LEGISLATIVE COUNCIL

Monday 4 April 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 244, 250, 261, 262, 265, 266, 275, 282 to 286, 287 to 289, and 291 of the last session, and the following questions on notice in this session: Nos 5, 7 to 23, 29, and 173 to 175.

WORKCOVER

5. **The Hon. J.M.A. LENSINK:**

1. Does WorkCover have a policy regarding the potential for workers to develop the condition known as Multiple Chemical Sensitivity?

2. If so, what is its policy?

3. If not, does WorkCover plan to develop a policy in relation to Multiple Chemical Sensitivity?

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

The causes and possible treatment of Multiple Chemical Sensitivity or MCS is an area subject to medical and scientific debate.

I am advised that current knowledge indicates that persons claiming to have MCS may have been exposed to chemicals or other substances at levels well below toxic levels and well below accepted occupational exposure standards, which can be virtually immeasurable.

Given the biological variations that exist between individuals, it is inevitable that a very small proportion of workers who are exposed to concentrations well below an accepted exposure standard may suffer from MCS.

WorkCover does not intend to attempt to develop a policy that could cover all claimed incidences of MCS.

Rather, it relies on the protections stipulated in Part 3 of the Occupational Health, Safety and Welfare Act 1986 (the Act) which sets out an employer's responsibilities and duty to provide a safe working environment.

Part 4 of the Act also provides protections for workers as it requires the adoption of set standards and measures as specified in the Occupational Health, Safety and Welfare Regulations 1995 regarding chemical exposure.

Claims that are made by workers for adverse reactions to a range of chemicals in the workplace are treated on their own merits and an investigation of the circumstances is necessary to assess the claim.

Should a person make a claim for workers' compensation, alleging that MCS has caused him or her a disability, then the requirements of the Act would need to be met.

It may be of interest to the Honourable Member to note that WorkCover recently provided data on claim numbers to the Social Development Committee of the Parliament of South Australia, which is conducting an inquiry and preparing a report on MCS. This data provided information about WorkCover claims where the mechanism of injury was chemical or other hazardous substance.

RETIREES, SELF-FUNDED

7. **The Hon. J.M.A. LENSINK:**

1. Has the Government accepted the Commonwealth's offer to extend concessions to self-funded retirees?

2. (a) Is the system which enables electronic confirmation of eligibility for concessions fully operational?

(b) If not, when does the Minister for Families and Communities expect that it will be?

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. The Commonwealth Minister for Family and Community Services, Senator the Hon Kay Patterson, wrote to me on 26 March 2004, offering to continue negotiations around extending concessions that are currently available to pensioners to holders of the Commonwealth Seniors Health Card (CSHC). I responded to Senator Patterson on 19 May 2004, advising that the South Australian Government is prepared to enter into negotiations.

On 27 July 2004, Australian Government officers provided the Department for Families and Communities (DFC) with a draft Memorandum of Understanding (MOU) and a letter confirming that a number of issues needed to be worked through. Australian Government officers advised that they would be providing a revised MOU to Senator Patterson for approval.

I was concerned about the lack of progress on this issue and, on 9 September 2004, I again wrote to Senator Patterson asking that the Australian Government resolve this matter. I still have not received the revised MOU or a response to my letter.

After two weeks of attempting to speak to Hon Senator Patterson by phone I finally spoke to her on 25 November 2004. I again repeated our willingness to finalise negotiation on her offer. She drew my attention to the promises made by the Prime Minister during the recent federal election to provide $100 per annum to pensioners, and $200 per annum to CSHC holders, to assist with the cost of utilities. She said this would have an impact on the original offer.

DFC contacted the Commonwealth to seek information. Advice received by DFC was that the Australian Government officers did not have any details at this time, but expected that the CSHC offer may be modified or even withdrawn.

2. DFC, through Children, Youth and Family Services, entered into a contract with Centrelink for the electronic confirmation of eligibility for Commonwealth benefits, which has been operational since March 2004.

GOVERNMENT TENDERS

8-22. **The Hon. A.J. REDFORD:** Can each Minister list, for each agency for which the Minister is responsible, in respect of each contract valued at more than $10 000:

1. What tenders and contracts have been offered since the current Government took office on 6 March 2002?

2. What tenders and contracts have been awarded since the current Government took office on 6 March 2002?

3. The value of all tenders and contracts, and dates thereof, as described in parts 1 and 2 above?

The Hon. P. HOLLOWAY: On behalf of the Government, I refer the Member to the information provided in response to previous Questions on Notices asked by the Hon. A.J. Redford during the 2nd and 3rd Sessions, which was printed in the Legislative Council *Hansard* dated 12 October, 2004 page 219.

LAND MANAGEMENT CORPORATION

23. **The Hon. J.M.A. LENSINK:** Can Minister for Infrastructure advise how the Land Management Corporation utilised the following amounts in revenue that was generated by the sale of land for the following years:

1. $33 751 in 2003-2004?
2. $11 923 in 2002-2003?
3. $9 885 in 2001-2002?
4. $7 015 in 2000-2001?
5. $11 923 in 1999-2000?
6. $14 064 in 1998-1999?
7. $1 025 land in 1997-1998?

The Hon. P. HOLLOWAY: The Minister for Infrastructure has provided the following information:

As the Honourable Member would appreciate, proceeds from land sales form part of the total income source of the Land Management Corporation (LMC).

While the sale of land is an important income generator for the LMC, the Corporation also generates significant income from other sources. A portion of this total income is reinvested in land development, projects and joint ventures and applied to ordinary operations in order to generate continuing profits in future years.

As disclosed in the Auditor-General's report each year, the statement of cash flows details the application of funds.

I table a schedule of the Corporation's cash flow since formation which provides a summary of all cash inflows and outflows, including sales proceeds totalling $94.6M.

Land Management Corporation
Statement of cash flows—controlled only

	Year ended 30 June							
	2004	2003	2002	2001	2000	1999	1998 (2 months)	Total
Cash flows from operating activities:								
Government grants and subsidies received	23,773	8,587	8,015	8,928	8,800	14,735	2,253	75,091
Land tax paid	(3,335)	(3,147)	(2,960)	(3,962)	(3,881)	(4,083)	(2,253)	(23,621)
Receipts from sales	33,752	11,875	9.902	7,536	16,385	14,053	1,071	94,574
Receipts from mortgage debtors	8,973	0	0	0	0	0	0	8,973
Receipts from tenants	6,199	4,759	4,520	3,849	4,100	4,480	857	28,764
Interest received	4,042	3,391	2,827	3,180	2,508	1,493	421	17,862
Deposits received under ICPC	242	0	0	0	0	0	0	242
Recoveries and sundry receipts	10,500	7,799	6,980	4,722	1,820	1,653	906	34,380
Payments for salaries and related costs	(5,305)	(4,650)	(4,227)	(3,962)	(3,356)	(2,903)	(358)	(24,761)
Payments to suppliers	(18,352)	(14,474)	(13,287)	(10,587)	(7,068)	(10,021)	(1,770)	(75,559)
Payments for land purchase and development	(11,164)	(2,680)	(904)	(3,471)	(800)	(512)	0	(19,531)
Payments for work in progress	(5,971)	0	0	0	0	0	0	(5,971)
Payments for restructuring of administrative arrangements	0	12,685	0	0	0	(1,008)	(3,525)	8,152
Payments resulting from a change in accounting policy	0	0	0	0	(9,027)	0	0	(9,027)
Interest paid	(4,418)	(1,330)	(362)	(470)	(457)	(443)	(245)	(7,725)
GST receipts from taxation authority	1,473	1,376	2,402	1,990	0	0	0	7,241
GST payments to taxation authority	(1,943)	(268)	(285)	(369)	0	0	0	(2,865)
Income tax equivalent paid	(1,591)	(3,722)	(2,981)	(4,053)	(2,979)	(1,073)	0	(16,399)
Net Cash Provided by Operating Activities	36,875	20,201	9,640	3,331	6,045	16,371	(2,643)	89,820
Cash flows from investing activities:								
Capital contributions to joint venture entities	(11,100)	(5,375)	(2,375)	(3,716)	(3,475)	(5,975)	(770)	(32,786)
Capital repayments by joint venture entities	6,350	9,725	2,902	3,219	6,587	2,176	2,820	33,779
Distributions of profit by joint venture entities	0	1,726	3,875	5,675	2,900	4,679	705	19,560
Proceeds from transfer of North Haven Marina	0	0	0	0	0	16,605	0	16,605
Proceeds from sale of property, plant and equipment	0	483	3	567	6,929	11	0	7,993
Purchase of property, plant and equipment	(102)	(446)	(3,144)	(793)	(438)	(20)	(16)	(4,959)
Net cash provided by investing activities	(4,852)	6,113	1,261	4,952	12,503	17,476	2,739	40,192
Cash flows from financing activities:								
Receipts from restructuring of administrative arrangements	0	0	0	0	0	0	20,603[1]	20,603
Proceeds from borrowings	1,103	0	0	0	0	0	0	1,103
Repayments of borrowings	(7,995)	(22,753)	0	0	0	0	0	(30,748)
Dividents Paid	(51,479)	(6,133)	(3,028)	(1,844)	(4,628)	(18,044)	0	(85,156)
Net cash used in financing activities	(58,371)	(28,886)	(3,028)	(1,844)	(4,628)	(18,044)	20,603	(94,198)
Net increase in cash held	(26,348)	(2,572)	7,873	6,439	13,920	15,803	20,699	35,814
Cash at 1 July	62,162	64,734	56,861	50,422	36,502	20,699	0	0
Cash at 30 June	35,814	62,162	64,734	56,861	50,422	36,502	20,699	35,814

IMPORTED VEHICLES

29. **The Hon. SANDRA KANCK:**

1. Can the Minister for Transport state whether imported trucks and other vehicles that have horizontal, under-chassis exhausts are required to be retro-fitted with vertical exhaust stacks in South Australia?

2. If so:

(a) What is the rationale for trucks, but not buses, being subject to this requirement?

(b) What would be the noise emission benefits of not requiring retro-fitting of vertical exhaust stacks?

(c) What would be the economic benefits of not requiring retro-fitting of vertical exhaust stacks?

3. Does the Government intend to review the requirement for vertical exhaust stacks; and

(a) If so, when,?

(b) If not, why not?

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information.

There is no requirement for retrofitting and there is no intention to review the requirements for vertical exhaust outlets as the Australian Design Rules ensure a nationally approved position on all new trucks and buses entering the market. Vehicle design and usage will dictate the practicality of having underbody or vertical exhaust outlets.

MINING LEASE 5889

173. **The Hon. CAROLINE SCHAEFER:**

1. What is the current status of mining lease number 5889?

2. Is this lease currently being worked?

The Hon. P. HOLLOWAY:

1. Mineral Lease 5889 (Montacute Copper Mine) is currently held by Michael Robert Hearl. The Lease was granted on 21 April 1994 and is due to expire on 20 April 2006. On 22 December 2003 the Department of Primary Industries and Resources SA received an application to transfer the Lease to Medusa Mining Ltd, which has since withdrawn its interest in the Lease.

2. On 14 July 2003 the Lease was inspected by a Departmental Compliance Officer. The inspection revealed that a significant clean up of the site has occurred, and there was evidence of minor exploratory works.

EXPLORATION LICENCE 3061

174. **The Hon. CAROLINE SCHAEFER:**

1. Has the holder of exploration licence number 3061 (a licence to explore for all minerals, excepting extractive minerals and precious stones, in an approximate 32 square kilometre zone in the Montacute area) applied for renewal of that licence following its initial expiration on 21 February 2004; and?

2. If so, has the licence been renewed by the Minister and for what term, if any?

The Hon. P. HOLLOWAY: Exploration Licence 3061 jointly held by Medusa Mining Limited and Michael Robert Hearl was surrendered on 26 July 2004. At present the area of the former Licence is free from exploration licence tenure.

TOBACCO PRODUCTS LEGISLATION

175. **The Hon. J.M.A. LENSINK:** In relation to the advertising of the new tobacco products legislation, can the Minister for Health advise the cost of consultants utilised in the development of the advertising campaign?

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

The advertising agency selected to work on the new tobacco legislation campaign received $19 760 (excluding GST). The cost included project management, production of advertisements, the development of creative concepts for advertising in newspapers, on radio and outdoor (including bus shelters and bus packs), and dispatch to media outlets.

SPEED CAMERAS

244. (3rd Session) **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding in metropolitan and country South Australia between 1 October 2003 and 31 December 2003 by:

(a) speed cameras; and

(b) other means;

for the following speed zones:

60-70 km/h;

70-80 km/h;

80-90 km/h;

90-100 km/h;

100-110 km/h;

110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in metropolitan and country South Australia for each of these percentiles by:

(a) speed cameras; and

(b) other means?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has provided the following table:

Number of motorist caught speeding (1/10/03 – 31/12/03)

	Detections			Revenue		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	17 859	4 601	22 460	$ 2 223 977	$ 687 098	$2 911 075
70 kph	306	513	819	$ 36 578	$ 80 423	$ 117 001
80 kph	1 448	1 367	2 815	$ 222 372	$ 207 626	$ 429 998
90 kph	658	270	928	$ 115 964	$ 35 673	$ 151 637
100 kph	544	1 221	1 765	$ 116 221	$ 169 056	$ 285 277
110 kph	262	4 867	5 129	$ 42 684	$ 712 776	$ 755 460
Grand Total	21 077	12 839	33 916	$ 2 757 796	$1 892 652	$ 4 650 448

This data is for the whole of South Australia. It cannot be split into rural and metropolitan as this information is not independently stored. The revenue includes the VOC Levy.

ANANGU PITJANTJATJARA LANDS COUNCIL

250. (3rd Session) **The Hon. T.G. CAMERON:** What were the terms of the legal agreement between the Department of Human Services and the Anangu Pitjantjatjara Lands Council for the spending of the money allocated to them in October 2003?

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

The APY Lands Council are required to:

- keep proper records of services including records of hours worked and provide, upon the Minister's request, audited accounts of monies expended;
- provide an activity report annually illustrating progress in providing services;
- provide financial statements for 2003-04 detailing the Council's revenues and expenditure;
- upon the Minister's request, provide written reports of provision, performance and progress; and
- provide additional documents annually as requested.

The service agreement includes standard DHS clauses regarding the treatment of unexpended funds.

SPEED CAMERAS

261. (3rd Session) **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding between 50-60 km/h in South Australia between 1 October 2003 and 31 December 2003 by:

(a) speed cameras; and

(b) other means?

2. Over the same period, how much revenue was raised from speeding fines in South Australia by:

(a) speed cameras; and

(b) other means?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

Number of motorist caught speeding (1/10/03-31/12/03)

Detections	Speed Camera	Other means	Total
50 kph	23 314	3 570	26 884
Revenue	Speed Camera	Other means	Total
50 kph	4 032 741	746 335	4 779 076

262. (3rd Session) **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding between 50-60 km/h in South Australia between 1 January 2004 and 31 March 2004 by:

(a) speed cameras; and

(b) other means?

2. Over the same period, how much revenue was raised from speeding fines in South Australia by:

(a) speed cameras; and

(b) other means?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

Number of motorist caught speeding (1/1/04-31/3/04)

Detections	Speed Camera	Other means	Total
50 kph	23 972	2 718	26 690
Revenue	Speed Camera	Other means	Total
50 kph	2 508 925	413 419	2 922 344

The revenue includes the VOC Levy.

PRISONS, DRUGS

265. **The Hon. A. J. REDFORD:** How many prisoners were required to provide a specimen of his or her urine for analysis in respect of each month since January 1997, pursuant to section 37AA of the Correctional Services Act relating to drug testing of prisoners?

The Hon. T.G. ROBERTS: I provide the following information:

Urinalysis drug testing of prisoners

Month	1997	1998	1999	2000	2001	2002	2003	2004
January	73	102	127	124	132	148	205	188
February	100	105	111	96	155	118	96	124
March	112	172	125	116	96	185	93	193
April	118	88	87	227	92	153	159	107
May	96	91	120	103	113	90	162	121
June	93	132	117	109	94	105	160	
July	65	103	99	139	106	161	116	
August	119	113	89	154	132	103	126	
September	71	85	104	119	116	108	207	
October	115	132	124	73	154	156	119	
November	89	85	136	135	121	108	144	
December	113	110	156	100	91	127	139	

PRISONS, DELEGATIONS

266. **The Hon. A.J. REDFORD:** How many delegations have been made in respect of minor breaches of prison regulations in each correctional institution under the control of the Minister for Correctional Services in each year since 1995, pursuant to section 49 of the Correctional Services Act relating to delegation of power to deal with minor breaches of prison regulations?

The Hon. T.G. ROBERTS: I advise:

All breaches of prison regulations, charges and subsequent outcomes, are recorded on individual prisoner's case files. However, the only way to access that information would be to review the extensive files of every prisoner who has come into the prison system during the specified period. This would be an extremely time consuming and resource intensive exercise.

Over 3000 prisoners pass through the prison system each year.

MORPHETTVILLE JUNCTION

275. (3rd Session) **The Hon. A.J. REDFORD:** What is the Government doing with regard to enabling the betting auditorium at Morphettville Junction to operate with more certainty in relation to betting or wagering hours?

The Hon. T.G. ROBERTS: The Minister for Gambling has provided the following information:

I am not aware of any proposals from the Morphettville Junction betting auditorium for the shifting or sharing of facilities. The member may be interested to know that, following an industry request and subsequent consultation with industry stakeholders a new Ministerial Direction regarding the operating hours for the Morphettville Betting Auditorium has been issued to the Independent Gambling Authority.

That new Ministerial Direction allows the Authority to approve the conduct of on-course totalisator betting at times other than in conjunction with a race meeting:

(a) by the South Australian Jockey Club at its premises at Morphettville Racecourse, Morphett Road, Morphettville, South Australia between 10.00am and 11.00pm Sunday to Friday except:

(i) during race meetings conducted by a licensed metropolitan racing club at a metropolitan racecourse unless the South Australian Jockey Club has written agreement to open from the relevant racing controlling authority a copy of which has been provided to the Liquor and Gambling Commissioner.

For the purposes of part(2) (a) (i) of this Direction:

'during race meetings" is defined as being an hour prior to the advertised starting time of the first race until half an hour after the advertised starting time of the last race.

'race meetings conducted by a licensed metropolitan racing club" are defined as race meetings that the metropolitan racing club conducts in its own right and not race meetings conducted under an arrangement for another racing club and for the avoidance of doubt any race meeting transferred from a non-metropolitan racecourse is not considered to be a race meeting conducted by a licensed metropolitan race club.

(ii) at any time on any public holiday except between the hours of 10.00am and 6.00pm on Easter Monday when a race meeting is scheduled for Oakbank racecourse on that day.

(b) by the South Australian Jockey Club at its premises at Morphettville Racecourse, Morphett Road, Morphettville, South Australia between 10.00am and 6.00pm on Easter Saturday when a race meeting is scheduled for Oakbank racecourse on that day; and

(c) by any licensed racing club during a period when a race meeting has been scheduled by the licensed club if that meeting is cancelled due to unforseen circumstances.

Any change to the actual opening hours of the auditorium requires the South Australian Jockey Club, as licensee, to obtain the approval of the Independent Gambling Authority.

COMMONWEALTH REVENUE

282. **The Hon. CAROLINE SCHAEFER:** How much Commonwealth revenue has been lost or forgone in any programs jointly funded by State and Federal Governments, for instance FarmBis and Drought Relief, because the State has not matched funding?

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

I know of no examples where matching Australian Government funding has been foregone for any programs which have been determined to be a priority for South Australia.

The South Australian Government makes every attempt to leverage funding for joint Australian—State Government programs where the State is committed to that program.

For FarmBis, South Australia has committed $7m to the new program and is hoping the Australian Government will match that amount even though the Australian Government have only budgeted $67.7m nationally for the four year program. We will not know if

that will occur until the requests from all States and Territories have been made and tallied against the available Australian Government funds.

Regarding drought the only joint State and Federal Government funded program is Exceptional Circumstances (EC) and in particular the business support component of Exceptional Circumstances. This Government has funded the State share of EC business support (currently 10%) without hesitation for both of the EC declared areas in South Australia, as well as committing to fund EC business support in the proposed additional area to the Central North East of SA.

SUPPLIES AND SERVICES

283. **The Hon. CAROLINE SCHAEFER:** Can the Minister for Agriculture, Food and Fisheries explain the approximate $10 million increase in expenses from ordinary expenses, under 'Supplies and Services—Other' as stated in Budget Papers?

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

In the 2004-05 Budget, Supplies and Services expenditure for the whole of PIRSA increased by approximately $10m from $65.5m in the 2003-04 Estimated Result to $75.4m in the 2004-05 Budget. The increase in Supplies and Services is mainly due to the following:

Explanation	2004-05 Budget Increased by $'m
New Funding Initiatives announced in the 2004-05 Budget	
Plan for Accelerating Exploration, designed to increase investment in the State's mineral and energy resources (A new $15 million initiative over five years).	3.1
The delivery of priority initiatives of the State Food Plan 2004-07 (Total budget $6.4 million over four years).	0.5
Farmbis III incentives to accelerate development of management competencies of primary producers and land managers (Total budget $7 million over four year).	0.4
Additional funding provided in the 2004-05 budget for the SA Wine Industry Council to support its strategic role in addressing issues impacting on the SA wine industry sector (Total budget $2 million over 4 years).	0.3
Additional funding provided in the 2004-05 budget for the Marine Innovation SA program, designed to provide support for the expansion and ecologically sustainable development of SA's fisheries, aquaculture and marine eco-tourism industries (Total $7.7 million over 4 years).	0.2
Functional Transfers	
Transfer of resources from the former Department for Business Manufacturing & Trade.	0.4
Funding Provided in Prior Budgets	
Increase in expenditure for Irrigation and Technology Diffusion program provided in the 2003-04 Budget (Total budget $ 5.15 million over 6 years).	0.6
Increased funding for the TEISA program (refer 2002-03 Budget)	0.2
Carry Overs	
Carry overs for system improvements approved in the 2004-05 Budget	3.2
Other (eg CPI increase)	1.0
Total	9.9

COLD CHAIN CENTRE OF EXCELLENCE

284. (3rd Session) **The Hon. CAROLINE SCHAEFER:**

1. Can the Minister for Agriculture, Food and Fisheries outline the progress made on the very important development, Cold Chain Centre of Excellence, which was listed as a target in the 2003-2004 Budget, but was not mentioned in this year's highlights?

2. If there has been no progress made, why not?

3. What has happened to moneys allocated for the establishment of the Cold Chain Centre of Excellence?

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

In the 2003-04 Portfolio Statements no specific funding was allocated within Primary Industries and Resources SA for the Cold Chain Centre of Excellence but work was undertaken in conjunction with the Department for Transport and Urban Planning.

The project is expected to progress in 2004-05 as evidenced in the budget targets for 2004-05 under Transport and Urban Planning, Transport Planning Agency:

> 'Establish a national cold chain centre in South Australia to provide advice to industry on enhancement of perishable food exports.'
>
> (ref: Budget Paper 4, Volume 3 page 8.55, 2004-05 Portfolio Statements)
>
> Significant progress has already been made.

Both myself and the Hon Minister for Transport are working with the Premier's Food Council to implement this significant initiative in conjunction with the SA Freight Council. It is our objective to see the Cold Chain Centre of Excellence fully operational by the end of this year, and located within the SA Freight Council's structure.

MURRAY RIVER FISHERS

285. **The Hon. CAROLINE SCHAEFER:**

1. How many non-native species licences have been issued to dispossessed commercial River Murray fishers?

2. Have there been any new entries into the fishery, i.e. has there been any uptake of non-native licences from any person who was not formerly a River Murray fishery licence holder?

3. How many non-native fishers are operating at present?

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

There are six non native fishery licences available for the River fishery and five of these licences have been taken up by previous holders of a commercial River fishery licence under the fishery adjustment arrangements. The sixth licence is also available on final acceptance of the government's offer by a previous licence holder, who has until September 2004 to make a final decision about whether to take up this option. Should the last available licence not be taken up by one of the previous licence holders, this licence may become available to other applicants.

No non native licences have been made available to persons who have not previously held a River fishery licence. Two exemptions have been issued under the Fisheries Act 1982 for specific carp eradication programs in isolated waters, but these exemptions only provide for short term access for the purposes of pest eradication.

Our catch records indicate that only two of the non native licence holders have been operating in the past six months. This is not surprising as resolution of the ex gratia payments has been ongoing and fishers are attempting to establish new markets for carp, redfin and bony bream. Specific performance of the licence holders will be assessed over the next 12 months to ensure the licences are being utilised as part of the State carp control program.

These non native licences are not transferable, so licences not being used to assist in carp control may have to be issued to other parties in future years. However, this will depend on performance by the current licence holders. An objective in having only six licence is to allow those fishers to establish a variable business based on carp products, but this strategy needs to be complementary with carp eradication goals.

FARMBIS III

286. **The Hon. CAROLINE SCHAEFER:**

1. Can the Minister for Agriculture, Food and Fisheries confirm that the $7 million committed for FarmBis III over four years is actually a cut in funding for FarmBis on a per annum basis?

2. Will this result in reduced Commonwealth funding?

The Hon. T.G. ROBERTS: The Minister for Agriculture Food and Fisheries has provided the following information:

The Commonwealth Government has cut back its funding for FarmBis 3 from $167.5m over 3 years for FarmBis 2 (2001-2004) to $66.7 million over 4 years for FarmBis 3 (2004-2008). South Australia has just over 10% of the nation's target participants (primary producers, wild-catch fishers and land managers) and it is hoped that the SA Government's $7m FarmBis budget will allow this state to continue to attract more than its pro-rata share of Commonwealth Government funds. Not until all of the States and Territories have made their bids for the Commonwealth Government funds will it be known whether the Commonwealth Government will match State and Territory requests.

The new FarmBis (3) program in South Australia is proposed as a $14m program over four years (2004-2008). There is $7 million of State Government funding available with an expected matching $7 million from the Commonwealth Government. FarmBis – Skilling Farmers for the Future (FarmBis 2) was a $16m program over three years (2001-2004). Therefore on a per annum basis FarmBis 3 funding is less than FarmBis 2.

The $7 million of State funds were provided in the budget as a strategy to leverage more than this State's pro-rata share of available funds from the Commonwealth on a dollar for dollar basis.

The new FarmBis program is expected to start in early 2005.

ANTIBIOTIC LEVELS

287. (3rd Session) **The Hon. SANDRA KANCK:**

1. Is the Minister for Agriculture, Food and Fisheries satisfied that the current withholding period before slaughter for animals treated with antibiotics is adequate to minimise exposure to antibiotic residue for consumers who are sensitive to antibiotics?

2. Is the Minister aware that other countries have set the level of residue at zero?

3. Will the Minister investigate increasing the withholding period to 7-10 days?

4. Does the Minister consider than an animal sick enough to require administration of antibiotics is fit for human consumption without a withholding period?

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

Withholding periods for animals treated with antibiotics are set by the appropriate agency nationally, the Australian Pesticides and Veterinary Medicines Authority (APVMA). The APVMA has standards and procedures in place for setting withholding periods that minimises exposure to antibiotic residues with due consideration given to human safety.

The Maximum Residue Limits (MRLs) set for antibiotics in Australian Food are defined in the Food Standards Australia and New Zealand (FSANZ) Food Standards Code based on dietary assessments and acceptable risks to public health and safety. The SA Health Department has the lead role in representing SA on the Ministerial Council that approves MRLs. Members of the community concerned that antibiotic levels set in the Food Standard Code are not appropriate can apply to FSANZ to have the levels amended.

Other countries have a range of limits for antibiotics that may be lower or higher than the Australian levels. Some countries make policy decisions based on factors other than science or health. Australia is an active member of Codex and sets the Australian Standards in accordance with internationally accepted practices and procedures.

The Minister for Agriculture Food and Fisheries considers that the agencies responsible for setting withholding periods and MRLs for antibiotics have responsible systems in place that consider health risks from antibiotics.

CHEMICAL SPRAYING

288. **The Hon. SANDRA KANCK:**

1. Will the Government act to ensure that when planning spray applications of glyphosate and other herbicides, local government authorities recognise residents' wishes to protect their health and wellbeing by minimising their exposure to these chemicals?

2. Will the Government establish a minimum 200 metre radius herbicide no-spray zone around the homes of people who are registered with their local government as having Multiple Chemical Sensitivity?

3. Can the Minister for Agriculture, Food and Fisheries provide practical assistance to relocate people with Multiple Chemical Sensitivity who need to evacuate their home during herbicide applications in their neighbourhood?

4. Will the Government require that people with Multiple Chemical Sensitivity be provided with adequate prior notice of spraying schedules by their local council?

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

1. Local government authorities, along with other users of herbicides, will be subject to the General Duty provisions of Agricultural and Veterinary Products (Control of Use) Act 2002 from its enactment on 29 August 2004. The General Duty requires reasonable and responsible measures to be taken to prevent or minimise actual or potential harm to the health and safety of human beings.

2. Multiple chemical sensitivity sufferers can be hypersensitive to a wide range of chemicals commonly used in the home and community. The notion of establishing legally based 200-metre radius herbicide no-spray zones around the sufferers' homes is difficult to support. It seeks to limit only one possible source of such sensitivity and would apply to weed control in the gardens of many neighbouring residents in addition to roadside spraying. However, individual sufferers can negotiate with their own council.

3. The Minister for Agriculture Food and Fisheries is not in a position to provide assistance to people if they wish to leave their homes in response to chemical use in their neighbourhood.

4. For herbicide spraying of roadsides by local councils, the procedures adopted, including resident notification, can be negotiated between parties without the need for specific government intervention.

ATTENTION DEFICIT HYPERACTIVITY DISORDER

289. **The Hon. SANDRA KANCK:** In relation to the recommendations of the Social Development Committee Inquiry into Attention Deficit Hyperactivity Disorder (ADHD):

1. Has an independent working party been established to determine a standard for best practice in the diagnosis of ADHD?

2. Has a multi-modal approach to diagnosis been developed?

3. Has a centre been established jointly by the Department of Human Services and the Department of Employment, Training and Further Education to develop and disseminate best practice treatment protocols based on the multi-modal philosophy?

4. Has there been monitoring and review of the implementation and effectiveness of various forms of treatment, including the long-term effect of prescription medications?

5. Has assistance been provided to the Attention Disorders Support Group and the Adult Attention Disorders Support Group?

6. Have any steps been taken to establish networks with general practitioners across metropolitan and regional centres to recruit them into partnerships of diagnosis and management?

7. Did the Minister for Human Services take to the Council of Australian Governments (COAG), a request to extend the Medicare Rebate Scheme to psychologists in private practice treating patients with ADHD?

8. Have any officers with State-wide responsibility been appointed by the Department of Education and Children's Services to develop early intervention and identification strategies to be implemented through childcare centres and kindergartens where behavioural problems are suspected and to train educators of young children and carers to identify potential problems?

9. Has the Department of Human Services established early identification and intervention strategies for children in the critical 0-3 years age group?

10. Has the use of tele-medicine links been investigated as a method of delivering diagnostic, counselling, education, information and support services to regional South Australia?

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. A working party has been established comprising representatives from the Department of Health, Department of Education and Children's Services, a specialist clinician and a person from the ADHD support group, Attention Disorders Association of South Australia (ADASA).

2. Current best practice for the diagnosis of ADHD, endorsed by the National Health and Medical Research Council, requires adherence to the DSM IV criteria; this includes gathering opinions from both health and education professionals, as well as family members and the patient – recognised as a multi-modal approach to diagnosis. The multi-modal approach, applying the DSM IV, is used by South Australian paediatricians, child psychiatrists and neurologists and is a prerequisite to gaining authority from the Department of Health to prescribe stimulant drugs.

3. The establishment of a single centre was considered by a majority of the working party to be a sub-optimal use of resources, given that arrangements currently in place can already achieve best practice management. An effective multi-modal protocol is available for health and education professionals and families through the Department of Health approval system and the Department of Education and Children's Services resource centre. The resource centre, the Special Education Resource Unit (SERU) lends resources (books, literature and videotapes) to teachers and parents of public schools, and to parents of children attending private schools. The SERU also facilitates training and development of education professionals through their website, newsletters, seminars, and SERU Links, a regular professional development program for teachers and education service providers.

4. International and national opinion supports the use of prescription medications in the multi-modal treatment of ADHD. It provides a rapid, cost effective intervention, providing relief for families and allowing children to assimilate better in the classroom and home environments. Following a review of South Australian prescribing trends and national opinion, the South Australian Department of Health has introduced a requirement for a second specialist opinion if a prescriber believes the daily dose of stimulant medication should exceed a certain level.

