer—if they wanted to—could put a tag or a rubber band on the top of it and (as long as there is enough length in the plastic bag) carry it in that way without handles. I am seeking clarification from the minister as to whether that would be legal under the government's legislation and whether or not, for those of us who want to assist our supermarkets to allow the continued use of these plastic bags, the government's legislation would prevent that sort of plastic bag being made available by a supermarket to those of us who are quite happy to continue to use it.

As with many other pieces of legislation, there are always wildly differing views expressed to members in terms of the particular positions pushed. Clearly, the views of the proponents of the legislation have been quoted often in support of the legislation. I place on the record some correspondence, which I presume all members received, from people on the other side of the debate in relation to this. I will not read all of the contribution; however, I will identify the source: the National Association of Retail Grocers of Australia, the senior policy adviser Gerard van Rijswijk—in an email to all members (I assume), on 11 November of this week.

The association indicated that it had been complaining for a long time to national and state government agencies that much of the information that is provided in this sort of debate is—in their words—far from factual, but certainly at the very least contestable. I intend to at least put on the

public record its rebuttal of some of the claims that have been made. I hasten to say that, at this stage, I am not in a position to put myself up as the final arbiter in terms of who is accurate and who is not, but I think it is only fair to place on the public record the rebuttal of some of the claims that have been made by proponents of the legislation.

First, I refer to this initial estimate in terms of the total number of plastic bags that we are talking about. I note that the minister, Mr Weatherill, in the House of Assembly, said:

> The estimated national consumption of plastic bags was 3.93 billion.

I note that the Hon. Mr Hunter—I assume acting on information provided by the same government—indicated that the number was not 3.93 billion but 4.24 billion, and also I noted today that I think it was the Hon. Mr Parnell who quoted a figure that it is not that but 6 billion, so clearly there are wildly divergent estimates of the national consumption. I quote the response from NARGA to the quotes made by the government on this: that is, that the estimated national consumption was 3.93 billion, of which 40 million were estimated to have ended up as unsightly litter on our beaches and in our parks and streets. NARGA states:

> This number overstates the true situation as the consultant has not properly accounted for other products imported under the same customs code. A corrected assessment is required. It would show that the retail sector has exceeded its 50 per cent reduction target. This figure is pure guesswork and is derived—

It is specifically referring here to the supposed claim that 40 million bags are estimated to have ended up as unsightly litter on our beaches and in our parks and streets. The email continues:

> This figure is pure guesswork and is derived from an early consultant report which guessed that between 0.8 and 1 per cent of bags were littered. The figure has never been substantiated. It fails a reality check. If so many bags were in fact littered, there would be over 1 billion bags in the litter stream as bags have been in use for over 30 years. Clearly this is not the case. Plastic bags make up 0.6 per cent of litter according to the latest KESAB survey.

The next point that NARGA seeks to rebut is the statement by the Hon. Mr Weatherill on behalf of the government that the policy objective of the legislation was the avoidance of waste. NARGA's response was, 'Plastic shopping bags are not a significant component of the waste stream…' I interpose at this stage and refer members to the statement from the Hon. Mr Parnell that, frankly, conceded that that was the case. The Hon. Mr Parnell used words to the effect that he acknowledged that plastic bags were not a significant component of the waste stream; nevertheless, he went on to give his reasons why he believed that the bill should be supported. At the very least, what NARGA is indicating there would appear to have gathered support from even some supporters of the legislation, such as the Greens and the Hon. Mr Parnell, in particular. Returning to the quote from NARGA:

> Plastic shopping bags are not a significant component of the waste stream and, in fact, assist with the orderly collection of waste from households. Many are reused as bin liners and garbage bags. This reduces spillage of waste during collection activity—reducing litter associated with waste collection. It is anticipated that a ban on plastic bags will see a reduction in the bagging of waste and a corresponding increase in litter.

The next claim from the Hon. Mr Weatherill that NARGA seeks to rebut is that they also kill marine life. The response from NARGA is:

> Reports of marine debris on marine life have been deliberately misquoted in order to implicate plastic shopping bags. Whilst plastics do impact on marine life and, in a small proportion of cases these plastics are bags, they are NOT shopping bags. The most frequently quoted study referring to '100,000 marine animals', in fact refers to birds killed by fishing activities.

I too have heard the many claims of these bags killing marine life. I think we have heard them before in this chamber in answers to Dorothy Dix questions, so I am interested to hear in the minister's response the evidence in relation to the significance of the shopping bags that are going to be banned in terms of the numbers that end up killing marine life.

I am not going to go through all of the NARGA response. I am sure other members have it, and it is certainly available if other members want it, but there are two or three other areas that I do want to cover because they do, point-blank, just say that the claims from the government are not true, so I seek the government's response to this rebuttal. The government, through Mr Weatherill, said:

> Greenhouse: 84,000 tonnes of greenhouse gas emissions abated, the equivalent of taking 19,600 cars off the road for a year.

NARGA's response was:

Not true. The figure relates to previous estimates of bag volumes, does not take into account their replacement with purchased bags and does not recognise the following facts:

- HDPE plastic is made from material usually flared to the atmosphere—i.e. its manufacture reduces greenhouse gas emission because less material is flared.
- Disposing of rubbish in landfill contained in plastic bags reduces emissions from the landfill because water access is reduced.

The next claim from the minister was:

...energy—2.8 million gigajoules of energy saved, the equivalent of powering for 152,000 homes for a year.

NARGA's response was:

Not true, although the energy figure represents the energy and material used in the manufacture of HDPE plastic bags is not saved if the alternative use is flaring this material to the atmosphere.

Another claim to which NARGA has raised objection is the claim made by the member for Morialta, Ms Simmons, whom I have heard unkindly referred to as the Belinda Neal of the state parliament. Ms Simmons said in this debate:

These bags take between 15 to 1,000 years to break down in the environment. In my latest newsletter I have a photo of a turtle dying from eating a plastic bag, which can be clearly seen in its mouth.

Obviously, that is a pretty serious claim being made by the member for Morialta, that is, that she has photographic evidence of a turtle dying from a plastic bag, which can be clearly seen in its mouth. She has obviously put this in her newsletter to her electorate, I assume in an effort to get her constituents to support her and the government's initiatives in relation to plastic bags. NARGA's response is that what Ms Simmons, the member for Morialta, has said is simply not true. NARGA states:

Breakdown times are dependent on bag composition and climate. Bags do not contain a UV stabiliser.

But the more important rebuttal by NARGA is as follows:

The photo referred to is shown below—

and there is a photo of a lovely looking turtle with a plastic bag poking out of its mouth, and the member for Morialta is obviously saying that it is dying from eating the plastic bag. NARGA then states:

The plastic in its mouth is NOT a plastic shopping bag—

contrary to the claim made by the member for Morialta—

The photo was staged at the Melbourne Zoo.

If NARGA's claim is true—that the member for Morialta has used her global resources to distribute a photo of a turtle with what she says is a plastic bag coming out of its mouth which she says resulted in the death of that turtle—and if the photo she has used was staged at the Melbourne Zoo for dramatic effect, which is obviously a most serious claim being made against the member for Morialta, this is an issue that will need to be pursued with the minister in charge of the bill in this chamber. It will also obviously need to be pursued with the member for Morialta, because it is a most serious charge being made by NARGA.

As I have said, if the member for Morialta can prove that what she has said is correct and what NARGA has said is inaccurate, it is most important that she gets onto the public record in the parliament, or perhaps responds to media inquiries, in relation to this matter. She has not attracted favourable publicity in recent times. Certainly, it would be a serious blow to her credibility if it was found that this claim she has made and distributed (one would assume using taxpayer-funded resources) to her electorate was untrue and that NARGA's claim that the photo was actually staged at the Melbourne Zoo for dramatic effect was accurate.

One of the concerns I have with this debate is that we have proponents who, for their own reasons—their own political gratification in their electorate—might be prepared to make, certainly at the very least, extravagant claims about the value of the legislation. However, this is much more serious than that. It is not just an extravagant claim: it may well be a most serious claim which is untrue, and it would reflect very poorly on the member for Morialta, Ms Simmons, if indeed that turned out to be the case.

With those comments, I indicate my support for the position the Hon. Ms Lensink has put on behalf of the party, which is that we oppose the legislation. Speaking as an individual, I indicate

that I am not yet convinced about one of the alternatives that has been flagged, that is, the notion of forcing me as a consumer who does not mind using plastic bags in the shopping centre, for the reasons I have outlined, to pay extra for the convenience of doing so (that is, the levy proposition), but I accept that, potentially, that is a proposition that will need to be debated at some future time. In the end, it ought to be judged on the merits of whether or not it achieves the purpose that its supporters might indicate would justify its introduction as a policy option. With that, I indicate my opposition to this particular proposition from the government.

The Hon. D.G.E. HOOD (12:15): I rise to indicate Family First's position on this bill. We obviously have considered this matter long and hard and consulted widely with various groups, consumers and the body that will be substantially affected by this measure, and that is the industry itself—that is, the industry that manufactures plastic bags, and also the supermarket/shopping industry, where the bags are put in the hands of customers.

Let me say at the outset that my personal view is that we live in an era of almost environmental extremism at some level. We tend to be concerned about things that, in some ways, really do not justify the level of noise that is made about them. For example, I am constantly intrigued by forecasts of temperature rises of X degrees over a 50 or 100-year period, when they seem to not be able to get the temperature right for the next week with any degree of reliability. I am often amused by these sorts of things. That does not make me sceptical, but I certainly approach such matters with a sense of trying to examine the real evidence that exists for these sorts of things. I think that is looking at the bigger picture.

Having said that, I think it is incumbent upon all of us (and particularly elected members of parliament) to put our best foot forward and take practical measures to protect the environment. As I said, I am not necessarily a fan of the big picture or scaremongering, which it can turn into sometimes, but I am—and Family First certainly is, as a party—committed to taking reasonable steps to make a difference in the here and now. That having been said, we consulted widely and have come to the position, after that consultation that, on balance, it is probably wise to support this bill. We are of the view that practical, short-term measures that can be taken to improve the environment or reduce the risk to the environment are ones that should be supported. For that reason, we will be supporting this bill.

I would like to outline a few of the reasons behind that, if I may, and make a brief contribution this afternoon. Supermarkets have now been voluntarily trialling schemes to reduce polyethylene bags since 2003. However, those trials have been largely unsuccessful in reducing our use of plastic bags at supermarkets. A consensus was reached nationally in 2006 among those bodies that the voluntary schemes did not appear to work. I note with interest that only this week Target has come out and imposed a voluntary ban upon itself in the use of plastic bags in its stores. So, it appears that the industry is heading that way regardless of the legislation.

Jurisdictions across Australia have now been weighing up whether to ban or impose a levy on polyethylene plastic bags. Victoria is currently trialling a charge, at the moment, which, in its first week, saw a 1,400 per cent increase in reusable bags. There was a clear swing away from the polyethylene to reusable bags which, I think, in essence, is the thrust of the opposition argument. There appeared to be a consensus developing earlier this year, but the government now believes that it may take several more years for a national scheme and, hence, its decision to move alone, that is, for South Australia to take the lead on this issue, if you like. However, we are not alone. Many other countries with a similar problem regarding the use of large quantities of plastic bags, such as China and even Bangladesh (I was surprised to find out), are opting for total bans in this regard. Indeed, Los Angeles and San Francisco in the United States have recently imposed bans on plastic bags in their retail sector.

During a briefing on this bill the government indicated that it preferred the ban because it sends a clear signal, and charges imposed on bags, according to the Irish experience, apparently tend to be factored in by shoppers over time; that is, in Ireland, where a levy was imposed on plastic bags, our understanding is that, whilst it was very successful initially, over time the numbers of plastic bags actually got up to the levels that they were prior to the levy being imposed. So, whilst it was successful initially, we understand that it was not successful in the longer term. Perhaps one of the real reasons that the government is heading in the direction of a total ban is that it does not see the levy as being effective in the long term. Certainly, as I read it, that has been the Irish experience.

Clearly, we have to do something. I think the Hon. Mr Lucas made a very strong point when he said that the numbers of bags are grossly exaggerated, whether it is 4 billion, 5 billion,

6 billion—we hear different numbers. I think the reality is that we do not know how many bags end up harming the environment. However, I think it is reasonable for us to take the position that, clearly, there is some harm, regardless of what the number is. I think if we reduce that number it will be of benefit. Clearly, we had to do something. If we use something like 4 billion plastic shopping bags per year that, apparently, can take 100 years to decompose, then most people would agree that that is not beneficial for our environment.

Some estimates are that 30 to 50 million bags find their way into our ecosystem. Some scientists talk about there now being a 'plastic soup'—to use their words—in some parts of the ocean where the currents converge. Again, I wonder whether that is overstating the problem but, nonetheless, I think that if we can do something then we should. We owe the environment more than that and, given that alternatives exist, Family First believes that we owe it to our children to ban the use of those bags, as the government is proposing. Alternatives do exist in the form of biodegradable bags, which will only cost a few cents, as I understand it. Indeed, as the use of those becomes increasingly common, then the per unit cost of the bags will decrease.

I would like to give special mention to Modbury Foodland, which is currently trialling the use of compostable bags. We would like to see a list of acceptable biodegradable bags being determined by the minister in regulation. One of the complaints about biodegradable bags is that they use more resources and potentially have a larger carbon footprint than single-use bags, which are predominantly produced relatively cleanly compared to those which use petroleum fuels in their construction.

I am grateful that the minister will incorporate one of our suggestions as a proposed amendment, regarding the definition of compostable bags. That being said, I think we have made our position clear. We will support the bill. I think, on balance, there is more to be gained by supporting the bill than opposing it. As I said, though, I believe we have become a society that perhaps overstates the damage that can be caused, although in the case of plastic bags we believe there is a case to take some action and, for that reason, we will support the bill.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (12:23): In summing up, I would like to thank honourable members for their very valuable contribution to this important piece of legislation. The debate has raised a number of issues: whether to take action at all, whether there is sufficient evidence to provide a basis for moving against the plastic bag and whether South Australia should go it alone.

If there is sufficient basis for taking action, there can be no real case for not acting on our own. We have a fine tradition in South Australia of pursuing groundbreaking environmental legislation. We should not be unnecessarily slowed by waiting for a national approach which may or may not eventuate. It is important that we try to reach a national agreement and we have done that, but the failure to this point in time to achieve that should not prevent us from moving forward if there is a proper case.

At the environment ministers' meeting last week, ministers recognised the potential to pursue a national approach to reduce plastic bag use that builds on voluntary efforts of supermarkets and the actions of various jurisdictions to reduce such use but, yet again, no consensus on the nature of that national approach was reached.

Meanwhile, the case for intervention is compelling, contrary to the suggestion by the Hon. Michelle Lensink that plastic bags are a minor environmental issue. The life-cycle costs associated with these lightweight plastic bags going to landfill makes action necessary. In 2007, a comparison of existing life-cycle analysis revealed that, over a two-year period, replacing all lightweight single-use shopping bags consumed nationally on an annual basis with reusable non-woven polypropylene green bags would deliver significant environmental gains, and they have been outlined in the second reading explanation. There are clear life-cycle benefits independent of the amenity issues and the damage to wildlife, which are more difficult to quantify.

An issue was raised regarding the absence from the proposed ban of department store bags. These are not subject to the proposed ban because they are not used in anything like the volume that we see with single-use plastic bags. We do not see them in our litter stream as we do single-use plastic bags and, unlike single-use plastic bags, many of them are designed to be reused, given their heavier construction. Many of them are recyclable and some of them contain

recycled materials, and I am pleased to note that that tends to be an increasing trend. At this point in time, the case for banning them is not compelling in the way it is with single-use plastic bags.

Another issue that has been raised relates to the concern that the proposed ban on these single-use plastic bags will simply lead to a reliance on other types of plastic bags, such as boutique bags or bin-liners, for instance, However, the evidence from many overseas examples simply does not bear this out. There is likely to be a small increase in the use of these substitutes but nothing like the volume of single-use plastic bags that the community would otherwise have used. Moreover, this argument overlooks the increasing availability of compostable bags. The bill exempts from the ban compostable bags that meet the relevant Australian standards—essentially, that they compost within 120 days. Over recent months, Zero Waste has identified seven types of bag that meet the standard already, so there has been a very good market response in the lead-up to the proposed ban.

The publicity around South Australia's proposed action appears to have galvanised suppliers of this product to seek to get into the South Australian market. I am very encouraged by that response. The bill as originally introduced in this chamber in June was designed to ensure that these compostable bags could be used as substitutes for single-use plastic bags but, following discussions about the bill with Family First, the provision regarding the use of these bags has been improved so as to remove any doubt about the availability of these bags. I wish to put on record the government's gratitude for the constructive way in which Family First has engaged with us on the bill which has enabled us to improve this important piece of legislation.

A further issue of concern is that it has been proposed that a fee charged on plastic bags would be a better solution than a ban. There are a number of responses to this. First, it is simply not as effective. It will reduce the use of plastic bags, but there will still be millions of bags going to landfill and entering the litter stream. Secondly, the Irish experience referred to by the Hon. Michelle Lensink and, I think, by the Hon. Dennis Hood shows that the charging of a fee becomes less effective over time. They have recently had to lift the fee dramatically to try to halt a slide in non-use of plastic bags. Thirdly, what it will not do, which a ban will, is provide incentives to bring to the market compostable bags, and we see that there has already been a considerable response in the marketplace. Lastly, why would we impose this cost impost, which in effect would end up being a windfall for retailers as we do not have the capacity to raise a levy or direct those fees that would be raised via a cost impost to go to a good purpose? The fees raised would simply accrue to the retailer.

The last issue of concern relates to the experience of retail workers whereby the greater use of heavy duty reusable bags may increase their health and safety risks. We take these risks seriously, which is why the SDA and Zero Waste commissioned a study into the possible effects of the ban on retail workers. That study came up with a series of recommendations around workplace design and practice, which were discussed with SafeWork SA.

As part of the recent changes to the bill we have inserted a provision for a review of the legislation and its implementation after two years. We propose to have a health and safety audit conducted, particularly of the implementation of the study recommendations, and to have the results of that audit fed into the review process, which will of course not be confined to the audit. It will enable us to review the implementation of the ban generally and in the light of both technological developments and regulatory developments elsewhere.

Finally, I address the community sentiment, as indicated by the Hon. Ian Hunter. Community sentiment appears to be strengthening against the plastic bag. The community has shown that, through the SA and Victorian trials mentioned by the Hon. Michelle Lensink, it is ready for a phase out commencing in 2009 and is supportive of the need to phase out wasteful packaging. The Victorian trial shows that almost 80 per cent of customers switched from plastic bags to reusable bags. The recent SA trial, conducted by the federal member for Makin, revealed that 88 per cent of almost 2,000 customers surveyed said that it was important for the environment to remove plastic bags. A recent *Messenger* survey showed that 51 per cent of respondents do not use plastic bags. These results all indicate that the overwhelming majority of the community is looking to eliminate the use of plastic bags, and we should respect those views.

A question was asked by the Hon. Rob Lucas about whether larger barrier bags could be manufactured without handles and whether they would be included in the ban. I am advised that they would not and would still be excluded. However, I remind members that barrier bags are generally much thinner. It is unlikely that they will be able to hold many contents and it will be

incredibly inconvenient to be using more of those in lieu of the single-use plastic bag when they do not have handles, are thinner and are unlikely to be able to carry many heavy contents.

The other aspect is that it has not been evidenced to the best of my knowledge in any other country that suddenly where there has been a ban on plastic bags people have supplemented that with the use of barrier bags. That does not appear to be the evidence. With those words, I thank all members for their contributions and look forward to the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: Mr Chairman, I seek your advice, and perhaps that of the minister. I have quite a number of questions that relate to clauses 3 and 4 and some general questions. I am happy to ask them all upfront to give the government an opportunity to obtain those replies.

The CHAIRMAN: That is fine.

The Hon. J.M.A. LENSINK: In relation to the footprint of the various types of bags, in my second reading contribution I referred to a report by Nolan-ITU, which lists single HDPE; 50 per cent recycled HDPE; boutique LDPE; Coles calico (I am not sure why it is listed as Coles calico, as a number of organisations provide calico bags); woven HDPE swag bag; PP fibre (which is known as the green bag); Kraft paper-Coles handled; solid PP smart box; reusable LDPE; biodegradable-starch-based; and biodegradable-PE with prodegradant additives (which I assume is what has been incorrectly termed the bio bag, which breaks down into smaller pieces of plastic).