There is no evidence of adverse long-term effects of medications. In fact the literature suggests appropriate treatment leads to fewer problems, including reduced risk of substance abuse in later life.

5. Yes. The Attention Disorders Association of South Australia (ADASA) was provided with support of $20 000 pa for three years.

6. There are no formal networks, but there are practitioners (GPs) working with specialists to manage patients, especially in rural and remote areas. The GPs receive information from the Department to assist them and are able to refer back to the specialist who made the original diagnosis for advice, and in the case of patients with adult ADD, for an annual review of the patient.

7. The working group noted there are significant implications in the extension of a Medicare rebate to private practice psychologists that goes significantly beyond the management of ADHD, and resolved not to progress this matter at this time.

The Minister for Education and Children's Services has provided the following response to question 8:

8. Officers with state-wide responsibility have been appointed within the Department of Education and Children's Services (DECS) to develop early intervention and identification strategies to be implemented through childcare centres and kindergartens where behavioural problems are suspected and to train educators of young children and carers to identify potential problems.

Additional funding has been provided by the government for the DECS Learning Links Program to support the development of communication skills and the management of challenging behaviour in the early years. The Learning Links Program provides additional support for preschool children with significant challenging behaviour
and/or severe communication impairment and will provide a range of support services for individual children, parents and preschool teams.

The Minister for Health has provided the following responses to questions 9 and 10:

9. Effective, locally based support for young (0-3 years) children and their families is a Department of Health priority, and a range of universal and targeted programs are currently provided. Models of family centred practice including parenting support, counselling, therapy and practical strategies, inform the provision of services and support for young children experiencing behavioural and developmental difficulties. This approach is strongly supported by the range of agencies responsible for the provision of services (including for those children who may experience difficulties similar to that of ADHD), and is reflected in the existing range of programs and services offered.

Early identification is a key objective of a number of services and programs including universal and sustained home visiting, parenting support programs and specialised services provided by both Child Adolescent Mental Health Services and Community Health Services. Targeted and specialised hospital based services are also provided by the Child Development Units of the Children, Youth and Women's Health Service and the Child Assessment Team at Flinders Medical Centre.

There is no evidence that specific and targeted ADHD early identification and intervention strategies for children aged (0-3 years) are effective or appropriate and thus the development of such programs is not recommended. Rather, the Department of Health will focus its efforts on strengthening and extending successful family centred programs and services available for all families with young children who experience behavioural and/or developmental difficulties. This reflects the complexity of young children's environments and the knowledge that at such an early age behavioural difficulties and developmental delay may be the result of any number or combination of factors, rather than only one.

10. There are 83 videoconferencing units that can be accessed by 67 rural and remote communities in South Australia as part of the Rural and Remote Mental Health Services of South Australia, based at Glenside Hospital campus. To date, no systematic use has been made of them for ADHD, as GPs and other health professionals access information and advice from other sources. However, telemedicine consultations are being used for annual reviews of some adult patients with ADD.

CAPITAL PAYMENTS

291 to 304. **The Hon. R.I. LUCAS:** What was the actual level of capital payments made in the month of June 2004 for each Department or agency reporting to the Minister—

1. That is within the general Government sector; and
2. That is not within the general Government sector?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information on behalf of the Government:

General Government—June 2004 Capital Expenditure

Portfolio/Agency	Minister	June 2004 Expenditure ($,000)
Legislature		
Joint Parliamentary Services	NA	30
Premier and Cabinet		
Department of the Premier and Cabinet	Rann	408
Art Gallery Board	Rann	240
Libraries Board	Rann	0
SA Country Arts Trust	Rann	633
SA Film Corporation	Rann	26

General Government—June 2004 Capital Expenditure

Portfolio/Agency	Minister	June 2004 Expenditure ($,000)
State Opera	Rann	0
State Theatre Company	Rann	3
State Governor's Establishment	Rann	141
SA Museum Board	Rann	82
Trade and Economic Development		
Department for Trade and Economic Development	Holloway	112
Treasury and Finance		
Department of Treasury and Finance	Foley	521
Treasury and Finance – Administered Items	Foley	0
SA Motor Sport Board	Foley	9
ESCOSA	Conlon	0
ESIPC	Conlon	0
Justice		
Attorney-General's Department	Atkinson	776
Attorney-General's – Administered Items	Atkinson	289
Courts Administration Authority	Atkinson	250
Department for Correctional Services	Roberts	1 043
SA Police	Foley	3 839
Police – Administered Items	Foley	3 967
Country Fire Service	Conlon	4 933
SA Metropolitan Fire Service	Conlon	1 023
Emergency Services Administrative Unit	Conlon	1 241
State Electoral Office	Atkinson	5
Primary Industries and Resources		
Department of Primary Industries and Resources		
Administrative and Information Services		
Department of Administrative and Information Services	Wright	19 496
Administrative and Information Services –Administered Items	Wright	967
Industrial Relations	Wright	109
Office of Recreation and Sport	Wright	657
Aboriginal Affairs and Reconciliation	Roberts	35
Human Services		
Department of Human Services	Stevens Weatherill	4 698 7 821
Health Units	Stevens Weatherill	20 348 348
Transport and Urban Planning		
Planning SA	White	14
Transport Services	White	39 490
Further Education, Employment, Science and Technology		
Department of Further Education, Employment, Science and Technology	Key	462
Environment and Conservation and the River Murray		
Department for Environment and Heritage	Hill	5 882
Department of Water, Land and Biodiversity Conservation	Maywald/Hill	712
Environment Protection Authority	Hill	462
South Eastern Water Conservation and Drainage Board	Hill	80
Education and Children's Services		
Department of Education and Children's Services	Lomax-Smith	10 577
Education and Children's Services – Administered Items	Lomax-Smith	0
Tourism		
SA Tourism Commission	Lomax-Smith	0
Other Entities		
Auditor-General's Department	NA	35

Public Non Financial Corporations—June 2004 Capital Expenditure

Portfolio/Agency	Minister	June 2004 Expenditure ($,000)
Administrative and Information Services		
SA Government Residential Properties	Wright	1 593
Human Services		
Aboriginal Housing Authority	Weatherill	2 852
SA Housing Trust	Weatherill	22 017
Transport and Urban Planning		
Office of Public Transport	White	1 634
TransAdelaide	White	3 089
Tourism		
Adelaide Convention Centre	Lomax-Smith	210
Adelaide Entertainment Centre	Lomax-Smith	58
Other Entities		
Adelaide Cemeteries Authority	White	35
Forestry SA	McEwen	275
Land Management Corporation	Conlon	5
Lotteries Commission of SA	Foley	18
Public Trustee	Atkinson	433
SA Infrastructure Corporation	Conlon	0
SA Water	Conlon	16 100
West Beach Trust	White	215

POLICE COMPLAINTS AUTHORITY

The PRESIDENT: I lay on the table the report of the Police Complaints Authority 2003-04.

NATURAL RESOURCES COMMITTEE

The Hon. R.K. SNEATH: I lay on the table the report of the committee on the Eastern Mount Lofty Ranges catchment area.

FACSIMILE

The Hon. A.L. EVANS: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.L. EVANS: I have a brief statement concerning a fax sent from my office on Friday 1 April 2005 at around 11.50 a.m. concerning a press conference. I was away from my office on that day and had no knowledge of the contents of the documents being faxed; nor did I have any knowledge that any documents were being faxed to media outlets on that day. I also had not authorised any documents to be sent to the media on that day. I place on record that I regard this matter as most serious, and I am undertaking a thorough investigation of the events in my office that led to the fax going out. I reassure honourable members that I will make a full disclosure concerning the events as soon as possible.

I understand that my office allowed Mr Barry Standfield, at the request of Ms Wendy Utting, only as a matter of courtesy to have the use of my fax machine to put out a press release with accompanying documents concerning a media conference Ms Utting was organising. Ms Utting had requested this as she said that she was running out of time and she was having problems with a fax machine that she normally uses in the office of the Hon. Peter Lewis. Prior to the documents being faxed, Mr Standfield asked for a photocopy of the documents being faxed and provided by him. My staff provided a copy to him.

I understand that my office staff had no knowledge that the documents contained potentially defamatory statements. These documents were brought to my office by Mr Standfield when he came into my office to do the faxing of the release. He put them together with the release as accompanying documents. I regret that the goodwill and cooperative spirit extended to my fellow MPs and their staff has been grossly abused in this case. I assure members that I had no intention to be involved in the faxing of such documents. I also put on record my sincere regret that such documents were faxed and that this regret would have been felt regardless of whose fax machine was used to send the documents.

ALLEGATIONS, INVESTIGATION

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement on the Anti-Corruption Branch made on 7 March by my colleague the Minister for Police.

PLEWS, Mr J.A.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement on a government reward offer made on 8 March by my colleague the Minister for Police.

WOMEN'S HEALTH WORKER, KANGAROO ISLAND

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement on a women's health worker at Kangaroo Island made on 8 March by my colleague the Minister for Health.

SEAFORD MEADOWS

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement on a proposed release of land at Seaford Meadows by my colleague the Minister for the Southern Suburbs.

SCHOOL RETENTION RATES

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement on school retention rates made by my colleague the Minister for Education and Children's Services.

STATE HOUSING PLAN

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement on the launch of the State Housing Plan made by my colleague the Minister for Housing.

CHILD PROTECTION

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I table a ministerial statement on child protection made by the Hon. Jane Lomax-Smith.

QUESTION TIME

LABOR GOVERNMENT MINISTRY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister Assisting the Minister for Mental Health questions about the Minister Assisting the Minister for Mental Health.

Leave granted.

The Hon. R.I. LUCAS: In a press announcement of 22 March, the Premier said:

> . . . while Lea [Minister for Health] will oversee the mental health reform process including the huge $80 million capital works program now underway to build new purpose-built mental health facilities such as the new Margaret Tobin Centre at Flinders Medical Centre, I want Carmel to work with community groups such as Beyond Blue to ensure the extra mental health services we now fund are reaching the people who need them most.

To assist members, could the minister outline to the council exactly what responsibilities she has been given in relation to the area of mental health? Specifically, is the minister required to make any decisions at all in relation to mental health, or is her role purely advisory to the Minister for Health and must all decisions be taken by the Minister for Health?

The Hon. CARMEL ZOLLO (Minister Assisting in Mental Health): I thank the honourable member for his question. My role in assisting the minister for mental health will be to help her progress this government's mental health reform agenda. The Minister for Health—

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: Sorry?

The Hon. A.J. Redford: To carry her bags.

The Hon. CARMEL ZOLLO: The Premier, as the member just said, has publicly stated that mental health is a priority for us. My appointment as Minister Assisting in Mental Health underscores that priority. Good mental health is fundamental to the wellbeing of all of us, our families and our whole community. Mental illness is amongst the greatest causes of disability, diminished quality of life and reduced productivity. People with a mental illness are often socially disadvantaged and, more often than that, they experience very poor physical health.

As a signatory to the National Mental Health Plan since the early 1990s, this state is committed to reforming and renewing its approach to mental health promotion, prevention, treatment and rehabilitation. However, South Australia still has a long way to go to achieve a modern mental health service system. We saw throughout the 1990s, and into this decade, that South Australia has received substantial criticism from many quarters about dropping the ball on mental health reform. So, this government really is committed to turning this around and putting our state's reputation for mental health back to where it once was as a leader in modern care.

The Hon. R.I. Lucas: What are you going to do?

The Hon. CARMEL ZOLLO: I am trying to explain what I am doing. Since coming to office the government has boosted, as the honourable member said, capital works spending to build modern, up-to-date mental health facilities. In the 2004-05 budget, we announced a further $80 million in capital works spending for mental health. This government has also boosted recurrent funding.

Members interjecting:

The Hon. CARMEL ZOLLO: We have already started work on the Margaret Tobin Centre; perhaps you did not know that. We have increased annual spending from $139 million to $159 million; that is almost a 15 per cent increase. These funds are a downpayment on building new patient and mental health services for South Australia. This is a massive reform effort because we have a massive job to do after many years of neglect by previous governments.

In working with the Minister for Health, I will pay particular attention to working with a wide range of stakeholder groups including professional, consumer and community groups. Mental health must be everyone's business. My office has already received several letters seeking meetings from mental health stakeholders, and meetings are being put in place.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: I will assist the minister in making those decisions.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I assist the minister for mental health in making those decisions. For us to achieve needed mental health reform in this state we must encourage the active participation and engagement of all the relevant players. My job is really to strengthen that engagement and participation. I welcome the letters of support that appeared in the Adelaide *Advertiser* as well as the Messenger Press from Leonie Young of Beyond Blue, the national depression initiative. I did attempt to contact her last Friday, and we missed one another because of meetings that had already been put into place, but a meeting will be held with her as soon as possible. I believe that answers the honourable member's questions.

The Hon. R.I. LUCAS: I have a supplementary question. Can the minister confirm that she has just indicated to the council that she will not be entitled to make any decisions in relation to mental health, and that her role is simply limited to providing advice to the Minister for Health for her final decision?

The Hon. CARMEL ZOLLO: Obviously the minister in the other place is the lead minister, and I think that that is obviously understood. But, already, I have attended budget meetings with her. My role is to add extra priority to this agenda.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: As the lead minister, she makes the final decision.

The Hon. R.I. LUCAS: By way of another supplementary question, the minister indicated that she attended budget briefings in relation to this issue. Can the minister indicate whether or not, in relation to budget issues, final decisions as they relate to mental health, not just in the capital works area but in terms of recurrent funding, must also be taken by the lead minister and not by the Minister Assisting in Mental Health?

The Hon. CARMEL ZOLLO: As a former minister, I would have thought that the honourable member would know the procedures. They are taken by cabinet, but obviously the Treasurer now has two ministers standing before him.

ANANGU PITJANTJATJARA LANDS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister Assisting in Mental Health a question about the Anangu Pitjantjatjara lands.

Leave granted.

The Hon. R.D. LAWSON: Members would be aware that, in August 2004, Professor Lowitja O'Donoghue and the Reverend Tim Costello were appointed as the government's advisers on the Anangu Pitjantjatjara lands. On 21 October last year they delivered a report to the Premier's office. Subsequently, Professor O'Donoghue lamented the fact that the report was actually dated 23 March this year, some months after its actual delivery, that redating being made at the request of someone on behalf of the Premier. The report covered, amongst other things, the matter of mental health and the subject of strategic objectives, as follows:

> The Director of Mental Health Services made a very brief visit and a number of commentators we interviewed believe the recommendations did not necessarily contextualise the full cultural impact of mental health and needs further debate and discussion.

My questions to the minister are:

1. Has he been made aware of concerns expressed by Professor O'Donohue and the Reverend Tim Costello concerning mental health services on the lands?

2. Is the minister aware—whether from that report or other sources—of the serious issues with regard to mental health services for people living on the lands?

3. What action is the minister and this government taking to address mental health issues on the lands in light of not only the report of O'Donohue and Costello but also a second report of the Coroner on petrol sniffing?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for the very important question. In the short time that I have been Minister Assisting in Mental Health I have not had the opportunity to see those reports or be across the issues he has raised. They are very important questions, and I will undertake to bring back a response for the honourable member.

AGRICULTURAL DEGREES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister representing the Minister for Employment, Training and Further Education a question on Roseworthy campus.

Leave granted.

The Hon. CAROLINE SCHAEFER: Last year or earlier this year I asked a series of questions with regard to Roseworthy Campus, following a number of reports to me and public statements that there is a distinct lack of agricultural training in South Australia and of other related courses. I was assured at the time that that was not the case, but many people have since contacted me saying that the rhetoric does not match the actions and that agricultural training from tertiary level down is distinctly lacking in this state, particularly that training formerly centred around Roseworthy Campus.

I was recently contacted by a third year student doing a natural resource management degree at Roseworthy Campus and told that three electives that were vital to the completion of his degree have been cancelled or postponed—those being indigenous studies, geographic information systems and remote sensing systems. A further elective of ecosystems modelling has also been either cancelled or postponed. These subjects for a final year student were cancelled without consultation and without giving the students involved any notice. My questions are:

1. What is this government's attitude to training in agricultural education and what contact has it had with either Roseworthy Campus or Adelaide University to ensure that such training progresses?

2. Why did students whose courses were in their final year have subjects cancelled without consultation or notice?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her important questions. I will refer them to the Minister for Employment, Training and Further Education in the other place and bring back a reply.

JOINT EMERGENCY SERVICES STATE ROAD CRASH RESCUE CHALLENGE

The Hon. G.E. GAGO: It is with great pleasure that I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the 2005 Joint Emergency Services State Road Crash Rescue Challenge.

Leave granted.

The Hon. G.E. GAGO: During this past weekend, emergency service crews from around the state were involved in a joint event at the Wayville Showgrounds aimed at testing their vehicle accident rescue skills. Will the minister explain why this event was so important, and will the minister also tell the chamber who won?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her question. This is a very important question, and one which, I am sure, interests every member in this place. My first official duty—

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: It does interest every member in this place. Rescuing people from road-crash

scenes should interest every member in this council. My first official duty as Minister for Emergency Services was to launch last Friday evening the 2005 Joint Emergency Services State Road Crash Challenge. Yesterday I was delighted and pleased to witness that challenge at the Wayville Showgrounds as part of the Adelaide Motor Show. The challenge brought together emergency rescue crews from the Metropolitan Fire Service, the Country Fire Service and the State Emergency Service to test their road crash rescue skills.

Previously the separate services have conducted their own annual competitions. This event was the first time crews and brigades from the three emergency services had come together for what is an outstanding training opportunity. At one end we have the need for good road safety programs and initiatives and at the other (to some regret) we have the need for this training to provide the best possible advantage to those involved in crashes so that they have the opportunity for life and to get the best medical attention as soon as possible.

Even a team from the Werribee CFA in Victoria attended, emphasising the high quality of the event. The teams of highly trained emergency crews tested their skills in a number of key areas: hazard management, traffic control, vehicle stabilisation, first aid and using high-tech equipment to extricate road crash victims trapped in vehicles. Sadly, these skills are called on too often. As members would know, the road toll in the last few weeks has been horrific. Responding to road crashes has become a significant part of the work of our highly skilled and dedicated emergency service volunteers and paid staff.

Statistics show that in 2003-04 the MFS, the CFS and the SES responded to more than 4 000 vehicle accidents. The number of people killed or badly injured on South Australia's roads during March has been a stark reminder of the number of times the services of our rescuers are called upon. The weekend challenge at Wayville was an ideal opportunity to pit their skills against the other services. It was also an opportunity for the crews from the different services to exchange ideas about rescue techniques.

The training value from the event is immeasurable. It was also a great opportunity for the public to see our emergency crews in action. I attended for about an hour or so, and I was very impressed. I saw the Laura team in action, which took about 20 minutes, I think, to rescue someone with a head injury from a fairly horrific simulated accident. I can inform the chamber that the crew from the Salisbury MFS was the overall winner, with the Blackwood CFS team in second place and the Laura SES team finished third. From memory, in the last few years the team from Laura has been the winner. Commiserations to that team, but congratulations to everyone involved.

All three teams will now go on to represent their services and South Australia at the Australasian Road Crash Rescue Challenge in New Zealand later this year. It was a very successful weekend for the Salisbury MFS team, which also won the 'rapid' category and received awards for Best Medic and Best Team Leader.

The Hon. A.J. Redford: Who won the raffle?

The Hon. CARMEL ZOLLO: I was not there for the raffle.

The Hon. R.I. Lucas: Did you get a cup of tea?

The Hon. CARMEL ZOLLO: I did not get a cup of tea. My congratulations go to the winning teams. I have to say to the Leader of the Opposition that this is very important and serious stuff when you see what they do. My congratulations go to the winning teams and to the organising committee from the three services. They are to be commended for their tireless work in organising such an important and successful event, and I trust the Joint Emergency Services State Road Crash Rescue Challenge will become a regular event.

GENETICALLY MODIFIED CROPS

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Emergency Services, representing the Minister for Agriculture, Food and Fisheries, a question about legal liability relating to genetically modified crops.

Leave granted.

The Hon. IAN GILFILLAN: With the tendency of the current Minister for Agriculture to grant limited plantings of genetically modified canola in South Australia, the agricultural producers of commercial canola, the farmers in those areas, are subjected to an extraordinary set of circumstances, and I just remind the chamber that the limited plantings are up to 9 hectares. There is no limit on the number of plantings that can be granted by the minister, and there are several that are currently planned and some which have been planted in the South-East of South Australia. We are dealing with a current situation of real concern to the farmers, particularly the non-GM inclined farmers of South Australia.

The Trade Practices Act and the ACCC all stipulate quite clearly the legal obligation that if a product is marked 'GM-free' it must not contain any trace of genetically modified product, and the producers of genetically-modified-free product have to sign vendor declarations, which legally lock them into standing by the quality and integrity of their product. The questions that we have constantly been asking are for the government to indicate where it sees the legal liability of contamination. We know from worldwide experience that the world markets will reject total shipments of grain if there is even a minuscule amount of genetically modified material in it, and this economic impact will hit South Australian farmers very soon in the future. My questions are:

1. Has the minister or the minister's department seen any contracts between Bayer CropScience—the GM company organising the limited plantings—and the owners of the properties where the limited scale plantings of genetically modified canola are occurring?

2. Do these contracts specify who carries responsibility for contamination caused by the genetically modified crops? I remind the council that the ACCC and the Trade Practices Act stipulate no trace of GM material can be in a non-GM product.

3. If non-GM farmers must guarantee no contamination on delivery as per receivable point delivery dockets, should they accept any GM contamination in the non-GM canola seed they plant? The question is significant because the seed industry currently allows a tolerance of .5% GM contamination in non-GM seed. That means that, unwittingly, a farmer can be planting a partial GM crop which he or she then has to guarantee is GM free.

4. If GM canola is introduced and contamination or loss of GM-free status causes economic loss to others, does the minister think the farmers should be compensated?

The Hon. A.J. Redford: Who has he given advice to?

The Hon. IAN GILFILLAN: Bayer CropScience.

5. Who does the minister think should be liable for any economic loss caused by GM contamination or loss of GM-free status: the non-GM grower—which, I remind the chamber, is proposed under current protocols—the GM grower, the owner of the patent (Bayer CropScience) and/or the government, which approved the GM release in the first place?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important questions, which perhaps should be directed to more than one minister. They may also involve the Minister for Health. I will refer those questions to the relevant minister or ministers in the other place and bring back a reply.

The Hon. A.J. REDFORD: I have a supplementary question. Will the minister indicate whether any approvals have been given in respect of land owned by persons who might have provided financial support to him during the 1997 or 2002 election campaigns?

The Hon. CARMEL ZOLLO: I will draw that question to the minister's attention and bring back a response.

The Hon. NICK XENOPHON: I ask a supplementary question. Will the minister advise whether there is the same level of disclosure of GM sites in this state as there is in Victoria where I understand disclosure is made of the location of crops?

The Hon. CARMEL ZOLLO: I will bring that question to the attention of the minister in the other place and bring back a response.

STAMP DUTY

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about stamp duty.

Leave granted.

The Hon. A.L. EVANS: Last year, I asked the minister a question concerning stamp duty, which related specifically to benevolent organisations. I asked whether the government would consider waiving stamp duty on the changeover of new vehicles for charitable organisations and other non-government organisations which rely on donations and which cover excessive distances to carry out their services. This provision currently exists for benevolent organisations in New South Wales and Western Australia.

In his response, the Treasurer said that there are no provisions under the Stamp Duties Act which allow for an exemption from stamp duty for charitable organisations seeking to purchase motor vehicles, and nor are there any discretionary powers to enable the duty to be waived by the Commissioner of State Taxation. Any further consideration for relief can be contemplated only in the form of an ex gratia payment. Requests for such payments have been considered on a case-by-case basis, with relief being provided to charitable organisations and other carer bodies in circumstances where a motor vehicle is provided solely or principally for the transportation of disabled persons under their care and where those disabled persons are unable to use public transport as a consequence of their disability. Further, the Treasurer advised that the government already provides direct grant assistance to a range of charitable organisations through a range of established programs which provide a more effective mechanism for distributing government assistance. My questions are:

1. Will the minister advise how many South Australian charitable organisations have received ex-gratia payments where a motor vehicle used by the charitable organisation is provided solely or principally for the transportation of persons under their care and where it is demonstrated that the use of motor vehicles is the principal method of transporting volunteers and persons under their care?

2. Will the Treasurer advise whether, when charitable organisations or carer bodies apply to receive an ex gratia payment principally for the transportation of disabled persons under their care, the charitable organisation is required to meet a certain threshold in relation to providing evidence of mileage for a period of one year?

3. The Treasurer has advised that the government already provides direct grant assistance to a range of charitable organisations through a range of established programs which provide more effective mechanisms for distributing government assistance. Will the Treasurer provide a list of these established programs?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Treasurer in another place and bring back a reply.

METROPOLITAN FIRE SERVICE

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Emergency Services a question about the Metropolitan Fire Service.

Leave granted.

The Hon. A.J. REDFORD: First, I congratulate the minister and wish her a rewarding—albeit only slightly more rewarding than her previous jobs—period in her position as minister and hope she will enjoy her short period in the white car. Last month, some questions were asked in another place about some highly critical audit findings into the occupational health and safety of the South Australian Metropolitan Fire Service. The information came to me through Freedom of Information Act requests regarding audit reports to the state's agencies and departments. Some disturbing outcomes were found by WorkCover as a result of the 2003 occupational health and safety audit, which were documented in correspondence from WorkCover to the chief officer of the South Australian Metropolitan Fire Service dated 5 March 2004.

In the documents I received under freedom of information, I point out that the fire service was criticised in relation to a fire evacuation exercise on 11 November 2003; and, indeed, the auditor found that the fire evacuation exercise, which took place on that occasion, failed to comply with standing operating procedure No. 38. So what we have is a failure on the part of the fire service to comply with a fire evacuation procedure. It also pointed out that the fire service had failed to meet 'basic legal compliance in relation to implementation of occupational health and safety policy requirements and prevention strategies'. The report also found 'a significant weakness apparent within the Metropolitan Fire Service engineering department concerning mandatory safeguarding for machinery, equipment and associated operations.'

The same report in regard to occupational health and safety in the fire service found that the South Australian Metropolitan Fire Service had not integrated occupational health and safety into operational systems relating to the Clipsal 500 and, indeed, in one paragraph, to do it justice, it says:

> However, in order for the organisation to achieve compliance a resolute approach will be required in the ensuing 12 months in which

active objective participation will be necessary by SAMFS management, employees and trade union officials.

It goes on:

There can be little doubt that failure to allocate or otherwise make appropriate human, physical and financial resources available (to facilitate development of OHS management systems) has been a major reason why non-conformance with the performance standards is apparent.

It is of great concern that our firefighters who put their lives on the line for you, me and our respective families are working in an unsafe environment, all until recently under the watchful eye of the former minister for emergency services (Hon. Patrick Conlon) who makes great play about being a former union boss to various unions covering the fire officers who are the subject of this audit. In the light of that my questions are:

1. What, if anything, is being done in response to the WorkCover audits criticism of the failed fire evacuation exercise?

2. What action has been taken by SAMFS to ensure that occupational health and safety standards have improved to acceptable levels? What has been done to ensure that the fire service meets its basic legal obligations?

3. What has the fire service done in response to the statement by the WorkCover auditor that there is 'a significant weakness apparent within the MFS engineering department'?

4. What remedies were undertaken by the fire service to ensure safety at last month's Clipsal event?

5. Does the minister agree that the former minister for emergency services (Hon. Patrick Conlon), a former union boss in the various unions covering fire officers, should be embarrassed by this severely qualified audit?

The PRESIDENT: The last question is obviously soliciting opinion. The other four parts I suggest are worthy of an answer.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Yes; I will ignore it, Mr President. I cannot really thank the honourable member for his best wishes because, clearly, they were not. However, I have to say that—

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: I think he was more worried about the car than my best wishes. I have not sighted a copy of the document that the honourable member was referring to in relation to occupational health and safety issues in the MFS, so I am really not able to comment at this time. I will—

The Hon. A.J. Redford: It's a fairly high priority I would have thought.

The Hon. CARMEL ZOLLO: Well, I have been the minister, in terms of working days—obviously we all work on weekends as well—for six days, I think it has been. It has been a very busy time. I say to the honourable member that I will ensure that I bring back a response as soon as I can. The honourable member is correct in relation to Clipsal 500. The South Australian Metropolitan Fire Service played a major role in overseeing the pre-event and ongoing fire safety checks during the Clipsal 500—a very successful event.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: I have to say that on the surface I will leave the operational issues of the services to the executive officers, but I take the honourable member's point, and I will ensure that his concerns are dealt with. At the Clipsal we saw them playing a very significant role in the pit fire safety, support paddock pit fire safety and catering outlets' fire safety. The South Australian Metropolitan Fire Service also had a significant operational presence to ensure rapid response to any incident involving fire, dangerous substance or potential environmental damage. Five appliances were on scene to respond to any of the incidents that I have mentioned above. Of course, as in very many other aspects of our emergency services, many other firefighters volunteered to assist in other roles.

RIVERLAND, CHRISTMAS CAROLS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, questions about Christmas carols in the Riverland.

Leave granted.

The Hon. D.W. RIDGWAY: I am reliably informed that, in the Riverland prior to Christmas in 2004, an old Transport SA ferry was used for the 2004 Christmas carols. My questions are:

1. Can the Minister for Transport confirm that an old Transport SA ferry was used for Christmas carols?

2. If so, what was the cost of making that vessel seaworthy or 'carolworthy'?

3. Where did the funds come from to make that so?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that extremely important question to the Minister for Transport. I am sure that it will go right to the top of his list of priorities in getting a response given its great significance; so, I will refer it to him and bring back a reply.

MINERAL EXPLORATION

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mineral exploration expenditure in South Australia.

Leave granted.

The Hon. J. GAZZOLA: The government has made significant efforts in attracting mineral exploration to South Australia, especially through its Plan for Accelerating Exploration. What evidence is available to show that exploration expenditure in South Australia has increased?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): South Australia has recorded its highest level of mineral exploration for more than 18 years. The latest Australian Bureau of Statistics figures show exploration in South Australia was worth $55.5 million in 2004. Before I go into the details, let me say that this is a great result for the state and excellent confirmation that the government's Plan for Accelerating Exploration (the PACE program) is not only working but is working a treat.

The government has been working hard to attract more private investment, and this is a good sign of things to come. I am sure you are aware, Mr President, that the government has set ambitious targets in the South Australian Strategic Plan. We have allocated $22.5 million over five years to help bring investment in mineral exploration to $100 million by 2007 and to boost annual minerals' production to $3 billion by 2020, with a further $1 billion in minerals processing.

The latest results are a good first step, delivering a 55 per cent increase on 2003 figures when $39.5 million was invested in mineral exploration. South Australia now has 6 per cent of the national exploration expenditure—again, our best figure for more than 18 years, and up from the 5.3 per

cent achieved in the September quarter. In 2003, South Australia's share was 4.9 per cent. This shows that South Australia is increasing its share of exploration expenditure, and it is not just riding on the tide of a worldwide boom. It is an excellent indication that our plan is working.

The state government's plan for accelerating exploration is contributing to the exploration boom. One initiative of the plan sees the state government pay up to half the cost of selected drilling programs. Last year, $1.7 million was made available to 27 companies, and the second call this year has attracted more than 60 project proposals. I believe that, with the PACE program and our close work with industry, we will see some very exciting developments in exploration and discoveries in the months and years ahead.

The figures demonstrate the enormous interest in resource exploration in South Australia. It is a trend I picked up over the past few weeks when I attended the world's biggest mining conference, the Prospectors and Developers Association of Canada (PDAC), and in subsequent meetings with a number of companies represented at the conference. There was something approaching 12 000 people at the PDAC conference, and South Australia's presentations were very well received.

Our drilling partnership with industry and our provision of world leading geoscientific data, both part of PACE, were of great interest to the world's mining community. I am confident that we will see joint ventures with South Australian mining companies and visits to South Australia by geologists from large international mining companies as a direct result of our involvement at the PDAC. I commend the work of the Department of Primary Industries and Resources and the mining industry in achieving these results, and I look forward to announcing further good news in the future.

DENTAL SERVICES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Emergency Services, representing the Minister for Health, a question about funding for dental services in the state budget.

Leave granted.