Does Zero Waste have any information about the footprint of the various carriers that one might use to take one's products away from the retail store? Many years ago, cardboard cartons (which seem to have disappeared—it might be a space issue) used to be quite readily available and were often used as an alternative. That is a question about the footprint: whether Zero Waste has any information about that, and if it will make that available.

My second question relates to pre-packaging. As a prelude to the question, I would assume that many more products will be pre-packaged—for instance, rather than having loose items, they will be bundled together for the convenience of shoppers. I would like to know whether the government has any information on that.

I would also like to know whether the government has considered the issue of recycling plastic bags. There are various supermarkets (my local Coles, for instance) where consumers can put the plastic bags back and they will be recycled, either as plastic bags or as other content. Has the government considered that and, if so, why has it rejected it?

My next question relates to standards for 'biodegradable' (this relates to clause 3). There is a definition there of 'biodegradable bag', which refers to standards, and there is a further definition that refers to 'relevant standards' as meaning AS 4736/2006. Will the standard be issued by regulation or will the Australian standards be used as the standard for that? With respect to the standard that is defined in this bill (which will, presumably, become an act of parliament), will that need to be amended by legislation if it does not continue to be the standard into the future?

What alternatives will the government provide to the blue bags which are usually supplied at the checkout and which people use for meat? They are not barrier bags. One of the issues that has been a bone of contention for retailers is how to redesign their checkouts. I note that this version of the bill provides in clause 4(3) a definition of alternative shopping bags. Is that designed to address that issue and, indeed, why has the government felt the need to include that? Has it considered other alternatives, such as paper bags, and why have they not been included? Also, would the government include the old cardboard cartons as an alternative, which I think is a commendable environmentally friendly form of reusing a resource that would otherwise also go into landfill? In relation to clause4(3)(c), what is envisaged by the wording 'is of a kind brought within the ambit of this definition by the regulations'?

In relation to clause 5, why does the government feel the need to have a penalty for retailers for various offences? Is there some evidence that if this clause is not included retailers will somehow not do the right thing by the community?

Going back to the issue of clause 4 and the alternatives, has the government received some consensus from retailers about what the alternative checkout design will be?

The Hon. G.E. GAGO: I have been advised that the evidence shows quite clearly that reusable bags have a much lower environmental impact than all single-use bags. If you use a green bag for a year, less than a quarter of the energy would be needed than to make the HDPE bags that would be used within that time. I have life cycle tables that outline the energy impacts and water impacts. I am happy to read those out, but I am sure the honourable member has access to those. It is a Sustainability Victoria document headed Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives, dated April 2007.

The Hon. G.E. GAGO: Could the honourable member repeat the request on pre-packaging?

The Hon. J.M.A. LENSINK: Has Zero Waste SA any information as a result of consultations or from projections as to whether pre-packaging content will increase, and, once the changes come in, whether there will be substitution in order for people to take account of the fact that they are not able to use those prescribed plastic bags?

The Hon. G.E. GAGO: We do not know ahead of time what the full impact might be on pre-packaging. However, we can say that there is a national packaging covenant which many retailers have signed. The covenant is about a commitment to reduce packaging. We have also committed to a review at the end of two years to look at the impact of the ban on a whole range of different practices.

The Hon. J.M.A. LENSINK: The third question was in relation to recycled plastic bags. I referred to my local supermarket—Coles—which takes back plastic bags and, I assume, recycles them into bags or other products. Has the government considered this and rejected it—and why—as part of its suite of ways in which to deal with this problem?

The Hon. G.E. GAGO: Obviously, this is a strategy to encourage people to switch to reusable bags. The reusable plastic bags themselves are often recyclable, so you get double your money, environmentally. There is evidence to suggest that very few people use the recycling facilities for single-use plastic bags.

The Hon. J.M.A. LENSINK: Another question relates, essentially, to clause 3, and the standards for biodegradable bags. There is a definition of 'biodegradable bag' and there is a reference to a relevant standard. The question was whether the standards for biodegradable bags—which, I think is the same as compostable bags—will be by regulation or using the Australian standard. If it is the standard referred to in that particular clause, is it something that may change in the future and, therefore, will need legislation to amend?

The Hon. G.E. GAGO: Yes; in terms of your first question, biodegradable bags are compostable and, yes, we will be using the Australian standard. We will be relying on the two-year review clause. We did that in response to retailers who actually wanted us to look at whether that standard would still be applicable in two years. The standard can be amended by regulation—so that can be done fairly easily, and we note that work is being done in other jurisdictions on standards that are being developed and, obviously, we will take those into consideration as we look at these matters in the future.

The Hon. J.M.A. LENSINK: I have another question relating to the offences for retailers who do not provide plastic shopping bags. What is the rationale for that; does the government have some suspicions or some basis for believing that retailers may, indeed, not do the right thing, or misrepresent a plastic bag, which is to be banned by this bill, as something else?

The Hon. G.E. GAGO: The offences have been included in this bill. There are two offences—one for retailers and one for suppliers—and they complement each other. The offence relating to retailers is about encouraging retailers to be really diligent about the bags that they order from suppliers, to ensure that they do meet the standards and are of the right quality, and the offence relating to suppliers is to ensure that the retailer is, in fact, protected from the inadvertent supply of plastic bags that might not be of the right standard.

The Hon. J.M.A. LENSINK: That answer has, in fact, piqued my interest. One of the things that I think was said during the second reading debate is that people will use substitute bags. For instance, some people like to use plastic bags, which would ordinarily be banned, as a bin liner—and I assume that Glad is already ramping up some sort of design process. If someone goes to a shelf in a supermarket to specifically purchase bags that are on a roll, would that type of

bag be banned under this legislation? I am not sure whether I am making myself very clear here. You cannot get a bag at the checkout, but you can instead purchase this type of plastic bag by going to the relevant aisle and getting it from the shelf.

The Hon. G.E. GAGO: The member is suggesting that people could substitute the bag at the checkout point by purchasing a bin liner or another type of bag that has not been banned. There are a couple of issues around that. First, that has not eventuated in other countries where bans have been put in place. So, people have not tended to use those other sorts of bags as a substitute.

Obviously, the bin liners, nappy bags and doggy poo bags etc. are not included in the ban. Also, those bags are generally fairly thin and flimsy, and they do not have handles and are very inconvenient for shoppers to use. So, we have not found that that has been the practice in other countries. We have also found that the compostable bags, which would appear to be commonly replacing the single-use plastic bag at the checkout, make very good bin liners. So, again, it is a win-win.

The Hon. J.M.A. LENSINK: One of the other issues that has been raised in this is the occupational, health and safety issue, and I think it is one of the major reasons the Shop, Distributive and Allied Employee's Union has been opposed to banning the plastic bag for some time. Over the years since we have had plastic bags as a product, a particular design for the checkout has emerged.

I would be interested to know whether subclause (3) has been inserted to accommodate the new design of checkouts in that it anticipates that the alternatives will include a biodegradable bag, or what we know as the green bag. One of the other alternatives that has been referred to is paper bags, and I have also referred to the old cardboard carton. Does the government envisage that it will be either biodegradable bags or green bags that will be in predominant use at the checkout? Has the government considered paper bags or cartons, or is it trying to narrow the definition deliberately to funnel retailers towards designing their checkouts to accommodate those two specific types?

The Hon. G.E. GAGO: A number of issues have been raised in the honourable member's questions. In relation to the design of the checkouts, it is really at the discretion of retailers to design their checkouts to suit their needs. There are many different types of bags around at the moment. As we have seen, the marketplace has been stimulated to consider further alternatives for bags. So, everyone is very busy looking at, exploring and researching different bag designs, etc. I think that is a good thing. However, what it means is that, at the moment, the marketplace is in a state of rapid change and movement. No doubt that will settle down and supermarkets will end up deciding what design is best for them and their workers and they will then implement it and change the design of their checkouts to fit. That is really a matter for retailers.

We need to be careful about the level of prescription. There are competition issues—ACCC issues—so we would not want to be too prescriptive in terms of affecting competition. In terms of occupational health and safety, clearly, we are committed to the paper (done with the SDA) which identified a number of really important issues. We have said that we encourage retailers to ensure that they incorporate policies and practices that complement occupational health and safety legislation in relation to the weight of bags, and also hygiene. The retailer has the right to reject any bag that it thinks is unhygienic, unhealthy, not safe or too heavy. That is something we encourage retailers to do. The review period will help us identify how well we have been able to do that. In terms of paper bags and cardboard, they are not included in the ban and are, therefore, outside the scope of the legislation.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill reported without amendment.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (13:02): I move:

That this bill be now read a third time.

The council divided on the third reading:

AYES (11)

Bressington, A.	Brokenshire, R.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.	Zollo, C.	

NOES (7)

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

PAIRS (2)

Wortley, R.P.	Wade, S.G.

Bill thus read a third time and passed.

[Sitting suspended from 13:08 to 14:17]

PAPERS

The following papers were laid on the table:

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

Reports 2007-08
Construction Industry Training Board
Industrial Relations Court and Industrial Relations Commission
Construction Industry Long Service Leave Board Report on an Actuarial Investigation of the State and Sufficiency of the Construction Industry Fund
National Code of Practice, May 2007
National Code of Practice for Precast, Tilt-up and Concrete Elements in Building Construction, February 2008

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Adelaide Entertainment Centre—Report 2007-08

QUESTION TIME

EMISSIONS TRADING SCHEME

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the federal government's emissions trading scheme.

Leave granted.

The Hon. D.W. RIDGWAY: It was announced today (and it is currently on the Adelaidenow website) that the Port Pirie smelter will close if the Rudd government's carbon emissions trading scheme goes ahead. That was confirmed by its owner today. The article on the website states:

Nyrstar, the world's largest zinc producer, told ABC Radio it was also reviewing its smelter operations in Tasmania, warning of 'devastating effect on communities' if the plants were to close. Nyrstar chief operating officer Greg McMillan told AM that the federal government's carbon emissions trading scheme—scheduled to roll out in 2010—would increase its operating costs significantly. The move would cost Nyrstar about $70 million per year, making its Australian operations unviable, resulting in the closure of the Hobart and Port Pirie plants, with the likely result that smelting operations would shift to countries like China. The Port Pirie blast furnace smelter has 670 employees and 110 full-time contractors.

The Mayor of the local area, Mr Geoff Brock, was interviewed on ABC Radio 891 this morning. David Bevan said to him, 'Do you want the National President of the ALP, Premier Mike Rann, to lean on Penny Wong and say "Give towns like Port Pirie a break"? Mr Brock said, 'I would implore the Premier to do that, and I know that Nyrstar has been talking to Kevin Foley and also Mike Rann and Paul Holloway, but we need their assistance to ensure that Port Pirie is not decimated along with other regional areas of South Australia.' What discussions has the minister had with Nyrstar, and does he now concede that the ALP's emissions trading scheme will decimate regional and rural South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I have had several discussions with Nyrstar over the past six months or so, including discussions with Mr McMillan. Nyrstar has certainly been forceful in putting its point of view in relation to the impact that the emissions trading scheme may have upon its future operations and, indeed, this government has taken up these issues with the federal government. The Deputy Premier, who was acting premier at the time, wrote to—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: So does the Liberal opposition, I think. They are supporting an emissions trading scheme, too, as I understand it. So, if what they are saying is true, they are saying that they would get rid of it at Port Pirie; just do it a year or two later. Is that what they are saying?

If we can just get back to the question. The Deputy Premier, who was acting premier at the time, wrote to the Prime Minister on 8 October, I think, in relation to these matters. He basically put the position that Nyrstar has been putting to the government and urged the commonwealth to give careful consideration to that position.

While, of course, this government is supportive of measures that the federal government is proposing to take in relation to reducing CO_2, of course, we need to make sure that any action the commonwealth takes is sensible, in terms of ensuring that we do need to reduce the amount of CO_2 that we produce, and there is no doubt that operations such as the Port Pirie smelter are large contributors to the CO_2 problem. However, there is obviously little point in reducing our CO_2 levels in this country if the equivalent or more CO_2 is produced elsewhere in the world—if the operation is simply transferred to other countries that produce even more CO_2 because their plants are less efficient than what might be the case here.

While the federal government is making its major decision on the emissions trading scheme I am sure we will hear a lot more from individual companies which no doubt will be using the media to get across their point of view. That is part of the debate that will happen inevitably. What is important is that we make the right decision, taking into account all of the factors.

Clearly, we cannot afford to ignore the issues of climate change and the contributors to that but, also, it makes little sense for us to take action which has a negative and adverse impact here but which results in no overall reduction, or maybe even an increase, in carbon dioxide elsewhere in the world. So, all I can say is that, while this government will support moves to reduce CO_2 at a national and world level, we obviously do not want to see that happen at the expense of this state's economy, and we will be vigorous in ensuring that that is brought to the attention of the commonwealth government.

EMISSIONS TRADING SCHEME

The Hon. M. PARNELL (14:26): I have a supplementary question, Mr President. Does the government believe that a better approach to Nyrstar's concerns is to assist it to shift to a low-carbon, low-energy future rather than excluding it from the Rudd government's carbon pollution reduction scheme? Also, has the minister or other ministers had discussions with the company to that end?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:26): I think I can understand the point the honourable member is making, and I think it is a reasonable point. Clearly, if we are to move towards lower CO_2 emissions in this country, one of the ways in which we will do that is to improve the efficiency of our operations and also to turn to other forms of energy for any energy-intensive activities, as the Port Pirie smelter is, that generate less CO_2.

Obviously, Nyrstar will have to make decisions as to what investment it intends to make in the future. The whole idea of announcing an emissions trading scheme in advance is to signal to those industries that need to adjust to give them plenty of time to move towards that. I guess one of the debates that will happen in this country is: what is the appropriate amount of time to enable those industries to adjust? Ultimately, those industries must adjust. Clearly, some industries will need more assistance than others in doing that and, obviously, this government will look at any particular case that is put forward.

CHILDREN'S SCOOTERS

The Hon. J.M.A. LENSINK (14:28): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about children's scooters.

Leave granted.

The Hon. J.M.A. LENSINK: Honourable members may have seen an article in today's paper which alerts the public to the fact that some electric scooters currently in Christmas catalogues have speeds of up to 16 km/h and that, with modifications, they can get up to 60 km/h. I note from the article that there is no reference to the Office of Consumer and Business Affairs. My questions are:

1. Is the office aware of these scooters, and does it have concerns about them?

2. Is the minister aware whether or not these electric scooters comply with all safety regulations?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:29): I am not absolutely sure exactly which scooters the member is referring to, but certainly I am aware that there is an electrical scooter appliance on the market at the moment that the office is investigating. I do not know whether or not it is exactly the same appliance, but I am certainly happy to get those details for the honourable member, clarify it and bring back a response.

PRISONS, OVERCROWDING

The Hon. S.G. WADE (14:29): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the prison population.

Leave granted.

The Hon. S.G. WADE: In July last year I put on notice a question to the minister seeking prisoner population projections for the next five years. Some 16 months later the minister has still not provided any projections. Last week the South Australian Council of Social Services released a report on prisoner overcrowding in which it estimated that by 2018 there will be 3,082 prisoners in South Australian prisons. In terms of supply, with the expansions to the new prisons foreshadowed by the government and the new bed spaces recently announced by the government (including the government's double-up proposals for the new prisons), South Australia's prison capacity will be in the order of 2,730. Based on this estimate and the SACOSS population projections, the South Australian prison system will be operating at full capacity within two years of the opening of the new prisons in 2013-14—even with doubling-up and the installation of additional capacity envisaged in the new prisons project. My questions are:

1. Has the department done forward projections for the prison population and do they accord with SACOSS estimates?

2. When will the minister provide the population projections requested 16 months ago?

3. Does the government's unwillingness to release prison population projections confirm the SACOSS fear that the government is planning for long-term chronic overcrowding of our prisons?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:31): I will follow through why the honourable member does not have a response. I thought he had asked questions in the estimates committee this year and that he had received a response. The report about which the honourable member is talking was commissioned by OARS, from memory. I categorically dispute the forecast that was used by OARS in relation—

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: Well, we have given our estimates. Essentially, we are saying that we have provided $35 million over four years for 209 beds. We have said that we project an extra 80 prisoners per year. We have had to defer the new prisons. There is another $30 million, without the operating costs. It is always disappointing when people speak in the media and on radio, and commission reports which are not reliable.

The Hon. S.G. Wade: Shooting the messenger.

The Hon. CARMEL ZOLLO: It is not a question of shooting the messenger. It is stating the facts. That report was inappropriate for longer term planning. The figures do not take into account the economic and social benefits achieved by this government in the reduction of victim-reported crime. They do not take into account the fact that new prisons are being built. I could be quite derogatory in relation to that report, which is of very poor quality. I have a meeting scheduled with OARS in the near future and I look forward to having a good chat with them in relation to how they arrived at those numbers.

Members interjecting:

The Hon. CARMEL ZOLLO: Those opposite need not fear. OARS is an NGO which is funded by this government to the tune of $400,000.

Members interjecting:

The Hon. CARMEL ZOLLO: They are very excitable.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: We have renewed their funding. We fund them to the tune of $400,000 per year as a service provider for the government. OARS has done some research. As I said, we dispute that research and the figures in the report.

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

The Hon. CARMEL ZOLLO: Well, we have. If you look at things in the longer term this is very amateurish, at best. It is embarrassing. Quite frankly, we are embarrassed for them. I am told that the report used a terrible methodology and the estimated cost of $124,633 per prisoner per annum is a spurious figure, indeed. I understand it is quite ludicrous methodology. We have many partners in the NGOs in our prison system. They are valued because we fund them to the tune of $400,000 to be a service provider. We have always had good relationships. I look forward to sitting down with members of OARS and asking how it came up with its unusual figures—because they are not credible. It is not credible at all. I have on many occasions—

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

The Hon. CARMEL ZOLLO: We have. Go and look back at the estimates. We have already said 209 extra beds; there were over 275 in the 18-months before that; and we have funded for another 160 until the new prisons come on-line. So, I am not sure whether the honourable members opposite can add up; I am not certain at all. Of course, given the economic climate that we are in currently, I am sure everyone understands why the new prison project is to be deferred for two years, but what is important is that the procurement time lines have been kept and will be signed in July next year. What is important is that we have funded the department to ensure that we have a safe, secure and humane system in South Australia. So I think when—

Members interjecting:

The Hon. CARMEL ZOLLO: I would say to honourable members opposite that the Department for Correctional Services delivers a very good service to the public of South Australia and that it is well funded by this government. I would also say to those opposite: leave those who know how to do their job to do their job.

PRISONS, BEDS

The Hon. R.L. BROKENSHIRE (14:36): I have a supplementary question with respect to the implications to the minister and the response made about current prison bed number shortages. Will the minister confirm that no prisoners have been given any form of pardon in the

manner of days, weeks or months over the past four months in order to get them out of the prison system early to free up beds?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:36): I place on the record that prison numbers do change every day.

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: I can answer in the way that I like. People do leave our prisons every day and, of course, they enter our prisons every day but, for the record, today I have been advised that there are 62 free beds across the system for men and—

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Just calm down. He does get very excited.

The PRESIDENT: Order! I think the Hon. Mr Wade has lost his oars. He seems to be going around in circles.

The Hon. CARMEL ZOLLO: And there are seven free beds across the system for women. So, there are almost 70 beds and the City Watch-house is being used less often, even though, regrettably, we still have 14 prisoners in there today.

Within the department at administrative level—and certainly it has nothing to do with the minister; I do not have that discretion or involvement—there is early administrative release. The criteria are very tight indeed, and for anybody to suggest that the department would let people be released from our prisons earlier than they should be really is inappropriate. I stress that there is—

An honourable member interjecting:

The Hon. CARMEL ZOLLO: He is casting aspersions on the CE. The Hon. Robert Brokenshire is a former minister for corrections, so he should know that there is no ministerial discretion or direction in relation to administrative releases and, as I said, it is wrong for anybody to suggest that. There are very strict criteria as to when people can be released. I do not have those statistics with me; why would I?

MITSUBISHI MOTORS

The Hon. B.V. FINNIGAN (14:38): My question is to the Leader of the Government and Minister for Small Business. Is the minister aware of steps being taken to cushion the impact of the decision by Mitsubishi to close its Tonsley Park plant in Adelaide's southern suburbs?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:39): Mitsubishi announced, in February this year, its decision to close its production plant at Tonsley Park, and the overriding priority of this government has been to support the Mitsubishi workers, who have demonstrated such extraordinary loyalty to the company, and to help them secure good jobs for the future. That is why the government and our counterparts in Canberra immediately committed $80 million to support economic and infrastructure development focused on southern Adelaide.