The Hon. SANDRA KANCK: Members will remember that late last year state Treasury increased funding to the South Australian dental service by $3 million, which was very commendable. That additional money was to help reduce the long waiting lists. The current waiting lists are, however, still very high, with people informing me that if they are not in pain they have to wait in excess of two years to have a tooth filled. This waiting time often results in other health problems for the affected person. Since the major factor behind the restructuring of health is prevention and early intervention, the $3 million has reduced waiting time, but waiting times are still far too long. My question is: can the Treasurer guarantee the retention of the additional $3 million added in this current financial year when framing the 2005-06 state budget?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her important question. I will refer it to the minister in another place and bring back a reply.

LAND TAX

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Treasurer, a question in relation to land tax.

Leave granted.

The Hon. NICK XENOPHON: On 7 February 2005, the Treasurer and the Premier issued a media release announcing a purported $245 million in land tax relief. The measures outlined in the release include:

> Businesses, including bed and breakfast operators which are run from a principal place of residence, will be able to claim relief from land tax in direct proportion to the area used for the business.

These relief measures were said to apply for the last half of this financial year. Shortly after the public meeting of the Land Tax Reform Association held at the Norwood Concert Hall on 23 February, I was contacted by Ms Elizabeth Hourigan-Calanca, whose principal place of residence is also used as a medical surgery. She has been charged land tax on her entire property. She is considering applying for separate titles and altering her residence accordingly, at some considerable expense, to avoid having to pay such a high rate of land tax. She advises me that she contacted the Valuer-General's Office, which indicated to her that she would be eligible for relief under the new measures, but she is yet to receive confirmation as to when exactly these measures will come into effect. As a result, she is unable to make plans for the last half of this financial year in relation to the very significant land tax on this property. My questions to the minister are:

1. What steps have been taken to implement the land tax relief measures promised by the Treasurer and the Premier on 7 February for this financial year?

2. Will the Treasurer undertake to advise those who potentially benefit from land tax relief on how the new measures will operate? That also relates to primary producers.

3. Will the Treasurer put a timetable on the implementation of such measures?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I think at least some of the measures the Treasurer announced were to take place at the start of this year, and that was to be done through some rebating system. Whether these other changes require legislation or other matters, I am not sure. They are obviously technical questions in respect of the administration of the Land Tax Act, which I will refer to the Treasurer and bring back a reply as soon as I can.

The Hon. NICK XENOPHON: By way of supplementary question, is the government foreshadowing the introduction of legislation to deal with all measures outlined in the package of 7 February?

The Hon. P. HOLLOWAY: I am not sure whether or not that is required, but I will try to get a response from the Treasurer as soon as I can.

The Hon. J.F. STEFANI: By way of supplementary question, will the minister advise whether any refund cheques have actually been posted?

The Hon. P. HOLLOWAY: I will seek that information from the Treasurer and bring back a reply.

RURAL ADDRESSES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about rural property addressing.

Leave granted.

The Hon. J.S.L. DAWKINS: Members may be aware that South Australia does not have a standard rural property address system. Since the mid-1980s, some rural communities have implemented a rural area property identification directory (RAPID) system, which I think the minister referred to in a earlier answer. RAPID is a system of property location adopted and implemented in the past by some local communities to assist with the location of properties, particularly in the advent of medical emergencies, fires or similar emergencies. It is a six figure number, based on a spatial location. RAPID is currently not a widely used system as it relies on access to an interpretation of maps.

The geocentric datum of Australia (GDO) is a coordinate reference system that best fits the shape of the earth as a whole. It has an origin that coincides with the centre of mass of the earth, hence the term geocentric. It has been progressively implemented throughout Australia as the preferred datum for all spatial information and is considered to be the most effective datum, providing compatibility with satellite navigation systems such as the global positioning system (GPS), compatibility with national mapping programs already carried out on a geocentric datum and a single standard for the collection, storage and dissemination of spatial information at global, national and local levels. GDA replaces the Australian geodetic datum (AGD), which has been in place since 1966. The AGD provided a reference system that best fitted the shape of the earth in the Australian region. Its origin did not coincide with the centre of mass of the earth.

In late 2003, Standards Australia released a standard for property street addressing that includes a simple system for rural addresses replicating urban addressing, that is, number, road name and locality. Houses and other premises along a country road are allocated an address based on the distance along the road—odd numbers on the left, even on the right. Australia Post, Telstra, the commonwealth government and most state governments support this standard. I understand that implementation is well advanced in all states except South Australia. My questions are:

1. Will the minister indicate what action she will take to increase the level of implementation of this standard to match that in other states?

2. Will she ensure that local government and other stakeholder groups are consulted regarding this implementation process?

3. Will the minister provide a time frame for the implementation of the standard in South Australia?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Spatial information is a very innovative tool. I suppose that it is very much a risk management tool and one, of course, which is about sharing information between the various agencies. I am aware that some work has been done. There has been progress by emergency services but I am not certain as to where it is at. I will undertake to find out and bring back a response for the honourable member, as well as some sort of time line to go with it.

POLICE, SOUTHERN SUBURBS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for the Southern Suburbs, a question about southern suburbs police numbers.

Leave granted.

The Hon. T.J. STEPHENS: Appearing recently in the *Southern Times* Messenger was a very timely article regarding the expansion of the southern suburbs and the chronic shortage of essential shortages, including the lack of police resources in that area. In that story the minister stated that 17 police officers were going to the south, including five to Aldinga. Also, the Office of the Southern Suburbs placed an advertisement suggesting that the 17 officers were all based in the southern suburbs. My questions are:

1. What was the cost of placing the advertisement in the *Southern Times* Messenger?

2. Will the extra police officers be adequately resourced given the conditions that have been highlighted in recent times through the media?

3. The minister states that officers will be covering the south. Will he detail to the council the full extent of the area they must cover and how many local service areas are included?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will get that information to the honourable member and bring back a reply. I remind all members that, under the Rann government, police numbers are at their highest level ever. Of course, recently the government has recruited a number of police officers from the United Kingdom.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Yes, we have, and it appears—

The Hon. A.J. Redford: Let's see how long they last.

The Hon. P. HOLLOWAY: Well, there we are. We have just—

The Hon. A.J. Redford: You will have a high attrition rate, and you know it.

The Hon. P. HOLLOWAY: I am quite happy for the Hon. Angus Redford to interject. I acknowledge his interjection. I hope that it goes on the record because it just shows the attitude of members of the opposition towards this highly successful recruitment of police from the United Kingdom.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Plenty of South Australians have been recruited as well. We actually have—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I can well understand why the opposition has problems with the success of this government. It finds it embarrassing. The record stands for itself. We have in this state a record number of policemen, including those who have been recruited from overseas. I am sure that they will make wonderful additions not only to the police force but also to the population of this state. We wish to increase the population of South Australia as well as provide opportunities.

PORT RIVER, BRIDGES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Treasurer and member for Port Adelaide, a question about the cost of an opening bridge at Port Adelaide.

Leave granted.

The Hon. J.F. STEFANI: Members would be aware that there has been much publicity about the building of an opening bridge. Equally, the government also announced that the bridge over the Port River would not be an opening bridge because of the exorbitant costs. At various public forums the Treasurer and member for Port Adelaide had earlier promised an opening bridge and later changed the government's commitment to building a non-opening bridge over the Port

River. Following public pressure, the Treasurer announced that the Rann government would be building an opening bridge. In view of the additional expenditure associated with building an opening bridge, my questions are:

1. Will the Treasurer provide adequate costing details for the building of an opening bridge?

2. Will the minister also provide the details of the costs associated with the building of a non-opening bridge?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am sure the details of the costs of the bridge will go before the Public Works Committee of the parliament, as always happens in relation to these important public projects. I could have sworn—and perhaps I am wrong—that I heard the Leader of the Opposition in the other place supporting opening bridges at Port Adelaide some time ago. Indeed, as far as I can see, the honourable member's preamble to his question was wrong. I can certainly recall the Treasurer promising that there would be opening bridges, and he has delivered on that promise. I am certainly not aware of him changing—

Members interjecting:

The Hon. P. HOLLOWAY: I will take the opportunity of looking at the comments that were made not only by the Treasurer (who has been completely consistent on this matter) but also the Leader of the Opposition in another place, and we will see what he has put on the record and what the opposition has put on the record in relation to this matter. I would have thought the decision of the government to not only build the opening bridges but also to be able to fund that construction without having tolls is something that the South Australian community would welcome.

FAMILY FRIENDLY WORKPLACES

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Premier, a question about family friendly workplaces.

Leave granted.

The Hon. J.M.A. LENSINK: The Office for the Commissioner for Public Employment (OCPE) found in its workplace perspective survey of 2003 that, although 79 per cent of public sector workers know of their right to flexitime, only between 1 and 9 per cent know of their right to items such as purchased leave, compressed weeks, part-time work, job sharing and working from home.

Doctor Barbara Pocock, in making some comments in *The Advertiser* of 8 March in relation to the government's refusal to provide its employees with the same level of paid maternity leave as its New South Wales and Victorian counterparts (14 weeks), has argued that, as 63 per cent of state Public Service employees are women, the government is pretty dependent upon female employees. She said:

> The state government can either send a signal of support for working women and their families by matching the increasingly common level of 14 weeks paid maternity leave for its own workers or hang on to its status as national delinquent and the family unfriendly government.

John McFarlane, the CEO of the ANZ Bank, has said in a recently published book:

> Chief executives unplugged. I am not a champion of women; I am a champion of people, but having said that I do believe you have to intervene on behalf of women. Why? Because if you do nothing, nothing changes.

Members interjecting:

The Hon. J.M.A. LENSINK: The authors argue that the key to improving the number of women in management positions is for the CEO and, in this case in our state, the Premier, to be the champion. My question is: what tangible measures is this government taking to ensure that women in the public service are not left behind and are able to manage the work/life balance?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I think it is extraordinary that any member of the opposition would raise issues in relation to improving conditions of families in the workplace given their attitude towards industrial relations generally. In the very near future, we will see in this country what the honourable member's federal colleagues think about family friendly workplaces. The honourable member would be well aware that my colleague the Minister for Industrial Relations is currently negotiating matters in relation to the working conditions of public servants, including the subject of maternity leave. This government has been negotiating to improve the conditions of all workers, particularly those with families. What we would like to see is some support from members opposite for those measures. We have not seen an awful lot of support to date and, from what we hear from the federal government, that is likely to be commonplace.

I think it has become clear that one of the best things that can be done to assist families is the provision of stable employment. Over the last few decades at least, we have seen a casualisation of the work force and the removal of conditions. That is certainly the rhetoric that is coming out of the federal government at this moment. What they are on about is further casualisation and a further reduction in security in relation to the work force. Any objective observer would say that during the past three years in which this government has been in office we have stopped the drift towards that and started to reverse it to provide more stable conditions, because that is the best thing that we can do to improve the position of families in this state.

REPLIES TO QUESTIONS

LOCAL GOVERNMENT, INCOME AND EXPENDITURE

In reply to **Hon. KATE REYNOLDS** (23 November 2004).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has provided the following information:

As Minister for State/Local Government Relations I am happy to table the report commissioned by the Local Government Association.

I do so on the clear understanding that the report has been commissioned by the Local Government Association for their purposes and tabling of the report is for the benefit of informing the Members of this House.

Councils are made up of locally elected representatives who are answerable to their communities for expenditure decisions. Questions relating to movements in Enterprise Bargaining agreements are for the sector to answer and individual councils to justify.

The issue should not be about questioning the number of staff but questioning the appropriate use of resources. Ratepayers can and should be asking whether they are getting value for money from all employees not just executive staff and whether the community is being well served in terms of efficiency and effectiveness. Citizens can raise these types of concerns directly with their council members.

The need for improved community interaction in developing council budgets and determining expenditure requirements is one of the reasons I am proposing legislative amendments to the Local Government Act 1999. The Bill I intend to introduce early in 2005 deals with better community consultation in determining spending requirements, revenue needs and rate setting practices.

HOUSING, TRANSITION

In reply to **Hon. KATE REYNOLDS** (11 November 2004).

The Hon. T.G. ROBERTS: The Minister for Housing has advised:

1. The Migrant Women's Support and Accommodation Service (Migrant Women's) will receive $433,600 from the Supported Accommodation Assistance Program (SAAP) in 2004-05, an increase of $112,500 since 1997. SAAP is a jointly funded program of the Commonwealth and South Australian governments.

In addition to recurrent funding, SAAP one-off funding is available on a submission basis for the purchase of furniture, office equipment and other items. I have recently approved requests for funding as part of the current round of one-off requests. Migrant Women's have received a total of $23,500 since 2000 in one-off funding, including $4,300 in 2004.

2. Migrant Women's currently access properties from the South Australian Housing Trust (SAHT). Maintenance works do not attract a charge where it is as a result of fair wear and tear, only where there has been deliberate damage. In order to manage the large volume of requests for repairs, SAHT operates a system whereby the most urgent jobs are attended to as a priority.

From 2001 to 2004 inclusive, SAHT spent $82,000 on repairs and upgrades for the eleven Migrant Women's transitional houses and its administration building, an average of $20,500 per annum.

While maintenance funds expended last year totalled only $8,800, this is a reflection of the higher expenditure in previous years on upgrades and repairs that reduced the ongoing need for minor works and repairs.

It should be noted that a request for maintenance from a domestic violence agency receives a higher priority than the standard response.

3. In addition to increases in funding since 1997, Migrant Women's received a 2% increase in SAAP funding for 2004-05, in line with inflation and the current funding policy. The current SAAP recurrent budget is fully committed, and any changes in funding will not be possible until the new SAAP agreement is negotiated with the Commonwealth.

On 17 December 2004, the Federal Minister for Family and Community Services, Senator Kay Patterson made a funding offer for the new SAAP Agreement. The offer sees the Federal Government reducing its contribution to SA for base SAAP funding from $16.563m in 2004-05 to $13.611m in 2005-06. At the same time, the Federal Government is seeking an increased contribution from SA of approximately $3m per annum. This amounts to the loss of over $15m in Federal funding for South Australian services over the life of the new Agreement.

The Federal Government's offer ignores the substantial amount of additional funding - representing an increase in funding of $20m over four years - that this State Government has recently provided to services to address homelessness through its Social Inclusion initiative.

All State and Territory Ministers have written to Senator Patterson expressing their concern over the funding offer and urging the Federal Government to reconsider the proposed package to ensure that the vital emergency support services that are provided through SAAP are not jeopardised. State and Territory Ministers have requested a meeting with Senator Patterson to discuss these concerns.

Other support is provided to Migrant Women's by SAHT. As Migrant Women's is one of the domestic violence agencies within the SAAP program, they have been allocated a Domestic Violence Property Manager who coordinates and performs all of the property management functions, including rent collection and maintenance coordination. This service is provided at no cost to Migrant Women's.

4. The Government provides a range of support to holders of Temporary Protection Visas to assist them with their accommodation and support needs. This support includes:

- financial assistance through SAHT to obtain private rental accommodation, including access to short term housing, e.g., back-packer accommodation;
- access to a small stock of furnished SAHT houses, for up to four weeks, during which time a package of support services is negotiated with appropriate agencies;
- access to public housing. Circumstances are assessed in the same manner as any other applicant for SAHT housing and if they are considered to be in most urgent need they are approved for Category 1 of SAHT's rental housing list.

DISABILITY SERVICES

In reply to **Hon. KATE REYNOLDS** (10 November 2004).

The Hon. T.G. ROBERTS: The Minister for Disability has advised:

The extra 40 full time places will be provided in pilot programs by Minda and the Intellectual Disability Services Council (IDSC). School leavers accessing the 40 places will use their 2004-05 Moving On allocation to purchase those places.

Both the Minda and IDSC pilots will be evaluated in terms of client outcomes within 12 months of operation. Extension of the pilots will be considered based on the results of the evaluations.

In the most recent State Budget, there was a $1.2 million recurrent increase to the Moving On Program. Extra resources will also be made available to meet infrastructure and start up costs in the pilot programs and additional costs of providing 5-day activities in country areas.

Moving On funds are allocated in each budget for the financial year. Additional funding becomes available on a recurrent basis from the start of the calendar year (since school leavers require a program at the start of the calendar year).

Current Moving On clients will have their allocation indexed for the first time and will receive some additional allocation from the 2004-05 growth funds. In addition, a Request for Proposal will be sent to all day option providers inviting them to submit proposals as to how they can provide full-time services for existing clients.

All parents on the Moving On Working Group and organisations on the Disability Service Provider panel were invited to a briefing held shortly before the Minister for Disability announced his response.

FAMILIES EAST

In reply to **Hon. KATE REYNOLDS** (15 September 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. Families East is a volunteer home visiting service provided for families with children aged 0-3 years. It is managed by the Family Links Project (East) which is a year 2000 initiative of the Commonwealth Department of Family and Community Services (DFaCS). The Family Links Project received an initial grant from the Premier's Community Initiatives Fund in early 2003 to set up the volunteer training package for a pilot Volunteer Home Visiting service. It also received funding from the Commonwealth Government to pilot the service. The Project was not successful in winning longer term funding under either of the 2004 Commonwealth funding calls.

2. The Department of Health has discussed funding to early childhood services with DFaCS, however, ultimately funding is a Commonwealth decision. The Families East volunteer Home Visiting Program did not receive Commonwealth support in its recent funding announcements. A budget of $70,000 per annum for an initial 3 year period was sought. Further funding is not available from State Government sources at this point in time.

CHILD ABUSE

In reply to **Hon. KATE REYNOLDS** (12 October 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

1. Information in relation to individual children cannot be released due to issues of confidentiality. However, in the event that the social worker has concerns in relation to the care and safety of the children, the social worker, as a mandated notifier, is obliged to make a notification.

2. As stated in the previous response, information about individual children cannot be released. However, if a notification was recorded, the response to the notifications would be based on a suspicion that there are reasonable grounds that a child has been, or is being, abused.

3. The Department for Families and Communities has an Occupational Health and Safety policy in relation to a smoke-free workplace. It clearly states that staff cannot smoke at worksites. Furthermore from an organisational point of view it is not considered acceptable for workers to smoke whilst supervising access visits in the presence of children.

4. The Minister's office has been notified of the behaviour of the staff member of Children, Youth and Family Services (CYFS), and the issue has been brought to the attention of the Executive Director of CYFS for action.

5. Individual cases cannot be discussed due to issues of confidentiality. Where possible, and in the first instance, intervention aims to strengthen a family's ability to care for the child in preference to the removal of the child. Decision-making in relation to children is based on risk of future harm to the child and the ability of parents to change behaviours and ensure child safety.

Removal of children is considered when it is the only option to secure the care and protection of children. The mandate to remove children is held by the Youth Court, which must be satisfied that it is in the child's best interest to be placed in the care of the Minister.

DISABILITY FUNDING

In reply to **Hon. KATE REYNOLDS** *(21 July 2004).*

The Hon. T.G. ROBERTS: The Minister for Disability has advised:

1. As at July 2004, there were 7650 people with an intellectual disability registered with the Intellectual Disability Services Council, 5054 of which were active clients. In the same period, Brain Injury Options Coordination had 1716 active clients.

The needs of all Options Coordination clients are reviewed periodically and allocations for the provision of essential services are made on an individual basis.

2. If Julia Farr Services, Adult Physical and Neurological Options Coordination and Brain Injury Options Coordination should merge, only the auspicing arrangements would change. All other facets of each service would remain as flexible as they are currently. Each agency would continue to be responsible for the clients that meet each agency's entry criteria.

3. Staff of the Disability Services Office, mental health services and the Drug and Alcohol Services Council met approximately two years ago to discuss service responses for people with substance induced brain injury. Since then:

- the Disability Services Office has taken responsibility for clients with a severe brain injury arising from substance abuse, for example Aboriginal people affected by petrol sniffing; and
- mental health services and the Drug and Alcohol Services Council assist people with substance abuse problems, such as Korsakoff's Syndrome, as both agencies have relevant expertise and service responses in this area.

PLACEMENT PREVENTION SERVICES

In reply to **Hon. KATE REYNOLDS** (19 July 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

1. Family preservation is an important issue that was raised in the Review of Alternative Care in South Australia and the Layton Report, both of which highlighted the need for a broader community response to family preservation. The Government is committed to ensuring that families have appropriate supports so that children and young people are not entering the alternative care system if this can be prevented.

It is beyond the scope of alternative care funds previously applied to family preservation to meet all the needs of at-risk families. In the new service agreements for 2004-05 to 2006-07, funds have been applied to early intervention programs for families who have entered the alternative care system, with a view to safely returning children and young people to their birth families wherever this is possible. In conjunction with other specialist services, alternative care service providers will work closely with families to meet their individual needs.

Other new initiatives in alternative care will augment reunification services by enhancing the preventative focus for alternative care. These include:

- improved opportunity for children and young people to be safely placed within family, kinship or community networks through emphasis on relative/specific child only and kinship care services; and
- introduction of Aboriginal Family Care Advisory Committees in country regions to promote culturally appropriate advice on safely maintaining Aboriginal children and young people within their kinship and community networks.

The contract for reunification services in the metropolitan region has been awarded to Centacare, based on their submission to the Request for Tender for Alternative Care Services. The Centacare reunification service became operational during August 2004.

However, for some children and young people, safe return to the care of their birth families is not a possibility, despite the best efforts of all concerned. Child protection policy will reflect improved clarity to ensure timely permanency planning occurs for these children and young people so that their opportunities for a stable and predictable future are optimised. In line with the key principles of the Children's Protection Act 1993, such plans will be in accord with the best interests of the child and where possible and appropriate, will include the enhancement and maintenance of connections with birth family, kinship and community.

2. The Government has announced its intentions in relation to family support services through the release of Keeping them Safe – our program to reform child protection services and systems. The Government's vision for the future is to do our best by South Australia's children: parents, families, communities and governments all have an obligation to help children flourish and to connect them to opportunities. Keeping children safe from harm, in a way that is sustained and assures their wellbeing, is the responsibility of us all.

It is recognised that some families are in need of quite specific support. Giving greater emphasis to strengthening families and supporting parents is a central plank of our reform program because of the critical link between protecting children and building family capacity. In 2003-04, the Government provided additional funds to support families through the Family Reach Out programs to build parenting skills and capacity in caring for children.

3. $9.1 million over four years is available in 2004-05 to employ additional support and intervention workers for high need families to assist in preserving family connections while protecting children.

The design and development of an intensive family support service is underway, and the details will be announced shortly.

In addition to the planned increases in funding and as part of the Government's overall contribution to community and family services, DFC administers the Family and Community Development Funding Program. This Program allocates funds to non-government organisations and local government authorities to provide a range of family community based programs to support families.

At present, funding under the Family and Community Development Funding Program is allocated to 72 non-government organisations and local government authorities, with a recurrent funding allocation of $3 million under the 'Families with Children' category and $1.4 million within 'Neighbourhood Development'.

The 'Families with Children' funding stream provides a range of early intervention supports for families, and includes home based family support services, mobile crèches, parent education, parent/adolescent counselling and single parent services. These services:

- are locally based and promote easy access;
- are developed in a way that is inclusive of families' special needs in the context of their social and cultural backgrounds; and
- accept referrals from the statutory agency.

The 'Neighbourhood Development' stream funds a network of Neighbourhood Houses and Community Centres to deliver early intervention community support programs. Many of these are structured to support families and children having parenting programs as part of their services. Such programs:

- work through partnerships at the local level, sharing responsibility to address the needs of families in their local living environments and implementing solutions that build on community strengths; and
- contribute to the personal and collective resources of individuals, families and communities.

MINTABIE

In reply to **Hon. KATE REYNOLDS** (30 June 2004).

The Hon. T.G. ROBERTS: I advise:

1. There are about 140 residential sites at Mintabie, however some of those are held by miners who spend most of their time at Lambina (an opalfield approximately 90 kilometres northeast of Mintabie). Current estimates place the permanent resident population at between 200 and 250. It should be noted that this fluctuates significantly during the course of the year and that in summer months. At this time, many travel south and the population probably halves between November and March.

2. Negotiations with the local Aboriginal community and traditional owners have been ongoing for at least five years in connection with the Mintabie Lease. The Department of Primary Industries and Resources SA (PIRSA), as the agency responsible for Mintabie Lease negotiations since October 2002, has directly consulted with the Anangu Pitjantjatjara (AP) Executive as the statutory land owners. At the request of the AP Executive, PIRSA

has also consulted with the Yankunytjatjara Council, as the body that has the most direct traditional owner interest in Mintabie.

PIRSA has advised that the AP Executive consulted the Iwantja community in a meeting at Umuwa on 5 September 2002.

An additional representative body used by the Government to inform decisions relating to Mintabie is the Mintabie Consultative Committee. This group was formed in accordance with clause 26 of the Pitjantjatjara Land Rights Act, but is in the process of selecting new members after being inactive for some time.

3. A letter sent to PIRSA by the AP Executive (dated 12 September 2002) contained a position of some traditional owners that they did not want any commercial businesses to exist in Mintabie under the new lease, and only bona fide miners should reside there. However, it is fair to say that there are divergent views on the Mintabie Lease arrangements. The AP Executive has also verbally advised PIRSA that there are conflicting views among traditional owners.

4. I am confident that lease negotiations are being conducted in accordance with the Pitjantjatjara Land Rights Act. PIRSA is following the requirements of the Act with ongoing advice from the Native Title Unit at the Crown Solicitor's Office and the Department for Aboriginal Affairs and Reconciliation.

PROTECTIVE BEHAVIOURS CURRICULUM

In reply to **Hon. KATE REYNOLDS** (25 May 2004).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has provided the following information:

1. A research project, across preschool to secondary school, to evaluate the new child protection curriculum materials occurred during the last 6 months of 2004. This project has provided advice about a whole school approach to using the child protection curriculum materials in the context of building a safe and supportive learning environment for students.

Appropriate funding has been provided for the evaluation process to occur.

2. Extensive professional development for district staff will occur early in 2005. District staff will in turn train school and preschool staff involved in the delivery of the child protection curriculum. A professional learning manual for school-based educators is being further developed with associated materials.

3. DECS has written formally to all Universities about the teaching of child protection curriculum and will place it on the agenda of the University Liaison Group for ongoing consideration.

The Honourable Member was provided with an extensive briefing in 2004 from key departmental staff, which answered the substance of these questions.

The Honourable Member can be assured that proper evaluation is occurring involving principals and parent associations, DECS staff, child protection steering committees and agencies such as SA Police, Child Adolescent Mental Health Services and Family and Youth Services.

CHILD PROTECTION

In reply to **Hon. KATE REYNOLDS** (16 February 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

1. Resubstantiation, the rate of substantiated re-abuse, is measured by counting the proportion of children who were the subject of substantiated abuse in the previous financial year who were subsequently the subject of substantiated abuse within the following three and/or twelve month period. This means that the information for the 2002-03 financial year cannot be provided until 12 months has elapsed from 30 June 2003, i.e. the end of 2003-04 financial year.

However, for the financial year 2002-03, the number of children re-abused within 12 months of prior substantiated abuse was 14 more children than the previous year. This should be considered in the context of an overall 11% increase in 2002-03 in the number of notifications of suspected child abuse or neglect.

The State Government has recently released its framework for child protection in South Australia, Keeping Them Safe, which outlines our commitment to increasing support to families to reduce renotifications.

2. The table below from the Report on Government Services 2004, records the re-abuse rates in South Australia for the past five years. It shows there has been a reduction in the number of children subject to re-abuse within three months and an increase in the number of children subject to re-abuse within 12 months. Resubstantiation is measured by counting the proportion of children who were the subject of substantiated abuse in a financial year who were subsequently the subject of substantiated re-abuse within the following three and/or twelve month period.

Children who were the subject of a substantiation during the year, who were the subject of a subsequent substantiation within 3 and/or 12 months, South Australia

	1997-98	1998-99	1999-2000	2000-01	2001-02
Number of children					
Subject of a resubstatiation within 3 months	211	242	263	286	244
Subject of a resubstantiation within 12 months	337	387	408	401	426
As a proportin of all children who were the subject of a substratiation					
Subject of a resubstantiation within 3 months	13.4%	13.7%	15.4%	17.2%	13.8%
Subject of a resubstantiation within 12 months	21.4%	21.9%	23.9%	24.2%	24.1%

Source: Report on Government Services 2004.

3. The government is committed to ensuring that direct service responses to children and young people are of a high quality and that more emphasis is placed on early intervention approaches and family support programs. To that end, the government committed $16 million over four years in alternative care in the 2003-04 budget to include increases in payments to foster carers, increased services for children and young people with extreme support needs, and funding of placement prevention interventions.

The government acknowledges that there is need for different ways of working to improve children's safety. The reform agenda has a strong focus on protecting children's safety and well-being, supporting families, and increasing community capacity to protect its most vulnerable members.

4. The funding level per child does not necessarily indicate how appropriate the support and intervention services are. National funding comparisons are just one factor to consider.

BUSHFIRES

In reply to **Hon. T.G. CAMERON** (25 October 2004).

The Hon. T.G. ROBERTS: The Minister for Emergency Services has provided the following information:

1. SACFS has recently become aware of the NSW Rural Fire Service initiative.

2. SACFS already has formal arrangements with SA Correctional Services at Cadell, where there is a full SACFS Brigade operated by inmates and supervised by Corrections Officers.

SACFS will initiate discussions with Correctional Services to see if the existing arrangement can be extended to supplement SACFS volunteers.

STATE WIRELESS NETWORK

In reply to **Hon. T.G. CAMERON** (25 June 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has provided the following information:

1.With respect to the number of wireless LAN applications in government, the exact number is not known. However, the government has been aware for some time of the vulnerabilities inherent in the current standard of wireless LAN technology and has

made agencies aware of the security limitations of installing such systems. It has also made agencies aware of the requirement to ensure that the existing wireless encryption protocol (WEP) protection function is enabled in addition to other government security requirements.

In July 2003, the SA Government introduced new network security architecture and conditions of connection standards by which agencies are guided in their use and security management of communications technologies, including wireless networks. The security documents concerned express specific requirements to enhance the security of the wireless technology involved including additional authentication and encryption provisions over and above the standard off-the-shelf WEP function.

Wireless LAN services installed through the government's current data network contract with EDS are subject to StateNet security requirements. Both EDS and the Department for Administrative and Information Services (DAIS) have established a wireless LAN test capability and checks for unsecured wireless LANs are being undertaken.

2. I am advised that DAIS recently became aware of a LAN security hazard involving a wireless interface that was discovered by DAIS and EDS security staff during a routine wireless LAN vulnerability scan. The offending security system and an obscured wireless LAN access device were disconnected on 8 July 2004. DAIS and EDS have been working closely with staff of the agency concerned to ensure that no further hazards exist to StateNet and the matter has subsequently been resolved.

Despite the above wireless LAN vulnerability occurring, there is no reported instance of unauthorised access to government information resources having occurred through this particular risk.

DAIS will continue to work with government agencies to advise them on appropriate security standards in accordance with the Government's Information Security Management Framework and, where necessary, will undertake security audits including vulnerability scans as a basis for detecting unsecured or unapproved network connections.

INDUSTRIAL RELATIONS

In reply to **Hon. T.G. CAMERON** (24 June 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

For the year 2002-03, I am advised that there were four compensable fatalities involving workers under the age of 25 years. I am also advised that the cost to WorkCover of these fatalities was approximately $26,800.

I am advised that for the same period 7,447 compensable claims were made in respect of workers under the age of 25. I am also advised that the cost to WorkCover for these injury claims was, as at the end of June 2004, approximately $14,459,300.

2. For the year 2002-03, there were 19 employers convicted and fined for breaching the Occupational Health, Safety and Welfare Act 1986. During the 2002-03 financial year Workplace Services made 29 occupational health and safety referrals of briefs for prosecution to the Crown Solicitors Office. From the end of the 2002-2003 year to 20 October 2004 there have been a further 38 convictions, and as at 20 October 2004 there are 23 occupational health and safety prosecutions before the Court.

In 2000-2001, the last full year of the former Government, there was one conviction.

INDIGENOUS COURTS

In reply to **Hon. R.D. LAWSON** (6 December, 2004).

The Hon. T.G. ROBERTS: The Attorney-General has received this advice:

Court sittings at Ceduna Magistrates Court occur by circuit arrangement each month. The court does not sit as an indigenous court as a matter of practice, but rather in a mainstream court setting.

Magistrates sitting at Ceduna initially hear a matter in the mainstream court setting. During 2003, where defendants selected the option to have their matter heard in the indigenous court, the Magistrate would adjourn the matter to be heard the same day. The indigenous court would then be convened for the afternoon session and the defendant would reappear in the indigenous court setting.