I am pleased to inform members that, with my colleague the Minister for the Southern Suburbs (Hon. John Hill), I recently announced more than $1 million in grants for small businesses based in southern metropolitan Adelaide. The software products, water purification equipment and a facility to repair industrial bakeware are some of the concepts to be funded in the first round of the Small Business Development Grant program.

The $5 million Small Business Development Grant program is part of the $80 million joint federal and state government support package developed in response to the closure of the Mitsubishi Tonsley Park plant. The first round of grants is expected to create at least 39 jobs in Adelaide's southern suburbs.

The successful recipients in the first round of grants are: $100,000 to Grants Bakery Equipment to establish a facility to repair, clean and recoat bakeware for large industrial bakeries around Australia (at present, this service is only available interstate); $260,000 to Clintel Pty Ltd to develop residential health care software products; $135,000 to WaterLab Pty Ltd to market water purification equipment for domestic, community and industrial applications; $360,000 to Power Solutions DTD Pty Ltd to further develop patient billing software for use in the health care industry

in Australia and New Zealand; and $200,000 to Radicalogic Technologies Pty Ltd to develop a health safety monitor and mapper that will assist in the control of acquired infections in hospitals.

These competitive, merit-based grants are aimed at promoting the growth of high potential small and medium-sized business in the Adelaide southern suburbs. This government is using the wider support package to ensure that the productive capacity of the south and its ability to create jobs for people living in the southern suburbs are strengthened and not lost due to the closure of the Tonsley Park plant. These grants are to assist workers to remain active in Adelaide's southern suburbs by encouraging and nurturing small and medium sized businesses in the region.

The Small Business Development Grant program goes a long way toward ensuring the vitality and diversity of the economy in Adelaide's south. As the population grows and industry diversifies, it can only become an even more attractive region for business to establish and develop. Administered by the Centre for Innovation and the Southern Business Enterprise Centre, on behalf of the Department of Trade and Economic Development, grants are available to firms with a turnover of between $250,000 and $5 million a year. The second round of applications for grants is due to close on 14 November, with a further two rounds scheduled before the end of June next year.

I suggest that members urge anyone who might be eligible for a grant through this program to consider submitting an application. Southern Adelaide businesses interested in the Small Business Development Grant program should contact the Centre for Innovation's southern office by telephone or through its website.

MITSUBISHI MOTORS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:43): I have a supplementary question. Are the subsequent rounds to be $5 million for each round?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:43): What I announced was more than $1 million in grants in this round. As I indicated in my answer to the question, of the $80 million provided by the state and federal governments in the overall package of assistance, $5 million is for Small Business Development Grant programs. Obviously, there will be more money available, which is why, at the conclusion of my answer, I invited applicants to apply for these merit-based grants so that we can ensure that that money is all expended.

Of course, the majority of the $80 million is for other forms of assistance, such as workers' training packages, etc., which are administered through other departments. My involvement as the Minister for Small Business just relates to this particular component of it. Although it is a small part of the overall package, it is, nonetheless, an important package. If just a little over $1 million can assist in leading to 39 extra jobs, it will be money very well spent.

MITSUBISHI MOTORS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:44): I have a further supplementary question. I realise that the minister will not have the information at his fingertips, but can he provide a breakdown of how the $80 million is being spent?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:44): I will have to refer that question to my colleague the Minister for Industry and Trade in another place, and I am happy to do so.

LAND TAX

The Hon. J.A. DARLEY (14:44): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Treasurer, questions about land tax.

Leave granted.

The Hon. J.A. DARLEY: Land tax accounts are progressively being sent to owners based on revised valuations made by the Valuer-General. I understand from the budget papers that total land tax receipts are to increase by 37½ per cent this year.

Recent examples of increases reported to my office are as follows: $90 last year compared to $66,000 this year; $164,000 last year rising to $740,000 this year; $6,000 last year rising to $26,000 this year; and $1,000 last year rising to $15,000 this year. Most property owners are

shocked by the steep land tax increases and advise that they have not been able to budget for them. I have been advised that, even for a modest, one-bedroom flat rented to low-income tenants, the rent will need to increase by about $30 a week due to increases in rates and charges.

I have also been advised by a number of large and small businesses and property owners that they are now seriously considering selling their properties and relocating their investments and businesses to Victoria due to the draconian land tax regime in South Australia. My questions are:

1. Will the Treasurer give an assurance that the Commissioner of State Taxation will give sympathetic hearings to owners struggling with huge land tax bills?

2. Will the Treasurer give an assurance that the 25 per cent penalty for late payment will not be applied where owners make reasonable arrangements to pay their land tax?

3. Will the Treasurer give these assurances before the expiration of the due date for the first quarter's payment?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:46): I thank the honourable member for his questions and I will refer them to the Treasurer for his response. The honourable member, in his question, did not indicate whether the increases he was talking about were for a single property or whether they were as a result of some changes made to land tax legislation to deal with avoidance schemes centred around a conglomeration of properties because, clearly, that would have some impact.

We are well aware that there have been significant increases in the value of land over the past 12 months. Indeed, I think South Australia is one of the few states where in recent months, compared to other states, the value of residential properties has grown. Of course, we also know that, in recent months, due to problems in the world financial sector, property prices are likely to fall. Given that the land tax rates and thresholds have not been altered, it means that, if property falls (as it may well do in the future), the land tax would also fall. Of course, there is a bit of a lag but, certainly, the owners of land for which land tax is applicable do get a benefit. When land tax is rising it takes some time before that rise catches up and, similarly, when the price of property falls obviously the tax that is paid will eventually catch up and those falls will catch up with property values.

There are some details in relation to those raw figures that need to be explored before one draws any conclusions. However, I will refer those important questions to the Treasurer and bring back a reply.

GOVERNMENT CONTRACTS, PROBITY

The Hon. R.I. LUCAS (14:48): I seek leave to make a brief explanation before asking the Leader of the Government a question about probity guidelines.

Leave granted.

The Hon. R.I. LUCAS: On Tuesday of this week I put a series of questions to the Leader of the Government on the issue of probity guidelines that apply to him and other ministers in the government, particularly in relation to shortlisting bidders for contracts such as the desalination project.

In one of those questions, I highlighted the desalination project, although the minister should have known that the desalination project is not a PPP project. The minister then responded in part to the question by saying:

> In relation to this important matter [that is, about the desal contract] there are, of course, protocols in place for any upcoming PPP projects.

He went on to say:

> The protocols are that no minister or ministerial staff should meet with any potential bidder or adviser to a bidder in connection with any PPP-related issue, nor discuss a PPP project directly or indirectly with any bidder or adviser to a bidder.

I will not read the rest of it. Again, it highlights the probity guidelines that apply to him, as a minister, and to other Rann government ministers in respect of PPP projects.

As I highlight to you, Mr President, and to the Leader of the Government again, my question did not relate to PPP projects: it related to the desal contract and other similar contracts

and, for some reason, the minister chose to respond in terms of the PPP project. My simple question to the minister is as follows: given that he has outlined the probity guidelines that apply for PPP projects, can the minister indicate whether similar probity guidelines apply to him and other Rann government ministers for major contracts like the desal contract, which is not a PPP?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:50): I find it rather ironic that a treasurer in the former government which had such a large number of casualties among its ministers in relation to probity should be so preoccupied with this issue. There were even ministers in that government who were actually trading in shares within their own portfolios. That was the sort of probity behaviour that one would have thought would be pretty basic.

In his question earlier this week, the former treasurer asked about guidelines, and I gave him the most detailed of those probity guidelines that apply to PPP projects. Obviously the PPP projects are, if you like, the highest level where one has to be particularly careful in relation to probity, but those broad principles which are encapsulated in the Ministerial Code of Conduct apply to behaviour generally.

ROAD SAFETY

The Hon. R.P. WORTLEY (14:52): I seek leave to make a brief explanation before asking the Minister for Road Safety a question regarding the government's road safety advertising campaign.

Leave granted.

The Hon. R.P. WORTLEY: Over the past year, South Australians have been the target of confronting and thought-provoking road safety advertising campaigns. From 'Creeping over the speed limit' to graphic seatbelt safety warnings, no stone has been left unturned when it comes to reminding motorists of the need to be vigilant on the roads. Will the Minister for Road Safety please outline what effect these campaigns have had on road safety?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:52): I thank the honourable member for his question. Since the Motor Accident Commission has taken responsibility for road safety advertising on behalf of the government, it has pursued a more hard-hitting and provocative style of advertising which is based on market research and is specifically designed to influence the behaviours of the target audience.

Different campaigns focus on different target groups, and the success of the campaigns is no doubt contributing to the reduction in the road toll. I am sure that many members recall the many and varied campaigns we have already had this year: Share the Road; Pedestrian Awareness; the Adelaide tram stickers; the Long Weekend Drive Safely reminders; the Tougher Penalties for Driving High; Everyone Hates Drink Drivers; seatbelt reminders; and the recent 'Creepers' campaign.

While drivers are taking notice and changing their driving behaviour, it is imperative that enforcement still plays a key role, and I would like to place on record how important SAPOL's role is in the road safety partnership. SAPOL has made great efforts to increase enforcement, and it complements that enforcement with the road safety campaigns to further ensure that our roads are safe.

Of course, the targeting of speeding and drink and drug driving, drivers using mobile phones, drivers and passengers not buckling up, and following up complaints to Traffic Watch all play a major role in the fight to keep the road toll to a minimum. The government's legislative reforms are also having an impact with drink and drug driving reforms, tougher penalties and, of course, greater deterrents.

The campaigns are constantly evaluated and market-tested with a view to ensuring that the right target groups are being reached. The Motor Accident Commission undertakes a rigorous evaluation process to measure the effectiveness of the campaigns. Research methods include quantitative and qualitative techniques during pre- and post-campaign evaluation to measure awareness, and the recall, the public perception of and attitudes towards each individual campaign. Continuous longitudinal tracking is also used to provide a base on which to assess long-term attitudinal and behavioural change.

In 2007-08 each campaign was evaluated against these objectives, and the positive results in 2007-08 suggest that each campaign is working towards achieving the road toll targets contained in South Australia's strategic plan. Research into campaign effectiveness and self-reported attitudes and behaviour will continue in 2008-09. As we near the holiday season, those involved in road safety know of the need to continue to promote the road safety message. Many year 12 students will finish school soon and have their licences. Many families will take advantage of the warmer weather and the break to travel long and short distances for family holidays.

While our road toll at the moment is looking better, ultimately one crash, one serious injury or one fatality is one too many. We must be vigilant and do everything we can to ensure that our roads are safe, and we must never be complacent. I acknowledge the leadership of the Motor Accident Commission, the Department for Transport, Energy and Infrastructure, our Road Safety Advisory Council and SAPOL for their partnership in delivering the government's road safety program and a series of excellent, well-received advertising campaigns.

WORKCOVER CORPORATION

The Hon. M. PARNELL (14:57): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, representing the Minister for Industrial Relations, a question on the issue of WorkCover claims management.

Leave granted.

The Hon. M. PARNELL: In 2006, WorkCover CEO Julia Davison, in announcing the appointment of Employers Mutual Limited (EML) as WorkCover's sole claim agent, made a series of claims, including, in January:

> Appointing Employers Mutual as sole agent provides better overall value, including savings for WorkCover of almost $5 million in agent fees, compared with the best multi-agent option that emerged during the contract negotiations.

In March she said:

> As WorkCover's sole claims agent, EML expects to cut the claims liability by up to $100 million a year after only two years under the new contract.

In July she said:

> Most importantly, EML is signed up to our strategic targets and its remuneration is tightly linked to their achievement, including incentives linked to improved service satisfaction for injured workers and employers and reducing WorkCover's liabilities.

A review of the corporation's annual reports shows that, after falling from $28.3 million in 2005-06 to $25.1 million in 2006-07, the cost of claims management has now increased by 26 per cent to $31.8 million in the past financial year. Yet, far from the way Ms Davision put it, when she said that 'EML's remuneration is tightly linked to their achievement', this significant hike in administration fees is accompanied in the annual report with significantly higher claims liabilities and the lowest funding level, at 60.8 per cent, in the corporation's history. As Dr Kevin Purse described in *The Advertiser* of 7 November:

> There has been no reduction in liabilities since EML's appointment. Instead the scheme's liabilities have ballooned by a staggering $600 million to provide yet another damning indictment of WorkCover's disastrous outsourcing strategy.

My questions to the minister are:

1. Why has the amount paid to Employers Mutual Limited increased by 26 per cent in the past financial year when it has clearly not delivered on its commitment to reduce the corporation's liabilities by $100 million within two years?

2. Will the minister confirm any plans by WorkCover Corporation to outsource other parts of the corporation's activities?

3. In light of the worst funding ratio in WorkCover's history, will the government review its commitment to reduce employers' levies from July 2009 and, if not, why not?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:59): I thank the honourable member for his question. I will refer it to the Minister for Industrial Relations in another place and bring back a response.

SOCCER STADIUMS

The Hon. T.J. STEPHENS (15:00): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Premier, questions about FIFA approved stadia.

Leave granted.

The Hon. T.J. STEPHENS: Yesterday, Premier Rann talked to the media about his admiration for Adelaide United and his confidence that it would achieve victory in last night's Asian Champions League final.

The Hon. D.W. Ridgway interjecting:

The Hon. T.J. STEPHENS: To be fair, I do not think we can blame him for that one. I was also confident and proud to be present as opposition sports spokesman to see the Reds fight it out until the very end. They have done our state extremely proud. Unfortunately, Gamba Osaka's gun Brazilian striker Lucas was far too slick and evasive (not unlike another Lucas I know!). However, one of the Premier's comments on radio yesterday alarmed me when he boldly stated:

> I was asked by SBS yesterday in terms of the stadium issue...they said...what about if you miss out on two games for the World Cup...I said...I'll guarantee you this, I'll make this promise tonight that if we win the right to stage the World Cup we'll have a venue that's FIFA ready...

Members would be aware that Football Federation Australia CEO Ben Buckley already recently said that a Football Federation Australia audit had found that AAMI Stadium is very much not FIFA ready and is unsuitable for major Socceroos games and other major events where an audience of 50,000 to 60,000 could be expected. Adelaide Oval was not considered in the audit because it does not have enough seats. Mr Buckley stated:

> Spectator experience is a key driver for attendance. Proximity to the play, particularly for those [matches] played on rectangular venues, is crucial and somewhere like AAMI does not provide that.

Adelaide United Chief Executive Sam Ciccarello also commented recently that both AAMI Stadium and Adelaide Oval do not work for soccer, from a configuration and pitch perspective. FIFA's own strict guidelines stipulate that seating must be much closer to the pitch than how AAMI is configured and that seating must be set up on a much deeper angle—more in a colosseum style, one might say—such as venues like Etihad Stadium in Melbourne's Docklands. This setup brings spectators closer to the play, and any new stadium being built around the world now follows these strict guidelines. My questions to the minister are:

1. How can the Premier make this claim, when it is clear that our current facilities are not up to FIFA standard and will never be up to FIFA's high standards?

2. Given these recent comments, is the Premier secretly considering building a new multipurpose stadium, now that he knows it is what the majority of South Australians want?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:02): I find it extraordinary that the honourable member should, in the last part of his question, talk about a multipurpose stadium, when it seemed to me that the whole construction of his question was (as has often been pointed out by many observers) that, in fact, different sports codes prefer different styles of stadiums. An Australian Rules stadium that has an elevated field to allow for drainage does not make a perfect soccer pitch: I understand that for soccer you need a perfectly flat pitch. Is that not the whole problem that one faces with multipurpose stadiums, for which the Leader of the Opposition has been the champion over such a long period?

One cannot get the codes to agree—whether it be cricket, Australian Rules football, soccer, or whatever—to use the one stadium. Of course, if you cannot do that, you do not get the economies of scale that are necessary to fund it. I would have thought that that is the whole dilemma behind what the Leader of the Opposition has been supporting.

As I understood his statement, the Premier said that, if Australia won the rights to host the World Cup, which would be in, I think, 2018 at the earliest, any future government here would make sure we had an adequate venue, whether it was modified or not. If members opposite, particularly in the current economic climate, want to champion a new multipurpose stadium—and we are talking about a multipurpose stadium—if that is what they want to put up as their top priority, I guess they will do so and the people of this state will make their judgment accordingly. If the

opposition believes in a multi-purpose stadium that different codes do not want to use, then let it put it up. I am sure the public of South Australia will make its decision.

SOCCER STADIUMS

The Hon. T.J. STEPHENS (15:05): I have a supplementary question, Mr President. What was the Premier referring to? What is his plan?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:05): The Premier is quite capable of explaining himself. As I understood it, he said that, if Australia wins the right to host the World Cup, he will ensure that we have an adequate facility, and I am sure we will.

GOVERNMENT SERVICES ONLINE

The Hon. I.K. HUNTER (15:05): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about online services.

Leave granted.

The Hon. I.K. HUNTER: More and more, it seems, people are moving their banking, grocery shopping and bill-paying to online services. One can even renew one's motor registration online, if one can believe Matt and Dave on 891 this morning. I am not quite ready yet to throw away my cheque book and migrate to an electronic existence myself—

The Hon. Carmel Zollo interjecting:

The Hon. I.K. HUNTER: No, I'm an old fuddy-duddy, I'm afraid—but I understand there are advantages for some, particularly those who have limited mobility due to an accident or frail health. Will the minister advise how the government is addressing the delivery of government services online?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:06): I thank the honourable member for his question and hope I can convince him to modernise his way of approaching services. Service SA is the one-stop shop for many government services and has facilitated a significant shift to online services in 2008 by achieving the following milestones:

- Management of approximately 9.5 million financial and non-financial transactions through Service SA facilities.
- 20 to 25 per cent growth in online business Service SA manages on behalf of the government (20 to 25 per cent relates to the value of transactions—sometimes the value online increases greater than volume, and vice versa).
- 42 per cent of the $1.2 billion fees and charges collected on behalf of state and local government are collected online.

Service SA manages several online facilities, including:

- Bizgate. The whole-of-government online payment channel, processed 548,217 transactions from July to September 2008, which is an increase of 14.1 per cent for the same period in 2007. From September 2008, Service SA consolidated the separate EZYReg payment gateway under Bizgate. The Bizgate gateway now handles around $0.5 billion in payments for services annually.
- The Service SA website (www.service.sa.gov.au) has 1,500 online services. Service SA receives in excess of 300,000 website session (visits) annually.
- SA Central. This whole-of-state portal is the government's No. 1 site, with over 9,500 links to government agencies. Service SA receives 2.5 million website visits annually to the SA Central website.
- Gateway Plus. This whole-of-government service directory has over 3,000 entries.
- Online shop. This site has 2,000 government products available.

By providing more services online, Service SA is also able to have frontline staff concentrate on assisting customers with more complex issues where they can add the most value. Also, Bizgate's

suite of web-based business solutions offers a secure, highly cost-effective and seamless way of collecting funds and information. It has the capability to process secure information and financial transactions whilst providing an array of relevant and useful reporting functionality.

Advantages for the South Australian community as a result of migrating to online transaction channels include:

- Payment of SA police expiation notices online (not that that would apply to anyone in this chamber!);
- 124 DECS educational facilities allow payment of school fees; and
- BASS online bookings.

In addition, Service SA is participating in a national pilot scheme with the commonwealth's VANguard program. VANguard is a key authentication (verification of a business's or individual's details) and notarisation (time stamping and validating the integrity of a document) facility online. Businesses can confirm their identity once and then conduct business online with the many agencies with which they are required to deal in the conduct of their trade. VANguard, as a capability within Bizgate, will enable agencies to make available transactions online that previously required a business to attend in person or send hard copy forms where proof of identity and/or time stamping documents are required.

ENCOUNTER YOUTH

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:11): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.E. GAGO: On Tuesday I answered a question in relation to a grant to Encounter Youth for Safety at Schoolies seminars. In my answer I said that the $5,000 granted by the Office of Liquor and Gambling Commissioner to Encounter Youth had enabled 25 Safety at Schoolies seminars to be run. Immediately after that I referred to a grant enabling Encounter Youth to conduct 15 seminars in schools. The error appearing in *Hansard* was brought to the attention of my office staff late last night. I am advised that the higher figure is correct and that the figure of 15 refers to the Safety at Schoolies seminars conducted last year.

QUESTION TIME

ENCOUNTER YOUTH

The Hon. R.L. BROKENSHIRE (15:11): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about Encounter Youth's important work at the schoolies festival.

Leave granted.

The Hon. R.L. BROKENSHIRE: On Tuesday, by way of a supplementary question, I asked the minister how much funding her government was giving to Encounter Youth. The minister's answer was not conclusive. I have attended many openings of Schoolies Week with Encounter Youth's volunteers. In fact, the 440 volunteers are the core of Encounter Youth's success at Victor Harbor in my region. These Encounter Youth volunteers, together with ticket sales and donations, are the way in which they make up shortfalls in funding. Many states have enormous problems with Schoolies Week. South Australia, by and large, does not have problems, due to a great extent to the fantastic work of the volunteers of Encounter Youth.

I am aware that they are finding it difficult to obtain funding and that there has been a cut in funding from the government for their work this year. My questions are:

1. Does the government genuinely value the work of Encounter Youth?

2. Will the minister lobby the Minister for Volunteers—or any other minister—to increase funding because of the huge number of volunteers managed and engaged over such a short period for a very important community purpose?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises,

Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:13): Indeed, South Australia is blessed with having extremely high levels of volunteer participation in a wide range of community services. I understand that we are one of the leading states in terms of volunteer activity, and South Australia is much richer for the very valuable work the volunteers contribute. Encounter Youth is one such organisation that has a large number of volunteers which contribute to its activities. Indeed, their efforts are valued in the same way as the work achieved by a wide range of volunteers. They, too, are valued. In terms of funding, we know it is always a vexed issue.

There are many worthy causes out there; there are many areas where volunteers would like an increase in funding to their particular area of interest and activity and the contribution that makes to our community. We are also incredibly fortunate in South Australia not to have significant problems associated with our schoolies. That is because of the hard work of a wide range of different community groups as well as our agencies. They should be acknowledged as well, along with the volunteers, our Drug and Alcohol Services, our police, teaching, and transport assist. As I said, there is a wide range of agencies and community groups involved in helping to keep our young people safe while they are celebrating the end of their school year.

There are many who would like an increase in their funding. It is a vexed issue. Funding decisions are always made (as the member would well and truly know) through a budget cycle and process, and all budget requests are considered in that way.

APY LANDS

The Hon. R.D. LAWSON (15:16): I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question on the subject of police presence on the APY Lands.

Leave granted.

The Hon. R.D. LAWSON: The government, in its response to the Mullighan report entitled 'Children on the APY Lands: Report into sexual abuse', reassured the community by saying that police presence is being increased on the Lands. In response to the recommendation of commissioner Mullighan that police be placed there as a matter of urgency, the government said:

> As an immediate response, the commonwealth government has committed $15 million for infrastructure on the Lands on top of an earlier commitment of 7.5 for two police stations.

The state government went on to say:

> The commonwealth government is providing demountable buildings and is currently upgrading them to make them suitable as temporary staff housing and office accommodation for police officers. The state has requested leases from the APY executive to enable the demountables to be placed at Umuwa on serviced blocks. This request will be considered by the APY executive in late August.

The general manager of the APY Lands, Mr Ken Newman, was recently on 639 ABC Radio saying:

> ...we've been advised there's about a 12 to 15 month delay in actually building police stations and police accommodations at three main communities...

They have been lobbying the police and the government to place temporary accommodation on those communities. Mr Newman also notes that, despite the fact that the government has given assurances that 10 community constable positions have been created, only three of those have been filled and that there is still a deficiency of some seven Aboriginal community constables. My questions to the minister are:

1. Has the APY executive cleared the location of temporary demountable buildings on the Lands?

2. Given the immediate needs on the Lands and the fact that the commonwealth government has committed significant funds to establish demountable buildings, why is it taking some 12 to 15 months to establish those demountable buildings on the Lands?

3. Does the government agree with the proposition that most of the 10 community constable positions have not been filled; why have they not been filled; and when will they be filled?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:19): I will refer the honourable member's questions to the relevant ministers in another place. I think at least some

of them would need to be directed to the Minister for Police, as well as to the Minister for Aboriginal Affairs. I have to say that I find it astounding that the honourable member can stand opposite me and ask questions of this nature. The audacity of it—when the former Liberal government had the most appalling track record in terms of the provision of police services and other support services on the lands. He should hang his head in shame.

REGIONAL LAND USE FRAMEWORKS

The Hon. B.V. FINNIGAN (15:21): My question is to the Minister for Urban Development and Planning. Will the minister provide an update of initiatives being undertaken to provide guidance to regional South Australia on planning for the future?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:21): I thank the honourable member for his question, and I particularly thank him for his interest in regional South Australia and the fact that he is one of the few members in this council who lives in regional South Australia.

As part of this government's approach to regional land use planning, the entire 'Regional SA' volume of the planning strategy is being updated on a region-by-region basis. The Planning Strategy for Regional South Australia is gradually being replaced by various stand-alone volumes called 'Regional Land Use Frameworks'. This process began with the Yorke Peninsula region and the development of the Yorke Peninsula Regional Land Use Framework, which was adopted last December. The next stage of the process has begun with the publication of draft regional frameworks for the Mid North and the Far North.

I am pleased to inform the honourable member that the state government is seeking public input into the formulation of these regional frameworks and has invited public submissions as part of this consultative process. It is important that residents in South Australia's Far North and Mid North have a say about the future look of their region. This consultative process runs for two months and includes informal community meetings throughout the two regions.

The draft framework for the Far North follows a detailed collaborative process involving four local councils, the Outback Areas Community Development Trust, the Northern Regional Development Board, the northern and arid lands natural resource management boards and other state agencies.

The Far North region extends north from the Riverland and Mid North to the state borders with the Northern Territory, Queensland and New South Wales; in the north-west it extends to the Western Australian border; and in the south-west it reaches the border of the Maralinga Tjarutja Lands and the Eyre Peninsula region.

The proposed framework broadly identifies where future housing, population and industry growth is best located and not located, as the case might be, across South Australia's vast Far North region. We have to tackle the numerous changes taking place in this region due to the growth in mining, tourism and industry, as well as changes in town populations. This region encompasses more than half the geographic area of South Australia, so it is important that we plan appropriately for the challenges that lie ahead.

The Department of Planning and Local Government has consulted with the Flinders Ranges Council, the City of Port Augusta, the District Council of Coober Pedy, the Municipal Council of Roxby Downs, the majority of the unincorporated (out of council) areas of the state, and the Anangu Pitjantjatjara Yankunytjatjara (APY) lands in developing the draft framework. But now it is the public's turn to provide some feedback on that work. The Far North region does not include the City of Whyalla, which is in the Eyre Peninsula region. However, given the close relationship of the city with the Far North, the framework has been developed with input from Whyalla council.

The draft framework contains four broad maps under the headings Environmental and Cultural Assets, Economic Development, Population and Settlements, and Integrated Vision. The proposed framework also includes 18 written objectives for the Far North region to be achieved through land use and development activities across the region under those four broad headings. The strategies for achieving each of these 18 objectives are also detailed in the proposed framework.

The key resulting themes of the Far North Regional Land Use Framework are: population and industry growth, with a focus on Port Augusta, Roxby Downs and Coober Pedy; building sustainable local service towns and communities, informed by strategic infrastructure and services

planning; strengthening the tourism industry in the Outback and Flinders Ranges, building on the region's rich natural and cultural assets; the expansion of mining and defence industries and associated infrastructure; and the sustainable and innovative approaches to securing water and energy supplies. Similarly, Mid North residents have been invited to have a say about the draft Mid North Regional Land Use Framework, which was also recently published.

The Mid North region stretches from south of Clare up to the Flinders Ranges and includes Port Pirie. The councils covered by the Mid North Regional Land Use Framework are: the Clare and Gilbert valleys; northern areas; Port Pirie; Peterborough; Mount Remarkable; Orroroo Carrieton, the Flinders Ranges; and Goyder. The Mid North and Southern Flinders regional development boards, the Northern and Yorke Natural Resources Management Board and other state agencies have also been involved in the development of this draft framework.

The proposed framework contains four broad maps under the headings Environmental and Cultural Assets, Economic Development, Population and Settlements, and Integrated Vision, as well as 17 as detailed objectives under each of those headings. The key themes of the draft Mid North Regional Land Use Framework are: industrial growth with a focus on the corridor from Port Pirie to Peterborough; managing growth to protect natural and industry assets south of Burra and Clare; strengthening townships; expanding active nature-based tourism, building on the Laura to Quorn corridor; and retaining built heritage and links with tourism along the Clare-Burra and Hawker corridors.

Once finalised, these regional frameworks for the Mid North and Far North will be adopted as part of the state government's Planning Strategy for South Australia. This will give the framework statutory effect and will provide formal direction to local councils and the private sector in the Far North and Mid North. In particular, these frameworks will guide the councils to update their local development plans covering both of these important regions. These development plans detail local zoning and other land use policies and are used to assess the appropriateness of all development applications within South Australia.

Development plans and proposed amendments to development plans must be consistent with the Planning Strategy for South Australia. The public consultation period which runs for both of these frameworks will continue until 12 December 2008. A copy of the documents can be found online at the Planning SA website, and hard copies and CD-ROM versions will also be available from council offices in two regions. Details of the informal community meetings are also available online at the Planning SA website. I would urge all members of the community who are concerned about the future of these regions to track down a copy of the draft framework, attend one of the informal meetings and lodge a submission so that their voice can be heard.

ANSWERS TO QUESTIONS

WASTE STRATEGY

In reply to the **Hon. J.M.A. LENSINK** (18 June 2008).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Environment and Conservation has provided the following information:

The EPA initiated a program to better understand the extent of, and address, unauthorised waste activities within the metropolitan region. Through consultation with representatives of the waste industry the EPA formed a taskforce to address illegal waste activities focussing initially within the Wingfield precinct in order to progress the development of a broader strategy and response to address illegal waste activities based on risk within metro and regional South Australia.

Twelve unauthorised waste management activities were identified within the precinct. The follow up action by the EPA has resulted in the sites either having ceased the activity, in the process of obtaining development approval, or have since been licensed by the EPA.

Since June 2008, the EPA has initiated the establishment of a state-based, cross-agency working group to deal with illegal dumping activities including unauthorised stockpiling of waste the objectives of which are to ensure a fair and consistent approach and clarify the roles and responsibilities of all government bodies in relation to the management of unauthorised waste activities.

HIV RATES

In reply to the **Hon. I.K. HUNTER** (10 April 2008).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Health has advised:

An increase in HIV infections has been observed in most Australian states and territories over recent years and is explained for South Australia by two factors:

- One is a moderate increase in infections attributed to male-to-male sex. Recent mathematical modelling by the National Centre in HIV Epidemiology and Clinical Research concluded that this is most likely due to a slow increase in unprotected sex between men and a concurrent increase in levels of other sexually transmitted infections which increase susceptibility to HIV. The median age at infection has steadily climbed to late 30s over the same period. This indicates that this minority of men who remain vulnerable are a subgroup of the same cohort that has been exposed to safe sex messages over approximately 20 years. The Department of Health is convening a working group of prevention experts to reach men who have sex with men who remain particularly vulnerable to the risk of HIV transmission.
- The second factor is an increase in HIV infections acquired in countries with a high HIV rate, or through sex with partners from such countries. The Department of Health funds an HIV prevention program targeting a range of communities of culturally and linguistically diverse backgrounds. New prevention strategies for this population are being developed as part of the South Australian HIV Action Plan 2008-11.

There is no indication of a current or imminent HIV epidemic among the general population.

While a general community awareness campaign is a meritorious suggestion, more specifically targeted interventions are necessary to address rises in HIV infections among vulnerable groups.

I am advised that the 'Grim Reaper' campaign, though never formally evaluated, succeeded in raising the awareness of HIV/AIDS among the general population. However, the rapid behaviour change among gay men and injecting drug users that prevented HIV spreading to the general population occurred before the 'Grim Reaper' and is more likely attributable to targeted initiatives by the gay community and the introduction of clean needle programs.

The government already supports relationship education in schools as well as targeted HIV prevention programs in SA. In addition, the Department of Health contributes advice to a new national HIV/sexually transmitted infections prevention campaign targeted to men who have sex with men and young people. This $9.8 million initiative was announced by the then federal minister for health and ageing on 8 May 2007.

REGIONAL DEVELOPMENT BOARDS

In reply to the **Hon. J.S.L. DAWKINS** (21 November 2007).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Regional Development has provided the following information:

The 13 regional development boards are currently funded by a state/local government partnership under a five year resource agreement.

The regional development boards will be provided with their funding allocation for the next resource agreement following the handing down of the state budget for 2008-09.

PORT AUGUSTA MEDICAL TRANSFERS

In reply to the **Hon. SANDRA KANCK** (21 November 2007).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises,

Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Health has advised:

1. The baby was delivered at 8.45 pm on Saturday, 21 April 2007.

2. At 6.15 pm on 21 April 2007 the woman presented herself and was admitted to Port Augusta Hospital in labour. Within 45 minutes a retrieval team was requested by the Port Augusta medical staff from the Flinders Medical Centre. The retrieval team arrived at the Port Augusta Hospital and took over care of the infant at 10.15 pm and left at 11.00 pm.

During her admission the labour progressed quickly and she was continuously monitored.

3. The woman was not transported with her baby as staff from Port Augusta Hospital assessed her as requiring further observation and stabilisation of her recovery after dural puncture. The day after the birth there was no clinical indication for the woman to be transported to Adelaide by ambulance.

4. The woman was assisted to complete a reimbursement claim from the Patient Assistance Transport Scheme (PATS) in regards to the bus ticket cost. PATS does not reimburse the first $30 of a journey's cost.

The woman was offered a taxi voucher by the Port Augusta Hospital to use with the transport from the bus terminal to the Flinders Medical Centre. However, she refused the offer, stating that she could use an Australia wide taxi voucher, which was supplied to her by another source.

5. The medical officer made a clinical decision to approve the woman's discharge. The medical officer was not aware of the woman's intention to travel unaccompanied by bus to Adelaide.

6. In late 2007, Port Augusta Hospital prepared 'guidelines when mother and baby are separated after birth due to clinical transfer'. These guidelines were approved and implemented by the hospital's nursing division in February 2008.

Additional hospital car drivers have been recruited to ensure that a mother can be transferred to Adelaide, as soon as is clinically practicable, by a hospital car after hours and at weekends.

NATURAL RESOURCES MANAGEMENT

In reply to the **Hon. C.V. SCHAEFER** (15 November 2007).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): I have been advised:

There are no boards holding unspent NHT funding due to a failure to appoint project officers.

It is important to note that whenever any project officer resigns boards are faced with a 1-3 month delay in replacing the officer, which usually requires the board to seek an extension to the project and therefore retain funds longer than expected. This is not a reflection on not being able to attract and recruit staff, but rather the outcome of normal recruitment processes.

FLEURIEU PENINSULA SWAMPS

In reply to the **Hon. M. PARNELL** (15 November 2007).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): I cannot comment on what the commonwealth department may or may not support. However I am advised that:

Under the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999* (the Act), anyone proposing to take an action that may have a significant impact for matters of national environmental significance, must submit a proposal to the Australian Government Department of the Environment, Water, Heritage and the Arts, to determine if approvals are required. Activities approved before 16 July 2000 are not subject to the act.

TRAINING OPPORTUNITIES

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:27): I lay on the table a copy of a ministerial statement relating to the outstanding response in South Australia to new training opportunities made earlier today in another place by my colleague the Minister for Employment, Training and Further Education,.

STATUTES AMENDMENT (BETTING OPERATIONS) BILL

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:28): Obtained leave and introduced a bill for an act to amend the Authorised Betting Operations Act 2000 and the Lottery and Gaming Act 1936. Read a first time.

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:28): I move:

That this bill be now read a second time.

This bill seeks to amend the authorised Betting Operations Act 2000 and the Lottery and Gaming Act 1936 to strengthen integrity arrangements for betting and racing, to provide a sustainable funding source for the racing industry, and broaden consumer protection regulation to include interstate betting operators. The amount of change in betting service providers operating across Australia since the enactment of the Authorised Betting Operations Act in 2000 has been significant. This change is arriving in parallel with changes more broadly felt across the economy and the community as internet services develop. The model that underlies the Authorised Betting Operations Act is one of a single, major betting operations licence for bookmakers and licensed racing clubs, with services offered through the traditional face-to-face environment and by telephone.

Betting services offered over the internet are becoming increasingly competitive. A significant shift occurred when the Tasmanian government issued Australia's first licence for a betting exchange to Betfair Pty Ltd. Betfair's description of a betting exchange is a wagering operator that 'matches' punters with directly opposing views on the outcome of a particular event or race. It operates in a manner resembling a stock market, in that a punter can either back (that is, buy) or lay (that is, sell) an outcome on a race or event.

Understandably, representatives of the Australian racing industry became concerned about the integrity implications for betting exchanges which allow any person to bet, for example, that a horse will lose. To address concerns about integrity, other jurisdictions introduced legislation that sought to limit the operation of betting exchanges and control the availability of race field information to betting operators.

The Western Australian legislation was challenged by Betfair Pty Ltd in the High Court. The High Court ruled in favour of Betfair Pty Ltd. The High Court found that, because the Western Australian legislation precluded Betfair from competing for wagering customers with in-state fixed-odds bookmakers and the government-owned totalisator, a discriminatory burden of a protectionist kind was placed on interstate trade.

The High Court gave emphasis to evidence which shows 'that there is a developed market throughout Australia for the provision by means of the telephone and the internet for wagering services on racing and sporting events.' While the High Court decision limits the states' ability to prohibit interstate betting operators from providing services to persons located in South Australia, it is still possible for the states to legislate for the welfare of their citizens, as long as it does not have a protectionist purpose, and it is appropriate and adapted to address the identified welfare objective.

The authorisation process reflects the requirements of section 92 of the Constitution, but also specifically requires authorised interstate betting operators to have the same regulatory requirements as licensed SA wagering operators. This bill creates a process for the authorisation of interstate betting operators who have been licensed in another Australian jurisdiction. Authorised interstate betting operators can offer betting services to persons located in South Australia by telephone, internet or other electronic means, provided that they comply with South Australia's consumer protection requirements which apply equally to South Australian licensees. Key elements of that environment are:

- prohibitions on accepting bets from children and requirements for systems designed to prevent bets from being made by children;
- compliance with advertising codes of practice;
- compliance with responsible gambling codes of practice; and
- limitations on the contingencies on which bets can be accepted.

These obligations are in addition to the licensing and regulatory requirements on the operator from their 'home' jurisdiction. To provide for effective compliance, the statutory default provisions have been extended to include authorised interstate betting operators. Prohibitions on unlawful totalisators and bookmakers have been extended to include unlawful betting exchanges.

It should be noted, however, that these changes which are necessary to address the Betfair High Court decision and to ensure application of consumer protection measures to interstate operators have the potential to trigger a claim for compensation by the SA TAB under its approved licensing agreement with the government. The government has consulted with SA TAB on the proposed bill. SA TAB has advised that, in principle, it supports the changes.

At this stage, however, SA TAB has not formally consented to the bill under the approved licensing agreement which is required in order to avoid the potential for a claim for compensation. The government will continue to work cooperatively with SA TAB to arrive at an outcome that will not expose South Australians to the risk of litigation and compensation. The results of this work will be reported to the council.

To address concerns about integrity, all betting operators who accept or facilitate bets on South Australian races will be required to have in place an integrity agreement with the relevant racing authority. Integrity agreements provide for the sharing of information relating to betting activity, provision of specific information as required by the controlling authority, notification regarding disciplinary and criminal proceedings and the facilitation of investigations. The provisions contained in this bill represent the minimum essential requirements. Racing controlling authorities will not be constrained in their efforts to ensure ongoing integrity of their racing operations.

Specific provisions regarding disclosure of information and confidentiality underpin the integrity agreements and pave the way for information to be provided to the racing controlling authorities. Another consequence of this increasingly national market is that the funding arrangements for Australian racing have broken down. In the world contemplated in the year 2000, with the Authorised Betting Operations Act, the racing industry in each state or territory would source its funds from betting operations conducted in that state or territory, regardless of where the races that generated the wagering revenue were actually conducted.

In a marketplace where the location of betting operators is no longer relevant, this arrangement cannot be maintained. This was evidenced by the recent implementation by the New South Wales government of legislation that allows its racing controlling authorities to levy a charge of up to 1.5 per cent on the gross wagering turnover of all Australian wagering operators who accept bets on New South Wales races from 1 September 2008.