In 2004, community visits undertaken by the Magistrates sitting at Ceduna revealed some additional considerations in the indigenous court process. The considerations were that some aboriginal offenders do not identify with the indigenous court process, some do not want to have their problems made known among the local indigenous community, and some do not wish to appear before an elder (cultural adviser) from a different cultural group. Local legal practitioners indicated they had received few requests from defendants wishing to appear in the indigenous court. The local practitioners also voiced concerns about the potential for family conflicts affecting the offender and cultural adviser in a small community.

Finding an appropriate cultural adviser for same-day hearings created a difficulty for the Registrar who was also required to reorganise the courtroom for the afternoon indigenous court sitting. Mr Field, SM and Mr Kitchin, SM responded to these considerations by adjourning a defendant's matter to the following circuit, where the defendant selected the option to have their matter heard in the indigenous court. This would provide the time necessary for the Registrar at Ceduna Magistrates Court to select and organise appropriate cultural advisers for these matters.

The Registrar has indicated that she has not received any complaints about the current process. The option for an indigenous offender to choose to appear in the indigenous court continues to be available at Ceduna.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. R.D. LAWSON** 25 October 2004*).*

The Hon. T.G. ROBERTS: I advise:

The Justice Portfolio provided the $80,000 referred to in the honourable member's question to the Tier 1 Secretariat in August 2003 upon invoice from the Department for Aboriginal Affairs and Reconciliation (DAARE). In payment of the DAARE invoice, these funds were transferred into the DAARE Operating Account and have been subsequently utilised by the Department to secure the resources required to operate the Tier 1 Secretariat function for approximately 12 months.

The monitoring role of the Department, and more particularly the Tier 1 Secretariat, began after the expanded Secretariat was established in late 2003 after the funds had been allocated from the Crown Solicitor's Trust Account to the Department for Aboriginal Affairs and Reconciliation (DAARE). As stated previously, the source of funds for this Secretariat was, in part, the Justice Portfolio through its contribution of $80,000. DAARE has not returned any portion of these funds to the Justice Portfolio as they have been fully expended by the Tier 1 Secretariat.

Part of the role of the Secretariat, and indeed Tier 1 itself has been to monitor and assist with the prioritisation of funding associated with the provision of programs and services - both State and Federal – in the APY Lands. This role, now fulfilled by the Aboriginal Lands Task Force with the support of the APY Special Projects Team in DAARE (previously the Tier 1 Secretariat) has focussed on the level of funding, or inputs, utilised by service providers on the APY Lands to perform their roles. Neither the Tier 1 Secretariat, nor the Tier 1 committee itself, was ever expected to extend its function to monitoring the internal accounting and finance practices of government or non-government service providers.

CAMPBELLTOWN CITY COUNCIL

In reply to **Hon. J.F. STEFANI** (21 September 2004).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has provided the following information:

1. From 2003 to date, several letters were received from the Campbelltown Residents' and Ratepayers' Association. However, only one letter dated 22 October 2004 has been received from the Ratepayer's Association regarding the land swap, which was addressed to the Premier.

2. No.

3. At present there is no cause to take any formal action. However, the Office of Local Government is making further enquiries with Campbelltown Council on the status of the land in question to clarify the formal requirements for the sale and disposal of the land.

4.At present I am not aware of any basis for me to appoint an investigator under the Local Government Act 1999 into the operations of the Campbelltown Council. The Office of Local Government will continue to monitor any developments.

SEWERAGE RATES

In reply to **Hon. J.F. STEFANI:** (20 September 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has provided the following information:

1. Will the minister provide an accurate figure for the amount collected for the provision of sewerage services for the year 2003-04?

$232.1 million.

2. Will the minister confirm that the revenue generated by the provision of these services is in excess of the CPI and therefore is in breach of the Labor Party's promise not to increase taxes?

No.

DISABILITY FUNDING

In reply to **Hon. J.F. STEFANI:** (25 May 2004).

The Hon. T.G. ROBERTS: The Minister for Disability has provided the following information:

1. The Minister made no such instruction.
2. Not applicable.
3. Of the 447 people in the Moving On program, there are 187 people that have a 100% allocation. Funding is allocated according to benchmarks for five different support needs categories and not according to days of service. 100% allocation may or may not purchase 5 days of service depending on the type and cost of the program purchased. No data is currently available on numbers of people who are able to purchase 5 days of service with 100% funding allocation.
4. There are 187 people that have a 100% allocation. The remaining 260 clients receive less than a 100% allocation.
5. All school leavers with moderate to severe intellectual disability who require intensive and ongoing support are eligible for the Moving On program. All eligible clients are offered access to a day activity program.

TAMMAR WALLABIES

In reply to **Hon. CAROLINE SCHAEFER** (22 November 2004).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

A detailed 65 page Management Plan entitled 'Translocation Proposal for the re-introduction of Mainland SA Tammar Wallaby to Innes National Park', has been prepared by the Department for Environment and Heritage (DEH).

Since March 2004, DEH has been working closely with the local farming community and representatives from the District Council of Yorke Peninsula, local tourism operators, the Narungga Aboriginal community, the Friends of Innes National Park and the Marion Bay Township Committee to develop this plan. A Consultative Committee has been established that has had strong representation from the farming families that adjoin Innes National Park. The Committee has met several times and has developed a number of amendments to the Plan to address the concerns of neighbouring farmers. DEH staff have also attended a public meeting at Warooka that was convened under the auspices of the South Australian Farmers Federation to discuss the reintroduction of the mainland Tammar wallaby.

The Management Plan was put out for public consultation. Eleven public submissions were received, many of which have been reflected in the final version of the plan. The plan shows a clear commitment to implement management strategies should tammars ever achieve densities that may cause significant impact on agricultural production. A number of management options have been identified in the proposal such as:

- Recapture any wallabies that move off Innes National Park for an initial two-year period.
- Review the Translocation Proposal with the Tammar Consultative Committee after six months, twelve months and two years, to enable changes to the program if required.
- Implementation of longer term management strategies that have been identified including relocation and fencing if Tammars build up to sufficient numbers.

There is no scientific evidence that Tammar wallabies will ever establish a population away from Innes National Park and cause a problem for agriculture. Tammar wallabies, one of the smallest of Australia's wallaby species, simply cannot co-exist with foxes. DEH staff members have been conducting an intensive fox- baiting program at Innes NP for the past twelve months and more than 4000 fox baits have been laid during this period. This has greatly reduced the number of foxes, however there is continual movement of foxes into the Park from neighbouring farmland.

Intensive fox baiting will be an ongoing necessity to ensure the security and survival of the mainland Tammar wallabies. The impact of fox predation has been graphically illustrated by a recent incident at the Monarto Zoo, where the mainland Tammar wallabies were being held. A section of fence that was damaged by a storm allowed nine mainland Tammars to escape into a larger fenced enclosure that was not free of foxes. Within two days, foxes had killed six of the wallabies. Should any wallabies move away from the relative security of Innes National Park, it is highly likely they will meet a similar fate.

All released wallabies have been fitted with radio tracking collars so they can be located and recaptured for return to the Park should they move onto neighbouring land. An adult Tammar wallaby consumes around one tenth the quantity of food that a sheep consumes, with the initial release of ten wallabies equating to the grazing impact of just one sheep.

Our unique native animals including the kangaroo, the emu, the magpie and now the Tammar wallaby, are integral to the Australian landscape in much the same manner as the River Red Gum tree and the Golden Wattle. To protect South Australia's reputation in the international market place for sustainable primary production, farmers must demonstrate an ability to co-exist with Australia's unique native wildlife, which are also critical to our important nature-based tourism industry.

The reintroduction of a native animal to our State that was formerly extinct over its entire former range is a unique opportunity that should make all South Australians proud.

CULTURAL RESPECT FRAMEWORK

In reply to **Hon. J.S.L. DAWKINS** (7 December 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

The Department of Aboriginal Affairs and Reconciliation did not play a role in the formation of the Cultural Respect Framework, however, DAARE provided feedback on the final draft that went out for statewide consultation and comments were incorporated into the final version. The DAARE framework was not specifically used in the formation of the Cultural Respect Framework, but the concepts and principles are consistent with those articulated in the Doing it Right Policy.

UNNAMED CONSERVATION PARK

In reply to **Hon. J.S.L. DAWKINS (**25 November 2004).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. The members of the Unnamed Conservation Park Board of Management, which is made up of a majority of elders of the Maralinga Tjarutja and Pila Nguru people, will consult with the community on an appropriate name for the park. The chosen name will be proclaimed pursuant to the National Parks and Wildlife Act 1972.
2. The naming of the park is a matter that is on the agenda of the Unnamed Conservation Park Board of Management. I expect that a name will be decided in due course, once the traditional owners have been consulted by the Board.
3. The Department for Aboriginal Affairs and Reconciliation (DAARE) does not have a role in determining the name for the Unnamed Conservation Park.

CENTRE FOR APPROPRIATE TECHNOLOGY

In reply to **Hon. J.S.L. DAWKINS** (11 October 2004).

The Hon. T.G. ROBERTS: I advise:

1. I am aware of the work of the Centre for Appropriate Technology Inc (CAT). CAT is an important research and teaching organisation in the field of Indigenous science and technology.
2. The work of CAT does have a place in adapting technology to suit remote outback localities for both power and water needs. I am aware that the organisation has a water strategy that seeks to achieve better outcomes for Indigenous communities through improved water quality and management.

For example, CAT provides technical assistance, and conducts research on water quality and treatment for remote communities. I understand that approximately 70 communities across Australia, including Aboriginal communities in South Australia, have received some form of assistance since the inception of the water research

program in February 2000. There are a number of current research activities undergoing field trials in remote communities including scale prevention devices, rainwater harvesting and point of use water treatment systems.

CAT is also a research partner in the Cooperative Research Centre for Water Quality and Treatment. In addition, the company undertakes research on a variety of issues associated with energy in remote communities. This includes providing information and advice on supply technologies including diesel generators, remote area power supplies and gas provision, and demand technologies such as hot water systems.

3. I am able to confirm that my department has from time to time been in contact with CAT, and will continue to maintain this relationship in order to keep apprised of new developments.

The Minister for Energy has advised:

The Centre for Appropriate Technology Inc (CAT) is an Indigenous organisation committed to providing appropriate technology services in remote Indigenous communities.

In South Australia the responsibility for the coordination of Aboriginal services and policy is with the Department for Aboriginal Affairs and Reconciliation (DAARE).

In accordance with the State/ATSIC Essential Services Agreement, the State provides and maintains the energy requirements for eighteen Aboriginal communities in South Australia. This is facilitated through DAARE.

The State also provides support for electricity requirements at thirteen remote communities. This is through the Remote Areas Energy Supplies (RAES) scheme managed by Energy SA within PIRSA.

There are some common technical issues over these remote sites and the work done by CAT may be usefully applied to RAES. To this end, the work done by CAT will be reviewed and if applicable, considered for use in RAES.

Given that CAT focus on Indigenous communities, however, their services are more likely to be of value to work overseen by DAARE for Aboriginal Communities.

COOPERATIVE RESEARCH CENTRES

In reply to **Hon. J.S.L. DAWKINS** (20 September 2004).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. I am aware of the establishment of the Cooperative Research Centre (CRC) for Coastal Zone, Estuary and Waterway Management.

2. The State Government is involved with the CRC.

The Department for Environment and Heritage (DEH) is currently involved in a National Estuaries Network, coordinated by the CRC for Coastal Zone, Estuary and Waterway, that discusses the latest information and research about estuaries. Involvement in the network informs the State Government's Estuaries Policy for South Australia currently being developed.

Current research opportunities are being explored by DEH to establish formal collaborative links with the CRC. These include conducting broader habitat mapping surveys of areas of the South Australian coastline.

3. DEH has maintained contact through the Coast Protection Board and various Natural Resource Management regions to encourage the uptake of opportunities to employ technologies developed through the CRC for coastal and marine habitat mapping.

CORRECTIONAL SERVICES, PRISONER NUMBERS

In reply to **Hon. A.J. REDFORD** (8 November, 2004).

The Hon. T.G. ROBERTS: The Attorney-General has received this advice:

Attached are a series of tables from O.C.S.A.R's *Crime and Justice in South Australia* report, covering the 2002 and 2003 calendar years. We don't have the 2004 calendar year data so I can only provide this data.

The key findings from these tables are:

The number of incidents recorded by police has decreased by 3.0% during 2003, down from 218, 570 in 2002 to 212,094 in 2003. Likewise the number of offences recorded from these incident reports has also decreased (-4.2%) from 296,952 offences in 2002 to 284,608 in 2003).

Looking at the offences recorded during 2003 there has been decreases compared to 2002 in:

- Offences against the person
- Robbery and extortion
- Serious criminal trespass/break and enter
- Fraud and misappropriation
- Larceny and receiving
- Property damage and environmental offences
- Drug offences
- Offences against good order
- Other offences.

The increases recorded in 2003 were:

- sexual offences
- driving offences.

Thus with the exception of sexual offences and a small proportion of driving offences, those offences for which individuals are likely to receive a direct period of imprisonment have reduced in number during 2003.

Turning to the cases finalised in the adult courts, table 1 shows that the total number of cases finalised decreased by 3.5% during 2003. Although I recognise that not all incidents recorded by police during 2003 will be finalised during the same calendar year this decrease is in line with the with the 3% decrease in incidents reports recorded by police during 2003.

The number of these defendants who were subsequently sentenced to a direct period of imprisonment fell by 2.3% during 2003 (i.e. 1,259 defendants in 2003 compared to 1,288 during 2002). Again, this small decline is in line with the reduced number of incident reports recorded by police.

Table 1. Cases finalised in Adult Courts during 2002 and 2003

	Magistrates Court	District & Supreme Courts	Total
Number of cases finalised during			
- 2002	30,359	988	31,347
- 2003	29,206	1,056	30,262
Number of defendants receiving a direct imprisonment for their major charge convicted or found guilty			
- 2002	942	346	1,288
- 2003	890	369	1,259

Source: Crime and Justice in South Australia, 2002 and 2003 (Office of Crime Statistics and Research)

Tables 2 and 3 indicate the major penalty handed down for the major charge convicted or found guilty in the adult courts. In the Magistrates court 4.3% of defendants received a penalty of direct imprisonment for their major charge convicted or found guilty. The most frequent used major penalty was a fine, which was used in 33.1% of cases followed by a suspension of drivers licence (24.4% of cases).

In contrast, amongst those sentenced in the higher courts direct imprisonment was the most frequent major penalty handed down (44.9% of cases), followed by suspended imprisonment (40.9%) and bond (6.7%).

(It should be noted that these tables only list the major penalty handed down and in a large proportion of cases the defendant may receive multiple penalties, such as suspended imprisonment plus a bond, or a driver's licence suspension plus a fine.)

Table 2. Magistrates Courts - Major penalty for major charge convicted or found guilty

Major Penalty	Magistrates Court			
	2002	%	2003	%
No Penalty	1,918	9.0	2,283	11.1
Restraint Order	21	0.1	10	0.0
Other order	435	2.0	422	2.0
Rising of the Court	0	0.0	0	0.0
Fine	7,314	34.2	6,839	33.1
Suspension of driver's licence	5,416	25.4	5,048	24.4
Bond	2,103	9.8	2,254	10.9
Community Service order	1,102	5.2	857	4.2
Suspended Imprisonment	2,113	9.9	2,046	9.9
Direct imprisonment	942	4.4	890	4.3

Table 3. District and Supreme Courts - Major penalty for major charge convicted or found guilty

Major Penalty	District and Supreme Courts			
	2002	%	2002	%
Other penalty	17	2.3	21	2.6
Fine	31	4.1	29	3.5
Suspension of driver's licence	6	0.8	4	0.5
Rising of the Court	0	0.0	0	0.0
Bond	49	6.5	55	6.7
Community Service Order	6	0.8	10	1.2
Suspended Imprisonment	298	39.6	334	40.6
Direct imprisonment	346	45.9	369	44.9

Source: Crime and Justice in South Australia, 2002 and 2003 (Office of Crime Statistics and Research)

Table 4 collates statistics from Crime and Justice in South Australia and displays three different measures of the number of individuals in prison in South Australia during 2002 and 2003. Although the overall number of individuals in prison has increased under one measure but decreased under the other two measures this is primarily owing to the number of remandees. Under all three measures the number of sentenced prisoners has increased between 2002 and 2003.

Table 4. Correctional Services - Prison receptions, daily averages in custody and persons in custody on 31st December 2002 and 2003, by legal status.

Legal Status	Prison receptions		Daily averages in custody		Persons in custody as at 31 December	
	2002	2003	2002	2003	2002	2003
Remand	3,265	2,985	480	487	467	442
Fine Default	19	22	0	0	1	0
Sentenced	402	441	971	988	977	992
Unknown	37	45	7	6	12	4
Total	3,723	3,493	1,458	1,481	1,457	1,438

Source: Crime and Justice in South Australia, 2002 and 2003 (Office of Crime Statistics and Research).

CORRECTIONAL SERVICES, TECHNOLOGY

In reply to **Hon. A.J. REDFORD** (28 October 2004).

The Hon. T.G. ROBERTS: I advise:

The principal technology applications used within the South Australian prison system have been focused on both perimeter detection systems and the use of electric locking systems.

There have been significant developments, in recent years, on the perimeter systems used in South Australian prisons including: the integration of disparate detection systems with surveillance cameras and monitoring and recording of incidents.

Perimeter systems currently being used in the majority of South Australian Prison's include: energised fences; microwave movement detection equipment; microphonic cables and pan-tilt zoom coloured cameras.

Electric lock mechanisms are in use at various prisons but generally restricted to main access points. These locks also have a key over-ride in case of power failure. All cell accommodation is fitted with key operation locks.

The Department is presently assessing new technology related to bio-metric systems. Both finger scanners and iris recognition systems are available in the current market. A detailed evaluation of these products will need to be undertaken prior to the Department investing in this technology.

CORRECTIONAL SERVICES, VOLUNTEERS

In reply to **Hon. A.J. REDFORD** (26 October 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

There have been extensive negotiations with employee representatives on a new enterprise agreement for salaried employees in the public sector, including salary increases, which will cover salaried employees in the Department of Correctional Services.

As a result of agreement not being reached, the Government has instituted proceedings in the Industrial Relations Commission of South Australia for an award, including about salary increases. Pending this process, the Full Bench has made an Interim Award which includes a salary increase of 3.5% from the first full pay period to commence on or after 1 October 2004. This Interim Award

will operate until the Full Bench of the Industrial Relations Commission makes a final award.

WORKCOVER LEVIES

In reply to **Hon. A.J. REDFORD** (13 October 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

1. I am advised that the matter has been referred to a collection agency. The agency has not been able to locate the offender and is monitoring the situation.

2. Pursuit of criminals is a police matter.

In respect of WorkCover issues, the question of fault or negligence has no impact on the decision to accept or reject claims. Industry classification levy rates for employers are adjusted based on their own claims experience, through the bonus and penalty scheme, which similarly, does not consider fault. I am advised that in some cases WorkCover is able to recover claims costs from a negligent third party, who may or may not be convicted for an offence under any law. If recovery occurs an adjustment is made to the claims costs affecting the employer's bonus or penalty.

Employers who believe their levy rate has been incorrectly applied or is unreasonable can appeal to the Levy Review Panel.

3. WorkCover established an independent levy review panel in June 2000. Its performance is reported annually to the Board. The panel's role is to consider cases where employers believe their levy rates are unreasonable. Each case is treated on its own merits. All an employer needs to do is write a brief letter to WorkCover or contact them to obtain an application form.

In responding to the Honourable Member's initial enquiry regarding this matter, I made him aware of this appeal option and provided the necessary form to initiate a review by the panel.

FREEDOM OF INFORMATION

In reply to **Hon. A.J. REDFORD** (22 September 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has provided the following information:

1. The Minister responsible for the administration of the FOI Act is confident that FOI officers carry out their duties appropriately, and do not claim exemptions for which there is no proper basis. I can advise that to my knowledge FOI officers do not use the breach of confidence exemption to avoid the public interest test.

2. This question refers to "claims" made against the Government for breach of confidence and not litigation commenced for an alleged breach of confidence. To answer this question I am advised that this would require a broad survey of court records, the records of the Crown Solicitor's Office and, perhaps also, the records of individual agencies to determine the number of claims made that would encompass assertions of a breach of confidence. This information is not available and to attempt to collect it would be seen as a gross diversion of agencies' resources.

3. I believe that the Honourable Member is referring to Section 50 of the Freedom of Information Act 1991, which provides protection against actions for breach of confidence when the person, who makes a determination to give access to a document, honestly believes that the Act permits or requires such a determination to be made.

The FOI Act allows an exemption to be made that could find a breach of confidence and I understand this type of exemption has been applied for many years. I am advised that if a party is entitled to be afforded an obligation of confidence by the Government, it is not appropriate that the Government breach that obligation even if it could avoid liability by failing to apply an exemption that is available under the FOI Act. Government has a general duty to maintain confidences and it is questionable whether the immunity from liability for good faith determinations under the FOI Act would be available if the Government adopted a policy of refusing or failing to apply an available exemption that protects other parties' rights of confidentiality.

CADELL TRAINING CENTRE

In reply to **Hon. A.J. REDFORD** (19 July 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information to the supplementary question:

Can meal breaks for Correctional Officers supervising prisoners from Cadell Training Centre who are involved in community projects be incorporated in the negotiations for the new enterprise agreement?

Clause 9.5 of the South Australian Public Sector Salaried Employees Interim Award provides that an Officer will be entitled to a break for the midday meal without pay after five hours have elapsed from the recognised starting time. It is a generally accepted industrial principle that during a period allocated for a meal break, an employee is free from the control and direction of the employer. I am informed that the Industrial Relations Court of South Australia recently confirmed this right in respect of a number of employees in the Department for Correctional Services.

I understand that these officers were not provided with meal breaks free from all duty. This resulted in a number of underpayment of wages claims that were settled.

I am advised that the provision of a paid "crib break" through either an Award variation or enterprise agreement provision was canvassed with the Public Service Association during the settlement negotiations, however agreement could not be reached. This issue is not included in enterprise bargaining negotiations.

I understand that to avoid the problem arising again in the future, the Department for Correctional Services has revised its operating arrangements to ensure that all its employees are now provided with appropriate meal breaks.

DEATHS IN CUSTODY

In reply to **Hon. A.J. REDFORD** (30 June 2004).

The Hon. T.G. ROBERTS: I advise:

All but one of the recommendations in the Margaret Lindsay death in custody case have been actioned and are currently listed for consideration and signing off by the Department's Investigation Review Committee. In regard to the outstanding recommendation, which is:

> "The safe cell principles should be adopted and pursued in prisons throughout South Australia as a matter of urgency",

I can confirm that the Department for Correctional Services has committed almost $1m over the past two years to the removal of obvious ligature points in cells at the Adelaide Women's Prison, Port Augusta Prison, Mount Gambier Prison, Mobilong Prison and Yatala Labour Prison. This includes $410,000 which is being spent this year on a major refurbishment of D-Wing at the Adelaide Women's Prison. Another $160,000 is budgeted in the 2005-06 Capital Investment Program to further reduce hanging points in prisons.

CORRECTIONAL SERVICES, STAFF

In reply to **Hon. A.J. REDFORD** (24 June 2004).

The Hon. T.G. ROBERTS: I advise:

I refer the Hon member to the response provided to the Estimate Question asked by Mr Goldsworthy on the 17 June 2004 and tabled in Parliament on 25 June 2004.

WORKCOVER

In reply to **Hon. A.J. REDFORD** (18 February 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

1. It is a WorkCover management issue in terms of determining appropriate lines of enquiry. I understand that it is believed that such enquiries have the capacity to have some bearing on the ability to establish the capacity of the injured worker.

2. The Commonwealth Department of Immigration and Multicultural and Indigenous Affairs has advised that Commonwealth Privacy Act Principle 11.1(e) was considered, namely

Principle 11

Limits on disclosure of personal information

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:

(e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

3. I refer to my answer to the first question.

4. I am advised that that was not the reason the information was sought. I refer to my answer to question 1.

5. I refer to my answer to question 2.

In reply to **Hon. A.J. REDFORD** (17 February 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

1. I am advised that WorkCover has received external legal advice indicating that there has been no breach of the French Penal Law, which would mean that there is no criminal offence.

2. I am advised that WorkCover approved the investigation. I am also advised that its legal advice is that there has been no criminal offence.

3. I am advised that the video has been supplied to Mr Thompson.

4. I am advised that three investigations have been conducted overseas, 2 in Europe, 1 in South Africa, and each at the instigation of WorkCover's investigation unit.

I am advised that one in 2001 cost $5,500 and evidence was provided to medical providers who did not change their view of capacity. I am advised that another conducted in 2000 cost $14,200 in total and resulted in an actuarially assessed saving to the scheme of $72,000.

I am advised that the other investigation is continuing with costs of $55,000 to 23 February 2004 and that current estimates are that this investigation may result in a scheme saving of $350,000.

5. WorkCover has an obligation to investigate matters where it has suspicions or receives information that suggest a matter may involve dishonesty, whether it involves employers, claimants or medical providers. Such investigations are considered on the basis of the cost of the investigation versus the current and future potential cost to the scheme.

It would be entirely inappropriate for Ministers to approve or decline investigations. Approval of investigations is a management decision.

Supplementary question asked by **Hon. NICK XENOPHON**.

Should the matter be subject to an investigation by French authorities, then WorkCover will naturally co-operate.

BLOOD TRANSFUSION SERVICES

In reply to **Hon. SANDRA KANCK** (25 October 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. There have been no recent changes in qualifying levels for blood transfusions. However, State Government funded Bloodsafe nurses are working to educate clinicians about guidelines released in 2001 by the National Health and Medical Research Council, which aim to ensure that best practice occurs in relation to blood usage and inventory management. The guidelines indicate that the use of red blood cells is appropriate when the haemoglobin is below 70 grams per litre. Above this, the clinician must weigh up the risks and benefits of transfusion.

2. Without further details, the Minister for Health cannot investigate or comment on the specific case quoted by the Honorable Member, but the Minister advises that, should a relative shortage arise, it is a clinical decision as to how best to balance competing needs for blood and which transfusions to defer. This may require that elective non-urgent transfusions are delayed in order to ensure that life threatening emergencies are not compromised. In such circumstances, this is clearly seen as responsible and appropriate medical care and risk management.

3. Through increased funding, participation in the National Blood Authority arrangements and its excellent relationship with the local Blood Service and clinicians in the sector, the SA Government is working to ensure the supply of blood and blood products remains sufficient.

South Australia, which represents only 7.6% of the national population, already receives 9.7% of the nation's red cells. This fact highlights the need for the Department of Health, through the Bloodsafe program, to ensure the best use is made of donor blood by improving blood transfusion practices and inventory management.

4. The Minister for Health has written to Dr Robert Hetzel, Chief Executive Officer of the Australian Red Cross Blood Service, asking that consideration be given to establishing services in regional South Australia, particularly Mount Gambier. This follows the high level of interest shown by that community.

The Blood Service is exploring the option of enrolling South East donors on a central register to allow them to more easily donate at other locations. Other options, such as a visiting mobile service, are also being explored. However, as long as South Australia's needs are being met, final decisions about how best to maintain the blood supply must rest with the Australian Red Cross Blood Service.

South Australians are particularly generous blood donors, with more than 5% of South Australians donating, compared to 3-4% interstate.

MENTAL HEALTH

In reply to **Hon. SANDRA KANCK** (12 October 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The task load is the proportion of the population with a mental disorder requiring intervention by public mental health services. Recent estimates indicate the prevalence of mental disorder among South Australians is in excess of 250 000. Public mental health services aim to be available for people with mental disorders, although a high percentage of people do not seek treatment and of those that do, many receive care from their General Practitioner. The funding allocation is $148m recurrently and comparisons with task load are difficult to make because many people do not seek assistance available. Per capita spending on mental health services in South Australia is $96.19m, which is above the national average. The Minister for Health also recently announced a further $2.75 million funding for mental health services as a result of the State achieving a Triple A credit rating.

2. 37.5% of the mental health budget is used for the Glenside campus.

3. The Minister is aware of the lack of community services as highlighted in the 2003 Parliamentary Inquiry into Supported Accommodation, which identified the need for further development in this area.

4. The figure of 1.9 per cent of the mental health budget allocated to NGOs is incorrect. Currently $2.78m is allocated, which represents 2% of the total mental health budget or 2.4% of the mental health budget for direct service provision. In addition, $3.1m is funded to the Western Area Recovery Program, with one off payments of $1.34m for a range of programs that occurred in the last financial year.

5. The figure of 0.4 per cent of the mental health budget allocated to supported accommodation captures only one program.

It does not take into account the $3.4m provided to develop Supported Accommodation Programs in both metropolitan and country regions currently supporting approximately 165 people providing integrated services, such as housing, clinical and non-clinical support. Additionally, $57m has been committed over five years to the Department of Families and Communities for Supported Residential Facility (SRF) reform to improve both facilities and support for SRF residents, a proportion of who have mental disorders.

6. The Government supports SANE Australia's recommendations, which reflect the directions the Department of Health is pursuing. In particular these include enhanced community based services for early intervention, evidenced based models of care, workforce development, mainstreaming and integration of specialist services including forensic mental health, consumer and carer involvement and legislative review. Population planning which is occurring through the Business Case processes will highlight opportunities for reorienting the existing budget and the provision of additional funding.

SOLAR SCHOOLS PROGRAM

In reply to **Hon. SANDRA KANCK** (21 September 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has provided the following information:

1. I am advised that Network Design and Construction (NDC), a division of Telstra Corporation was selected to supply and install solar panels as part of the South Australian Solar Schools Program. The decision was based on selecting a proposal which offered the best value for money, taking into consideration factors such as organisational structure and capability, sub-contractor arrangements, occupational, health, safety and welfare, value added benefits, system design and installation, warranty, maintenance and price.

2. Tenderers were required to demonstrate they had sufficient resources, skills, knowledge, experience and expertise in the supply of photovoltaic systems. In addition tenderers were requested to identify any employment outcomes that may occur as a result of this contract.

3. I am advised that stage 1 of the South Australian Solar Schools Program, comprising 24 school sites, has been completed and that the solar panels installed were manufactured in Japan.

4. Due to confidentiality constraints it is not appropriate that I provide information about the assessment of particular brand products. However, I can advise that consideration was given to those products submitted by short listed tenderers with final selection being based on a value for money assessment.

I understand that provisions in the contract enable the Government to take advantage of any new technology as it becomes available in the market, including Australian manufactured products. Any variation to the contract will be based on value for money principles.

5. I understand that NDC's solar and renewable energy operation is based in South Australia. NDC's Adelaide operation employs a locally based workforce of approximately 200 and will also utilise additional local subcontractors to support the Solar Schools Program.

6. I am advised that all unsuccessful tenderers were given a full formal debriefing at which they were provided reasons as to why their proposal was not successful on this occasion.

7. NDC was the successful tenderer.

MENTAL HEALTH PARTNERSHIPS

In reply to **Hon. SANDRA KANCK** (14 September 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The total cost breakdown of the project (Framework for developing partnerships between consumers and carers and the mental health sector), over two financial years 2002-03 and 2003-04, was $92,629. This includes workshops, advertising, consultancies, committee member reimbursement, catering, venue hire and an estimate of Department of Human Services (DHS) support staff costs. To encourage the participation of consumers and carers, approximately 72% of the total cost went towards the payment of their sitting fees and travel costs.

2. The framework document has become a resource document for the development of mental health consumer participation within the broader health reform model and under the Health Consumer Alliance (HCA).

3. The Minister did not attend the workshop on 28 April 2004. There is no record that the Director of Mental Health was instructed not to attend.

4. The Department advised the Minister that it was not appropriate to attend the workshop on 28 April 2004, as the Framework was still under development and to be incorporated into the broader health consumer participation mechanisms being established by the Office of Health Reform. The purpose of the workshop was not to launch the Framework, but to provide an outline of the mental health components to the community.

Supplementary question:

The Department of Human Services was represented at the workshop by two Departmental Officers from the Mental Health Services and Programs Unit, although they were not specifically in attendance as delegates of the Minister.

GREEN PLUMBERS

In reply to **Hon. SANDRA KANCK** (22 July 2004).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

Green Plumbers is associated with the Master Plumbers and Mechanical Services Association of Australia. Green Plumbers currently operates in Victoria, New South Wales, Queensland and Tasmania. It is not currently active in South Australia and there are no accredited Green Plumbers in this State.