It is understood that this has the potential to impact on the South Australian racing industry by up to $180,000 per month. This would increase if other jurisdictions followed the New South Wales lead. This is a financial impact that cannot be sustained by the South Australian racing industry. It was for this reason that on 28 August 2008 the then Acting Premier (Hon. Patrick Conlon, MP) announced changes to the Authorised Betting Operations Act to provide the South Australian racing industry a sustainable funding mechanism for the changed national betting and racing environment.

This bill makes good on that commitment to the racing industry. All betting operators who accept or facilitate bets on South Australian races will be required to have in place with the racing controlling authorities contribution agreements that require operators to make contributions to the racing industry, state the basis for calculation, identify the terms of payment and include information provision requirements to support the agreement. For the period of time from 1 September 2008 there are special provisions for the recovery of the contribution to the racing industry, calculated in accordance with the position stated by the industry and documented in the media release of 28 August 2008. In that release it was stated that the three codes wish to charge parimutuel operators 1.5 per cent of turnover held on SA racing events and other operators,

including TAB fixed odds betting, all bookmakers and betting exchanges 20 per cent of their gross revenue from wagering on SA events. This position is reflected in the bill.

It is considered that this outcome does not discriminate in a protectionist way between the various types of wagering operations, so it is consistent with section 92 of the Australian Constitution. This bill creates an environment wherein consumer protection measures are applied to both local and interstate betting operators. It achieves a mechanism for sustainable funding for the South Australian racing industry and improves arrangements for integrity for South Australian racing. I commend the bill to the chamber and seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Authorised Betting Operations Act 2000*

4—Amendment of long title

The long title is amended to reflect the fact that the Act is being amended to deal with interstate betting operators through a mechanism that does not involve licensing.

5—Amendment of section 3—Interpretation

Various definitions are included for the purposes of the amendments.

6—Amendment of section 4—Approved contingencies

Section 4 is amended to list matters that the Authority must consider before approving contingencies or varying an approval. Instead of an approval or variation being effected by notice in the Gazette, publication in the Gazette is required within 14 days.

7—Insertion of section 6A

A new section is inserted dealing with the issuing of advertising and responsible gambling codes of practice by the Authority and the setting by the Authority of requirements for systems and procedures designed to prevent bets from being made by children in the course of betting operations conducted by telephone, Internet or other electronic means. These matters are made subject to disallowance.

8—Amendment of section 12—Approved licensing agreement

9—Amendment of section 13—Racing distribution agreement

These clauses contain minor amendments to ensure that negotiation of an agreement, including collective negotiation, is within the existing Trade Practices exemption.

10—Substitution of heading to Part 3

This is a technical amendment related to distinguishing the Part from new Part 3A proposed to be inserted.

11—Insertion of Part 3A

Part 3A—Authorisation of interstate betting operators

40A—Authorisation of interstate betting operators

This clause establishes a scheme under which interstate betting operators may be authorised to conduct betting operations in this State by telephone, Internet or other electronic means on races and approved contingencies. An interstate betting operator must hold an interstate licence or be an interstate statutory body and must not have a physical presence in this State.

40B—Annual fees and returns

Authorised interstate betting operators are required to pay annual fees to the Authority and make annual returns.

12—Substitution of heading to Part 4 Division 1

The heading is altered to accommodate the inclusion of new Divisions 3 and 4.

13—Amendment of section 43—Prevention of betting by children

This is a minor amendment to recognise the Authority's power to establish requirements to be met by electronic communication systems.

14—Substitution of sections 48 and 49

These amendments do not change the substantive requirements for the holder of the major betting operations licence or an on-course totalisator betting licence to comply with the advertising and responsible gambling codes of practice but reflect the fact that under new section 6A the Authority is to issue the relevant codes.

15—Amendment of section 50—Major betting operations licensee may bar excessive gamblers

This is an amendment made for the purposes of consistency.

16—Amendment of section 51—Alteration of approved rules, systems, procedures or equipment

17—Repeal of section 51A

These amendments are consequential on the inclusion of new section 6A.

18—Insertion of section 53A

19—Repeal of section 56

The question of bookmakers taking bets by telephone, Internet or other electronic means is elevated from a matter relevant to permits to one relevant to the licence. This reflects that the matter is dealt with in practice by a once off approval.

20—Amendment of section 60—Prevention of betting with children by bookmaker or agent

This is a minor amendment to recognise the Authority's power to establish requirements to be met by electronic communication systems.

21—Insertion of sections 60A and 60B

New sections 60A and 60B place obligations on bookmakers of the kind placed on other licensees and interstate betting operators in relation to compliance with advertising and responsible gambling codes of practice.

22—Amendment of section 62—Rules relating to bookmaker's operations

This is a minor amendment to reflect that new section 60A contemplates advertising by bookmakers.

23—Insertion of Part 4 Divisions 3 and 4

Division 3—Interstate betting operations

62A—Prevention of betting by children

62B—Advertising code of practice

62C—Responsible gambling code of practice

New sections 62A to C place obligations on authorised interstate betting operators of the kind placed on licensees in relation to preventing betting by children and compliance with advertising and responsible gambling codes of practice.

62D—Notification

New section 62D places an obligation on authorised interstate betting operations to inform the Authority about criminal and disciplinary proceedings.

Division 4—Betting operations relating to racing

62E—Integrity agreements and contribution agreements

All persons conducting betting operations in relation to a race in South Australia are required to enter into an integrity agreement and a contribution agreement with the relevant racing controlling authority.

An integrity agreement is essentially an agreement about the provision of information relating to the betting operations and a contribution agreement requires contributions to be made to racing controlling authorities.

The racing distribution agreement is to be taken to be a contribution agreement.

In the absence of a contribution agreement, the racing controlling authority may recover contributions in accordance with the regulations.

62F—Supreme Court review

The Supreme Court is given power to set aside an agreement, to order a racing controlling authority to refrain from action or to take action or to make other orders if satisfied, on application, that the controlling authority's conduct or proposed conduct constitutes or would constitute a contravention of section 62E.

62G—Contributions for betting operations on races held on or after 1 September 2008 and before commencement of section 62E

This section provides for the payment of contributions for the period from the date of the media release on the topic on a basis set out in the section.

62H—Disclosure of information and confidentiality

This section provides for the racing controlling authority to seek orders from the Supreme Court requiring the disclosure of information if it is not forthcoming as required by an agreement or the Act.

It also authorises disclosure of information by the racing controlling authority in certain circumstances.

62I—Prosecution requires Authority's consent

The Authority's consent is required for a prosecution for an offence against the Division.

24—Amendment of section 64—Power to obtain information

The ability for the Authority and the Commissioner to require information to be provided is extended to authorised interstate betting operators.

25—Amendment of section 67—Statutory default

26—Amendment of section 68—Effect of criminal proceedings

27—Amendment of section 69—Compliance notice

28—Amendment of section 70—Expiation notice

29—Amendment of section 71—Injunctive remedies

30—Amendment of section 72—Disciplinary action

The statutory default provisions are extended to an authorised interstate betting operator who contravenes or fails to comply with a provision of the Act or fails to discharge an obligation under an integrity or contribution agreement. In an appropriate case the Authority may give directions to the operator as to the winding up of betting operations in this State or prohibit the operator from conducting betting operations in this State for a specified or unlimited period.

31—Amendment of section 78—Finality of Authority's decisions

The right to appeal to the Supreme Court against a decision to take disciplinary action is extended to an authorised interstate betting operator.

32—Amendment of section 81—Further trade practices authorisations

This clause contains a minor amendment to ensure that negotiation of an agreement, including collective negotiation, is within the existing Trade Practices exemption.

33—Amendment of section 89—Evidence

An evidentiary aid is provided in relation to whether a person is or is not an authorised interstate betting operator.

Part 3—Amendment of *Lottery and Gaming Act 1936*

34—Amendment of section 60—Public betting and advertising

This amendment extends the prohibition on advertising to cover all forms of printed and electronic advertising and to cover totalisator betting, bookmaking operations and a betting exchange.

35—Insertion of section 65

The new section makes it unlawful to establish or conduct a betting exchange. Authorisation of the activity by interstate operators through telephone, Internet or electronic means is a matter for the *Authorised Betting Operations Act*.

Schedule 1—Transitional provisions

1—Authorised Betting Operations Act—codes of practice

This is a transitional provision to enable the codes of practice on advertising and responsible gambling for the major betting operations licence and on-course totalisator betting licences to be repromulgated in substantially the same form without consultation and without potential disallowance.

Debate adjourned on motion of Hon. T.J. Stephens.

LIQUOR LICENSING (POWER TO BAR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November 2008. Page 574.)

The Hon. R.P. WORTLEY (15:39): Speaking earlier this year on the Firearms (Firearms Prohibition Orders) Amendment Bill and the Serious and Organised Crime (Control) Bill, I referred

to the government's strategic program of law reform in particular areas of criminal law and the justice system.

The bill before us today represents an associated element in the government's response to issues of criminal and antisocial behaviour. It bears particular reference not only to the activities of outlaw motorcycle gangs in hotels but also to the behaviour of undesirable patrons who threaten and harass patrons and workers in licensed premises.

Section 125 of the Liquor Licensing Act 1997 provides that a licensee or person responsible for licensed premises can bar a person from those premises for any of the following reasons: if the person behaves in an offensive or disorderly manner; if the person commits an offence; if the licensee or responsible person believes that the welfare of the person or the person's family is seriously at risk as a result of the person's consumption of alcohol; or on any other reasonable ground. Essentially, the power to bar to which the section refers is a protective order for the person concerned, another person with whom the person resides and, of course, the other patrons and staff.

I alluded to the activities of outlaw motorcycle gangs when I opened my remarks, and it is in the context of their illegal activities, to a significant degree, that the need for the amendment to the 'power to bar' provisions has emerged. As all members are aware, there has been a series of shootings, assaults and other antisocial acts in and around Adelaide nightclubs and entertainment precincts in recent times. We have all heard of innocent people becoming involved in these events simply by accident of proximity. As I said when discussing the Serious and Organised Crime (Control) Bill, there are people whose memories will forever be imprinted by shockingly violent events and whose sense of personal safety and security has been violated, and possibly compromised, for an indefinite period.

While no law-abiding citizen wishes to witness or be involved in criminal or antisocial behaviour, by the same token, no licensee wishes to see patrons endangered or, indeed, custom fall off because of the presence or behaviour of undesirable patrons. Reluctance to issue barring orders on the part of often fearful or intimidated licensees, particularly if the patron in question is a member of or associated with a criminal or outlaw gang, is understandable. After all, who among us in such circumstances would feel differently?

The amendment of the present act to allow the Commissioner of Police and other police officers having the authorisation of an officer of a prescribed rank the power to make an order barring a person from licensed premises is both timely and necessary. In other circumstances, undesirable patrons may be present at licensed premises but not actually committing an offence at the time. We have all been in such circumstances or are familiar with such scenarios. The sense of threat in the air in these situations can be palpable, and police are obviously concerned about the safety and welfare of those present on such occasions.

As an example of how these matters can get out of control, I raise the memory of the Milperra massacre in Sydney's west. What undoubtedly started as a happy family occasion for many patrons in the hotel outside of which the shootings took place ended in indelible horror and tragedy. The Father's Day 1984 shooting war between the Bandidos and the Comancheros claimed seven lives, including that of an innocent teenage girl caught in the lines of fire.

This is an extreme example but, given recent events, it is possible that something like that could happen in our state. It is for these reasons that the amendments will empower the Commissioner of Police and the prescribed officers to bar persons from premises, including more than one premises, for a specified period or for an indefinite period in the public interest or on any other reasonable ground.

In addition, police sergeants will be empowered to bar people who have committed an offence or who have behaved in a disorderly or offensive manner in or around licensed premises, for 72 hours. Police inspectors will be empowered to bar for three months for a first offence and six months for a second offence, and a third offence could result in indefinite barring. An indefinite bar on welfare grounds will also be available to police inspectors if they believe that the consumption of alcohol is putting the welfare of a person or the person's family seriously at risk.

The Liquor and Gaming Commissioner will have the power to review these orders pursuant to section 128 of the act. Of course, authorisations to police officers will be subject to certain restrictions as per the proposed amendments, and licensees will be provided with details pertinent to the barring, including the identity of the barred person.

I now turn to the amendments relating to the barring of a person by a licensee. Section 125 of the act will enable police to provide information, including details that may identify a person (such as photographs), to licensees so that the licensee may bar that person. Because it is an offence under section 125 for a licensee, responsible person or staff member to allow a barred person to enter or remain on premises, this amendment will assist licensees and others so that that section is not unknowingly contravened.

The legislation also provides for licensee bars for welfare reasons according to various circumstances and for barring persons where assaults, property damage or drug-related offending occurs. A mechanism for review by the Liquor and Gaming Commissioner is included, and a further avenue for review exists in the jurisdiction of the Licensing Court.

The amendments provide for reliance by the Commissioner of Police on criminal intelligence, where necessary, in order to bar persons. The Commissioner's order need only state that if the person were not so barred it would be contrary to the public interest.

Finally, police will be empowered by the proposed insertion of section 125E to require a person to provide personal details and, if necessary, to verify any statement made. A maximum penalty of $1,250 will apply to remedy the offence of refusing or failing without reasonable excuse to comply with such a requirement.

It must be made abundantly clear to the community that the government is determined to deal with those who demonstrate through their own actions that they would willingly participate in criminal or anti-social behaviour to the detriment of others entitled to reasonable enjoyment of their recreation or to the detriment of their families. I support the bill and commend it to honourable members.

The Hon. SANDRA KANCK (15:47): Earlier in the year when I was being attacked by the local newspaper for consulting with people potentially impacted by the so-called bikies bill, my staff took a call from a nightclub owner who forcefully expressed his disagreement with what I was doing. He did so because he had experienced problems with bikies and wanted police to have the power to bar people because, for him to do so, he risked retribution. I have no argument with that. A constituent who runs a nightclub has just had the scary experience of a party going out of control and turning into a brawl. The Hon. Ms Bressington has also related her very valid experiences dealing with certain intimidating people. So I support that part of the bill.

However, I cannot support the criminal intelligence provisions. They violate basic rights—the right to know what you are being charged with and the right to test the evidence against you. It is a sign of surrender to fear that we have legislation like this. We are fearful that we will throw away long-established rights. Benjamin Franklin, one of the founders of the United States, is widely attributed with saying, 'They who can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.' English lawyer John Cooke was another person who formulated great legal principles. He was the only person brave enough to try King Charles. Later, when the king was restored to the throne, John Cooke was hanged, drawn and quartered on the order of King Charles.

The principles of freedom and fair trials were not developed by intellectuals safely tucked away in ivory towers. They were developed by people who saw what happened when kings, emperors and governments had too much power. In recent years, our society seems to have grown impatient with ideals such as rights, freedoms and liberties, but it is still very clear that governments abuse their powers. So let us look at some recent examples.

The US government created secret prison camps for suspected terrorists such as David Hicks, and held people there for years—in fact, some of them are still there. They were shipped around the world to dictatorships that would allow torture in their jurisdictions. A majority of those prisoners were handed over as Taliban collaborators by Afghan warlords from different tribes that received cash payments. These people were then presumed guilty and information denied to them about the basis of the charges against them.

Here in Australia we imprisoned refugees in Woomera, and then Baxter, for the crime of seeking refuge in this country. We kept them there, knowing of suicide attempts, traumatised 10 year olds resorting to bed wetting and people sewing their lips shut. I can report to members that the good-hearted people in our community, who spent years arguing for a fair go for refugees, including visiting them in their prison camps, are now having the pleasure of attending their citizenship ceremonies. All over Adelaide people who were once considered so dangerous that they had to be locked up without trial are being accepted as Australian citizens. It was all a

disgusting lie, playing on fear for political gain. These sorts of lies resulted in miscarriages of justice, such as that which befell Dr Haneef. We all are familiar with the cliché that power corrupts and absolute power corrupts absolutely, and those few examples demonstrate just that.

Let me remind members that this particular concept—'criminal intelligence'—was developed to fight terrorists—people who would kill thousands at a time if they got the chance. There is an arguable case for criminal intelligence provisions when dealing with people like this, but it is another thing to use it to control violence and intimidation in pubs. That sort of behaviour is plain, ordinary criminal behaviour—and should be treated as such. Where do we draw the line? Once these extreme concepts are applied to ordinary criminal activity, why would government not keep applying this principle in other areas where there is any possibility of violence or intimidation? The potential for abuse is very clear.

Under proposed new section 125A, the police can bar a person from entering or remaining on specified licences premises, or licensed premises of a specified class, or licensed premises of a specified class within a certain area, or all licensed premises within a specified area. Taken to its logical extreme, it could include all licensed premises in South Australia—so it is an extensive power. The Hon. Mark Parnell in his contribution suggested that the barring orders in this bill could be used as a form of punishment or harassment against individuals without there being any real rigour attached to whether or not the barring order was appropriate. I agree with him about that potential for abuse.

Even with existing provisions, we see abuse of power. Just this week I was given an example (which happened a few years ago in Ceduna) when a white man attempted to enter a hotel accompanied by a well-dressed, well-behaved Aboriginal man and the Aboriginal man was denied entry. Recently, I learnt of a Sudanese man who likes driving flashy cars, which he legitimately purchased as a consequence of working hard and holding down several jobs, but he is regularly pulled over by police and questioned.

In my briefing on this bill, the Liquor and Gambling Commissioner informed me that a licensee or the police would be entitled under the amendments in this act to bar a person simply because they associated with a group which was known to have caused trouble in the past. Given the previous examples and the tragic stabbing in Adelaide yesterday, one could imagine, therefore, a Sudanese male being denied entry to a pub or club because some other Sudanese males have caused trouble. Any significant departure from established rights and principles must be justified, and the government has failed to present a case for using criminal intelligence in this instance. They have provided some anecdotes but not the statistics; and, once again, I am forced to observe that South Australia has no ICACC to control abuses that will occur under this legislation.

I oppose those aspects of the bill relating to criminal intelligence and the barring provisions. However, I expect that the opposition will support the bill in its entirety, as part of its usual competition to prove that it is as tough, if not tougher, on crime than the government. I know I will not be able to alter those aspects of the bill.

Because we have no ICACC we must have some limited accountability, and for that reason I will be moving amendments to require reporting to parliament. These reporting provisions will relate only to the six months and indefinite barring orders. It would require presentation of demographic data to allow the parliament to see whether particular ethnic groups are bearing the brunt of these orders. I will be supporting the second reading of this bill but, ultimately, if the criminal intelligence provisions remain in the bill after the committee stage, I will be forced to vote against the bill at the third reading.

Debate adjourned on motion of Hon. J. Gazzola.

NURSING AND MIDWIFERY PRACTICE BILL

Adjourned debate on second reading.

(Continued from 11 November 2008. Page 578.)

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:55): In summing up, I thank all honourable members for their contributions. Questions were asked in the other place regarding refresher and re-entry courses for nurses and midwives. An assessment is made by the board to ascertain whether registration can be approved, or whether the person will need to undertake an approved re-entry program. The assessment includes the length of time that a person

will need to undertake an approved re-entry program. The assessment includes the length of time that a person has been away from the practice of nursing or midwifery; the breadth and depth of nursing or midwifery experience that the person has acquired following initial registration; the person's continuing professional development in nursing or midwifery; and any nursing or midwifery related activities undertaken during the period of absence.

The board approved re-entry program can be undertaken as a short continuing education course of a minimum of 14 weeks' duration. That includes a theoretical component and clinical experience placement to demonstrate that the ANMC national competency standards are achieved. Alternatively, the board approved re-entry program can be accessed as a pathway through the bachelor of nursing or midwifery whereby a person receives recognition of prior learning for previous education and experience and completes the outstanding units of study, including a clinical experience placement, to demonstrate national competency standards.

Commonly, this results in the person completing a minimum of two semesters of full time study of the three year or six semester bachelor of nursing or midwifery course. The person is not only eligible to reregister with the board but also may have the added benefit of upgrading their existing nursing or midwifery qualification to a bachelor degree. The Royal Adelaide Hospital and the Flinders Medical Centre provide state-wide nursing and midwifery refresher and re-entry programs on behalf of SA Health. Refresher and re-entry program funding is provided for the theoretical component of the program, which allows students to access courses free of charge, along with a scholarship grant, to assist them with their financial needs related to their education.