Green Plumbers works primarily with the community, Local Government and Industry to deliver its training courses, which include programs for water conservation and energy efficiency. However, in some cases Government agencies have also worked with Green Plumbers, for example, the Australian Greenhouse Office support for the Climate Protection Project, and Melbourne Waters' support for Green Plumbers in relation to water conservation.

In 2003, the Green Plumbers did meet in South Australia with the CSIRO and other parties including Regency TAFE (which undertakes apprentice training for the plumbing industry), several local industries, a local council, and an officer from the Environment Protection Authority, to discuss the potential for Green Plumbers in South Australia at some future time.

Between Government and the plumbing industry and to increase the demand for accredited Green Plumbers in this State. Several current State Government initiatives offer the potential to strengthen existing links These include:

- The Government's policy for houses built from July 2006 to have rainwater tanks connected to supply rainwater into the home for suitable uses. Consultation with the plumbing industry and other stakeholder groups will occur to discuss potential industry issues, including educational needs and skilling, prior to implementing the policy.
- The Water Proofing Adelaide project, which is developing a high-level strategy for managing Adelaide's water resources to 2025. The project will establish high-level directions, including encouraging water conservation. It is expected that some programs resulting from the strategy will provide encouragement for Green Plumbers to establish themselves in South Australia.

RENAL DIALYSIS

In reply to **Hon. SANDRA KANCK** (21 July 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The provision of renal dialysis at new sites in the country, such as the Barossa region is the responsibility of the local hospital, with the Department of Health (DH) providing the funding. Advice is received from the Department of Health Renal Reference Group, which includes the Directors of Renal Services from the Royal Adelaide Hospital, Flinders Medical Centre and the Queen Elizabeth Hospital.

Recently a funding model for country renal services was developed. This provides fiscal support for a country unit to train staff, redesign facilities to accommodate the machines, make payment for applicable utilities and provide staff to care for the patient whilst undertaking dialysis.

At present, the Queen Elizabeth Hospital is one of the services that provides an outreach service to country areas. Outreach services include the provision of dialysis machines and appropriately trained technical staff to support the maintenance of the machines.

2. The department does not record or monitor the specific cost of transporting patients from the Barossa to dialysis units at the Lyell McEwin, the Royal Adelaide and the Queen Elizabeth hospitals as these costs are considered unavoidable, as there will always be the need for patients to travel to the metropolitan units for dialysis. Low level dialysis care, which can be provided in country hospitals, is not suitable for all patients.

3. The cost of establishing new dialysis services at a country site far exceeds the cost of patient transport to metropolitan areas, as calculated by the Country Division Renal Services Funding Model, developed earlier in 2004. As it is essential that dialysis services are provided in a safe manner, it is unlikely that all country patients can have a suitable service within their local region.

4. The Country Division Renal Services funding model does not discriminate against, or favour, any country region. It recognises that the service must be provided safely without compromise to the patients involved. At this point in time, the patients in the Barossa region are unsuitable for this level of care but instead require more complex care that can only be provided at the metropolitan units.

PHOTOVOLTAIC EQUIPMENT

In reply to **Hon. SANDRA KANCK** (1 April 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has provided the following Information:

1. Will he confirm that no South Australian based company has been successful in reaching the second round of the tender process for the South Australian Solar Schools Program?

It is not appropriate that I provide information as to which tenders were or were not successful in reaching certain stages of the tender process. However, I am advised that Network Design and Construction (NDC), a division of Telstra Corporation, were successful in being awarded the contract for the supply and installation of solar panels as part of the South Australian Solar Schools Program. NDC have offices located in all state of Australia including South Australia. I am advised that NDC's Adelaide operation employs a locally based workforce of approximately 200 and will also utilise additional local subcontractors to support the Solar Schools Program.

2. Is it standard practice to require respondents to state government tenders to detail what value adding they can bring to the project?

It is standard practice to request respondents, as a means of achieving best possible value for money, to provide value adding solutions when applicable.

3. Is it standard practice to require respondents to state government tenders to detail what marketing and communications resources they can bring to the project?

It is standard practice to request respondents to provide value adding solutions, when applicable. It was anticipated that tenders would be able to add value to the project by providing marketing and communications resources, given part of the solar schools concept was the provision of educational benefits.

4. How many South Australian based businesses will be at risk if the total contract is awarded to a company based outside South Australia?

At the time of approaching the market, there were no solar panel manufacturers based in South Australia. It was anticipated that the installation and maintenance of the panels would be provided by businesses located in South Australia. It is not intended that the contracts with successful parties will stipulate the type of solar panel required. There is, therefore, an opportunity for solar panels to be sourced from a future local manufacturer, should this eventuate.

5. How much of the South Australian allocation of the commonwealth's photovoltaic rebate program will be consumed by this project, and what advice will the government give to those who find they cannot access the rebate for household photovoltaic installations?

I am advised that the Commonwealth's Photovoltaic Rebate Program is not allocated per state and that there is a common pool of funds that states can draw upon. The rebate payable in relation to community buildings (non-profit or government) is $4 per watt to a maximum of $8,000 and for residential buildings the rebate is $4, 000. The amount of funds that will be consumed by the program will depend on the number of schools involved in the South Australian Solar Schools Program and the continuation of the Commonwealth's Photovoltaic Rebate Program.

MURRAY RIVER LEVY

In reply to **Hon. SANDRA KANCK** (3 December 2003).

The Hon. T.G. ROBERTS: The Minister for the River Murray has been advised:

Due to the changes needed to implement the new 'Save the River Murray' levy, billing for the October quarter did not commence until 1 January 2004. The proceeds raised is approximately $13.4 million for 2003-04.

To 31 May 2004 a total of $7.047 million has been expended on a number of programs including:

- implementation of the River Murray Water Allocation Plan;
- the River Murray drought management project;
- progression of the prescription of water resources in the Eastern Mount Lofty Ranges;
- implementation of the *River Murray Act 2003;*
- commencing work on environmental flows and wetlands management;
- investment in irrigation research and in technology diffusion and education to ensure our irrigation industries are competitive and sustainable; and
- programs to identify and upgrade the quality of discharges to the River Murray.

In reply to the supplementary question asked by **Hon. A.J. REDFORD** 3 December 2003.

The Minister for the River Murray has been advised by SA Water that:

The Honourable Member was recently provided information regarding the estimated contributions to Save the River Murray Fund from several State electorates.

However, it is not possible to provide the same level of information from each electorate without incurring very substantial time and expense. This is because SA Water's customer information is not stored on the basis of electorate and in most other cases, electorate boundaries do not coincide with SA Water's supply and billing groups.

ROSEWORTHY CAMPUS

In reply to **Hon. CAROLINE SCHAEFER** (6 December 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

The South Australian Government is a significant contributor to the practical training of young people in agriculture through a wide range of activities, including the contributing and collaboration by PIRSA and SARDI staff and programs with the full range of courses and post graduate education programs delivered by the University of Adelaide (Agriculture), Flinders University (Marine Industries) and TAFE (Agriculture and Marine Industries). This involves delivery of specialist teaching units in under graduate courses, postgraduate joint supervision and leadership, and joint/collaborative research programs.

Leading edge education as delivered by these courses requires and benefits from leading edge research. The South Australian Government is a very major contributor to the research operations and infrastructure in South Australia, particularly in agriculture. This is reflected in the operations of SARDI, the Australian Functional Plant Genomics Centre, the Livestock Systems Alliance at Roseworthy and the recent Marine Innovation SA initiative, all of which have very strong education programs. The leading edge research undertaken underpins the quality and attractiveness of the education and training programs delivered by our teaching institutions.

The government is not privy to the detailed plans for Roseworthy as a result of the farm review. The review was established to make recommendations to improve the educational, research, commercial and cost effectiveness outcomes of Roseworthy and the Roseworthy Farm in particular. The government continues to strongly support Roseworthy as the applied agricultural teaching centre for South Australia. This is reflected in the collocation of SARDI Livestock Systems' headquarters and research capabilities to Roseworthy, the collocation of PIRSA agronomic staff at Roseworthy, the establishment of the PIRSA Agricultural Information Centre at Roseworthy, the joint operations by SARDI with the University of Adelaide of the Pig & Poultry Institute, the research, teaching and demonstration piggery, as well as an increasingly significant number of leading animal biotechnology initiatives. The government has also invested in what is now Australia's largest wheat breeding company, Australian Grain Technologies Pty Ltd, located at Roseworthy, as well as the new TAFE Wool Industry Training Centre.

The members can see that the government is a major supporter of Roseworthy and applied agricultural education to underpin the further sustainable development and expansion of South Australia's agricultural industries.

I am unaware of any proposal to divest the Roseworthy Farm.

DROUGHT RELIEF

In reply to **Hon. CAROLINE SCHAEFER** (26 October 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture Food and Fisheries has provided the following information:

The process agreed by the Australian and State/Territory Governments is for communities or industries to initiate the process for raising an Exceptional Circumstances application by taking its concerns to the relevant State Government. This process is cited in the Commonwealth Department of Agriculture, Food and Fisheries Information Handbook on Exceptional Circumstances Assistance available on their website.

Staff of Primary Industries and Resources SA will however attempt to contact community or industry groups where a reasonable case for Exceptional Circumstances appears to exist.

Eligibility for Exceptional Circumstances support arises when a rare and severe event is linked to a rare and severe income downturn that cannot be managed by farmers as a part of normal risk management. The impact must extend beyond 12 months which means two successive crop failures in the South Australian agricultural zone.

On Eyre Peninsula while this season has obviously been very poor, there is no obvious information which indicates last year was also well below average. In fact all of the reports received indicate that 2003 was for the main a very good year on Eyre Peninsula with some farmers on eastern Eyre Peninsula harvesting record grain yields. Records show average or above rainfall for the growing season across all of Eyre Peninsula in 2003. Receivals at the Arno Bay grain silo were the highest ever. Grain as well as livestock prices in 2003 were also quite favourable boosting farm profits.

This suggests there is little chance for developing a successful case for Exceptional Circumstances on eastern Eyre Peninsula.

In most situations I am careful not to build expectations among communities that Exceptional Circumstances is easily available, or justifiable, after one season of downturn.

Early in 2004 following the National Drought Roundtable meeting on drought policy several major recommendations were made. This meeting of industry, community and farmer organisations together with Ministers, reaffirmed the main elements of the National Drought Policy, particularly the underlying principles of encouraging self-reliance and risk management, and highlighting the importance of drought preparedness as the key focus in future drought policy.

Publicly calling for Exceptional Circumstances support in situations where it has little chance of success is contrary to the recommendations from the National Drought Roundtable. It also builds a false expectation among people who are emotionally affected by the current poor season with the possibility of a significant letdown later on.

Good South Australian farmers can and will manage through one season of poor conditions. I consider the criteria requiring two seasons of failure as quite reasonable to justify Government assistance and believe most South Australian farmers would agree.

If there are communities or industry groups on eastern Eyre Peninsula who would like to assess their situation against Exceptional Circumstances criteria, PIRSA staff are only too willing to work with those groups and I would encourage them to approach PIRSA.

KING GEORGE WHITING

In reply to **Hon. CAROLINE SCHAEFER** (21 September 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture Food and Fisheries has provided the following information:

The Regional Impact Assessment Statement, to which the Honourable Member refers, describes the process of consultation and analysis that was undertaken over a period of more than 12 months to determine the most appropriate and effective management arrangements for King George whiting.

The Statement refers to the meetings that officers and staff of PIRSA Fisheries had attended, including public meetings at Coobowie, Stansbury, and Minlaton and meetings with the district councils of Yorke Peninsula and Kangaroo Island. Further, the Marine Scalefish Fishery Management Committee held a public meeting at Ceduna and canvassed local views and opinions regarding the options for the management of King George whiting.

There have been letters received from caravan park proprietors, particularly on the west coast of South Australia, that have urged the Government to better manage the King George whiting fishery, and to stop some of their visitors from accumulating large quantities of fish over short periods of time. They know the importance of maintaining a sustainable King George whiting fishery, and to ensure there continues to be good fishing opportunities for all recreational fishers.

The short-term impacts of these changes on small regional businesses associated with commercial and recreational fishing for King George whiting are recognised. The changes may impact on the visitation at coastal caravan parks and local stores that benefit from fishing related tourism. However, the longer-term benefits that these same businesses will derive from an improved sustainability of the fishery should offset the initial impacts.

AUSTRALIAN LABOR PARTY

In reply to **Hon. CAROLINE SCHAEFER** (16 September 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

1. No.

2. At the National Drought Roundtable in April 2004 it was agreed that improved drought policy would focus on preparation by farmers for drought, with less emphasis on business support measures at the time of drought. Primary Industries Ministerial Council agreed to follow this and other recommendations which would improve the Exceptional Circumstances declaration process and strengthen support for preparedness by farmers, but still ensure that welfare support were retained for drought affected farm families.

The Industries Development Committee which reports to the Primary Industries Standing Committee is currently investigating processes for the declaration of Exceptional Circumstances as well as options for drought preparedness measures, community support provisions and farm business support at the time of drought.

As the Honourable member would be aware, the existing Exceptional Circumstances business support, provided as an interest rate subsidy, is available to eligible farmers for a 12 month period followed by a further 12 months through the recovery phase following drought. This existing policy acknowledges the difficulty faced by farm businesses in rebuilding their business to full productivity following a serious adverse event. This recovery issue will be taken into account by the Industries Development Committee in its consideration of drought policy response measures.

I support the recommendations made at the National Drought Roundtable, and the direction the Industries Development Committee is taking to improve drought policy.

DOMESTIC VIOLENCE

In reply to **Hon. CAROLINE SCHAEFER** (22 July 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

1. In March 2003, the former Minister approved recurrent funding for a domestic violence service and family violence counselling service as a joint initiative for both the Lower North and the Barossa Valley.

Community representatives from both areas, including the Lower North Domestic Violence Action Group, were dissatisfied with this decision in view of the large distance for travel and the requirement for a local presence in both areas. As a result of this discussion and rather than go out to tender, officers from the Department began consulting with local stakeholders from both areas to work out how the concerns from both areas could be addressed.

I am pleased to advise that approval has been given for separate services to each area, which are extensions to services provided by existing service providers and will provide the local presence that both communities require. UnitingCare Wesley Port Pirie in the Lower North and Clare areas and Centacare in the Barossa area will provide locally based services.

2. I am aware that the incidence of reported domestic violence within rural locations is higher when compared with capital cities and other metropolitan areas.

3. The funding has been divided between the Lower North and the Barossa regions but is being apportioned according to need. $153,600 has been allocated to the Lower North and Clare region to fund two domestic violence workers. $127,000 has been allocated to the Barossa region to fund a family intervention counsellor and a domestic violence worker.

4. The South Australian Housing Trust (SAHT) is actively seeking a property that will be allocated to UnitingCare Wesley Port Pirie under the SAHT's Supported Tenancy Scheme. Options are being looked at through existing housing stock and also through the possible purchase of a property. Two houses for sale on the open market have been inspected but were unsuitable. One was too large and in the wrong location and the other had structural issues. More recently, the SAHT has advised UnitingCare Wesley Port Pirie of a vacant house and that property will be investigated for suitability. SAHT currently has 200 properties leased to domestic violence service providers located across the State.

5. The two interim services currently being established will operate until 30 June 2005. They are extensions of existing services and will enable services to be provided to women and children escaping domestic violence far more quickly than would be possible through an open tender process. A tender process will be commenced for services beyond 2005 once the next Supported Accommodation Assistance Program agreement is negotiated with the Commonwealth.

6. The service provider, UnitingCare Wesley Port Pirie, is progressing the implementation of the interim service and liaising with the Lower North Domestic Violence Action Group.

CITRUS CANKER

In reply to **Hon. CAROLINE SCHAEFER** (20 July 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

The announcement of the detection of Citrus Canker in Emerald, Queensland was made on June 30 2004. Officers of the agency responsible for managing risks attributed to emergency plant pests, Primary Industries and Resources South Australia (PIRSA), were immediately involved in national discussions on containment, response and eradication.

The routes into South Australia considered the highest risk, via Broken Hill and via Mildura, both have quarantine roadblocks. PIRSA immediately undertook to intensify quarantine checks at

these key entry points from Queensland, by placing the 24 hour, 7 day a week quarantine roadblock at Yamba on high alert, as well as extending the scope of the Oodla Wirra quarantine roadblock from 8 hours, 5 days per week, to 2 shifts, covering 16 hours per day, 7 days per week. There was a particular focus on itinerant fruit pickers, as well as citrus consignments and travelers carrying fruit.

On 6 July 2004, Condition 29 of the South Australian Plant Quarantine Standard was varied under Ministerial Notice to prohibit the entry into South Australia of all citrus fruit and plant material susceptible to Citrus Canker.

All market wholesalers, including the major retail chains (Coles/Woolworths), were provided with formal notification confirming the detection and advising of the prohibition of Qld citrus. Meetings and regular briefings were provided to key citrus, horticulture and nursery industry groups. Links to Citrus Canker and the Queensland situation were provided on the Agency's web site.

PIRSA has amplified inspection and verification activities associated with all import quarantine controls throughout 2004, so that now the majority of consignments are inspected for compliance by either government or industry, under a system, which is overseen by government audit. This certainly represents an increased level of surveillance.

Reports of Queensland citrus present in the South Australian retail trade were investigated by Plant Health Inspectors and found to be consigned and sent from Queensland prior to the outbreak of Citrus Canker and prior to the ban being placed on the movement of Queensland citrus.

High level negotiations with States, Territories and the Commonwealth have continued, and any agreement on re-instating the movement of Queensland citrus into South Australia must be based on protocols that will not jeopardise South Australian industries.

Surveys of Riverland orchards will be undertaken to confirm property freedom and to ensure ongoing access to overseas markets.

DROUGHT RELIEF

In reply to **Hon. CAROLINE SCHAEFER** (24 June 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture Food and Fisheries has provided the following information:

1. Funds remaining at this time from the State Drought Assistance package announced in October 2002 are: $384,000 committed to sustainable farming programs in the Murray Mallee, rangelands and central north east, as well as approximately $317,000 of funds targeted to Exceptional Circumstances (EC) business support for graziers in the Central North East Exceptional Circumstances declared area. The sustainable farming projects conclude during the 2004-2005 financial year. EC funds are required to meet the second year of Interest Rate Subsidy applications, as well as any applications from the area proposed for addition to the current EC area.

2. PIRSA continues to offer its support to communities who wish to either know about drought support measures, or make application for Exceptional Circumstances support. PIRSA staff are at present holding discussions with relevant community groups in the upper north cropping district, and in the Marla Oodnadatta Soil Conservation Board District, regarding their circumstances in relation to EC criteria.

3. I am assured that PIRSA staff are doing what they can to maintain contact with relevant groups in the relevant areas. In most situations this involves discussions with Soil Conservation Board Chairs and leaders of the relevant community group working with the PIRSA staff, or through media releases. My advice is that if there are other community members who wish enter into dialogue with PIRSA, PIRSA staff are willing to do so. Enquiries in PIRSA did not reveal any unanswered queries from the public on this issue, however if that has occurred, PIRSA staff do wish to pass on an apology to those people.

NATIONAL COMPETITION POLICY

In reply to **Hon. CAROLINE SCHAEFER** (6 May 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has advised:

In regard to the Honourable Member's first question the answer is no. The National Competition Council's (NCC) 2003 assessment recommended a combination of permanent reductions and temporary suspensions, with penalties totalling $17.57 million, to be deducted from South Australia's 2003-04 competition payments of $58.5 million.

For barley, the NCC's recommendation was for a suspension of $2.93 million for non-completion of barley export marketing arrangements. This annual suspension will continue until recommended reforms are implemented.

As the Honourable Member is aware, South Australia appealed this assessment in 2003 in order to negotiate and settle a reform package with the South Australian barley industry. However, the Federal Treasuer announced in December 2003 that he had accepted the NCC's recommendations meaning that, in the absence of legislative change by 30 June 2004 to effect the required changes, the payment penalty of $2.93 million would stand.

Much has happened since the honourable member raised the matter in May. During the recent federal election campaign, Treasurer Costello indicated to the SA Farmers Federation that he was willing to review competition policy arrangements for barley marketing.

On 5 October 2004, the Premier announced that the Government would not be reintroducing the Barley Exporting Bill unless the Federal Government continues to insist upon enforcing the National Competition Policy penalties. The Premier has written to Treasurer Costello seeking a meeting to discuss and clarify this matter and is awaiting Mr Costello's response.

In regard to the second and third questions, key individuals and organisations from all sections of the grains industry were consulted on the implications of the Federal Treasurer's decision and the need to prepare appropriate legislation to avoid a competition policy payment penalty of $2.93 million from the 2003 assessment due to be paid to South Australia in 2004-05.

In regard to the fourth question, a Community and Environmental Impact statement was prepared. It reads as follows:

> "Based on deregulation/licensing of barley marketing in Victoria and Western Australia, increased competition for buying barley for export will improve cash prices to growers. Longer term, the impact of more export licences being granted is difficult to predict and will be subject to global supply and demand, seasonal production fluctuations and exchange rates.
>
> Because of the continuation of ABB Grain Export Ltd as the main licensee, insignificant negative social or environmental impacts are expected. The opportunity for growers who choose to maintain their trading relationship with ABB Grain Export Ltd will be protected. It will also provide wider selling choice for growers. Returns from ABB Grain Export Ltd and other licensees under the fully reformed arrangements will reflect their success in the market place".

In regard to the fifth question, the Government will take whatever action it considers prudent to ensure that the entire South Australian community shares the benefits of competition reforms.

Supplementary Question asked by the **Hon. IAN GILFILLAN**.

By virtue of the Barley Marketing Act 1993, ABB Grain Export Ltd exercises monopoly power in the South Australian market for export barley. The Act requires that ABB Grain Export Ltd market or otherwise dispose of, to the best advantage, all barley delivered to it under this Act. If the Honourable Member wants to describe that as collective bargaining or collective negotiating, then that is his prerogative.

The Government's preference is to maximise competition payments, in which case the issue of how the barley industry might compensate the broader South Australian community for the loss of competition payments, which might otherwise be used to fund education, health, welfare and police services, becomes irrelevant.

Supplementary question asked by **Hon. J.F. STEFANI:**

Following the proclamation of the Chicken Meat Industry (Arbitration) Amendment Act 2004 on 2 September 2004, the principal Act is now National Competition Policy compliant and it is anticipated that the 2004 NCC assessment was to result in a $2.93 million competition payment to the State in 2004-05.

CROWN LEASES

In reply to **Hon. CAROLINE SCHAEFER** (19 July 2004).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

The Member refer to the Perpetual Leases Ministerial Statement made on 22 July 2004 in the House of Assembly.

CORRECTIONAL SERVICES, VOLUNTEERS

In reply to **Hon. A.J. REDFORD** (25 October 2004).

In reply to **Hon. J.S.L. DAWKINS** (25 October 2004).

The Hon. T.G. ROBERTS: I advise:

Supplementary Question asked by the Hon. A.J. Redford.

The Department's Volunteers are covered under the Department's insurance policy with SAICORP, as long as the volunteers are working under direction and instruction of the Department.

There is no extra cost to the Department as it is covered under the Department's Public Liability Insurance with SAICORP

Supplementary Question asked by the Hon. J.S.L. Dawkins.

There is one full-time chaplain who is also the coordinator of the Chaplaincy Service. He is supported by 34 accredited chaplains each of whom provides one and sometimes two day's chaplaincy per week. These chaplains come from a wide cross-section of faiths and include representation from main stream Christian Denominations.

The service also has contact with an Aboriginal chaplain, a Buddhist chaplain and has links with other faiths (Islam and Jewish communities), and can involve them as the need arises.

There are also about 30 chaplains' assistants who help out with various programs including worship services and Bible studies.

The service provides chaplaincy in all prisons across the state, under the auspices of the South Australian Council of Christian Churches through their chaplaincy committee. This is supported by a Memorandum of Understanding between the Council of Christian Churches Chaplaincy Committee and the Department for Correctional Services.

WOMEN'S HOUSING

In reply to **Hon. KATE REYNOLDS** (13 October 2004).

In reply to **Hon. J.F. STEFANI** (13 October 2004).

The Hon. T.G. ROBERTS: The Minister for Housing has advised:

1. The Housing Information and Referral (HIR) program has been established with Social Inclusion Unit funding and involves three separate agencies, they are the:

- Offenders Aid and Rehabilitation Services of SA Inc (OARS), which commenced its involvement in the HIR program in June 2004;
- The Aboriginal Prisoners and Offenders Support Services Inc. (APOSS), which commenced its involvement in April 2004; and
- Aboriginal Hostels Ltd.

The key objective of the program is to prevent recidivism by assisting people exiting prison to achieve re-integration into the community. This program aims to provide sentenced prisoners and people on remand with access to information, advocacy and support to help locate affordable, appropriate and sustainable accommodation upon release. Staff broker emergency accommodation for released prisoners as a first step towards applying for longer term accommodation.

APOSS indicates that released prisoners often need 3-6 months of demonstrated good behaviour, including the paying of bills, before they are accepted as potential tenants in the rental market. APOSS can help achieve this providing references after short-term stays in residences managed as transitional accommodation by APOSS, or by Aboriginal Hostels Ltd.

The Department of Correctional Services (DCS) is also working to improve housing outcomes for soon to be released prisoners by identifying critical needs and service gaps, and is developing a cross-agency strategy to optimise housing outcomes.

2. In the period from June 2004 to 19 October 2004, 388 people (307 men and 81 women) accessed Offenders Aid and Rehabilitation (OARS) housing services, with 188 housing outcomes achieved. 121 remain on waiting lists (72 men and 49 women), and others are in home detention arrangements.

In the period from April 2004 to 19 October 2004, 86 Aboriginal people accessed the Aboriginal Prisoners and Offenders Support (APOSS) housing information and referral service of which 13 have found housing and 17 clients did not take up their offers for personal reasons. 56 Aboriginal people remain on the APOSS waiting list for the South Australian Housing Trust, Aboriginal Housing Authority or other accommodation, and at present all of these are still in custody.

3. Steps have been made and are continuing to be made to ensure that effective linkages with housing providers are in place. However some outcomes are constrained by competing demands for a limited amount of housing stock. It is also the case that some released prisoners have declined offers of accommodation made to them for personal reasons and ultimately reside with friends and relatives while seeking independent accommodation.

The Housing Information and Referral programs are scheduled for review by 30 June 2005 and funding re-assessments will be made at that time and in the context of the implementation of the State Housing Plan, if appropriate.

Supplementary question asked by the Hon. J.F. Stefani.

The South Australian Community Housing Authority (SACHA) funds and regulates approximately 119 community housing organisations (CHOs), which manage a total of 4,216 houses across South Australia.

The Adelaide Aid Housing Association is one such housing organisation that provides housing for people exiting prison. It currently has 32 properties, predominantly located in Adelaide's northern suburbs.

In addition, there are a number of large housing associations (managing over 100 houses) that also house people exiting prison, such as the Women's Housing Association, the Westside Housing Association and the Portway Housing Association.

SACHA and SAHT do and will continue to work with the Department of Correctional Services on inter-agency strategies to provide housing and related support options for a greater number of people exiting prison.

HOUSING TRUST, ASBESTOS

In reply to **Hon. J.F. STEFANI**(20 September 2004).

In reply to **Hon. NICK XENOPHON** (20 September 2004).

The Hon. T.G. ROBERTS: The Minister for Housing has advised:

1. I had the opportunity to address the substance of this question in response to a question from the member for Playford on 22 September 2004.

Far from failing to address matters raised in the independent June 2003 report into the South Australian Housing Trust's (SAHT) management of asbestos risk, by McLachlan Hodge Mitchell, all issues raised in the report have been addressed, with the SAHT implementing a number of recommended actions, updating all policies and procedures and initiating other actions following receipt of the Crown Solicitor's advice.

From 1 July 2004, a Service Level Agreement (SLA) with the Department of Administrative and Information Systems (DAIS) was established for the management of all asbestos testing and removal, including co-ordination of contractors, on behalf of the SAHT.

All issues raised in the McLachlan Hodge Mitchell report regarding arrangements between the SAHT and DAIS have been addressed in the SLA, including the separation of testing and removal orders.

The SAHT actively participated on the whole-of-Government committee established to review asbestos management on Government buildings. Its new policies and procedures closely reflect the guidelines developed by the committee. The differences reflect the differing requirements for residential dwellings and workplace accommodation.

2. The report by McLachlan Hodge Mitchell was commissioned by the SAHT and provided 38 recommendations. It was not publicly released at the time as it raised a number of issues that required the SAHT to seek legal advice from the Crown Solicitor.

SAHT tenants have had information available to them since the early 1990s, through Facts Sheets, guides, and a major asbestos awareness campaign throughout South Australian media in 1995.

A video is currently being prepared regarding a range of tenancy issues, including asbestos, and will be played in regional offices. A range of policies, including improvements and alterations by tenants to their homes, is also being developed in formats suitable for the visually impaired, and translation services will be also be available for people of non-English speaking background. This information will be sent out to tenants soon.

Real estate agents contracted by the SAHT to market properties have each been instructed to provide information to potential purchasers of SAHT houses containing asbestos material at all open inspections and as part of sales by private treaty. With sales to sitting tenants, the SAHT and real estate agents provide direct advice to potential and actual purchasers about the nature of asbestos and safe asbestos management practices.

SAHT contractors will be required to undertake minimum levels of training in asbestos awareness and management as part of their conditions of contract, with the SAHT providing subsidies to ensure compliance.

The SAHT expects to spend in excess of $1.6 million in 2004-05 in responsive removal of asbestos. Planned capital programs will result in additional expenditure over and above the $1.6 million.

The SAHT takes its obligations in relation to asbestos removal, and dealing with asbestos, very seriously and has been assisted in these endeavours by advocates from the tenants' association and by the United Trades and Labor Council of South Australia.

In reply to the supplementary question asked by **Hon. J.F. STEFANI**.

The SAHT has had a number of programs in place to remove asbestos since the 1980s. These include:

- removal of insulation materials around hot water service pipes;
- removal of asbestos flue pipes from gas hot water services;
- removal of asbestos used by tenants to seal driveways;
- programmed replacement of roofing containing asbestos;
- programmed replacement of asbestos fencing; and
- removal of vinyl floor coverings or tiles containing asbestos in vacant homes.

The major focus is currently on removing vinyl floor coverings containing asbestos when a dwelling becomes vacant, and removing all asbestos linings in wet areas as part of the capital upgrade program.

The SAHT is fully committed to an ongoing asbestos reduction strategy.

HEPATITIS C

In reply to **Hon. SANDRA KANCK** (16 September 2004).

In reply to **Hon. NICK XENOPHON** (16 September 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. There are some diseases where the health provider is required, under the Public and Environmental Health Act, to notify the Department of Health. Hepatitis C became notifiable under the Act in 1995.

Community Health Services use standard protocols for notifying clients of test results and systems for giving results to clients are negotiated with clients according to their wishes and circumstances.

The protocol for tests such as HIV, Hepatitis and sexually transmitted diseases is for pre test and post test counselling wherever possible. These results are usually not given over the phone. All guidelines stress the importance of ensuring that clients are notified of test results identifying a communicable disease and systems are in place to ensure this occurs upon receipt of all results.

2. In 1993 the Port Adelaide Community Health Service was a separately incorporated health unit under the South Australian Health Commission Act. In 1995, it became part of the Adelaide Central Community Health Service (ACCHS), and in July 2004 ACCHS was incorporated within the new entity, Central Northern Adelaide Health Service.

In line with duty of care responsibilities, it is standard practice to ensure clients are notified of test results. If a client becomes untraceable or does not contact the health service, the results may not be communicated to the client.

3. The Minister is not aware of other instances.

4. Central Northern Adelaide Health Service is seeking advice about the legal implications. This information is not yet available.

Supplementary question asked by **Hon. NICK XENOPHON**.

A person who is unaware of their positive Hepatitis C status will not receive routine counselling and may remain unaware of how to avoid transmission, certain medications and the potential dangers of alcohol. In addition, they are not receiving appropriate treatment and management in the interim.

PAYROLL TAX

In reply to **Hon. J.F. STEFANI** (24 June 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. RevenueSA undertakes compliance activity across the full spectrum of taxes levied by the state, however the major focus of compliance activity during the year was in the areas of payroll tax, stamp duty on major conveyances, insurance and sale of business. Debt recovery activity also continued to make a significant contribution towards total revenue for the year.