These programs commenced in 2001 and to date 67 programs have been conducted, with 802 participants having finished these programs, being 581 re-entry and 221 refresher participants. There was a total of 12 refresher and re-entry programs for 2007-08 with a total of 82 participants: 30 in the Royal Adelaide Hospital, and 52 at the Flinders Medical Centre. Of these 12 programs, I am pleased to inform the Hon. Sandra Kanck that there were two programs for midwives conducted jointly by the Flinders Medical Centre and the Women's and Children's Hospital, with 11 participants in each program. The funding that has been allocated to date by the government is $6.7 million. The Hon. Michelle Lensink sought information on the national registration and accreditation scheme for health professionals currently being developed as a result of the COAG agreement. The bill recently introduced into the Queensland parliament is the first of three bills that will establish the national registration and accreditation scheme.

A further bill will be passed by the Queensland parliament in late 2009 and, following that, a bill will be introduced into the South Australian parliament to adopt the Queensland act. At that time changes will be made to South Australian health professional registration bills to enable the national scheme to be implemented. The national scheme is expected to take effect from 1 July 2010, and it is intended that the scheme will cover all aspects of regulating the registered health professions, including accreditation, registration and disciplinary matters. Information on the development of the national scheme is available on www.nhwt.gov.au/natreg.asp.

In regard to proposed amendments to the Controlled Substances Act 1984 relating to the management of drugs of dependence in residential aged care facilities, I am advised that a number of consultations have occurred and that amendments to the Controlled Substances (Poisons) Regulation 1996 are currently being drafted.

The Hon. Michelle Lensink sought to know the total quantum of expenditure on nursing and midwifery agencies throughout the health system in South Australia. I am advised that SA Health is investigating and developing a statewide strategy for the management and utilisation of agency nurses and midwives and that the cost of agency nurses and midwives for 2007-08 was approximately 7 per cent of the total cost of employing nurses and midwives in the public sector.

I am pleased to be able to provide the following information in response to issues and questions raised by the Hon. Sandra Kanck during her speech on Tuesday 28 October. In response to a request from the Hon. Sandra Kanck, I can inform the chamber that the caesarean rate in South Australia in 2007 was 32.3 per cent, which is slightly lower than in 2006, which was 32.9 per cent. The rates were 28.4 per cent for all public hospitals, both metro and country, and 43.7 per cent for metro private hospitals. The caesarean section rates in the five metropolitan private hospitals ranged from 35.1 per cent to 54.8 per cent. The pregnancy outcome unit does not collect statistics on the person or category of health professional that is in charge of the birth, so it is not possible to provide a breakdown in figures based on whether the birthing was at the hands of a midwife or an obstetrician.

Private independent practising midwives have been seeking professional indemnity insurance cover through either federal or state government arrangements because it is either not available in the private sector or, if it is, the cost of the insurance is prohibitive. The provision of services by private independent practising midwives is separate from the services provided by the public health system. States and territories provide professional indemnity insurance for health professionals, including midwives, who are employed within the public health system.

Generally, the states and territories do not extend public cover to private sector health care providers. The current government has raised this issue with the federal government seeking possible alternatives in light of the unavailability of affordable professional indemnity insurance coverage for private independent practising midwives. I can also inform the council that the state government has paid $140,457.35, I think it is, in the year to date for 2008-09 for the GP Obstetrician Indemnity Scheme. The aim of this scheme is to support rural and remote doctors to remain in and to provide a service to country hospitals.

The Minister for Health established the safe conduct and respectful behaviour task force in late 2006 to identify and develop strategies to prevent and manage violence, aggression and bullying within health care settings. The task force is currently focusing on violence and aggression and is working with the University of South Australia to develop interventions, using a participative research design that builds on existing strategies to reduce violence, aggression and bullying directed at employees from people within the health system within the broader context of improving the psychosocial working environment.

This research will inform the current activities of the task force as follows: develop standardised documentation for the prevention and management of harmful behaviour in the form of SA Health violence and aggression policy guideline and resource kits, using a hazard management framework; develop an education and training framework, which will include a multifaceted approach, incorporating de-escalation techniques; and develop a public awareness campaign in conjunction with the Department of Health's Communications Division. The key message is that violence is not acceptable and that we value our employees. The respectful behaviour approach includes adopting a respectful behaviour framework, which promotes multi-systemic strategies to engage the workforce in desired behaviours and which is reflected in all levels of the organisation. It is anticipated that the task force will provide a final report, I think to the Minister for Health, including the actions and any further recommendations, by 30 December 2008.

In response to the final point raised by the Hon. Sandra Kanck, I can inform the council that educational requirements between enrolled nurses and registered nurses differ in that enrolled nurses are educated within the TAFE vocational sector in a task model and registered nurses are educated using evidence, research or academic inquiry and accountability of practice. Traditionally, the VET sector has not been seen as a high research academic provider within the same context as universities.

The Australian Nursing and Midwifery Council (ANMC) defines the enrolled nurse as an associate to a registered nurse and one who must demonstrate competence in the provision of patient-centred care, as specified by their licence to practise, educational preparation and context of care, whereas the registered nurse provides evidence-based nursing care. Again, I would like to thank all members of the council for their contribution to this important bill.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. SANDRA KANCK: I move:

Page 6, line 11 (clause 3(1), definition of midwifery)—

After 'antenatally' insert:

, at the birth

I see this as being a tidying-up amendment. If members examine the bill itself it defines midwifery and then '(whether such treatment, care or advice is provided antenatally'—which means, obviously, before the birth—'or postnatally)'—which means after the birth, but there is a sort of middle point which is neither before the birth nor after the birth—which is at the birth of a child. I think that logically we need to include that crucial point.

The Hon. G.E. GAGO: In relation to this amendment to line 10—'(whether such treatment, care or advice is provided antenatally or postnatally)' you want to include 'at the birth'. We are happy to support that in principle, but you might want to reconsider the wording. The term recognised internationally and by the Australian College of Midwives is 'intrapartum', which means the first, second and third stages of labour.

The Hon. SANDRA KANCK: I am happy to accommodate that suggestion. I seek leave to amend my amendment.

Leave granted.

The Hon. SANDRA KANCK: I move:

Delete ', at the birth' and insert 'intrapartum'

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

Clauses 4 to 27 passed.

Clause 28.

The Hon. SANDRA KANCK: I move:

Clause 28, page 20, after line 36—After subclause (1) insert—

(1a) The objective of the Board in approving and recognising qualifications and determining requirements under subsection (1) must be to ensure that a midwife is able to give total care to a woman and her baby during pregnancy, labour and postnatally up to at least 6 weeks.

This is essentially a philosophical perspective and reflects in some ways the international definitions of midwifery. We do not have an objective clause in this bill, but this is a more subtle way of having such a clause. It is stating what midwives want to see happen, and that is that a midwife should be able to give total care to a woman and her baby during pregnancy, labour and postnatally up till at least six weeks.

It is desirable; it is not saying that it has to be that way. However, by putting it in these terms, saying that it will be an objective of the board, it allows that philosophical position to be espoused without forcing anybody to do anything. I think it will make midwives feel more comfortable that this quasi-international definition is fitted into the legislation.

The Hon. G.E. GAGO: The government is opposed to this amendment. I understand the intention behind it but, unfortunately, putting that into words creates all sorts of potential problems for us, particularly around the terminology 'total care'. This amendment is actually not necessary for a start, because it is pretty much covered within the scope of the act in terms of your intention. We would need the definition of total care because we know that it is actually outside the scope of the role of a midwife to provide total care to a woman under any circumstance. For instance, a midwife will not take responsibility for repairing an appendix or such like. I know the intention, but the words make the scope of it much broader and bring in a range of unintended consequences that are outside the role, function and qualifications of a midwife.

The Hon. J.M.A. LENSINK: I do not think the Liberal Party can accept the amendment either, not for any philosophical reason but merely because on my reading potentially it could be challenged in a court. There is too much in there that is in the form of prescribing treatment. The minister referred to the word 'total' and said 'up to at least six weeks'; I find those sort of inclusions in a clause in a bill such as this objectionable for tying up the profession with potential legal problems. It might not arise for the vast majority of operations of midwives in their practice, but in some cases it could be quite detrimental to the profession as well as to individuals.

The Hon. SANDRA KANCK: Obviously the numbers are against me on this, but I make the observation that an objective hardly ties you in black and white to things, and I said that that is what it is. By simply saying that my objective is to achieve something does not mean that someone will take me to task because I did not achieve everything within the objective, as that is the whole idea of having an objective. I am disappointed it will not get up, but I can do the maths.

Amendment negatived; clause passed.

Remaining clauses (29 to 85), schedule and title passed.

Bill reported with amendments.

Bill read a third time and passed.

PARTNERSHIPS (VENTURE CAPITAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November 2008. Page 571.)

The Hon. S.G. WADE (16:20): I rise to indicate the opposition's support for this bill. Like my colleagues in another place, I will keep my comments brief. This bill is the result of legislation passed by the commonwealth to encourage venture capital investment in small business ventures in Australia. In 2005, the commonwealth extended tax benefits to venture capital investments to stimulate the growth of business ventures throughout Australia. The commonwealth has now seen fit to expand these taxation benefits to include venture capital investment in small businesses in recognition of the valuable role of small business in the Australian economy. Venture capital investments are a valuable means towards expansion for Australian businesses with large potential for growth but insufficient capital to fund such growth.

Through the practice of venture capital investments, investors both in Australia and overseas can invest funds in these businesses, creating a win-win situation. The investor is part of a potentially successful business venture without having to establish or visualise the business, whilst the business operator receives the capital they need to expand their business to its full potential. The benefit to the economy of such investment partnerships is clear. Accordingly, the commonwealth government has seen fit to grant tax benefits to investors engaged in venture capital investments.

However, while the taxation regimes are the responsibility of the commonwealth, the nature of certain venture capital partnerships means that state governments must pass corresponding legislation to recognise these partnerships, and thus we have this bill before us today. The opposition, of course, is keen to ensure that the tax benefits of the commonwealth are made available to South Australian business ventures. I understand that the other states have already passed similar legislation, and it is important that we move to pass our corresponding legislation to ensure that South Australia does not miss out on its share of venture capital investments.

The Liberal Party at its founding had at its core the respect of business and of small business. It is part of our mission to encourage small businesses to grow and take advantage of opportunities. Of course, Labor's roots are in socialism: its support for small business is half-hearted and hollow. Labor always trusts governments and bureaucracies rather than markets and businesses. If there is opportunity for growth, Labor's knee-jerk reaction is to set up a new department to manage and regulate it, because Labor believes that government knows best.

In reality, it is small businesses that are best placed to take advantage of growth opportunities, especially when supported by the investment of capital. The opposition is pleased to see the government supporting this initiative of the federal government—an initiative which began, not surprisingly, under a federal Liberal government. We are pleased to support this bill.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:23): I thank the honourable member for his contribution and for his indication of support. I believe that all other members of the council are happy to see this bill supported, and I thank them for those indications.

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

NUCLEAR WEAPONS

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

1. That this Council notes—

   (a) That 21 September was International Day of Peace and on 27 September it will be 52 years since the first explosion of atomic weapons in our atmosphere at Maralinga;

   (b) The proposal by the Prime Minister, Kevin Rudd, for an international commission to revive the Nuclear Non-Proliferation Treaty; and

   (c) The existence of the Luarca Declaration which claims a human right to peace; and

2. This Council commends the United Nations Youth Association of South Australia for their campaign on nuclear weapons non-proliferation and disarmament.

The Hon. I.K. HUNTER (16:26): I rise to commend the Hon. Sandra Kanck for her motion on peace and nuclear weapons. With all that is happening in our world, the need to remain ever-vigilant in the pursuit of a peaceful, safer existence for all of us is always with us. It is with this in mind that I am heartened that our Prime Minister Kevin Rudd has called for a new international commission to bolster the nuclear non-proliferation treaty in June this year—the International Commission on Nuclear Non-Proliferation and Disarmament. Australia can play, and is playing, a useful role in ensuring that the treaty remains relevant—or becomes relevant again—in today's world.

The aim of the commission is to establish a global agreement on how best to approach the reinvigoration of the treaty—a treaty that was formed in a world very different to the one that exists today. The non-proliferation treaty opened for signatures in 1968 and came into effect in 1970. When we look at what was happening in the world at the time, we can see just how much the world has changed. The year 1968 was the year that Robert Kennedy and Martin Luther King Jr were assassinated. We were on the brink of the second wave of feminism, and Mao Zedong and Elvis Presley were still alive and rocking.

Between the opening for signatures and the treaty coming into effect, Golda Meir became the first female prime minister of Israel, and Yasser Arafat was appointed leader of the Palestine Liberation Organisation. The Stonewall riots marked the beginning of the modern gay rights movement, Neil Armstrong walked on the moon, and John and Yoko staged a bed-in for peace. Cold War hostilities continued and, in 1969, the US and Russia were bound in strategic arms limitation treaty negotiations. The year that the non-proliferation treaty came into effect, a topping-out ceremony was held for the North Tower of the World Trade Centre in New York.

From this distant point in history, the world has obviously changed significantly during the life of the nuclear non-proliferation treaty and, with a review of the treaty coming in 2010, the federal Labor government decided that it was important that all parties come together to discuss how we can stop the proliferation of nuclear weapons before the review takes place.

This is not just an issue for treaty signatories. It is a global issue, and has to be approached as such. We need the current signatory nuclear powers around the table, but we also need to hold an ongoing dialogue with India, Pakistan, North Korea and Israel. The commission provides one way for that dialogue to progress. Lack of signatory status has not precluded, and does not preclude, non-signatory countries building up nuclear supplies. In September, the Nuclear Suppliers Group chose to resume trade with India, a decision that does not require India to sign the non-proliferation treaty.

We cannot ignore the reality that the treaty, whilst still having an important role to play in world peace, was created in a vastly different world to the one we occupy today; or the dangers of excluding nations from the ongoing debate. The world needs to ensure that the nuclear non-proliferation treaty (which has been, arguably, quite successful in controlling nuclear armament proliferation) remains relevant. The commission is co-chaired by former Australian foreign affairs minister Gareth Evans and former Japanese foreign minister Yoriko Kawaguchi, and includes representatives from Indonesia, Saudi Arabia, Russia, Norway, South Africa, France, Pakistan, India, Germany, the United States, China, the United Kingdom and Mexico.

The first meeting of the international commission was held in Sydney in October this year, and the commission plans to meet another six times in the next two years. Details of the first meeting are being kept under wraps for the moment. There are still about 26,000 nuclear weapons around the world today, and we need to ensure that these weapons are not used and, hopefully, are significantly reduced in number. The level of destruction their use could bring would be cataclysmic and unthinkable. As co-chair, during a break in the commission's first meeting, Gareth Evans said:

> The scale of the havoc and the devastation that can be wreaked by one major nuclear weapons incident alone puts 9/11—almost anything else—into the category of the insignificant.

Because of this potential we must ensure that prior to the review of the non-proliferation treaty in 2010 we look at ways in which to make the treaty more relevant. The sad reality is that, as with too many of these things, in recent years some signatories themselves have basically ignored the requirements laid out when it has suited them. I know that Gareth Evans is aware of this. He said:

> In the last decade or so, the international community has been sleepwalking when it comes to this potentially catastrophic problem.

The Nuclear Non-Proliferation Treaty has 187 signatories, five of which are nuclear powers. The framework is there to ensure that the treaty continues to do that for which it was intended; that is, preventing the spread of nuclear weapons and furthering the aims of disarmament. The establishment of the International Commission on Nuclear Non-Proliferation and Disarmament can play a significant role in ensuring that this occurs. I commend the Hon. Sandra Kanck for a very important motion, and I commend the motion to the council.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:31): On behalf of the opposition I indicate that we support the motion. The production of nuclear arms is an unequivocal threat to humanity and we do not support the existence of nuclear arms anywhere in the world. In light of their existence we support binding international rules for the responsible transfer of all conventional weapons. Recognition of the International Day of Peace is a paramount step in strengthening our attitudes about the impacts of nuclear arms.

However, given South Australia's potential uranium market, the implications of mining and exportation must be considered extensively in this parliament. We do not have a nuclear power industry in South Australia, but there is a possibility that at some point in the distant future the issue of uranium enrichment for exportation of that product may be visited by this parliament. Enriched uranium is a critical component in the production of both civil nuclear power generation and military nuclear weapons. We certainly do not want to hinder the growth of our mining sector, but decisions about the treatment of uranium which is mined in South Australia are globally significant.

I wish to add to this discussion that the state Labor government has maintained a closed mind to the future of uranium enrichment or nuclear power generation in South Australia. It will be something that, I am sure, in the decades to come this parliament will have to address. These issues need to be considered with account given to science, the economy and informed public debate.

Australia is on the brink of a significant expansion in uranium mining, with some significant projects under discussion in Western Australia. As that expansion occurs, Australia will be looked upon increasingly by other countries as a viable and important source of uranium. Already India is continuing to lobby extensively at political levels to win access to Australia's uranium. The Rudd Labor government backed away from the agreement to sell uranium to India for clean energy solutions—an important step in the fight against climate change, given India's level of carbon emissions.

We maintain a great interest in the Nuclear Non-Proliferation Treaty because it will dictate the potential uses of uranium which we sell. Therein lies our contribution to the maintenance of peace throughout the world. It was under the Howard government that Australia co-authored the original resolution in the United Nation's General Assembly First Committee, where peace and security issues are dealt with. This was the first step towards developing, adopting and implementing a comprehensive, legally-binding treaty establishing international standards for the trade in all conventional arms.

As the Hon. Sandra Kanck has said, our federal colleagues previously stated their expectation that nuclear weapon states would pursue disarmament commitments vigorously. The revival of that treaty—which has weakened—is a positive step, and the creation of an international commission to mandate that revival could be potentially beneficial.

However, I will add that this commission, set up by Prime Minister Rudd, simply resurrected previous Labor government initiatives, such as the Canberra commission. It is disappointing to see that the commission set up by Mr Rudd so far simply appears to be a group of concerned notables that the Rudd government expects to successfully move nuclear-weapon states towards disarmament.

We hope to see some measurable progress from the first International Commission on Non-Proliferation and Nuclear Disarmament meeting, held in Sydney in October. What is really needed is a plan of action brought to the debate on nuclear proliferation. We will have to wait and see whether the commission, which has been given $3.5 million from the government, actually delivers any measurable outcomes. We fully support the policy of only selling uranium to treaty signatories and we must ensure that that treaty remains significant and successful in arms control.

I also add that the Liberal Party supports (very much so) the work of the United Nations Youth Association. The cornerstones are the promotion of the peaceful use of uranium and the maintenance of the non-proliferation treaty commitments. I indicate that the opposition is pleased to support the Hon. Sandra Kanck's motion.

The Hon. M. PARNELL (16:35): The Greens are pleased to support this motion. Like most members, I rarely get to the end of the newspaper, but I was glad to have read a bit deeper than usual into *The Advertiser* of 8 November this year, because in the lift-out *Review* section there was the extract of a speech by Ban Ki-moon, Secretary-General of the United Nations. It is an extract of a speech that he made on 21 October this year at the John F. Kennedy School of Government in Cambridge, Massachusetts. I will read a few sentences from the Secretary-General's speech. He said:

> The world is facing acute challenges in the area of disarmament and non-proliferation...there is widespread support throughout the world for the view that nuclear weapons must never be used again. We need only look at their indiscriminate effects, their impact on the natural environment, their profound implications for regional and global security.
>
> Nuclear weapons produce horrific, indiscriminate effects. Even when not used, they pose great risks. Accidents could happen any time. The manufacture of nuclear weapons can harm public health and the environment. And, of course, terrorists could acquire nuclear weapons or nuclear material.
>
> Most states have chosen to forgo their nuclear option, and have complied with their commitments under the Nuclear Non-Proliferation Treaty. Yet some states view possession of such weapons as a status symbol. And some states view nuclear weapons as offering the ultimate deterrent. Unfortunately, the doctrine of nuclear deterrence has proven to be contagious.

The Secretary-General then goes on to say:

> There are also concerns that a nuclear renaissance could soon take place, with nuclear energy being seen as a clean, emission-free alternative at a time of intensifying efforts to combat climate change.

The Secretary-General does not say whether he agrees with that statement: he just says that that is one of the prime movers of the renaissance, but what he went on to say is most important in terms of this motion. He said:

> The main worry is that this will lead to the production and use of more nuclear materials that must be protected against proliferation and terrorist threats.