In the case of payroll tax, programs exist to audit registered taxpayers and to identify unregistered entities. This activity has included sporting bodies but has not specifically targeted that group.

Additional compliance resources have been allocated by the government during 2003-4 to support a higher level of tax compliance across a range of taxes to provide an estimated revenue return of $10.5m for the year. These programs have proved very successful with revenue exceeding the estimate by over $4m for the year.

These programs are ongoing and will continue in future years.

2. I am advised that under South Australian payroll tax legislation, when an employer is registered in accordance with the Payroll Tax Act 1971 it is requested to provide details of its principal or major business activity. Australian and New Zealand Standard Industrial Classification ('ANZSIC') codes are used to record this data in Revenue SA's payroll tax system.

ANZSIC codes have been produced by the Australian Bureau of Statistics and the New Zealand Department of Statistics for use in the collection and publication of statistics in the two countries. The latest edition of the ANZSIC, which was produced in 1993, provided approximately 4 000 industry classifications. Sporting organisations are not classifications listed in the ANZSIC. Hence, the information sought is not identified in RevenueSA's system.

A payroll tax liability arises in South Australia when an employer (or designated group of employers) has a wages bill in excess of a $504,,000 per annum threshold. Revenue SA advises that South Australia currently has approximately 7 500 taxpayers registered for payroll purposes. To investigate the industry classification of each taxpayer would amount to an enormous administrative exercise with a prohibitive cost factor in both time and resources.

PAROLE POLICY

In reply to **Hon. A.J. REDFORD** (20 July 2004).

The Hon. T.G. ROBERTS: I advise:

Changes to Parole are currently before Parliament. The Minister for Health has provided the following information:

A protocol has been developed between the Department of Health, Mental Health Services Branch, SAPOL, Glenside Hospital and the Royal Adelaide Hospital which sets out a joint responsibility to alert the public if a person missing from Glenside poses any threat to themselves or to the community.

In the case raised by the Hon. A. Redford MP, the Minister for Health advises that the Director of Mental Health, Dr Jonathan Phillips had determined, on clinical mental health grounds, that the missing person posed no threat to the community and that no alert was necessary. The South Australian police also did not perceive the need to issue a public warning in this matter.

ANANGU PITJANTJATJARA LANDS

In reply to **Hon. R.D. LAWSON** (25 June 2004.)

The Hon. T.G. ROBERTS: I advise:

1.Process in which the University of South Australia was engaged by the Department for Aboriginal Affairs and Reconciliation..

The consultancy was a waiver of competitive process in accordance with:

- Treasury Instruction 8 (Expenditure for Goods, Services and Works) and
- State Supply Board policy Number 5 (Waiver of Competitive Process) as the pressure of time was such that an open call was not feasible due to an unanticipated government policy decision.

2. Final cost of the report.

- The final cost of the consultancy, inclusive of GST was $55 000.

EDUCATION ADELAIDE

In reply to **Hon. J.M.A. LENSINK** (2 June 2004).

The Hon. T.G. ROBERTS: The Minister for Employment, Training and Further Education has advised that:

1. The 2001-02 annual report was tabled on 4 December 2002 and the 2002-03 report on 4 May 2004.

Both annual reports were signed off by the Chairperson of Education Adelaide and its chief executive as required by the Public Corporations (Education Adelaide) Regulations 1998.

2. A complete version of the financial report for the 2001-02 year is available. Unfortunately, the initial publication run of the annual report for that year omitted a few pages of the financial statement due to a copying error. The financial statement contained in the 2002-03 annual report is a complete document.

3. As our education export industry has been growing at a steady rate since Education Adelaide was formed in 1998, and increased by more than double the national average last year, Education Adelaide

should be regarded as paying its way. The Economic Development Board has developed its blueprint for our state's growth over the next decade, pointed to the crucial role Education Adelaide can play into further developing the export market. Education Adelaide will play a significant role in supporting the education industry in doubling South Australia's share of the international student market over the next decade. This reflects the important part education has in fulfilling the requirements of the state's Strategic Plan.

4. Education Adelaide is guided by a board comprising representatives from the Department of Further Education, Employment, Science and Technology, Department of Trade and Economic Development, Department of Education and Children's Services, South Australian Tourism Commission, the Lord Mayor and the three universities. The board has formed an audit subcommittee to ensure that spending is in line with the key performance targets.

5. Education Adelaide is primarily a non commercial marketing organisation. Its role is to promote Adelaide as a study destination in overseas markets. Education Adelaide has links with our state's overseas trade offices, as well as Astride, Australian Education International and our embassies. Education Adelaide seeks their advice and assistance with marketing activities where appropriate. There is no formal protocol involved in this arrangement.

6. The time lag is due to a delay with Australian Education International's collection of this data. Australian Education International published no statistics between 2002 and early 2004. This has since been rectified and Education Adelaide has greatly enhanced its own system for counting international students enrolled on our institutions.

GENETICALLY MODIFIED FOOD

In reply to **Hon. IAN GILFILLAN** (7 December 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture Food and Fisheries has advised:

1. The trading reputations of NSW and Queensland do not appear to be affected in any way as a result of the cultivation of GM cotton. The Hon Member's suggestion cannot be supported.

2. As it stands, the cultivation of all GM food crops is prohibited in the State of South Australia. In the highly unlikely event that an application to grow GM cotton in this State is ever made, I will consider the Hon Member's request, as well as the informed advice from the GM Crop Advisory Committee.

3. SA is not growing tradeable GM crops. The GM canola variety development and evaluation program that has been granted an exemption for limited-scale closed-loop cultivation does not constitute the growing of tradeable GM crops.

4. In regard to the growing of cotton in the Riverland area of this State, the Hon Member should note that there is no cotton grown there now, and the availability of a new variety does not suddenly make it feasible to grow it there in the near future, especially given the difficulty and expense of acquiring water, and the cost of transporting the bolls to the nearest ginning facility, some hundreds of kilometres away. There is simply no business case to grow cotton, irrespective of an application which cites all areas in Australia where, theoretically, cotton might be technically capable of being grown.

PARLIAMENT, CONTENT MANAGEMENT SYSTEM

In reply to **Hon. IAN GILFILLAN** (25 November 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has provided the following information:

1. Why is the minister's department still publishing requests for proposal that clearly exclude more than half the software world?

The request for proposal for the redevelopment of the Parliamentary internet and intranet sites was published by the Parliament of South Australia under the direction and management of the Joint Parliamentary Service Committee. The Department for Administrative and Information Services, in its role in supporting the Parliamentary network, has contributed to the request for proposal by identifying the existing information and communication technology infrastructure that supports the Parliament to facilitate prospective respondents understanding of the environment so that they may propose appropriate solutions.

I am advised that the request for proposal does not preclude open source or any other technologies, and that the Parliament has not expressed a preference for any particular technology solution. Further, the request for proposal identifies that all responses will be considered regardless of platform, provided that details of all licensing requirements, costs and maintenance are provided by the respondent.

2. Why is it still not understood that tenders should be written in terms of function and not in terms of brand loyalties?

The request for proposal discusses functional, performance and technical requirements and provides background information on all of these areas. Functionality requirements are described in Part C - Project Requirements and Schedule 3 of the Request for Proposal

This provides all potential respondents to the request for proposal with a thorough understanding of the Parliament's functional requirements, together with an understanding of the current technology that supports the Parliamentary network, allowing them the opportunity to propose a solution that will clearly meet the requirements specified.

3. When is the minister and his department going to do more than release pious platitudes about open source and actually get on with the business of IT on a par with the rest of the world?

The government has identified various strategies to evaluate the opportunities provided through the adoption of open source software. Open source software and open standards will continue to develop and mature, and the government will be taking a considered approach to enjoying the benefits that they may give in achieving core government objectives.

4. How can the IT world have any confidence in statements of this government when such a blatant case of deception destroys its credibility?

The government does not prescribe any particular technologies to support its business and therefore does not have a preference for the use of either open source or proprietary solutions unless it can be demonstrated that they will deliver value for money when considering the total cost of the solution, that is, the cost over the whole of the life of the solution.

GENETICALLY MODIFIED CROPS

In reply to **Hon. IAN GILFILLAN** (22 November 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture Food and Fisheries has provided the following reply in relation to the second question raised by the Honourable Member on this matter.

The first part of the Honourable Member's question appears to be assuming, on the basis of incorrect reports posted on various websites, that there has been some calamitous breakdown in the integrity of the containment process at a particular GM canola site in the South East. He refers to "…visual evidence that the surface material has washed into adjoining locations outside the trial area." I suggest that there is no such evidence. The evidence does no more than indicate that areas of the site were waterlogged. It does not indicate any movement of material by washing. This site is on flat land that can waterlog in wet periods, typically during spring. The water does not flow across the site and wash material along – it simply ponds and waterlogs in any slightly low areas. In this case water logging occurred in the period late July/early August 2004, and had gone in late September/early October. On the 21 October the canola flowering period on the site was deemed to have concluded. The presence of mature canola seed would be expected to occur some two weeks after the end of flowering, that is some four to six weeks after the last stagnant, water was present. There would appear to be no contamination to clean up, and no contamination from which "farmers in the region" need to be protected.

The conditions that Bayer is required to employ to manage gene flow at each of its sites are clearly spelt out in the conditions of the Exemption Notice. As this is a public document of some eight pages published in the Gazette of 13 May 2004 (pages 1249 to 1256), I leave the Honourable Member to review the specifics rather there than repeat them here at length.

In regard to Section 7 of the Exemption Notice, The Honourable Member should note that this section states that information must be provided within 35 days of the date of monitoring. When this period has passed, I will give consideration to the Honourable Member's request in relation to information provided under section 7.

I also advise that I have no intention to revoke the Exemption, as the Honourable Member's assertion that the process is patently unsafe has been repudiated above as being without a factual basis.

FIRE HYDRANTS

In reply to **Hon. IAN GILFILLAN** (27 October 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative has provided the following information:

Before answering the specific questions, it is important to correct some of the perceptions that could spring from your earlier statements. In particular, the reference to some 30 fireplugs identified by CFS volunteers.

Contrary to what was reported in the press, SA Water had undertaken maintenance on these fireplugs. For your information, SA Water completes 75% of repairs within one day and 85% of repairs within five days. The remainder generally involve a shut down of the water supply system which must be planned.

Further, the fireplugs in question are being used to trial a number of devices to prevent dirt getting into the fireplugs. Hence, not only were these fireplugs maintained in late 2003, the fireplugs were again visited in May 2004.

Following the request that these fireplugs be inspected again, I can report that one fireplug required its indicator to be reinstated and a number of others had debris covering the fireplug which was easily removed.

In relation to your specific questions:

SA Water, the CFS, SAMFS, Transport SA and Local Government are working together to continually improve procedures and solutions to logistical issues arising from the task of installing, inspecting and maintaining the vast number of fireplugs around the State.

As a result of on-going discussions, SA Water will, in agreement with the CFS, undertake a three to five year rolling maintenance program in the operationally critical areas of the Mount Lofty Ranges and will continue to encourage brigades to undertake inspections to support this program.

SA Water has recently completed the planning work required to realign its maintenance program in accordance with the new program, and rather than wait for final agreement SA Water has commenced their new program. SA Water will modify the program after final agreement with the CFS if required.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. IAN GILFILLAN** (26 October 2004).

The Hon. T.G. ROBERTS: The Minister for Infrastructure has provided the following information:

1. The Auditor General's report refers to the potential incurrence of software licensing transfer fees and software maintenance transfer fees for software, database and mainframe applications in the context of the disengagement and transition from the current EDS contract.

The operating systems and associated software currently licensed to EDS are used to support the Government's business applications. As part of the disengagement process and to ensure business continuity and maintain service levels, these licenses need to be transferred to the State. While this process may incur transfer fees, the replacement of current software with new products would, in many situations, require substantial amendment to the applications used on machines, at significant cost and risk to the Government.

A discussion paper on the various business considerations relevant to implementation of open source software is currently being developed.

2. The South Australian Government currently uses the Microsoft Office Productivity suite of applications.

This suite of products provides significant business benefits in that it enables integration with the current SA Government Electronic Messaging System (SAGEMS), the Ministerial workflow system, e-courier, the Cabinet system and several other systems. The Microsoft Office suite of applications is not part of the current EDS contract.

The current licensing cost for the Microsoft Office standard suite is $478 (ex GST) per licence, while Microsoft's Office professional suite is $592 (ex GST) per licence. These licences are perpetual in nature. Agencies may also elect to acquire 'limited term' software maintenance for these products at an additional cost of $277 (ex GST) for the standard suite product and $344 (ex GST) for the professional suite product. Educational agencies are able to acquire Microsoft Office suite products under 'academic' and 'campus' licensing models at substantially reduced prices although licences under these arrangements have a finite term.

Open source software is not zero cost. While replacing the current office application suites with open source alternatives can provide savings in initial licensing fees, there are other costs and business risks associated with open source software that have to be considered. Considerations and costs for replacing office applications suites with open source alternatives include:

- Support for existing document formats and business functionality to ensure business continuity and legal compliance;
- Staff re-training and/or upskilling;
- Migration and change management costs;
- Records management implications;
- Implementation and configuration costs;
- Ongoing support costs; and
- Costs and risks of potential loss of integration with other applications.

The implications of a different support model also need to be considered, as open source software does not necessarily involve a single vendor or point of contact.

The State Government is conducting pilot implementations to assess the potential, maturity and appropriateness of open source software in a number of application areas including the Office Productivity suite. These pilots will assist in identifying the benefits and issues of open source software and will inform future procurements. This approach is commensurate with the approach taken globally by Governments and private sector companies.

PUBLIC CONTRACTING

In reply to **Hon. IAN GILFILLAN** (21 July 2004).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has provided the following information:

Current legislation and government policies already ensure that the level of accountability sought is provided in two ways. Firstly, the Freedom of Information Act 1991 (FOI Act) applies to all documentation and information relating to government services provided by contractors. Clause 7 of Schedule 1 (Exempt documents) describes the kinds of information that would normally be protected by the FOI Act. This exemption relates specifically to information that Government may hold as a result of the provision of services by the contractor, the release of which could cause commercial harm to the contractor.

Secondly, for some time now government policy has required the public disclosure of information relating to contracts entered into by public authorities. For contracts valued at $500,000 and more and all contracts for consultancy services, specified summary information that clearly identifies the contract must be disclosed. For higher value contracts, which for service contracts would typically be those with a value above $4 million, and for consultancy contracts valued at $25,000 and more, in addition to summary information, the entire contract document must be made publicly available. The disclosure policy is reflected in Treasurer's Instruction No 27- Disclosure of Government Contracts, and in State Supply Board Policy No 15 – Contract Disclosure. Both require the contract information to be published on the SA Government Contracts and Tenders website http://www.tenders.sa.gov.au/.

While there are some exemptions from the full disclosure requirement, those exemptions are limited and relate to issues very similar to exemptions under the current FOI Act. These exemptions are outlined in Treasurer's Instruction 27 and the State Supply Board Policy No. 15 and include legal risk, such as a breach of contract, and non-disclosure in the public interest where it can be demonstrated that there are compelling reasons why the release of the information would seriously harm either socially or economically a member, or members, of the public.

Further to this, as the Honourable Members of the House would be aware this Government reviewed the FOI Act as part of its platform of honesty and accountability in government and introduced a number of amendments to the current legislation, which after significant debate in both houses of Parliament, was passed on 6 May 2004. These amendments included the addition of subclauses 7(3) and 13(2) of Schedule 1 to ensure greater accessibility to contract information, and documents relating to the work performed by the private sector under contract to government, unless it is found that disclosure, under a "term" of the contract, would be a breach of the contract or a breach of confidence. This therefore requires that documents and information that are to be kept confidential be determined through a negotiated contractual process that is open and transparent and approved by an appropriate body such as a minister.

GENETICALLY MODIFIED FOOD

In reply to **Hon. IAN GILFILLAN** (23 September 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The Australian Pilot Survey of GM Food Labelling of Corn and Soy Food Products report (2003) was led and co-ordinated by the South Australian Department of Health, with the participation of the Departments of Health in Western Australia, Queensland, New South Wales and Victoria.

The survey asked a range of large, medium and small food businesses how they determine the genetically modified (GM) status of the ingredients in their products and whether there is a need to label them as GM. The survey also tested a range of widely consumed food products derived from soy and corn, such as soy milk, bread, cornflakes, corn chips and tacos, to determine whether they comply with the labelling requirements for GM food.

The sale of unlabelled foods in South Australia was not detected following the testing of food products and the surveying of South Australian and interstate food businesses.

2. Currently, there are 2 laboratories approved under the Act that are capable of detecting GM ingredients in food. A third laboratory is in the process of being approved. The Minister can also access any laboratory in South Australia or Australia that detects GM ingredients in food.

3. 51 samples were tested. The testing focussed on the category of food products which have the highest potential to contain GM ingredients. Food businesses were surveyed as part of the testing process.

The large food businesses which were surveyed hold a large market share across a range of food products. The majority of these food businesses have implemented systems to identify the GM status of their ingredients, to ensure unlabelled GM foods are not placed on the market, some because they have committed not to supply food products containing GM material. The survey found that many small and medium food businesses source their ingredients from large ingredient supply companies with systems in place to identify the GM status of ingredients.

4. No breaches of the GM food labelling Standard have been detected.

In reply to **Hon. IAN GILFILLAN** (24 June 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture Food and Fisheries has provided the following information:

Bayer currently have one 9ha site planted under the Exemption granted for seed production in relation to their InVigor hybrid canola, and one 4ha site planted under the Exemption granted in relation to Commonwealth licence DIR 032. Both sites are in the South East.

The operation of these two sites is monitored for compliance with stated procedures, and no grain from these sites enters the supply chain – they are conducted under monitored closed-loop arrangements, and represent no threat to the integrity of commercial cropping in the vicinity.

I do not intend to release specific site and landowner details of those plantings. Apart from the invasion of privacy, the publication of this information does pose a potential threat to these landowners of trespass and vandalism as frequently occurs in other countries.

The Honourable Member implies that these sites represent a significant risk to the marketability of the region's agricultural produce and as such they need a level of publicity more akin to an exotic disease outbreak. This however is not the case, and I do not see the need to "out" this information at any cost in the unsubstantiated belief that the public interest is best served by doing so at the expense of sacrificing people's privacy when they are undertaking a perfectly legal activity. This seed is sown, harvested and cleaned by dedicated machinery and transported in sealed containers. None of this material enters the grain supply chain.

BARLEY MARKETING

In reply to **Hon. IAN GILFILLAN** (27 May 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

1. Under current marketing arrangements South Australian barley is sold on a pooled basis by ABB Grain Export Ltd which can sometimes take up to 18 months to finalise. Farmers cash flow is based on receiving advance loans from the public company ABB Grain Ltd or from other commercial sources including banks and Ausbulk. Whilst cash options are available they are based on conservative pool estimates rather than on the export price prevailing at the time. As a consequence, ABB Grain Ltd is able to profit from the interest earned by lending to growers and from any profits earned by selling the barley bought for cash into the pool. The profits earned are then distributed to shareholders in the form of dividends to growers who are shareholders and other non grower shareholders who are significant shareholders in ABB Grain Ltd.

The essential issue is that growers do not have a choice as to when their barley is sold on world markets at prices which may enable them to lock their crop returns into profits. Growers also have no choice in regard to which company may export their barley. Established companies such as AWB and Elders who have strong grower linkages in South Australia, are prevented from offering a range of marketing options to growers which may result in better profit options than are available through the current pooling system. Pool returns are simply an aggregate of sales made over a period of time. There is little room available for growers to take appropriate action to protect their profitability. Their final pool returns are subject to the vagaries of the market place. Some growers prefer pooling. But pooling means that growers retain all marketing and currency risks as well as the costs of uncertainty and financing.

In the 2004-05 season both the Grain Pool of WA and ABB Grain Export Ltd posted conservative pool price levels, and prices offered by merchants in Victoria and Western Australia exceeded these levels significantly. Growers in these States took full advantage of these prices. As no competition is permitted in South Australia the only alternative available was from cash pool prices offered by ABB Grain Ltd.

Section 37 of the Barley Marketing Act 1993 states that ABB Grain Export Ltd must market or otherwise dispose of, to the best advantage, all barley delivered to it under this Act. The Act says nothing about securing the best long-term revenue for South Australian barley growers with consequent substantial ongoing benefits through flow-on to the whole state. With ABB Grain Ltd being the only significant cash buyer, this means effectively a wealth transfer from cash sellers of barley to the shareholders of ABB Grain Ltd.

2. The Government has not chosen to forgo the $2.93 million (not the $0.29 million quoted in the question by Mr Gilfillan) in national competition payments for chicken meat and has had a number of discussions with the NCC over how the matter should be resolved. Accordingly, the Chicken Meat Industry (Arbitration) Amendment Act 2004 was approved by Her Excellency the Governor in Executive Council on 30 August 2004.

The fundamental difference between the chicken meat and barley issues is that chicken meat growers are negotiating with one buyer on the domestic market whereas ABB Export Ltd is competing with a number of other country suppliers such as the United States, Canada, the European Union and more recently eastern Europe on the world market in a number of market places and has limited market power as a consequence.

3. The Honourable member will be aware that I have introduced the Barley Exporting Bill 2004 into the House. The Bill has been drafted taking into account the principles underlying the WA model and will establish a South Australian barley exporting licensing scheme. Under this model, ABB Grain Export Ltd would be granted the first main export licence for 5 years (a similar role to that taken by Grain Pool Pty Ltd in Western Australia), thereby retaining a "single desk" for those producers who do not wish to change their current relationship with ABB Grain Export Ltd. The export licensing scheme also allows for the grant of special export licences to be assessed on their merits while ensuring that such licences do not impact on returns to growers from the holder of the main export licence.

Given the NCC attitude and the circumstances faced by the Government, this Bill provides a way forward that protects a barley growers choice to deal with ABB Grain Export Ltd in much the same way as they have always done while satisfying NCP requirements.

For the benefit of members, I think this is an opportune time to dispel some of the misinformation surrounding the single desk and the opportunities that may come South Australia's way following the granting of special licences. Members need to be aware that the world barley market is dominated by three main buyers - Japan, Saudi Arabia and China.

The Japanese Food Agency (JFA) has for many years sought to secure barley supplies from a number of suppliers including the United States, Canada and the Australian 'single desks' in each of the States. The reasons given for providing all of these suppliers with a price incentive was the high dependence placed on food security by Japan and thus security of supply was paramount. The JFA requested their barley suppliers provide priority supplies, of a certain quality, over a whole year through a number of Japanese trading houses. That system has broken down further for feed barley with a new marketing system allowing new entrants to supply feed barley

to Japan outside the traditional marketing chain. Information provided by the Ministry of Agriculture, Fisheries and Forestry in Japan suggests that all suppliers receive similar price incentives including non single desk suppliers. Australia is a significant supplier of feed barley (average 266kt) to Japan and a smaller supplier of malting barley (average 77kt).

In Saudi Arabia, ABB Grain Export Ltd has an exclusive supply contract with the United Feed Company for the supply of Australian barley which is favoured over European barley because of its colour characteristics chiefly. As Saudi Arabia purchases more than 6 million tonnes of feed barley a year from any source it is critical that South Australia does not continue to lose sales of feed barley because of an agreement with United Feed Company which prevents sales of SA barley to alternative buyers. Those buyers are targeting alternative suppliers such as Victoria, are seeking licences issued in Western Australia and will be seeking supplies from NSW following export deregulation in July 2005.

Average sales by ABB Grain Export Ltd to China are relatively high compared with total purchases by China of 1.8 million tonnes. China is by far the most important malting barley market for Australia and in surplus years such as 2003-04 provided China with a significant degree of market power over normal exporters such as Australia. An analysis of the market provides an insight into the quality requirements of the market and the need to establish a broader range of marketing options for South Australian malting barley to penetrate deeper into the market chain where quality requirements are not paramount.

4. The State Government has moved to introduce a new barley marketing exporting scheme in South Australia to avoid current and future $3 million National Competition Policy (NCP) penalty payments. The National Competition Council has imposed the penalties because it claimed the existing Barley Marketing Act did not adequately reflect NCP principles.

It is unacceptable that South Australia taxpayers should meet the cost of these penalties when the money could be spent on our schools, our roads and our health system. Regardless of any surplus in the current budget, the imposition of a payment penalty by the Federal Treasurer means there is a $3 million less that this State has available for it's core programs.

The Government recognises that the single desk system has served South Australia and Barley growers well, but there is now no choice other than introduce new legislative measures that have been identified by the National Competition Council as the minimum necessary to result in a recommendation by them to the Federal Treasurer that the current payment penalty in relation to our barley marketing legislation be removed.

Supplementary Question

In regard to reasons why the Chicken Meat Industry Bill was not enacted, the National Competition Council (NCC) require that an actual Act be the basis of their review for compliance with National Competition Policy rather than accepting an intention by Government to change the Act. The NCC was not able to provide a firm view until the Act was passed. The Act was suspended pending the response by the NCC. The Government appealed to the Federal Treasurer following the unfavourable response. Subsequent negotiations have been held with the NCC to find a way forward but with the intention of keeping the intent of the Act in place. Accordingly, I have introduced the Chicken Meat Industry (Arbitration) Amendment Bill 2004.

PORT LINCOLN, CENTENARY OVAL

In reply to **Hon. IAN GILFILLAN** (15 September 2003).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has provided the following information:

The City of Port Lincoln does not possess freehold ownership of the Centenary Oval, as it is dedicated Crown land under the care, control and management of the Council pursuant to the Crown Lands Act 1929. Consequently, the Council has no legal capacity to sell the oval without the express permission of the Minister for Environment and Conservation, who administers the Act, and action by the Minister to resume the oval from its dedicated purpose and subsequently issue a land title to the Council.

The oval is also classified as community land pursuant to section 193 of the Local Government Act 1999. In the event that the Minister for Environment and Conservation were to give his approval to resume the dedication and subsequently issue a title, the Council would still be required to undertake the specified process to revoke the community land classification of the land, pursuant to section 194 of the Act, prior to selling the oval.

In order to revoke the land's classification, the Council would be required to prepare a report on the proposal, carry out public consultation in accordance with its public consultation policy, provide the Minister for State/Local Government Relations with a report including details of all submissions made to it, and obtain the Minister's approval of the proposed revocation.

The City of Port Lincoln has advised that in November 2003 the Council passed a resolution to retain Centenary Oval as a dedicated recreational reserve, and that subsequently the Centenary Oval was formally leased for a period of four years to the Port Lincoln Football League.

FRUIT FLY

In reply to **Hon. D.W. RIDGWAY** (6 December 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

1. Why has the fruit fly honesty bin been shifted?

At the previous site, a single sign was located adjacent to the fruit fly honesty bin. Both had been positioned in a 110 kilometre per hour speed zone. There was no warning to inform travellers of South Australia's plant quarantine restrictions and entry requirements prior to the bin.

Observations at the site indicated that only a very low percentage of vehicles stopped to dispose of prohibited material. This point was further highlighted during a random roadblock operation that was conducted by PIRSA at Bordertown on 29 June 2004. Most members of the travelling public identified the lack of adequate signage, or information, as reasons that they had carried prohibited plant material including fruit into the State.

As a result of the recent changes, four signs are now strategically placed to provide advanced warning to travellers of South Australia's plant quarantine requirements.

The previous situation included the use of a bin of 90 litres capacity, which required regular servicing. Besides the limited capacity of the bin, there were a number of Occupational Health and Safety issues with this arrangement including the potential risk of needle-stick injuries and the need for the person servicing the bin to lift up to 90 kg of waste at a time during the emptying process.

The new fruit disposal pit consists of a bin fixed to a concrete slab and mounted above a concrete chamber. The capacity of the new fruit disposal pit is approximately 10 tonnes in total.

Similar fruit disposal bin and sign packages have recently been installed on the Princes Highway, the Glenelg Highway, and the Nelson Highway in the South East, on the Wimmera Highway near Naracoorte and on the Stuart Highway near Marla.

These installations, together with the permanent roadblocks located at Ceduna, Yamba, Oodla Wirra and Pinnaroo will assist in maintaining South Australia's area freedom from fruit fly and other emergency plant pests.

2. What did it cost to shift this particular bin?

The total cost, including manufacture and installation of signage, the excavation and installation of the fruit disposal pit was $7,522.00.

3. What are the benefits to the South Australian fruit industry and what protection is offered to the fruit industry by shifting it four kilometres?

It is considered that the South Australian fruit industry, and this State's resources are better protected if members of the travelling public entering South Australia are advised of the plant quarantine restrictions and dispose of plant material including fruit on arrival in the State.

The recommendation by Transport SA to site the quarantine disposal pit at the new location, and not at the roadside stop and rest area, was due to perceived concerns that drivers were hesitant to pull off the road at night, and also because of the expected difficulty in negotiating the placement of early warning signs on the Victorian side of the border.

4. Has adequate care been taken to ensure the safety of the people stopping at this honesty bin, given that there is no parking and only a small gravel verge next to the fruit fly bin?

A representative from Transport SA accompanied PIRSA's Plant Health Operations staff to identify an appropriate site for installation of a fruit disposal pit between the South Australian / Victorian border and the town of Bordertown.

The current location is on a straight section of the Dukes Highway and was identified as the most appropriate site. Transport SA considers there is adequate space between the fruit disposal pit

and the main carriageway to enable vehicles to safely stop and for the travellers to dispose of prohibited plant material.

In reply to the supplementary question asked by **Hon. J.F. STEFANI:**

The Minister for Agriculture, Food and Fisheries has provided the following information:

Can the Minister advise the chamber how often the honesty bin is kept under surveillance; how often is it emptied; and what arrangements are made in relation to the disposal of the product?

Plant Health Operations staff will regularly inspect the site. Members of the South Australian Fruit Fly Standing Committee and Transport SA have also agreed to monitor the site.

In relation to the need to empty the fruit disposal pit, a similar pit installed on the Sturt Highway to the west of Blanchetown requires emptying approximately every 2 years. It is anticipated that the Bordertown pit will require emptying after approximately 18 months although this will have to be monitored by PIRSA.

The fruit disposal pit will be emptied by backhoe and the contents disposed of by secure deep burial.

HEALTH, REGIONAL

In reply to **Hon. D.W. RIDGWAY** (25 October 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. This Government is fully committed to ensuring a viable and quality health system that will meet the health needs of all country residents.

That is why the Government has recently released Strategic Directions for Country Health 2005 – 2010 – a strategic plan that focuses solely on the health needs of people living in country South Australia. This plan acknowledges that people living in the country areas of South Australia have similar needs to those of people living in metropolitan Adelaide but require solutions that take account of the unique issues and challenges faced by country health services.

Strategic Directions for Country Health 2005 – 2010 was developed following consultation with regional and local board members, regional and local health service providers, health workers, partner groups, community groups and Aboriginal Health Advisory Committees. Submissions were also received from a number of key stakeholders and peak bodies.

The views received suggested that we continue to move forward with the health reform agenda and focus our efforts in country South Australia on:

- developing a whole-of-population approach for the country areas;
- expanding our primary health care capacity;
- providing health consumers with tools ad information so they can take further responsibility for their own health;
- facilitating greater community involvement in the development of health policy;
- building stronger partnerships across all tiers of government, non-government agencies, the education sector, and those sectors responsible for environmental health and employment;
- valuing and sustaining our country health workforce;
- improving quality and safety in all areas of health care; and
- maintaining health care services throughout the reform.

2. The following examples demonstrate this Government's work towards improving health services and service delivery to regional South Australia.

Budget

- Provision of an additional $20m funding for services in country hospitals over four years from 2003-04.
- Early Intervention – To support the development of Early Childhood Intervention Services in rural South Australia a further $1 million of recurrent funds was distributed to the regions in the financial year 2002-03.
- Mental Health -
  - Additional $2m for mental health acute care pilots in country hospitals, $500k p.a. over four years from 2002-03
  - Additional recurrent funding provided in 2003-04 to establish Program Managers and Principal Clinicians in each region (full year cost $750k)
- Patient Assistance Transport Scheme (PATS) - $400,000 provided for PATS in 2004-05 ($1.7m over 4 years)
- Riverland Clinical School – $250,000 provided to Flinders University Rural Clinical School in 2003-04 (incl. $85k towards student accommodation and related costs, and $165k for surgical trainees, medical student supervision and support costs).
- Nursing - Additional recurrent funding of $1.025m from 2004-05 has been provided to address additional nursing costs in country hospitals ($4.3m over 4 years)
  - Medical Indemnity – $1m additional support for rural doctors in meeting the increased costs of medical insurance.