At the very end of this article he does congratulate the present Australian government. He says:

> I am pleased to see leaders stepping up to move us in the right direction. I applaud the International Commission on Nuclear Non-Proliferation and Disarmament announced by the prime ministers of Australia and Japan recently.

So there is the UN Secretary-General speaking on this matter, but inherent in his comments is a contradiction, and it is a contradiction that Australia has not openly addressed. I give you an example: I have on my computer a small video clip that is one of the ALP's election advertisements from the 1977 federal election. A number of members here will remember that quite clearly. This TV advertisement from the ALP shows two naked babies playing with a hand grenade. One of the babies is doing what all babies do and puts the hand grenade into its mouth and chews it. It is a terribly chilling but very effective advertisement but what is most interesting is the voice-over:

> When we mine our uranium, we're playing with the future of generations to come. Waste from our uranium stays dangerous for 250,000 years. What the ALP wants is enough time to find a safe way of disposing of it. Uranium— Play it Safe. Vote ALP.

That is the voice-over, written and authorised for the ALP by David Coombe, John Curtin House, Canberra.

I have had a lot to say in this place about the nuclear industry, and one of the themes that I cannot get away from is that the nuclear industry, even South Australia's role in it in mining uranium, comes with the ghoulish twins of nuclear weapons and nuclear waste, and I do not think we can separate those out from our role in the nuclear cycle. So, I do support this motion, and I urge the state and federal governments not to lose sight of the fact that our domestic policies do, in fact, have real implications for world peace.

The Hon. SANDRA KANCK (16:41): I thank the Hons Ian Hunter, David Ridgway and Mark Parnell for their support for this motion; I think it is an important one. I know some members occasionally will say that it is not the place of this chamber to deal with international issues. However, we are citizens of the planet, and I believe that it is something that we should give our attention to. I think there are a number of international issues we should be looking at. Since I moved my motion, we now have a President elect of the United States who can come somewhere near to pronouncing the word 'nuclear', so I think we have moved forward a bit in the past couple of months.

I am delighted that the motion is going to pass, and I know that the members of the United Nations Youth Association, who were responsible for my moving this motion in the first instance, are also going to be delighted. When I spoke, I mentioned that part of the campaign that association is waging at the moment, called Drop the Bomb, includes trying to encourage the members of this parliament to become members of Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND).

So, if as a consequence of this motion there are members in this place who would like to join PNND, I would be delighted to provide them the details of how that can be achieved. I think that is one of the things we should be involved in. It is part of the critical mass that is needed to redress the burgeoning number of nuclear weapons that has happened while we have not been paying attention. I think a motion like this is timely in drawing to our attention once again that there is a problem and that we do need to address it.

Motion carried.

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. R.D. LAWSON: I move:

Page 3, line 13 [inserted section 21B(2)]—

After 'relation to' insert: 'piercing of the earlobes or'

As I indicated in my second reading contribution, this bill, as the mover acknowledges, really arises out of initiatives taken by John Rau, the member for Enfield in another place. Mr Rau introduced a bill, which was subsequently referred to a select committee, which published an extensive report.

John Rau's bill, in its definition of 'piercing', excluded piercing of the ear lobes; not all ear piercing but simply piercing of the ear lobes, which is a well-known practice. The amendment I have moved seeks to exclude from the restrictions that are being imposed by this bill the piercing of ear lobes. I remind members that it is currently an offence in South Australia to tattoo any minor. This bill will extend tattooing to include scarifying. It will make it an offence to pierce the body of a minor unless accompanied by a parent.

My amendment is based not only on the fact that John Rau's original proposal did not include ear piercing but also to note the fact that there is widespread concern in the community, and the legislation states a number of forms of body modification. In relation to piercing, other states have banned the piercing of the genitalia of minors, what is sometimes termed intimate piercing, as well as other parts of the body: the nipples, the perineum, etc. I will not go into that in order to save the sensitive ears of some members who might, like myself, find it rather distasteful.

However, there has been no demonstrated need to include the piercing of ear lobes in this matter. True it is that, from time to time, there might be an infection as a result of the piercing of ear lobes, but there have been no significant and demonstrated problems over the years. It is for that reason that I seek the support of members for the amendment.

The Hon. D.G.E. HOOD: I rise as the mover of the bill to indicate my support for the Hon. Mr Lawson's amendment. Members who are familiar with the original speech I gave to introduce the bill will recall me saying that I expected amendments to be made, and I specifically mentioned that I was open to that. I think the Hon. Mr Lawson's proposal is a commonsense amendment. As he rightly points out, it was in the original bill introduced by John Rau, the member for Enfield in another place, back in 2002.

I am very happy to support the amendment. I think it makes absolute sense. The reason I did not put it in there originally was really just as a means of reducing the number of hooks, if you like, that could be contentious in terms of getting it through this place. This bill dates from a long way back. In fact, the Hon. Bob Such introduced a similar bill to mine in 2001, and the member for Enfield, John Rau, presented a similar one in 2002. It has been back and forth and back and forth. I am very keen to get it through, and I am happy to support the amendment.

The Hon. R.P. WORTLEY: I think the Hon. Bernie Finnigan spoke on this originally and indicated that the government's position is that it will not oppose it. The government will consider its position and inform the lower house.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (PALLIATIVE USE OF CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November 2008. Page 690.)

The Hon. A. BRESSINGTON (16:50): I would like to continue from where I left off last night in response to the bill that the Hon. Sandra Kanck has put before us for the use of cannabis for medical purposes. First of all, I would like to recap on the points that I made last night so that I can follow on.

In California, where a bill has gone through that is almost identical to the one that we are debating here, there has been a marked increase in cannabis use by teenagers, and doctors are writing medical certificates (for a fee) for 12 months for an unrestricted quantity that can be used for any and every illness. In fact, I made the point last night that one teenager was given a medical permit because her high heels hurt her feet.

That tells us one of two things: either teenagers believe that medical marijuana is a panacea for all conditions including sore feet, or the whole process of medical marijuana in California, which has been in place since 1997, is considered to be a bit of a joke. The DEA also made the point that cannabis production in the state forests has become a billion dollar a year industry and that those particular national parks now have become no-go zones for hikers and hunters. That is where I left off.

The Californian medical marijuana initiative has been recognised as a pseudo-legalisation of cannabis by the United States authorities for some time. On 27 March 2001, Laura Nagel, delivering a congressional testimony on behalf of the Drug Enforcement Agency, detailed the case of a Californian man who had established a website offering medical marijuana for sale, regardless of whether one possessed a certificate of recommendation from a doctor. For the particulars, I quote the transcript of the testimony from the Drug Enforcement Agency website, as follows:

> An example of how marijuana trafficking is occurring under the guise of medicine is illustrated in one particular case in 1999. A local television station in New Orleans informed law enforcement officials that it had discovered an internet website advertising the sale of medical marijuana. The website was established by an individual who distributed marijuana from his home in Anaheim, California.
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> After the United States attorney's office for the eastern district of Louisiana advised the DEA that it would prosecute the case, DEA undercover agents placed orders which resulted in marijuana being shipped to the agents in New Orleans. In September 1999, agents from the DEA and IRS together with the Anaheim Police Department executed a search warrant at the defendant's home. During the execution of the warrant, the defendant advised that he had been selling medical marijuana for nearly 3 years.
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> Records reveal that he had distributed more than 50 pounds to 149 different customers in 35 different states. On 11 February 2000, the defendant was indicted by a federal grand jury in New Orleans on charges of distribution of marijuana and advertising the distribution of a schedule 1 controlled substance. During the execution of the search, agents also seized numerous recommendation letters that appeared to have been issued by doctors in various states to his customers.

In an article entitled 'Looking through the smokescreen: smoked marijuana is not a medicine', Gordon Taylor, a veteran of the Drug Enforcement Agency, states:

> Contrary to what legalisers contend, DEA targets not the sick and dying but criminals engaged in cultivation and trafficking of illegal drugs. In many instances those who provide considerable funding to the medical marijuana movement use the sick and terminally ill as a smokescreen to hide their true agenda, which is across the board legalisation of marijuana.

Further evidence of medical marijuana being used as a front for the legalisation of cannabis can be found in the *Harm Reduction Journal*, the premier publication of the International Harm Minimisation Movement. In a study entitled 'Long-term marijuana users seeking medical cannabis in California 2001-07: demographic, social characteristics, patterns of cannabis and other drug use

of 4,117 applicants', published on 3 November 2007, it was revealed that, of the 3,037 randomly selected participants queried about their prior drug use, 87.9 per cent had used cannabis prior to the age of 19. To quote the study:

> Essentially all applicants queried about their current use were consuming inhaled cannabis on a regular basis in amounts that varied considerably but tended to remain stable over time.

The 4,117 randomly selected participants in the study had a median age of 32, and 87.9 per cent began using prior to the age of 19, with most continuing to use. The study later adds that there was a 'decided preference for inhaled' (meaning smoked) cannabis. So, that is clear evidence that cannabis is not being used by genuinely ill patients on the recommendation of their doctor but, rather, by life-long users who have a preference for smoking cannabis. In the interests of being honest I state clearly that it is these users whom this bill enables.

In what can only be a recognition that the medical marijuana initiative was being taken advantage of by all who desired to use, medical condition or no medical condition, Californian authorities permitted vending machines offering cannabis products to be placed at the state's capital, attracting denunciation from the International Narcotics Control Board. It is a shameful event when cannabis becomes comparable to Coke—not cocaine but the caffeinated beverage. To the best of my knowledge Californian authorities recanted their support when confronted with the international denunciation.

However, spurred on by the success in California and undeterred by the flagrant abuse of cannabis for so-called medicinal purposes, pro-marijuana campaigners set their sights on other states around America, and today 13 in total have passed similar ballot propositions. Each time millions were spent misinforming the community and assuring them that this time this proposition would not be abused nor increase the supply of cannabis on the streets for their children to access. Unfortunately, medical marijuana initiatives have also been successful in the Netherlands and Canada, with very similar ramifications to those experienced in California.

As would happen if South Australia were to follow their lead, each state and country that permits the use of cannabis for medicinal purposes has borne the weight of international communities' consideration. As an example, I quote the politically sensitive yet stern words of the International Narcotics Control Board press release. The board has repeatedly expressed its concern that, without having reported conclusive research results to the World Health Organisation, the governments of Canada and the Netherlands authorised the use of cannabis for medicinal purposes. The board is also concerned that cannabis is used for medicinal purposes in some jurisdictions of the United States, without having definitive proof of its efficacy.

Prior to moving on to the origins of the medical marijuana ideology, I briefly remind members that it is the same mistakes the Californians made that the honourable member seeks to replicate here. The first mistake is buying into the misinformation driving medical marijuana. The second is the legislative error allowing cannabis to be prescribed to anyone for any medical condition a doctor believes it may benefit, however irrational or biased that belief may be. Proposed new section 31A(3)(f) of the honourable member's bill reads nearly identically to the Californian legislation that permits teens to be issued a certificate allowing access to cannabis because their high heels hurt their feet.

To fully comprehend the ideology driving medical marijuana, one must look beyond the ballot initiative in California, as California may have been where the aspirations of pro-marijuana proponents were first realised. But medical marijuana was schemed much earlier. In a now infamous quote, Keith Stroup from the National Organisation for the Reform of Marijuana Laws, (otherwise known as NORML) revealed the true intent behind medical marijuana initiatives when he stated, 'We will use the medical marijuana scam as a red herring to promote the legalisation of marijuana.'

The reality is that there are people in our society who, for varied reasons, desire the legalisation of illicit drugs. Known collectively as legalisers, they are willing to employ any tactic to achieve their aim, including the misnomer 'medical marijuana'. A 2005 INCB press release, welcoming the news of the US Supreme Court's reaffirming that the use and cultivation of cannabis should be banned regardless of state legislation allowing medical marijuana, stated:

> INCB has expressed concern that organisations advocating the legalisation of cannabis, and of narcotic drugs in general, are using the issue of medical cannabis as a 'back door' to legalisation. 'Cannabis is the most widely abused drug in the United States and in the world,' Professor Ghodse said. 'Cannabis is classified under

international conventions as a drug with a number of personal and public health problems. It is not a 'soft' drug as some people would have you believe.

I go back to the point that I made earlier in my speech last night, when I mentioned the Hon. Sandra Kanck's passion for abiding by international conventions and treaties when we are talking about nuclear power or environmental issues. My point was that she can be quite selective about the treaties and conventions that she is prepared to be behind, and this statement by the INCB reiterates the point that I made.

As members would be aware, I have previously raised my concerns in this place about one of the well-known legalisers, George Soros. He is described as the Daddy Warbucks of drug legalisation and believes himself to be God (and that is self-admitted). George Soros has personally financed most medical marijuana initiatives in the US and abroad and, as many members here would know, with citizen-initiated referendums in the United States the outcome really depends on the amount of money that people have to back and promote those referendums and put out the information that they want the people to receive. I have had a conversation with another member here, and we both agreed that the citizen-initiated referendums really come down to 'he with the most money wins'.

George Soros is a well-known billionaire philanthropist in the United States. He has supported medical marijuana because, as a man with acumen, he gauged that public sentiment fell short of his desire for full legalisation. Soros is reported to have issued the directive to his pro-drug organisations, the Drug Policy Alliance and the Marijuana Policy Project, to focus on 'compassionate and winnable issues, such as medical marijuana'. It was Soros' money that bankrolled the initiative in California. According to National Families in Action, he was the largest donor at $550,000, and he continues to finance well organised campaigns across the United States. The organisation Americans for Drug Free Youth documents on its website a total of $2.7 million in donations by George Soros to pro-drug initiatives in California alone.

So, why is it that legalisers such as Mr Soros and many others are willing to invest such time and money into the push for medical marijuana? The answer is simple: perception reigns supreme. In deciding whether to use illicit drugs and, more broadly, when forming attitudes towards illicit drugs, the perception of potential harm, penalty and societal acceptance are determinative factors, and for their aims of legalisation to ever be realised drugs must be perceived to be safe.

To provide an example of just how destructive perception can be, I quote the tragic circumstances of the death of a young girl named Irma Perez from the Drug Enforcement Agency's website justthinktwice.com:

> Irma was a 14-year old girl from Belmont, California who took an ecstasy pill on April 23 2004. She became sick immediately—vomiting and writhing in pain—yet her friends did not seek medical help for her. Instead, they gave her marijuana [to smoke], thinking it would relax her and possibly help her because they had heard it had medicinal qualities.
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> Irma suffered for hours and when she was finally taken to the hospital the next morning, she was in terrible shape. Five days later she was taken off life support and died. After her death, several of her organs were donated to five other people.

Perceptions of safety killed Irma Perez, yet proponents of medicinal marijuana require, and intend, their campaigns to portray cannabis as a safe drug. In an ominous warning to us all, George Soros is quoted as saying to an Australian journalist:

> I live in one place but I consider myself a citizen of the world.

I might add that that is a term that the Hon. Sandra Kanck used in her previous speech. He said:

> I have foundations in 30 countries, and I believe certain universal principles apply everywhere—including Australia.

I mentioned earlier that the bill before us today seeks to replicate the mistakes of international jurisdictions, and it is this I now turn my focus to. As stated, at proposed new section 31A(3)(f), the honourable member seeks to introduce into South Australian statute the same flawed provision as is now seen in the Californian statute allowing a doctor to issue a certificate permitting the use of cannabis if that doctor believes it may be of some benefit to that patient—not that there is sound scientific evidence supporting cannabis as a therapeutic agent for the condition suffered by the patient presenting, but if the doctor believes it to be so. While I hold the majority of the medical profession in South Australia in high esteem, I wonder how long it will be before the Californian experience of advertisements issued by doctors will appear in our versions of *High Times*.

The honourable member seeks to permit the consumption and cultivation of a drug of abuse internationally recognised as illicit. It is my understanding that the three international conventions on illicit drugs bind member countries, of which Australia is part, to prohibiting the consumption, sale and production of illicit drugs, cannabis included. I ask whether the honourable member willingly seeks to ignore the international conventions. Again, I remind members of the selective process with which the member uses and then abuses international treaties in this place.

Of course, the conventions allow for the therapeutic use of scheduled drugs if approved by a country's relevant authority, and is strictly controlled. Again, I quote from the INCB press release, this time from February 2008. It says:

> The control measures applied in California for the cultivation, production and use of cannabis do not meet the control standards set in the 1961 convention to prevent diversion of narcotic drugs for illicit use. Such standards require, inter alia, the control of cultivation and production of cannabis by a national cannabis agency, and detailed record-keeping and reporting on the activities with cannabis, including reporting to INCB.

As the bill before us contains no provision for a national cannabis authority—which, of course, would be outside the purview of this parliament, in any event—and no avenue for their release of detailed information to the INCB, we can only gather that this particular bill will be in contravention of those conventions mentioned. Justice Athol Moffitt writes:

> The conventions, supported by the governments of all nations, provide a barrier to the objectives of the drug legalisation lobbies. Attempts to surmount this barrier include various evasive tactics such as denigration, misinterpretation and ignoring aspects of the law and the conventions. A fairly common device is to blame the United States for imposing the conventions on the world to assert that the US cannot dictate what is best for Australia. This does not negate the obligation of Australia, as a mature and independently-minded nation, [which] signed the conventions involving international cooperation and—after delays, consideration and consulting with states—ratified them.
>
> The 'difference of opinion' tactic is used frequently in Australia as a way of ignoring the conventions. Ignoring the conventions is similar to the device that the legalisation lobby used in respect of Australia's current laws prohibiting the use of drugs. The tactic is to ignore and denigrate the local law prohibiting use, so that illegal use is encouraged. The more who illegally use drugs, the easier it is to say that the laws ignored should be repealed. In the same way, the more people and inquiries ignore the conventions and the more some nations take action that ignores but is in breach of the conventions (even minor ways), the sooner the conventions will come to be regarded as a dead letter and ignored by other nations.

What Athol Moffitt is saying is that Australia's lack of attention to enforcement and a global initiative to drug policy will affect other countries, and for a government that continually professes to support global policy on issues such as global warming and renewable energy, and so on, surely we cannot be expected to be taken seriously in the international arena when our actions on drug policy have an adverse effect on other countries and compromise their efforts.

It is almost as though Australia, in particular South Australia, is to the rest of the world what Mexico is to the United States in its efforts to stop the importation of illicit drugs across their border. Surely we could find something more fitting of which to be proud than a drug policy that undermines the safety and security of our country and other countries. If we are able to follow the lead of the legalisation movement, perhaps we should begin to legislate in contradiction to the international treaties we have on those issues that are close to the heart of the Hon. Sandra Kanck, as well. We would soon see her allegiance to the UN and the US, I am sure.

As for approval as a medication, it would be a requirement for cannabis to undergo the thorough scrutiny of the Therapeutic Goods Administration. It is the role of the Therapeutic Goods Administration in Australia to ensure that all medications entering the system are of the highest standard for efficacy and safety; and included in this is an assessment of dosing and route of administration. While I have knowledge that the Therapeutic Goods Administration does not have a formal position on the use of crude cannabis, solely because it has never been asked to assess it, one can imagine what the outcome of such an assessment would be. For the less imaginative, one could look to America's Food and Drug Administration—the United States equivalent of Australia's TGA. In numerous publications, the Food and Drug Administration has consistently stated that cannabis is of no medicinal benefit. One of many publications states:

> No sound scientific studies supported medicinal use of marijuana for treatment in the United States, and no animal or human data supported the safety or efficacy of marijuana for general medicinal use.

For an alternative source, one may look to the absence of current medications approved by the TGA that are of uncontrolled dose and administered by smoking. Put simply, smoke medicine is not modern medicine and any assessment by the Therapeutic Goods Administration would surely reflect that.

However, this bill seeks to bypass the TGA and the rigour of evidence that it requires and, instead, seeks to expose people to what is proven to be a dangerous drug. I am sure all members in this place would share my reluctance to deny a genuinely ill person a genuine medicine. However, cannabis in its crude form will never be a medication, compared to the thoroughly tested and proven medications currently prescribed by doctors.