Capital

- There has been a significant increase in funding available for the replacement of biomedical equipment, 2002-03 - $500,000, 2003-04 - $2.5m, 2004-05 - $3.05m.
- There has been recognition of the need to sustain ageing infrastructure within the country hospital network - $2.5m has been allocated on a recurrent basis for 3 years (2003-04 to 2005-06).
- An aged care loan facility has been implemented for the building of new aged care facilities managed by country public hospital boards. Since 2002, $9.1m has been made available.
- $9m funding provided for the major redevelopment of the Murray Bridge Soldier's Memorial Hospital.

Aged Care

Through the Home and Community Care program, over $2 million dollars for country specific community services has been allocated in 2002-03. In 2004-05 a further $1.2 million was allocated. This funding is targeted at enabling frail older citizens to remain in their own communities and avoid premature institutionalisation through the provision of support services such as personal care and shopping and cleaning assistance. Local government, not for profit non-government and government health services collaborate in the provision of these services.

Mental Health

- Improved emergency mental health response to country regions and access to specialist services in country regions through the implementation of Mental Health Emergency Demand Management Policies.
- Provision of the services of fifteen psychiatrists to rural and remote South Australia through Medical Specialist Outreach Support Program funds (Commonwealth Government funding).
- Increased recurrent funding to support inpatient mental health services
- ($790,000), supported accommodation places ($280,000), and specialist mental health staffing ($600,000).

Clinical Planning, Quality & Safety

- Increased access to country based dialysis with the introduction of a revised renal funding model.
  - Developed a quality and safety framework in accordance with the Australian Health Ministers' recommendations.
- Implemented a protocol for the safe administration of anticoagulation medication reducing the incidence of adverse events.
- Implemented a comprehensive model for investigation of sentinel events in country hospitals – the Root Cause Analysis system.
- Implemented an adverse event reporting system, AIMS, across the state in accordance with the Australian Health Ministers' recommendations.
- Established a committee representative of country health professionals to address the monitoring and ongoing development of safe and appropriate practices in relation to blood administration in country areas.
- Revised health service agreements for country health units, including Key Performance Indicators.
- Secured 41 Overseas Trained Doctors for country public hospitals (through the Rural Doctors Workforce Agency).
- Development of a clinical service planning framework.
- Establishment of a Country Clinical Reference Group in accordance with the recommendations made as part of Country Health Reform.
- Secured $274,000 funding from Public Health Outcomes Funding Agreement (PHOFA) to be utilised in the Northern & Far Western Region for the provision of alternate birthing programs for young and/or indigenous women.

Workforce

- Established an indigenous, culturally appropriate educational support facility located at Pika Wiya Health Service, Port

Augusta. 149 students have accessed the Centre since its establishment in June 2002.
- Indigenous Employment Strategy – 2002 & 2003 - total of 21 new Aboriginal employees supported.
- Rural Health Career Promotion CD-Rom developed and sent to all rural secondary schools. $6,000 in funding support to university rural student clubs for high school visits.
- SA Rural Education Scholarships - 26 scholarships (2002), 32 scholarships (2003) 33 scholarships (2004). Since the schemes inception in 1995 a total of 199 Scholarships have been awarded.
- SA Rural Post Graduate Scholarships - total of 88 scholarships awarded since 2002.
- Clinical Placement Grants - 65 placement grants (semester 1 2002), 183 placement grants (2002-2003), and 177 placements grants (2003-2004).
- Student Supervision Workshop Support Scheme - 12 workshops conducted since 2002.
- VET In Schools – Pathway to Nursing Program – in 2003 the Program won several Training Excellence Awards at both a state and national level. 231 students have participated since 2002.
- Nursing Cadetship Program - 38 cadets (2001/02), 43 cadets (2002/03), 51 cadets (2003-04).
- Peer Shadowing - 305 participants since 2002.
- Middle Management Program - 399 participants since 2002.
- Midwifery Skills Enhancement Program - 132 participants Phase 1 (2000-03), 58 participants Phase 2, 49 participants Phase 3. A total of 165 midwives participated in the program (approx. 50% of practicing midwives).
- Mental Health Workshops - 1608 participants since 2002.

SA Dental Service – Oral Health Initiatives for Country South Australia
- Funding support to SA Dental Service (SADS) has achieved (July 2002-December 2003):
- Recruitment:
  - 9 Undergraduate Scholarships
  - 46 Dental clinical placements
- Use of Private Sector Schemes:
  - 401 additional patients treated
  - Decrease in Public Dental School (PDS) wait time by 5.3 months for Country PDS Clients
  - 2.14 SADS Dentists providing services as 'special condition practitioners' to 1572 patients
  - 15 visits by private practitioners to Yalata, Oak Valley and Ooodnadatta
  - 597 Courses of Care provided through Pika Wiya Health Service.

Country Health Reform
- Country Health Summit held in October 2003 which developed principles to inform cooperative health reform in country SA.
- Final reports from 7 Country Health Reform Working Parties provided. They include action plans, identifying short, medium and long-term strategies and activities.
- Final reports address:
  - Clinical Networks – network framework finalised
  - Service Delineation model developed
  - Workforce Reform Action Plan 2004-2007
  - Country specific discussion paper regarding Population Health Funding
  - Draft Aboriginal Health Implementation Plan
  - Country Specific Community Participation Framework
  - Mental Health required outcomes, actions and draft implementation plans
- Strategic Directions for Country Health 2005 –2010 launched at Country Health Summit in October 2004.

ONE MILLION TREES PROJECT

In reply to **Hon. D.W. RIDGWAY** (20 September 2004).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

The cash cost to State Government for the establishment, ongoing maintenance and administration of the 500,000 trees is approximately $5 per tree. These funds are used to cover the cost of planning, site preparation, seed collection, plant propagation, plant establishment and follow-up, along with the cost of monitoring, administration and an extensive community involvement and education component. The Million Trees Program is a leading practice model that is delivering a comprehensive range of land management and community engagement initiatives.

A high degree of technical planning is involved in determining priority projects and assessing sites. Vegetation management plans are prepared for each planting site. These plans consider issues such as soil type and condition, vegetation condition, remnant vegetation, pre-clearance vegetation associations and structure, fire risk management, recreational use and maintenance issues. A comprehensive monitoring and management program is in place.

Over 20 local councils, 60 schools, 80 Youth Conservation Corps participants and 12 state agencies are involved in Million Trees Projects to date. At least 4,000 people have been actively involved so far. The Million Trees Program is supporting projects at over 100 sites across Greater Adelaide – many of which are undertaken in partnership with local community groups. Each project site is individually planned and plants are grown from seeds collected from scarce local remnant vegetation. A comprehensive educational program is in place which includes curriculum resources and support for schools and community groups.

The anticipated cost of, and the amount of State funding that is committed to achieving the planting of the next 500,000 trees is also based on approximately $5 per established plant, including all of the components of the program and initiatives outlined above.

The Million Trees Program has enjoyed a high degree of support from a broad range of project partners. The level of interest and enthusiasm from partners in the Program has contributed to a greater than anticipated number of plants being established in 2004 and has also resulted in a significant amount of leveraged partnership funding being provided to specific projects. Approximately $2 million has been provided in cash and in-kind by project partners to date. This includes contributions from local government, community volunteers, non-government organisations, industry groups, school communities and other partners.

Funding to achieve 3 million trees is likely to be at a similar level of approximately $5 per established plant.

BEACHPORT BOAT RAMP

In reply to **Hon. D.W. RIDGWAY** (21 July 2004).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has been advised:

1. Wattle Range Council has the responsibility for management of the sand and cleared the boat ramp at the end of October 2004. The Council has previously removed sand in the vicinity of the boat ramp on at least three occasions using an excavator. There has been no dredging.

Some of the sand deposited at the boat ramp may have been derived from the construction of the adjacent breakwater, which is a Coast Protection Board development. The Board has therefore provided some funding to assist Wattle Range Council remove this initial deposit of sand. Recently the Council paid for the removal of sand on the south side of the breakwater to replenish the beach north of the breakwater. The Board paid for the removal of sand inside the breakwater, which was moving towards the boat ramp.

2. Wet sand is only required to be transported a short distance at Beachport-from the beach at the southern end of the breakwater to the beach to the north. Trucks should not have to go through the main township area.

3. .In conjunction with the Mayor of Wattle Range Council, the Minister established a committee to resolve foreshore issues at Beachport including alternative locations for a boat ramp. The Rivoli Bay Foreshore Advisory Committee has representatives from the Department for Environment and Heritage and Transport SA, as well as the Mayor and Chief Executive of Wattle Range Council.

4. In respect to removal of the temporary boat ramp and remediation afterwards this is a matter concerning Transport SA and Wattle Range Council.

In addition, Hon D W Ridgway stated that the seagrasses that were supposed to be protected by the breakwater have now all gone. In fact, monitoring on the 16 November 2004 found that seagrass was still present, and it appears that the new breakwater has prevented additional erosion of the seagrasses within its shelter. There has been further erosion of seagrasses outside the breakwater's protection.

The seagrasses are being monitored as part of the Coast Protection Board's monitoring program, and their health is due to be reassessed in November 2005. There is no decision at this stage to remove the temporary boat ramp.

WORKCOVER

In reply to **Hon. D.W. RIDGWAY** (22 October 2003).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information.

1. I am advised that from March 2001 to June 2004, eight applications for exempt status were received and that seven of those applications have been granted and the companies have commenced operating as exempt employers.

I am advised that the level of enquiry has remained relatively constant for the last 10 years.

2. WorkCover's new actuary has provided advice following a detailed study of the effect exempt employer status on the Workers' Rehabilitation & Compensation "Registered" Scheme. I am advised that this advice indicates that under present conditions, which include liability transfer arrangements and eligibility criteria, there is no long term financial effect on the Compensation Fund.

3. I am advised that the loss of levy income from companies leaving the registered Scheme is balanced by the fact that they take their outstanding claims liabilities with them. I am also advised that while there is a liability transfer payment made to these companies, it is calculated in such a way as to ensure there is no negative impact on employers remaining with the registered Scheme.

The Hon. R.K. SNEATH asked the following supplementary question:

I am advised that in the two years before March 2001, 13 exempt employer applications were granted. To be precise, in the year April 1999 to March 2000 there were 9 exempt employer applications. 6 of these were new private exempt employers, 2 arose from de-mergers of existing exempt employers and 1 was associated with the sale of ETSA. In the year April 2000 to March 2001 4 exempt employer applications were granted. 1 was a new private exempt employer and 3 were associated with the sale of ETSA.

COUNCIL RATES

In reply to **Hon. T.J. STEPHENS** (22 November 2004).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has advised:

As previously advised to Parliament, I intend to introduce amendments to the Local Government Act 1999 (the Act) designed to mandate a more open and accountable process for council rate-setting.

The bill, drafted in consultation with the Local Government Association of South Australia, is a response to the high level of community concern about rate increases and it seeks to provide councils with further tools to increase their flexibility when making decisions about their rates.

It's essential for local government to be accountable to their ratepayers and local communities.

The proposed measures are aimed at ensuring revenue and rating decisions by councils are a direct result of informed community consultation and consideration of the full impact of rate movements on individual ratepayers, especially those on fixed and low incomes. The proposals will enable ratepayers to question council priorities for the coming year and councils will be required to explain clearly to their communities why a certain level of rate revenue is needed.

The draft bill contains measures for mandatory consultation by councils on their proposed revenue and ratings strategies, including holding public meetings.

Councils will also have more discretion to provide rebates where the rates are significantly higher than foreseen when setting annual revenue and rating strategies.

In addition, the Ombudsman will be able to recommend rate relief, councils will have the ability to introduce rolling three year averages for rate setting to offset volatility in property values, all State Seniors card holders will have the right to defer full or part rate payments and there will be clearer grievance procedures for ratepayers.

Councils are legitimate governments in their own right and are made up of elected representatives of their local communities. The State Government does not intend to interfere in council decision-making relating to the revenue needed to provide the services and activities its community wants. The amendments to the Act I intend to introduce will be about ensuring better communication and understanding between councils and citizens. Consultation with citizens is a positive aspect of modern governance.

This State Government has a good track record of listening to the community and in the same way that this Government is taking care of business through listening and consulting, its expectation of councils is that they act in the manner of an accountable sphere of government.

WHYALLA HIGH SCHOOL

In reply to **Hon. T.J. STEPHENS** (20 September 2004).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has advised:

Whyalla Secondary College operates across three sites – Stuart High School (Years 8-10), Whyalla High School (Years 8-10) and Edward John Eyre High School (Years 11-12). The Honourable Member's assertion that 'high school retention in Whyalla is about 27%' is incorrect. Department of Education and Children's Services (DECS) figures for the Whyalla Secondary College indicate that the 2003 apparent retention rate for Year 8 – 12 full-time students was in fact 61.2%. This compares to a rate of 41.4% in 2001.

These figures reflect a substantial number of students returning to school to undertake Year 12 after unemployment, as well as students choosing to undertake Year 12 over more than one year. The figures clearly show that students increasingly recognise that senior secondary schooling is a realistic pathway into employment.

The Government's $28.4m Making the Connections School Retention Action Plan will provide an additional range of government-wide initiatives that will impact on all students and across all schools. A number of these programs with a specific focus in Whyalla have now commenced.

One of the four Innovative Community Action Networks (ICANs) being established is located in the Upper Spencer region, which includes Whyalla. ICANs will bring together young people, families, schools, community groups, businesses and the different levels of government to find solutions to local issues preventing young people from continuing in education.

Edward John Eyre High School is one of the 10 sites involved in trialing innovative models of student voice and student partnerships. The trial is designed to promote inclusive structures and practices in our schools that extend opportunities for young people to be involved in decision-making and school life.

The Young Mothers/Pregnant Young Women program at Edward John Eyre High School is supporting young mothers and pregnant young women in the Whyalla area to re-engage or continue to engage with education and to pursue quality further education and training and sustainable employment pathways.

Making the Connections initiatives are complemented by a range of ongoing DECS school retention strategies and programs for students at risk of leaving school early.

Stuart, Whyalla and Edward John Eyre High Schools are participating in the Student Mentoring Program, under which teachers provide one on one or small group mentoring to students to address schooling and personal issues. Evaluation of the program shows that students, parents and school staff believe that it is having a significant impact on young people's perceptions of themselves and their desire to engage, succeed and remain in schooling.

The Futures Connect Strategy is also supporting students to find appropriate pathways while enrolled at school. Transition brokers and other specialist teachers work with student support teams in Whyalla schools to provide more effective career planning, focused student counselling and the development of diverse and meaningful education programs for students. Specific Futures Connect programs operating in Whyalla include:

- assistance for indigenous students at Stuart High School delivered in partnership with other government and non-government agencies in Whyalla in conjunction with the Working Together with Indigenous Youth program
- a highly successful pre-industry partnership program with One Steel and a parallel program focussed on nursing, child care and aged care, aimed at providing training leading to employment
- the VET aquaculture program at Stuart and Whyalla High Schools preparing young people for work in this emerging area
- support for students through the Spencer TAFE Learn2Earn program, a pre-employment program for young people aged between 16 – 24 years who prefer learning through a "hands-on" project-based approach, rather than being in a classroom.

CHILD CARE

In reply to **Hon. T.J. STEPHENS** (16 September 2004).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has advised:

A letter was forwarded to the Member and others who have written to the Minister regarding this matter.

OFFICE OF THE SOUTHERN SUBURBS

In reply to **Hon. T.J. STEPHENS** (22 July 2004).

The Hon. T.G. ROBERTS: The Minister for the Southern Suburbs has advised:

It is important for the Office for the Southern Suburbs to communicate regularly with local stakeholders such as councils, business associations and community groups. More generally it is also appropriate for the office to communicate with the public from time to time. This communication will include meetings, forums, articles in the media and an internet presence.

AUSTRALASIAN MEAT INDUSTRY EMPLOYEES UNION

In reply to **Hon. T.J. STEPHENS** (20 July 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

1. I am advised that the contribution of a $120 funeral benefit was essentially a gift from the union. I am also advised that it appears that it was not funded by a specific payment, and as such I am advised that the union therefore had the right to withdraw the benefit at any time.

2. It is not entirely clear what practice it is that the Honourable Member refers to. If the question specifically relates to the withdrawal of benefits, I am advised that Workplace Services has no information on benefits that have been withdrawn by unions from their members.

PAEDOPHILE OFFENDER

In reply to **Hon. T.J. STEPHENS** (1 July 2004).

The Hon. T.G. ROBERTS: I advise:

Before I answer the question that the Honourable member has raised, I would like to clear up a misunderstanding that has occurred in his initial explanation.

The Honourable member indicated, in regard to a paedophile who was released from Yatala Labour prison, that he was transported to Yatala from Mount Gambier and then given a return bus ticket to Mount Gambier at tax payers expense. That is not correct.

It is correct that the practice of the Department for Correctional Services is to release prisoners from a prison closest to where they were initially imprisoned. Given that the majority of prisoners come from the metropolitan area, most are released from either Yatala Labour Prison, the Adelaide Pre release Centre or, in the case of women, the Adelaide Women's Prison.

In this particular case, the prisoner concerned was released from Yatala Labour Prison. Although the Department for Correctional Services found accommodation for him in Adelaide, he decided that he wanted to stay with relatives in the South East and I understand that a community prisoner aid group arranged and paid for his transport.

Given that the offender had finished the sentence imposed by the court and was not on parole, the Department for Correctional Services had no control over his movements.

In regard to questions that have been raised about the practices of alerting Police when a paedophile is released from prison, I am advised by the Department for Correctional Services that this occurs now. The Child Exploitation Unit of SAPOL is advised, and provided with the intended address and parole conditions, whenever a child sex offender is released on parole. SAPOL's Intelligence Unit is also provided with a list of all offenders released on parole.

In the case referred to by the Honourable Member, I am assured by the Department for Correctional Services that SAPOL was advised.

In regard to the question regarding the sex offender treatment program, it is proposed that each program will involve up to 12 participants.

WATER SUPPLY, GLENDAMBO

In reply to **Hon. T.J. STEPHENS** (14 October 2004).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has provided the following information:

In answer to the first question I can advise that the draft report of the inter-Government working group examining the water supply needs of communities in arid and remote areas is virtually complete. The report of this group, that was established by my colleague the Hon John Hill, Minister for Environment and Conservation and chaired by the Hon Gavin Keneally, will accompany a Cabinet submission that will go forward shortly.

In relation to question two the time-line for implementation of this report's findings as they apply to Glendambo and other communities with equally pressing water supply problems will largely depend on decisions made by the Cabinet. Any implementation is unlikely to take place before the beginning of next financial year.

In response to the third question, as was pointed out in an earlier answer relating to this issue the Outback Areas Community Development Trust, that assists the Glendambo and district community through its progress association, has indicated that it will provide interim financial help with the cost of carting water for a designated period, if it becomes necessary.

In reply to **Hon. T.J. STEPHENS** (14 September 2004).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has provided the following information:

It is recognised that the Glendambo township's main bore into the underlying aquifer has collapsed and the small back-up bore is currently only able to pump for about two hours each day.

Water is not being carted to Glendambo and there has been no requirement on the townships occupants to find the $4 000 a week as suggested by the honourable Member.

The proposal of piping water to Glendambo from Woomera to rehabilitate or replace the existing Glendambo bore is being considered by an inter-Governmental working group established by my colleague the Hon John Hill, Minister for Environment and Conservation.

The working group, which is chaired by the Hon Gavin Keneally, formerly Chairman of the Outback Areas Community Development Trust, is examining the water supply needs of communities in remote and arid areas. The group is looking closely at the ability of Government to provide a potable water supply to these communities and will make recommendations relating to cost structures. I understand the group's report is nearing completion.

The Outback Areas Community Development Trust, which earlier this year met the cost of an investigation into the condition of the main bore and what could be done to rehabilitate the supply from the aquifer, has indicated to the Glendambo community, through its progress association, that should water carting become necessary while alternative supply options are looked at, the Trust will assist them financially with this task for a designated period.

In reply to **Hon. T.J. STEPHENS** (6 May and 30 June 2004).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has advised:

1. As has been previously noted in this House, the quality, volume and cost issues associated with reliable water supplies to outback communities is not confined to Glendambo, though the specific issues being experienced at Glendambo are acknowledged.

To resolve these matters in a satisfactory and long-term manner, my colleague, the Hon John Hill, Minister for Environment and Conservation has established an inter-Governmental taskforce to find long term solutions to the issue of water supplies to outback communities.

It is in the context of the work of this task force that the proposal for an extension of the pipeline at Woomera will be considered.

This taskforce has representation on it from the Office of Local Government and the Outback Areas Community Development Trust and its work includes identifying appropriate works, costing, agreed standards of service and setting priorities.

2. It is appropriate that as a consequence of the work of the taskforce that detailed discussions will take place with the Glendambo and District Progress Association.

HOME VISITS

In reply to **Hon. A.L. EVANS** (9 December 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The rollout of Universal Home Visiting by Child and Youth Health (CYH) has been completed. This provides all South Australian families with a newborn infant a home visit within several weeks of the delivery. Seven nurses plus social workers and psychologists were employed in 2004-05, in addition to existing resources, to complete the rollout.

The Universal Home Visiting program may be followed by the Family Home Visiting (FHV) program, a more intensive home visiting service. The rollout of FHV commenced in target areas, including April 2004 in the outer southern and northern metropolitan areas, the Riverland and Whyalla/Port Augusta. An additional 40 maternal and child health nurses have been recruited and trained.

2. From 2004-05 funding of $16 million over four years has been provided to Children, Youth and Women's Health Service for home visiting programs. In 2004-05, $790,000 was provided for Universal Home Visiting, and $3 million was provided for Family Home Visiting.

3. CYH statistics are statewide and do not differentiate between regions. The statistics for July to September 2004 show, in relation to Universal Home Visiting, that:

- 30% of visits were conducted within the first 2 weeks;
- 77% of visits were conducted by 4 weeks;
- 90% of visits were conducted by 6 weeks;

Visits to Aboriginal babies are included in these statistics. Approximately 84% of Aboriginal births across the state are enrolled with CYH.

CYH does not provide services to several of the more remote Aboriginal communities. These remote communities are serviced by Aboriginal controlled units, Nganampa Health Council for the Anangu Pitjantjatjara Lands and Tullawon Health Service in Yalata.

Family Home Visiting commences after the Universal Home Visiting and is offered to families who are identified as needing additional support and live in the targeted areas. This support may be offered for up to 2 years.

As of 10 December 2004, all Aboriginal families in the target areas have been offered Family Home Visiting. Approximately 88% have accepted, compared to an 80% acceptance rate in the non-Aboriginal population. The retention rate of Aboriginal families in the program is high, approximately 93%. Aboriginal families comprise approximately 20% of the families involved in Family Home Visiting.

4. All public and private birthing hospitals in SA offer a visit by a CYH Maternal and Child Health Nurse to new babies. A small proportion of mothers choose to enrol their babies at local CYH clinics and do not avail themselves of a home visit.

MEDICAL PRACTITIONERS

In reply to **Hon. A.L. EVANS** (16 September 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

The Government does not have a policy on financial or other assistance for GPs wishing to set up practices, although the Department of Health has brought together representatives of the Commonwealth Government Department of Health and Ageing and representatives of GP organizations, to take advantage of the new national GP recruitment programs.

Some overseas trained doctors have been recruited into the northern and southern suburbs with placements continuing in country areas.

Supporting the retention and recruitment of GPs in South Australia is a key component of the joint Memorandum of Understanding between the Department of Health and the SA Divisions of General Practice.

Assistance for GPs is also provided by the Rural Doctor's Workforce Agency (RDWA) from State and Commonwealth funds.

The assistance from State funds include:

- relocation grants of up to $10,000 for any GP relocating to a rural area;
- fully subsidised orientation for first two weeks;
- orientation assistance for spouses and families
- financial support for rural female GPs with pre school children;
- fully subsidised emergency medicine training for all rural GPs and locums;
- ongoing financial support of up to $3000 per overseas trained doctor to assist in preparation for the Royal Australian College of General Practitioners fellowship exam;
- annual education grant of up to $1080 for all rural GPs and $3500 for rural resident specialists;
- fully subsidised locum for seven weeks per annum for solo GPs and three weeks for two doctor practices, and
- general and ongoing advice and support for any new or existing rural GPs.

CHILDREN IN STATE CARE INQUIRY

In reply to **Hon. A.L. EVANS** (7 December 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

The Commission of Inquiry (Children in State Care Act) 2004 provides for the Minister for Families and Communities to appoint persons to assist in the conduct of the Inquiry, after consultation with the Commissioner.

Appointees to the Inquiry are assessed to ensure there is no conflict of interest or personal associations that would inhibit the work of the commission.

GLENSIDE HOSPITAL

In reply to **Hon. A.L. EVANS** (15 September 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. Mr Murray was appointed as Director, Safety and Security, Glenside Campus, Royal Adelaide Hospital on 16 August 2004. He has been contracted to provide advice on the implementation of safety measures that address physical security, policy and staff training issues at Glenside Campus and James Nash House. This advice is currently being prepared.

2. There have been three reviews of security on Glenside Campus since December 2003. These are:

- Glenside Campus Mental Health Service security review of Brentwood, Banfield Closed and the Grove Closed secure wards, by ISM Associates Pty Ltd, December 2003
- Glenside Campus Mental Health Service review, full report, by ISM Associates Pty Ltd, May 2004
- Brentwood Courtyard security review, by Mr Mike McFarlane, Manager, Security (Agency Security Advisor), Department of Health, July 2004.

3. The findings of the reviews include measures to improve physical security, policy and staff training. Mr Murray will advise on the process of implementation of the recommendations made by the reviews. Whilst there is no specific timeframe for the implementation of recommendations, it is anticipated that some will be made immediately.

Supplementary question asked by **Hon. NICK XENOPHON**.

There is a Memorandum of Understanding between the Department of Health and the South Australian Police Department, (SAPOL) (2000). This is currently being reviewed by the Mental Health Unit, Department of Health, SAPOL, and other emergency services (South Australian Ambulance Service and Royal Flying Doctor Service). There is a protocol in place for informing SAPOL of the need to issue a public safety warning in the event of a person absconding from Glenside Campus, Royal Adelaide Hospital.

DISABILITY FUNDING

In reply to **Hon. A.L. EVANS** (22 July 2004).

The Hon. T.G. ROBERTS: The Minister for Disability has advised:

1. The government has allocated an additional $1.2 million recurrent to the Moving On Program in the 2004/05 State Budget. This is an 18% increase on the previous year's funding. The government has established a working group consisting of parent representatives and the Deputy Chief Executive Officer of the Department for Families and Communities to examine the current model of service provision for Moving On clients and any changes to the Moving On program to improve efficiency, effectiveness and equity of access.

The funding for Moving On Program in 2001-2002 was $5,023,279. The funding for the Moving On program in 2003-2004 was $6.3 million, which is an increase of 25.4%.

2. Each year there are approximately 75 school leavers who are eligible for the Moving On program. It is predicted that this will be the approximate number for each of the next five years. Since the program has only existed since 1997, the participants are aged from 20 to 27 years and there are few vacancies created each year by participants leaving the program.

DOMESTIC VIOLENCE

In reply to **Hon. A.L. EVANS** (30 June 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

The services referred to are Children's Contact Services and the three services in South Australia are located in Hindmarsh, Morphett Vale and Mount Gambier. These services are funded under the Family Relationship Services Program and administered through the Commonwealth Department for Family and Community Services, not through the State Government.

PARENTING CLASSES

In reply to **Hon. A.L. EVANS** (23 March 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

Many service providers that work with children and families already offer parenting classes either as discrete programs or projects or, more commonly, as a sub-component of a larger program or project. New parenting programs and classes are evolving continually in South Australia as local service providers identify and try to address changing demand within their local communities. Thus it is not possible to identify a single discrete starting date for such new parenting programs and classes.

The Department for Families and Communities administers the Family and Community Development Program which provides funding to thirty agencies state-wide for 46 family support programs, including parenting classes.

The Family and Community Development Program funding allocation for services to families with children is $2,976,200. Negotiations have recently been completed concerning service agreements with the thirty agencies providing services to families in the period 2004-06.

Additional funding of $2,951,000 has been allocated during 2003-04 by the Department of Human Services' (DHS) Metropolitan Health Division to programs which have the support of parents as their main focus. Funding has resulted in the commencement of one new program, Sustained Family Home Visiting by Child and Youth Health (CYH) nurses and has expanded one existing program, Universal Contact Home Visiting Program by CYH nurses. It has also consolidated four other programs which had previously been initiated using funds either from grant submissions or fund raising, namely the Salisbury Connect which is a project of "Good Beginnings Australia", Hope for the Children project which is a Rotary initiative, KidSafe SA and the Fatherhood Support project.

Names of organisations consulted in the development of these projects vary according to locality and project scope. However, in all instances, there has been broad consultation with Aboriginal community representatives, other service providers, local government, schools, the Department of Education and Children's Services, Family and Youth Services (FAYS), non-government organisations, and various appropriate local community and cultural groups and individuals prior to these parenting programs being established.

Programs which support parents have been in existence for some considerable time, and have formed an integral part of the wholistic service provision which is critical to the primary health care approach and agencies. Such programs are embedded in day-to-day service delivery operations provided by agencies. Service providers include community health centres, hospitals, child and youth health, and human/community services provided by local government and non-government agencies' services funded through the Primary Health Care Branch of the DHS.

Examples of parenting classes embedded in broader/larger programs include:

- The Adelaide Central Community Health Service currently operates a community garden project for mothers at Gilles Plains where parents are encouraged to bring their children and are offered support about parenting issues.
- The Women's and Children's Hospital through its Children & Family Community Service offers:
  - Intensive home visiting for families with children 0–18 with Tier 3 Family and Youth Services (FAYS) notifications.
  - Survival Tips Project for grand parents which are one-off sessions.
  - TWIG, which is a Tuesday Women's Indigenous Group.
- Noarlunga Health Services offers the Pathways for Families Program where 10 Government and non-government agencies combine to provide:
  - Services for families with young children and more specifically parents.
  - Post-natal reunion, where new mums and babies get together following birth.
  - Tucker for Tots and Eat Smart Think Smart Project.

In terms of new funding allocated in 2003–04 to programs which support parents through the development and implementation of parenting programs, an additional $2.951 million was allocated by the Metropolitan Health Division of the Department of Human Services to various service provider agencies.

New initiatives include:

- Additional funding to Child and Youth Health's (CYH's) Universal Contact Home Visiting Program. This provides for a home visit by a child health nurse to be offered to every new parent in South Australia within two weeks of the birth of their child, to conduct health checks and to link the family to further services as necessary. An additional $700,000 recurrent was added to CYH's existing resources to enable this program to operate state wide.
- The Sustained Family Home Visiting Program is a new program provided by CYH which offers visits by maternal and child health nurses, supported by a multidisciplinary team including Aboriginal health workers. Additional expert support for up to two years will also be provided for families with particular additional needs. An amount of $2 million recurrent funding has been allocated to CYH for this program. This program has commenced in Adelaide's outer northern and southern metropolitan suburbs, Whyalla, Port Augusta and the Riverland.

Four existing projects which have had short term funding have been put under longer term funding arrangements (i.e. five years) subject to regular monitoring and delivering satisfactory outcomes. These projects are:

- Salisbury Connect which is a project of "Good Beginnings Australia". This initiative is located on the Salisbury North School Campus and involves trained, local volunteers in providing programs based on family strengths approaches. Activities include a drop-in area with associated play and learn sessions, a personal growth and development group for parents who have lost custody of their children, and a group for grandparents who are full time carers of their grandchildren. $80,000 per annum for five years has been allocated to this initiative.
- The Hope for the Children Project which is a Rotary initiative and works from bases at Modbury Hospital and at Port Augusta. This project provides trained local volunteers to visit and support new mothers and to make links to other services required by these mothers and their children. $40,000 per annum for five years has been allocated across these two service sites.
- Kidsafe SA which operates on a statewide basis and operates out of the Women's & Children's Hospital. This service is part of a national network advising on child safety related issues. $60,000 per annum for five years has been allocated to this service.
- The Fatherhood Support Project which is located with Parenting Network at The Parks Community Health Service provides information and support for fathers in Adelaide's western suburbs and some of Adelaide's northern suburbs. $71,000 per annum recurrent funding has been guaranteed to this project.

GAMBLING, CODE OF CONDUCT

In reply to **Hon. NICK XENOPHON** (22 November 2004).