Crude cannabis contains over 400 individual compounds, many of which have never been the subject of thorough research. They simply cannot meet the standards that the Australian public has come to expect. I might add that as soon as those 400 individual compounds are combusted they turn into 2,000 chemicals, which contain a number of highly poisonous and highly toxic substances. I would like to quote from *Drug Precipice*, which was co-authored by Justice Athol Moffitt. It states:

> Most drugs of abuse belong to one of three pharmacological categories: central nervous system stimulant, central nervous system depressants; and hallucinogens. Drugs of abuse are usually classified as one of these three specific groups. However, cannabis does not belong exclusively to any one of them because it has properties characteristic of all three groups. Its effect on a user is unpredictable; it may be psychostimulant, psychodepressant or hallucinogenic (in heavier doses), depending on the strength of the product, the manner in which it is used, and the individual. Because its effect cannot be predicted, naive users and adolescents are particularly vulnerable. Why some individuals are particularly vulnerable to it is not really understood. Unlike most other illicit drugs, cannabis does not consist of one or a few chemicals. It contains over 426, which fall into at least 18 different groups ranging from alkaloids, sterols, terpenes, furan derivatives, stilbene derivatives, and the 61 cannabinoids which are unique to the cannabis plant.
>
> When combusted, they form over 2,000 chemicals. Natural cannabinoids such as cannabidol (CBD), cannabinol (CBN) and cannabichromene are not psychoactive, but are biologically active. They affect DNA, RNA and protein synthesis in cell culture. Cannabinoids are highly fat soluble, which means they can lodge in the fatty parts of the body for long periods, much as the insecticide DDT can. No other illicit drug has all these chemical properties. Other chemicals include the known carcinogens, benzopyrene, benzanthracene, vinyl chloride, nitrosamines and vinyl chloride. All drugs have different action and elimination speeds. THC has what is called a 'half-life of eight days', which means that a 50 per cent concentration of it is still present in the body eight days after its initial use. Traces of a single dose of THC can still be detected up to three months later because it is mostly stored in neutral fat, though also in the liver, lungs and spleen. A weekly user of marijuana has a constant store of THC in the body.

If the research into cannabinoids currently being undertaken results in a medication delivered not via smoking, but in a capsule or nasal spray, then it will not be the responsibility of this parliament to determine whether it is made available as a medication but, rather, the role of the Therapeutic Goods Administration on the available science.

Proponents of 'medical marijuana' have become apt at manipulating the findings of promising research into individual cannabinoids, each time dressing the findings as though the therapeutic value of crude cannabis has been proven once again and generating headlines accordingly. An example of such manipulation is found in the honourable member's initial second reading contribution. In a total disregard for the potential consequences of the words, the honourable member told this council and all those who read *Hansard* that cannabis does not cause schizophrenia but instead is a treatment for this most devastating mental illness.

Manipulating the findings of research still in its infancy, the honourable member made a leap in logic largely reserved for the likes of Dr Alex Wodak and perhaps sometimes even Dr David Caldicott when she claimed that because the particular cannabinoid CBD has shown some potential in alleviating the acute symptoms of schizophrenia, when studied in isolation, then crude cannabis surely has the same potential.

I have a filing cabinet of evidence detailing the link between the use of crude cannabis and the onset of schizophrenia that begs to differ. But the honourable member, in a desperate attempt to manipulate the perception of cannabis harms, ignores what has now become accepted scientific knowledge and claims that cannabis is not to blame, that in fact it is a medication for schizophrenia and, under her bill, it may well be.

While pro-marijuana advocates may insist on misrepresenting the research into cannabinoids, as responsible legislators we must differentiate between the use of crude cannabis and the therapeutical use of cannabinoids. Conveying the difference between the two is no easy task and consistent language is necessary to ensure that the public at large is not misled into believing that the positive findings of research now being undertaken into cannabinoids is in any way related to cannabis in its crude form. This sentiment is echoed in the Australian Medical Association's Position Statement on Cannabis at position 15.1, but it appears that there is one distinction that the honourable member is not willing to make.

In her own address, the Hon. Sandra Kanck cited the Australian Medical Association's Position on Cannabis and proceeded to read into *Hansard* positions 25, 26 and 27. Intrigued, I investigated further and found that the honourable member failed to inform the chamber of position 15.4 of the AMA's Position Statement on Cannabis, which reads:

> The Australian Medical Association considers that smoking or ingesting a crude plant product is a harmful way to deliver cannabinoids. The AMA supports more research into other ways of delivering cannabinoids, as well as their safety and efficacy in proven medicinal treatments.

I note that the AMA uses the word 'cannabinoids', not the term 'crude cannabis'.

Upon reading this, it becomes clear that the Australian Medical Association does not support research into the use of crude cannabis, as the honourable member intimated, but rather into its constituent cannabinoids. Wanting to know the exact position of the Australian Medical Association, my staff contacted Dr Peter Ford, the President of the South Australian branch, who assured us that the Australian Medical Association in no way supported the use of cannabis in its crude form.

In a further example of this bill providing a supposed medication contrary to the current standards for the prescription of pharmaceuticals is the provision allowing a doctor to recommend the use of cannabis for a period of up to 12 months. While I acknowledge that there are certain medications available for prescription for which doctors, in some circumstances, provide lengthy scripts, this is not done without evidence detailing the safety of doing so.

Can the honourable member provide this chamber with evidence showing the safety of the use of crude cannabis for a period of a month, let alone 12 months? I think not. However, as has become standard in California, 12-month certificates following a brief consult, with no ongoing care, will become the norm, with doctors advertising in one of our only newspapers, *The Advertiser*—for which a more appropriate role would be particularly hard to find!

There is one point of difference between the bill before us and proposition 215 passed in California. Unlike the initiative in California, this bill does not remove the penalties for the sale of cannabis. So, legal to possess and consume, but not to sell. The honourable member would instead have holders of a palliative cannabis certificate grow their own. Similarly to the way people who are prescribed antibiotics are encouraged to culture their own bacteria, the honourable member would have people produce cannabis in their own backyard, exposing their supposed medication to a whole range of contaminants. It is clear that science is not behind this bill, and it is also clear that the intention is to reverse the previous legislation reducing the 'grow your own' policy that both major parties have previously supported.

For those who are unwilling or unable to cultivate their own, the honourable member would have them turn to the black market. South Australia is already the cannabis capital of Australia and carries the burden of the subsequent stigma and crime, yet this bill seeks to further bolster the illicit industry. However, if this bill were to be passed, of greatest concern is that already disillusioned and hamstrung police will become further disinterested in policing cannabis laws if the prospect of securing a conviction becomes more remote. And what of our already lenient judiciary? Hell, why don't we go all the way with any laws relating to cannabis production, distribution and use? Ah, but of course, that is the ultimate aim, is it not?

All of this leads me to believe that the honourable member herself does not believe in the medicinal value of marihuana. Shortly, I will turn to the science. But, even in its absence, surely the honourable member concedes that the proposal before us in no way mirrors standard practice for the prescribing and dispensation of medication. This premise is further demonstrated by the lack of scientific evidence brought forward by the honourable member when introducing this bill. Not one single study of repute is quoted or even mentioned in a way that one can verify, despite the Hon. Sandra Kanck's having two opportunities to speak to this bill.

Yes, the honourable member rattled off illnesses for which she believes cannabis may be beneficial and quotes documents suggesting this might be the case, on the proviso of further research. But, again, not a single study documenting the safety and efficacy of cannabis as a treatment for those conditions mentioned. Instead, the member relies heavily on anecdotal reports, as do all other proponents of medicinal marijuana. While I am the last to dismiss personal experience, I do begin to question such accounts when, despite their best efforts, researchers are unable to produce the accounts in controlled environments. In fact, on further investigation, one quickly learns that both the science and the peak bodies do not support the accounts.

To provide an example, in the member's opening remarks, she stated that under this bill cannabis may be used in the treatment of spasticity caused by multiple sclerosis. This is despite a comprehensive review by the American National Multiple Sclerosis Society finding no evidence to support that cannabis is beneficial. I now quote from a publication produced by the society on the topic which states:

> There is a very real need for additional therapies to treat stubborn and often painful symptoms of MS. However, based on the studies to date and the fact that long-term use of marijuana may be associated with significant serious side-effects, it is the opinion of the National Multiple Sclerosis Society Medical Advisory Board that there are currently insufficient data to recommend marijuana or its derivatives as a treatment for MS symptoms. Research is continuing to determine if there is a possible role for marijuana derivatives in the treatment of MS. In the meantime, other well-tested FDA approved drugs are available to reduce spasticity in MS.

My staff have also contacted the Multiple Sclerosis Society of South Australia, which has confirmed that it does not, under any circumstances, support the use of crude cannabis.

In another example, the honourable member cited anecdotal reports of the potential for cannabis to reduce intraocular pressure, the main symptom of glaucoma. It is true that the early research of the 1970s suggested that cannabis may play a therapeutic role as an anti-glaucoma agent. Again, this was supported by anecdotal accounts by those who had been using cannabis recreationally. However, it was not long before many ophthalmologists began to question whether any benefit may truly be derived from cannabis. As THC is not water soluble, many cited concerns about requiring patients to ingest constant amounts of THC rather than being able to apply it topically. Due to the chronic nature of glaucoma, others raised concerns about requiring patients to ingest cannabis over a long period of time and about THC's diminishing ability to reduce intraocular pressure, as patients developed a tolerance to its effects, if they did.

Citing the above concerns and the findings of the task force of complementary therapies, the National Eye Institute, the Institute of Medicine and the American Academy of Ophthalmology—the world's largest organisation of eye physicians and surgeons—have taken the position that no scientific evidence has been produced that demonstrates an increased benefit or a reduction in risk of marijuana use compared with the wide variety of pharmaceuticals already available. In a 1992 statement, the American Academy of Ophthalmology stated that this position would remain until the findings of a large, controlled study into the safety and efficacy of the chronic use of THC differed.

No such study has been conducted, and the position of the American Academy of Ophthalmology remains unchanged today. The peak bodies' reasoned opposition, however, has not prevented advocates of medicinal marijuana spreading misinformation about THC's therapeutic benefits. Relying on subjective anecdotal reports, organisations such as the Marijuana Policy Project and the Drug Policy Alliance continue to espouse the medicinal value of crude cannabis in the treatment of glaucoma.

In a substantive review of the literature, funded by the Canadian Institute of Health Research and published in the *Canadian Medical Association Journal* under the title 'Adverse effects of medicinal cannabinoids: a systematic review', the absence of high quality research on long-time exposure to cannabis derivatives was lamented. However, while this study was able to ignore the lack of evidence documenting both the short and long-term harms of cannabis, we as legislators, when presented with a bill to permit cannabis in its crude form (the form that is purchased on the street corner) cannot ignore it.

As I and others have detailed in this chamber previously, cannabis is not the safe drug that it was once largely held to be and is still held to be by some sections of the community, mostly the users. As has been cited by the Hon. Dennis Hood, a recent study out of Melbourne revealed that long-term cannabis consumption can lead to a reduction in the physical size of the hippocampus and amygdala by 12 per cent and 7.1 per cent respectively. These areas of the brain are crucial for memory, learning and the regulation of emotions. While it is yet to be confirmed that these brain abnormalities are permanent, other studies, which have shown that the cognitive damage suffered by those who have been addicted to cannabis unfortunately persists for many years after they have recovered, suggest that this is the case.

We also know that there is a definitive link between the consumption of cannabis and the onset of mental illness. A study by the University of New South Wales has shown that cannabis users have a 40 per cent increased risk of developing schizophrenia, and regular users have an increased risk of 200 per cent.

The principal author of that study, Dr Martin Cohen, a psychiatrist at the Hunter New England Mental Health Service stated, upon its release, 'We now know more than ever that

[cannabis use] bodes badly for our mental health.' The study also found those who began young or used heavily during their teenage years to be at particular risk and also estimated that 14 per cent of all cases of psychosis would never have occurred had the patient not used marijuana.

Doctor Cohen further stated, 'Teenagers are the ones we really need to worry about because their use is changing a developing brain.' Another study estimated that 10 per cent of all schizophrenia sufferers would not suffer schizophrenia if they had not consumed cannabis which, according to Miranda Devine in a recently-published article in the *Sydney Morning Herald* entitled 'The generation that inhaled', translates to 28,000 people in Australia and 150,000 people around the world every year.

A study investigating the link between cannabis use and depression amongst Australia's indigenous population found that heavy cannabis users were four times more likely to develop moderate to severe depression. Another study conducted by the National Cannabis Prevention Information Centre which analysed cannabis-related presentations at two New South Wales emergency departments has shown that 35 per cent of presentations were due to mental health conditions.

Like tobacco, cannabis is also linked to the early onset of emphysema with an increased risk of pneumothorax (that is, a collapsed lung). Cannabis consumption by inhalation is associated with increased respiratory symptoms such as inflammation, cough, phlegm production and wheeze, which are known to be the indicators of obstructive lung disease as well as causing bronchitis, giant cystic lung disease, lung cancer and the early onset of emphysema in a far more aggressive form than tobacco smoke because of different inhalation habits and the use of bongs and water pipes.

Of course, there are now many in the medical community—and much evidence—supporting the long-held view that marijuana is actually addictive. A US study estimated that 18 per cent of those who had smoked cannabis in the previous year were dependent and, again, those who began using in their teenage years were at a higher risk. It is estimated by the National Cannabis Prevention and Information Centre that 200,000 are addicted to cannabis in Australia. This, in turn, is the experience at the coal-face of rehabilitation providers and the Australian Institute of Health and Welfare showing that 51.1 per cent of young people accessing treatment are doing so because of their cannabis use.

Cannabis withdrawal has also been validated by research, with many predicting that it will be included in the next version of the Diagnostic Manual for Psychiatric Diseases. The list goes on, and I encourage honourable members in this chamber and in the other place to further research the known harms of cannabis and, for those who do hold lenient attitudes towards the consumption of cannabis, I challenge them to juxtapose these attitudes with the aforementioned scientific evidence.

I attended the briefing given by the Hon. Sandra Kanck along with the other six interested people that included Dr David Caldicott, who was there in his official capacity as the new face of harm minimisation. Not surprisingly at all, the brief was not an information presentation on the science of cannabis; it was a sassy film entitled *Wanting to Inhale*. The scientific evidence was overlooked and ignored at the briefing provided by the honourable member, and those present were subject to compassionate pleas and emotive anecdotal accounts of the medicinal brilliance of cannabis.

There were deliberate attempts to mislead people in this film. The first was featuring Dr Robert Dupont who was a senior White House adviser in 1975. At this time, Dr Robert Dupont, who was, by his own public admission, an addict at the time and a former chairman of the World Psychiatry Association, commented favourably about decriminalisation, and NORML gave this widespread publicity. This was used as a feature in the film *Wanting to Inhale*.

However at an international conference in Atlanta, Georgia in 1987, he made the public statement:

> Not only is marijuana worse than alcohol and tobacco combined, but it has other distinctive properties that neither of the others have. I now consider marijuana to be the single biggest new health problem in our nation. For today's youngsters, kicking the marijuana habit individually or as a group is going to be a life and death struggle.
>
> My supporting decriminalisation of marijuana was the worst thing I ever said. I hereby humbly apologise to the American people.

Is that not indication enough about the selective information the honourable member is prepared to distribute in order to try to convince people that she is on the side of enlightenment and righteousness? Is it plausible to believe that our well-known addiction specialist, Dr Caldicott, who, by the way, is not recognised by the AMA for those credentials, would not have known about the public retraction of Dr DuPont or the history of Stroop and his whacky organisation known as NORML? It is easy and convenient to present half truths and outdated testimonials when nobody is even slightly inclined to ask questions, and the drug legalisation lobby depends on the laziness or apathy of many, and of course those who choose to use drugs as their bridge.

In my first six months in this place I held an information forum, co-hosted by the Hon. David Ridgway, on the harms of drugs, and the theme was: Australia's Hijacked Drug Policy. It is fair to say that my position on drugs has been well known for over 12 years. That forum attracted over 100 people, and people were turned away because of the capacity of the Balcony Room. Over a period of 12 years I have spoken at many public forums where the attendances were between 200 and 400 people. On Tuesday morning of this week I held a forum and about 250 people were present. This week we had a forum to present the medical marijuana proposition and no more than six people attended. Surely that in itself is an indication of the level of interest in this topic. Perhaps now the honourable member will hang up her spurs and acknowledge defeat and perhaps recognise why her public statements enrage so many so often.

It is fair to say that we have either reached or are close to reaching critical mass. In other words, more families are suffering from drug addiction than not and, whether or not the media print it, the message is that enough is enough of trying to convince us that our children are not worth more and do not deserve better.

The second misleading statement in the film *Wanting to Inhale* was from Dr Lester Grinspoon—often quoted in this place by the Hon. Sandra Kanck for his absolutely advanced research that comes from a place known as the Psychedelic Institute, an institution that from its name alone commands respect!—that anecdotal evidence should be accepted as evidence because it is based on life experiences of people in the front line.

Interestingly, in other debates about drug policy, namely, the recovery side of this so-called war on drugs, our evidence is always diminished by being labelled as anecdotal—evidence that recovered drug users give to research papers and statements they make at parliamentary inquiries such as that made by the Hon. Bronwyn Bishop. It is anecdotal evidence, but for the medicinal marijuana lobby Dr Grinspoon says that anecdotal evidence must be considered.

We need science, they say. We need evidence-based science to ensure that we are developing effective drug policies. The difference between this was highlighted in the debate on *Stateline* with Dr David Caldicott and myself when discussing random drug testing in schools. When I presented the positive outcomes achieved in Indiana's trial of random drug testing in schools of reducing teenage drug use by some 80 per cent, Dr Caldicott's response was, 'It is anecdotal information and not scientific evidence; it has come from the Bible belt of America, so it can't be taken seriously.' How convenient that in this particular arena of drug policy anecdotal information is not evidence and, because of the location of the trial, the monitored outcome should be dismissed, even though those trials were overseen by a professor of education from Ball State University. What are the rules on evidence and who do we believe? Obviously it depends on who is talking and the topic. For medicinal marijuana, anecdotal evidence is sufficient: for random school drug testing, hard scientific evidence is demanded and then rejected. These are just two examples of how the truth is twisted and the rules are changed from one debate to another to suit the agenda of legalisation.

I would now like to quote from another advocate of the legalisation movement in America, Dr Keith Stroup, a Washington lawyer, who formed the National Organisation for the Reform of Marijuana Laws in 1970. Keith Stroup was an outstanding organiser and lobbyist, and he gained access to the White House during the time of the Carter administration by enlisting the support of Dr Peter Bourne. Stroup's reputation declined after he was twice convicted of possessing cannabis in Canada and he was implicated, along with Dr Bourne, in the use of cocaine, which was widely publicised in 1978. Bourne resigned and Stroup was banned from the White House. In a meeting of NORML in 1980 Mr Stroup said:

> Despite the obvious indication that the drug reform movement has been temporarily sidetracked, two facts guarantee that our movement will remain healthy and assure that we will eventually regroup and move forward with a vibrant program. An estimated 55 million Americans have used marijuana and the average age of regular users in this country continues to rise because of continued use. Simply stated, those of us who smoke marijuana will not sit

by indefinitely and allow ourselves to be criminalised. When we eventually enjoy the support of a clear majority of American voters, we will outvote our opponents. The ultimate victory is certain. The timing of the victory depends upon our organisation and political skills.

In his farewell speech on his resignation from NORML, Stroup declared that drug smugglers were not criminals but friends of NORML; friends the organisation should support. These are chilling words, with implications for Australia; and NORML's philosophies, tactics, organisation and political skills have been widely exported and have made their way to Australia.

NORML's earlier claims that there had been no significant increase in cannabis use were lies, and its objective all along was to increase the use and obtain a majority vote. Lies were also told about the drug being harmless. In NORML's rush to increase the number of illegal users it showed a callous disregard for the consequences of children using the drug. In 1988, the UN convention expressed great concern about children being drawn into adult drug activities, calling it a danger of immeasurable gravity.

Hopefully, those comments will assist members to identify the calibre of people who take up the legalisation agenda. They are dishonest people who care little for our children, who have a history of drug use themselves and who are driven by a desire to have their own lifestyles validated through legalisation, regardless of the cost to society as a whole. If the Hon. Sandra Kanck was not aware of this history, then perhaps there is time for her to redeem herself. If she was aware and, in order to forward the agenda of marijuana legalisation a conscious decision was made to rely on the recruitment of our young people, then I say shame on her, and I personally thank God that she has chosen to leave this place before she could do any more harm.

In closing, I call upon members not to be conned by the emotive language and compassionate pleas into feeling as though voting against this bill is denying people a potential medication, because that is simply not the case.

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

At 17:44 the council adjourned until Tuesday 25 November 2008 at 14:15.