The Hon. T.G. ROBERTS: The Minister for Gambling has provided the following information:

1. The Minister had not received any information of this type.

2. The level of non-compliance in respect of the responsible gambling document was specifically highlighted in the Office of the Liquor and Gambling Commissioner's Licensee Update publication which was sent to all licensees and both industry bodies in September 2004.

The Commissioner maintains an ongoing relationship with the AHA (both formal and informal) and provides regular feedback and advice on a range of issues concerning licensees' obligations under gaming legislation.

This particular issue has been highlighted to the AHA on a number of occasions, the most recent being by telephone to the AHA on 17 November 2004. The nature of the concern communicated on 17 November 2004 was that the majority of non-compliant venues were members of the AHA who had cited that the reason they were non-compliant was that they were waiting for template documents to be provided by the AHA.

3. The Office of the Liquor and Gambling Commissioner employs 10 inspectors to inspect hotels and clubs for compliance with all obligations under the Gaming Machines Act 1992, Gaming Machine Regulations, licence conditions and codes of practice. Thirty items are specifically addressed. Equal weight is given to all of these obligations.

Between 1 May 2004 and 30 November 2004, 439 inspections of gaming venues were conducted.

During that period the Office of the Liquor and Gambling Commissioner has also provided a number of Bulletins and Licensee Updates reminding licensees of their obligations.

4. Between 1 May 2004 and 30 November 2004, 337 venues received letters regarding non-compliance with either the provisions of the Gaming Machines Act or Regulations, licence conditions or codes of practice.

In the majority of cases, a document was simply not maintained. However, non-compliance is also recorded if the inspector is of the opinion that the document provided was insufficient in terms of its content.

GAMBLERS, PROBLEM

In reply to **Hon. NICK XENOPHON** (13 October 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

1. The Flinders Medical Centre (FMC) currently receives $216,100 per annum from the Gamblers Rehabilitation Fund for providing a cognitive behaviour therapy program for problem gamblers.

2. The in-patient program relies on the availability of mental health beds. As acute and crisis mental health patients have priority over those electing to undertake the cognitive behaviour therapy program, there is sometimes a waiting period of 4 to 5 weeks until a bed becomes available.

3. During the three months prior to the campaign going to air, April 2003 to June 2003 inclusive, 573 new registrations were recorded by Break Even services. During the three months following the campaign, July 2003 to September 2003 inclusive, 717 new registrations were recorded.

4. Break Even agencies in the metropolitan area reported that problem gamblers seeking counselling had no longer than 2 weeks, and at the most 3 weeks, to wait until clients could be accommodated into ongoing regular treatment.

5. Periodic surveys are conducted by the Department for Families and Communities prior to, during and after a media campaign activity. The surveys gauge the waiting lists for referral of problem gamblers to counselling agencies and to monitor the individual capacity of each service. During the second quarter of 2004, a review process found that, with the exception of FMC that operates on a state-wide basis, there were no waiting lists.

6. The "Think of What You Are Really Gambling With" campaign recommenced in November 2004, for a further 6 month period. Break Even services will be resourced to ensure that there is capacity in the system for new clients.

In reply to the supplementary question asked by **Hon. J.F. STEFANI** the Minister for Families and Communities has advised the following:

The level of recurrent funding provided to address problem gambling has recently been increased through an amendment to the Gaming Machines Act 1992 and came into effect on 1 February 2005. This amendment provides a fixed sum of $3.845million per annum from the Government to the Gamblers Rehabilitation Fund (GRF) which is adjusted to an appropriation of $2.678million for 2004-05. A further $1.6million has been provided by the gaming industries through voluntary contribution, bringing the total available to the GRF to $4.278million for 2004-05. From this sum, a range of rehabilitation programs and counselling services, media campaigns, community education and research is being supported.

The IGA (Independent Gambling Authority) provides the following support to problem gamblers:

- $1.1 million over 4 years to conduct research relating to gambling, problem gambling and minimising harm;
- A manager has been employed in the responsible gambling section of the IGA to co-ordinate all efforts of the IGA in promoting responsible gambling;
- Administers the voluntary barring scheme,
- Numerous and ongoing public consultation with problem gamblers in order to gain a better understanding of problem gambling from problem gamblers themselves.
- Administers the family protection orders
- Conducts inquiries directed at developing recommendations to ameliorate problem gambling.

PRISONS, DRUGS

In reply to **Hon. NICK XENOPHON** (12 October 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

Methadone is prescribed in South Australian prisons, as a stabilizing strategy, to reduce physical 'cravings', providing a window of opportunity for addicts to change their behaviors and to discontinue opiate use. Within the medical community it is widely considered a safe and effective treatment for narcotic dependence and withdrawal.

Methadone is prescribed subject to diagnostic assessment and authorization from the Therapeutic Goods Section, Drugs of Dependence Unit at the Department of Health. Dosage and administration by the SA Prisoner Health Services (Royal Adelaide Hospital) is guided by the:

- Clinical Guidelines And Procedures For The Use Of Methadone In The Maintenance Treatment Of Opioid Dependence (August 2003);
- National Clinical Guidelines and Procedures for the use of buprenorphine in the Treatment of Heroin Dependence (March 2001);
- South Australian Methadone Policy (1997); and
- South Australian Controlled Substances Act (1984).

Diagnostic considerations include:

- suspected previous opiate usage (quality, frequency, duration);
- assessed physical and psychological dependence;
- current physical health status; and
- monitoring of withdrawal symptoms.

The methadone medication regimes used are highly individualized and may vary significantly from patient to patient. Typical regimes start 'low' and increase to match observed withdrawal symptoms before beginning a process of dose reduction.

Consequently, how long any given dose is used during the treatment program varies in accordance with ongoing monitoring and observations of withdrawal symptoms. An addict who commenced on a low dose may well receive increased doses until withdrawal symptoms are under control and then commence a maintenance dose program before commencing a reduction dose program. Such a strategy may extend over several months to years typically beyond the duration of a custodial sentence.

JAMES HARDIE INDUSTRIES

In reply to **Hon. NICK XENOPHON** (21 September 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

1. In his Ministerial Statement on the 22 September, the Premier said:

> James Hardie has shown moral bankruptcy, and the guilty parties deserve to be prosecuted to the full extent of the law. Asbestos victims—and I should say that for some years now I have been patron of the Asbestos Victims Association—deserve full and fair compensation, and my government will give them 100 per cent support in the fight to make James Hardie pay fair compensation. If James Hardie does not reach a satisfactory agreement with asbestos victims and unions to provide appropriate funding for the compensation of victims, my government (like New South Wales) will boycott James Hardie products. The Minister for Administrative Services (Hon. Michael Wright MP) has agreed to my request that he give a direction under section 21 of the new State Procurement Act 2004 when it is proclaimed later this year. This will give effect to a boycott if it becomes necessary . . .
>
> James Hardie must pay fair compensation to asbestos victims. The company must work together with unions and those affected and with victims associations to provide compensation to victims. Any proposed changes should be agreed with unions and victims associations. I will only support changes if they will deliver appropriate levels of compensation for victims.

I am advised that James Hardie are reportedly no longer pursuing their previous proposal for a statutory scheme, in light of the public

position of the Labor State Governments around Australia.

2. Yes.

3. I have answered the question.

TOWARDS CORRECTIONS 2020

In reply to **Hon. NICK XENOPHON** (14 September 2004).

The Hon. T.G. ROBERTS: I advise:

In regard to the number of urine tests that have been conducted in prisons during the last two years, I am advised that there have been 3,596.

Of these, 2,352 proved negative whilst 862 proved positive. The remainder are still to be tested or have not been tested because the prisoner has left the prison system.

Urine tests are carried out upon suspicion or randomly and I am advised that the urinalysis process is similar for all States.

NALTREXONE

In reply to **Hon. NICK XENOPHON** (14 September 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. There have been no patients authorised by Flinders Medical Centre's Drug and Therapeutics Committee to receive naltrexone for the treatment of gambling addiction.

2. South Australian public hospitals report that no patients have been prescribed naltrexone for gambling addiction. Any prescribing of naltrexone specifically for gambling addiction would be contrary to the current registered usages for this drug in Australia, as prescribed by the Australian Register of Therapeutic Goods. Any prescribing of naltrexone could only be by private medical practitioners, outside the public hospitals. These patients would not receive any subsidy under the Pharmaceutical Benefit Scheme for the provision of naltrexone. Consequently, it is not possible to obtain any reliable data relating to the prescribing of naltrexone outside of the public hospitals.

3. A review of the overseas literature on this issue is being undertaken and depending on the outcome, an approach to the Minister for Gambling to discuss a trial of naltrexone for gambling addiction in South Australia will be considered. The Australian Ministerial Council on Gambling may also be approached to seek national support for such a trial.

GAMBLING RELATED CRIME

In reply to **Hon. NICK XENOPHON** (14 September 2004).

The Hon. T.G. ROBERTS: The Minister for Gambling has provided the following information:

1. The report was funded out of the Independent Gambling Authority's research budget.

The Independent Gambling Authority commissioned the Office of Crime Statistics and Research (OCSAR) to undertake the research. I am advised that OCSAR undertook a methodical and comprehensive analysis of the various tiers of the criminal justice system, tracking cases through the system and closely analysing court transcripts to determine connections between the offence and problem gambling.

2. The Minister received the report from the Independent Gambling Authority on 11 August 2004.

3. The report has been tabled in Parliament.

GAMING MACHINE VENUES

In reply to **Hon. NICK XENOPHON** (20 July 2004).

The Hon. T.G. ROBERTS: The Minister for Gambling has provided the following information:

1. The Office of the Liquor and Gambling Commissioner currently informs me that 10 liquor and gambling inspectors are employed to conduct physical inspections of the state's licensed premises.

I am advised that an additional $1.2 million over four years has been provided in the 2004-05 budget for the employment of additional resources to ensure compliance with the codes.

2. I am advised that the Office of the Liquor and Gambling Commissioner has undertaken comprehensive arrangements to ensure compliance with the codes including:

- prioritised the inspections of gaming machine venues and has a comprehensive compliance inspection program in operation.
- engaged a media monitoring service to monitor press advertising by gaming machine venues.
- deals with complaints and enquiries from members of the public and industry groups and others in relation to the codes.
- is developing a self-assessment checklist to assist licensees in understanding and complying with their obligations under the codes.

3. I am advised that the Commissioner has sought advice from the Crown Solicitor's Office in relation a number of issues in relation to the Advertising Code of Practice and the Responsible Gambling Code of Practice. It has been advised that when advertising a gambling product, the use of the word ‘win' or a dollar sign, or something analogous to it, is not in itself a breach of the code unless it also contains material "which is neither information which is reasonably believed to be factual nor opinion which is reasonably held.

HOUSING TRUST, ASBESTOS

In reply to **Hon. NICK XENOPHON** (24 June 2004).

The Hon. T.G. ROBERTS: The Minister for Housing has advised:

1. The McLachlan Hodge Mitchell report made a series of findings and recommendations regarding the South Australian Housing Trust's (SAHT) management of asbestos risk. The report was not prepared for public release. The report has since been released on your application.

2. The report was not referred to in the answers previously provided because the recommendations were not complete at the time that answer was given.

The SAHT has always endeavoured to comply with relevant legislation and approved Codes of Practice in respect to the management and removal of asbestos, and this was referred to in the previous response.

There have been no changes as a result of the report in respect to the protocols of assessing vinyl floors for asbestos on vacant homes or repairing homes in line with the current accommodation standards that ensure that all building elements are not a health threat to tenants and visitors.

The report found that there was an “adequate and timely response to concerns/complaints about asbestos raised by residents” and the “Trust responded immediately and if an inspection was required, this was organised quickly”. Additionally, the Report stated that the “information available to residents, contractors and Trust employees is comprehensive.

3. All issues raised in the report have been addressed. The SAHT agreed to a number of revised actions in response to the report, and initiated others following receipt of Crown Solicitor's advice on the report. All revised policies and procedures have been completed. Staff/contractor training modules are currently being updated to reflect policy and procedure changes and changes to the Occupational Health, Safety and Welfare Regulations 1995.

4. The SAHT vigorously pursues legal action against staff and/or contractors who undertake fraudulent activities where clear evidence is available to substantiate illegal actions.

Mr Ollivier has raised allegations of fraud and ghost removals in respect to asbestos works with the SAHT in the past and investigations, based on the limited information Mr Ollivier has been prepared to provide, have not enabled substantiation of the claims. Despite numerous requests, he has not been prepared to provide the SAHT with the documentation that was recently provided to Today Tonight. We have met with Mr Ollivier on numerous occasions to discuss his claims.

The SAHT is committed to investigating all allegations of fraud and welcomes any information to assist in those investigations.

PORT ADELAIDE PRIMARY SCHOOL

In reply to **Hon. J.M.A. LENSINK** (22 November 2004).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has advised:

Port Adelaide School is not closing, but amalgamating with Alberton Primary School, in response to a request from the Port Adelaide and Alberton School communities.

Australian Bureau of Statistics figures show a decline in the birthrate in the Port Adelaide area over the past ten years. Enrolments at Port Adelaide Primary School have also declined around

20% per year over the past ten years, leaving a current enrolment of 55 children.

Demographic information shows an aging population, and people having fewer or no children. The significant decline in the number of school age children is expected to continue. However, if the school age population should increase, there are several schools which could accommodate and benefit from an increase in student population. Westport Primary School has capacity for an additional 150 students, Alberton Primary School has capacity for an additional 100 students and Le Fevre Primary School has capacity for a further 200 students. Ocean View High School has had a major upgrade, and Le Fevre High School has had significant re-developments. Both high schools having capacity for increased enrolments.

The assessment of open space in the area is a local government issue.

There has not yet been a decision made on the future of the Port Adelaide Primary School site.

TOBACCO PRODUCTS LEGISLATION

In reply to **Hon. J.M.A. LENSINK** (24 November 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. In developing the tobacco legislation advertising campaign, the Department of Health invited quotations and creative concepts from four advertising agencies listed on the Department's Corporate Communications Panel of preferred suppliers. Quotations and creative concepts were received by three of these agencies. One agency was selected to develop the final creative concepts and produce the advertisements.

2. The Department of Health ran advertisements about the new tobacco legislation in the following newspapers:

- The Advertiser
- Sunday Mail
- Messenger Press
- Rip It Up
- DB Magazine
- Angaston Leader
- Balaklava Plains Producer
- Barossa & Light Herald
- Border Watch
- Bordertown Border Chronicle
- Burra Broadcaster
- Coastal Leader
- Coober Pedy Times
- Eyre Peninsula Tribune
- Flinders News
- Gawler Bunyip
- Loxton News
- Millicent SE Times
- Mt Barker Courier
- Murray Valley Standard
- Naracoorte Herald
- Northern Argus
- On The Coast
- Penola Pennant
- Pinnaroo Border Times
- Port Lincoln Times
- Recorder
- Renmark Murray Pioneer
- Roxby Downs Sun
- Strathalbyn Southern Argus
- The Islander
- The Monitor
- Transcontinental
- Victor Harbor Times
- Waikerie River News
- West Coast Sentinel
- Whyalla News
- Yorke Peninsula Country Times

3. The Department of Health also ran advertisements about the new tobacco legislation using the following mediums:

Outdoor

This included bus shelters and bus packs.

Radio

Advertising ran on the following stations:

- SAFM
- Triple M
- Mix 102.3
- 5DN
- 5AA
- NOVA
- 5EBI
- Fresh FM
- Fresh Stream Radio
- Magic 105.9
- 5AU
- 5CS
- 5CC
- Magic FM – Port Lincoln
- 5MU
- Power FM
- 5RM
- Magic FM – Renmark
- 5SE
- Star FM
- 5GTR FM
- 5EFM
- Great Southern FM

In addition to the advertising campaign, the following communication tools were also utilised:

Internet site

The site, www.tobaccolaws.sa.gov.au, was developed and is being maintained internally by the Department of Health.

Information kits

These were posted to licensed venues, advising them of their legislative requirements and included signage.

4. The total cost of the tobacco legislation advertising campaign was $194,697, excluding GST and including the Government's Master Media Agency's planning and booking fees.

The breakdown of advertising costs (excluding GST) is as follows:

Outdoor	
Bus shelters:	$15,200
Bus packs:	$5,200
Newspapers	
The Advertiser:	$23,349
Sunday Mail:	
$26,254	
Messenger Press:	$26,600
Rip It Up:	$2,880
DB Magazine:	$1,518
Angaston Leader:	$812
Barossa & Light Herald:	$851
Border Watch/Penola Pennant (combined rate):	$1,355
Bordertown Border Chronicle:	$700
Burra Broadcaster:	$764
Coastal Leader:	$770
Coober Pedy Times:	$997
Eyre Peninsula Tribune:	$913
Flinders News:	$1,215
Gawler Bunyip:	$812
Loxton News:	$742
Millicent SE Times:	$801
Mt Barker Courier:	$1,428
Murray Valley Standard:	$1,280
Naracoorte Herald:	$834
Northern Argus:	$871
On The Coast:	$578
Pinnaroo Border Times:	$1,028
Port Lincoln Times:	$910
Recorder: $994	
Renmark Murray Pioneer:	$848
Roxby Downs Sun:	$804
Strathalbyn Southern Argus:	$784
The Islander:	$1,011
The Monitor:	$1,033
Transcontinental:	$994
Victor Harbor Times:	$1,056
Waikerie River News:	$742
West Coast Sentinel:	$862
Whyalla News:	$837
Yorke Peninsula Country Times:	$997
Radio	
SAFM:	$17,990
Triple M:	$9,360
Mix 102.3/5DN (combined rate):	$9,048
5AA:	$7,060

NOVA:	$5,720
5EBI:	$2,400
Fresh FM:	$1,840
Fresh Stream Radio:	$1,200
Magic 105.9/5AU/5CS (combined rate):	$7,178
5CS/Magic FM – Port Lincoln (combined rate):	$3,590
5MU/Power FM (combined rate):	$3,590
5RM/Magic FM – Renmark (combined rate):	$3,590
5SE/Star FM (combined rate):	$3,590
5GTR FM:	$1,280
5EFM:	$1,280
Great Southern FM:	$1280

WOMEN'S HOUSING ASSOCIATION

In reply to **Hon. J.M.A. LENSINK** (14 September 2004).

The Hon. T.G. ROBERTS: The Minister for Housing has advised:

1. Community Housing Organisations (CHOs) frequently raise financial issues with the South Australian Community Housing Authority (SACHA), and property valuations are a significant component of CHOs' financial responsibilities. It is impossible to single out how many CHOs have raised this issue with SACHA in the 2003-04 financial year, as it is associated with a range of other financial issues which are the subject of detailed negotiations between SACHA and the community housing sector.

Furthermore not-for-profit organisations established for charitable, educational, benevolent or religious purposes, such as the Women's Housing Association are exempt from land tax, therefore any increase in site values of the properties would have no impact on land tax.

Finally in respect to the Emergency Services Levy (ESL), Revenue SA has received minimal written correspondence from not-for-profit organisations requesting a reduction in the ESL due to their not-for-profit status.

2. SACHA, as stated previously claim that it is not possible to single out how many organisations have raised these concerns with them nor who they were. Secondly RevenueSA has no records of receiving any correspondence from Housing Co-operatives, such as the Women's Housing Association, for the 2004/05 financial year as of 21 September 2004.

3. SACHA commenced the review of the Community Housing Funding Agreement with CHOs in July 2003, and the basis of a new funding agreement has now been agreed. Implementation will take place over the next two years. Its aims include increased financial viability for CHOs and the simplification of reporting mechanisms.

4. A significant component of the new funding agreement will be the amount of rent collected that will be retained by CHOs to cover administrative requirements, such as Council rate increases following increased property valuations. SACHA recently approved an increase in this administration allowance, known as the operating levy, of $6.00 per house per week, to ensure that CHOs remain viable pending the implementation of the new funding agreement. All CHOs will retain the increased operating levy funding, in proportion to their housing stock numbers.

5. Treasury has advised that this cannot be ascertained, as budget estimates are not broken down by ownership categories.

6. The State Housing Plan will set programmes to achieve actual targets to increase the availability of low cost housing for households on low incomes. The Plan will also focus on the needs of particularly vulnerable people, who require support to ensure that their housing is sustainable.

In addition, the South Australian Strategic Plan, Creating Opportunity, focuses on four primary housing targets:

- halving the number of rough sleepers in South Australia by 2010;
- increasing the number of community-based accommodation options;
- encouraging the provision of affordable housing in the community;
- halving the number of South Australians experiencing housing stress, or people paying more than 25% of income in rent, within ten years.

Government agencies will be expected to report on their progress in reaching these targets on a regular basis.

SHOP TRADING HOURS

In reply to **Hon. J.M.A. LENSINK** (21 July 2004).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

1. Major factors that the Government takes account of in considering this issue include the fact that the Rann Labor Government has delivered the most significant reforms to shop trading hours in South Australian history, and the need for balance in terms of shop trading hours arrangements.

The impact on shopkeepers, employees and their families during the Christmas period is another important factor to be considered.

2. The Government believes that the major reforms it has made to shop trading hours have had an overall positive effect. It is also important to bear in mind that “exempt shops” under the legislation – which, generally speaking – are smaller stores, are able to trade at any time.

3. The Government closely monitors community sentiment in relation to shop trading hours issues. In relation to this issue the Government has received representations from the Australian Retailers Association, the Shopping Centre Council of Australia, the Shop Distributive and Allied Employees' Association, the State Retailers Association and members of the community, including small businesses.

4. As a Government, we have always been very clear that that we believe there must be a balance in terms of the regulation of shop trading hours.

We have already delivered the biggest reforms to shop trading hours in South Australian history. We now have trading almost every Sunday of the year, and we have late night trading in the suburbs.

When we were debating the major reforms that we implemented, we said that we believed that there are special days that Australians should be able to spend together with their families and friends.

I have publicly stated that the Government has no intention of changing the existing legislation in respect of shop trading hours for Christmas 2004.

EDUCATION ADELAIDE

In reply to **Hon. J.M.A. LENSINK** (26 May 2004).

The Hon. T.G. ROBERTS: The Minister for Employment, Training and Further Education has provided the following information:

1. Each agency has its own methods for collecting the data. Education Adelaide’s figure of 9,000 students was based on its own head count, which it conducts twice a year. This figure has always been a conservative estimate and does not include education providers who have failed to reply to Education Adelaide’s request for data. Education Adelaide has introduced a more rigorous process this year which should produce a more accurate figure. The Australian Education International figure for 2003 enrolments was only released in March this year, and is considered the most up-to-date and accurate for student visa data.

2. Education Adelaide has consulted extensively with education providers to identify priority activities and markets and also employed the services of a consultant to advise on current market trends. The priority markets identified for promotional activities supported by Education Adelaide in 2004 are India, Thailand, Korea and the United Arab Emirates. China is recognised as the largest market, but education providers have indicated that extra promotional support from Education Adelaide is not required in this market this year.

3. The 2002-03 financial year was a period of transition for Education Adelaide during which its role and focus was redefined. At the start of 2003, funding was secured to the end of 2005 to enable Education Adelaide to employ staff with specific skills in marketing and public relations; and to revise its marketing strategy. The agency is in the process of defining a new set of performance targets.

The old targets were not included in the annual report as they were no longer relevant to an organisation that was undergoing an intense process of transition.

4. The performance targets are being revised. It is important to note that Education Adelaide's performance is not tied to growth in the number of international students. Recruitment is the direct responsibility of the education providers, while it is Education Adelaide's role to provide crucial support in marketing Adelaide as a study destination. Education Adelaide's performance targets are more closely related to satisfying the marketing needs of their

funding organisations including Adelaide's education providers, the State Government and the City of Adelaide.

It should be noted however, that South Australia's market share in international students has continued to grow steadily since Education Adelaide was formed in 1998 and last year the rate of increase was more than double (22%) the national average. Our market share has risen above 5% for the first time.

Education Adelaide's new direction was unveiled on 6 July 2004. It involves the branding of Adelaide as "Australia's Best Learning Environment" and increasing the awareness and recognition of Adelaide as a study destination in our major education export markets.

5. There has not been a significant focus on South America. Education Adelaide was involved in arranging one roadshow in Brazil in October 2002. This event was arranged in response to the assessment of education providers – especially the VET and schools sectors – that Brazil was a potential market.

Education Adelaide was also interested looking at ways to broaden the student base and easing the reliance on one particular region (83% of Adelaide's overseas students come from the Asia Pacific). Adelaide's education providers have continued to build on the links they formed in Brazil after participating in our roadshow.

6. Yes. Education is South Australia's third biggest export to China. More Chinese students came to study in Adelaide last year than from any other country, injecting about $75 million into our economy. There were 2,502 Chinese students in Adelaide last year, 38% more than in 2002.

It is generally accepted that India could match or even exceed China as the main source country for students within a few years. Education Adelaide has identified India as a priority market for 2004 and is planning a major industry visit to the region towards the end of the year.

Education Adelaide brought six senior education journalists to Adelaide in March, including journalists from major daily newspapers in India, China and Hong Kong. This visit resulted in some very high profile media coverage in those markets of Adelaide as a study destination.

EAST END AND WEST END LEVY

In reply to **Hon. J.M.A. LENSINK** (1 April 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, food and Fisheries has provided the following information:

Under section 154 the Local Government Act 1999, a council can impose a separate rate within a part of the area of council "for the purpose of planning, carrying out, making available, supporting, maintaining or improving an activity that is, or is intended to be, of particular benefit to the land, or the occupiers of the land, within that part of the area, or to visitors to that part of the area.

Before introducing a new separate rate, a council must engage in public consultation that includes the public notice of the preparation of a report, holding a public meeting and consideration by the elected body of submissions made at the public meeting and in writing.

A separate rate based on property value may be imposed at the discretion of the council. A separate rate based on other proportional measures, such as equal proportions, requires prior approval of the Minister for State/Local Government Relations.

The Adelaide City Council currently imposes a separate rate as a Rundle Mall Environs Separate Rate based on property value.

The Adelaide City Council issued a report on the proposed separate rates for the East End and West End and held 6 Public meetings in March 2004.

It is unlikely that the Government will become involved in this issue as it is a matter for the council.

TUNA BOAT OWNERS

In reply to **Hon. IAN. GILFILLAN** (1 June 2004).

The Hon. T.G. ROBERTS: The Attorney-General has received this advice:

The ownership of tuna boats is a commonwealth matter. The honourable member is in as good a position as anyone to discover the ownership of the boats. The use of complicated corporate structures to avoid liability, particularly tax, is common and it would be a major policy matter for a single state to attempt to prevent the use of corporate structures to avoid liability in personal injury matters. If the concern is the limited nature of the surrogate ship provisions of the Admiralty Act, this is a matter of commonwealth jurisdiction, not a matter for the state.

The short answer to the first two questions is that the information sought is not held by the state government. The answer to the third question, as I said above, is a matter of policy, namely, whether corporate structures should be used to avoid liability. Historically, the answer is yes, because limitation of liability was one of the main reasons for the creation of the modern corporation. One of the main purposes of incorporation is to limit the liability of the shareholders, in this case the ultimate beneficial owners of the assets.

In reply to the supplementary question asked by **Hon. J.F. STEFANI:**

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

I am advised that Workplace Services has no record of a notification of injury and therefore no record of an investigation having taken place for an incident in 1994 involving Mr Kent.

I am further advised that in recent years, Workplace Services has undertaken significant work with the tuna industry in Port Lincoln to assist them in improving their occupational health and safety practices.

BARLEY MARKETING

In reply to **Hon. IAN GILFILLAN** (30 June 2004).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

The government did not make a submission to the National Competition Council. The material to which the honourable member refers is a letter from the Treasurer and an appeal statement sent to the federal Treasurer sought a review of the penalties applied to liquor licensing, barley and chicken meat. This followed the Premier's statement in parliament on 1 June 2004 on these issues.

This material will be made available on the Department of Premier and Cabinet web site in the National Competition Council section.

WINE EQUALISATION TAX

In reply to **Hon. CAROLINE SCHAEFER** (24 May 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

The South Australian Government, through the Department of Treasury and Finance, has taken a lead role nationally in analysing the impact of the new Commonwealth Wine Equalisation Tax (WET) producer rebate arrangements on the wine industry and the need for continued cellar door wine subsidies. In particular, the impact on medium to large wine producers that are based in South Australia or that have significant operations in this State have been examined with the assistance of data supplied by the Winemakers' Federation of Australia.

All States had previously committed to transfer to the Commonwealth savings from the discontinuation or modification of State cellar door/mail order subsidy schemes made possible by changes in Commonwealth WET arrangements.

Various options for amended State cellar door subsidy arrangements have been developed and presented to the Commonwealth. The form of residual cellar door subsidy schemes will impact on the level of savings available for transfer to the Commonwealth as a result of the proposed changes.

Following receipt of Commonwealth views on the options that have been identified, States will need to decide collectively or individually on ongoing cellar door subsidy arrangements.

LAYTON REPORT

In reply to **Hon. KATE REYNOLDS** (5 May and 23 September 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

The Government has considered each of the recommendations of the Robyn Layton Child Protection Review Report, which it commissioned, and determined its priorities. I refer the Honourable member to the policy document entitled *Keeping Them Safe*, released in May 2004 and launched by the Minister for Families and Communities in September 2004. This document contains the Government's plans in response to the Child Protection Review. The document, *Keeping Them Safe - Past Achievements and Future Initiatives, 2004-2005* summarises the Government's actions and plans in more detail.

The Honourable member also asked about recommendations in Chapter 15 of the Child Protection Review Report, about amendments to the *Evidence Act*. I advise that the Government has approved the preparation of a discussion draft of a Bill to amend the *Evidence Act 1929* to improve the way evidence is taken from children and vulnerable witnesses. The discussion draft has been sent to the Criminal Trial Reform Working Group for comment.

The Criminal Trial Working Group is chaired by Justice Duggan, of the Supreme Court, and has membership comprising Justice Sulan, of the Supreme Court, Judge Rice, of the District Court, the Acting DPP Miss Wendy Abraham Q.C., senior defence barrister Mr Gordon Barrett Q.C., and a senior legal adviser to the Attorney-General on criminal-law matters.

The Government will fully consider the comments of this group of experienced persons, before a final Bill is approved for introduction in Parliament.

The discussion draft of the Bill includes all aspects of the Child Protection Review recommendations that the Government has accepted.

MINISTERIAL STAFF

In reply to **Hon. A.J. REDFORD:** (26 May 2004).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

The honourable member should refer to the answer to his question without notice asked on 25 May 2004 on the same subject.

MITSUBISHI MOTORS

In reply to **Hon. R.I. LUCAS** (5 May 2004).

In reply to **Hon. J.F. STEFANI** (5 May 2004).

The Hon. P. HOLLOWAY: The Department of Trade and Economic Development (DTED) arranged with the Land Management Corporation (LMC) for Mr David Litchfield to return from the LMC to the Department, initially for a period of one month, commencing at the beginning of April. Mr Litchfield had been granted leave without pay from DTED, commencing 12 January 2004, to take up a position with the LMC.

Mr Litchfield's return to the Department was sought because of his knowledge of the operations of Mitsubishi Motors Australia Limited (MMAL) and his working relationship with senior Mitsubishi staff established, in particular, through his contribution to negotiations on the Government's new model investment package with Mitsubishi which was finalised in 2002. Mr Litchfield returned to the LMC on 25 May 2004.

Ms Christine Bierbaum, who previously worked in the automotive industry policy area was transferred from the Department for Business, Manufacturing and Trade (DBMT) to the Office for Infrastructure Development on 1 January 2004. Ms Bierbaum was subsequently seconded back to DBMT to work on the restructure until early June 2004.

The Director, Office of Manufacturing, was appointed on 18 June 2004, and the office now has a complement of six staff.

GARRAND, Mr R.

In reply to **Hon. R.I. LUCAS** (25 June 2004).

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information:

2. Remuneration paid to Mr Garrand during the period at work in the Deputy Premier's Office in March and April 2002 totalled $12,651. Mr Garrand provided advice on economic development and budget issues.

3. Mr Garrand was employed under a Ministerial contract during this period.

CITY CENTRAL PROJECT

In reply to **Hon. R.I. LUCAS** (20 July 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

Cabinet has received advice from Treasury and the Under Treasurer regarding the City Central Project. However in accordance with Cabinet Policy this information was provided to Cabinet in confidence.

In response to your second question relating to land tax and stamp duty concessions provided to private sector operators associated with the City Central project, I can confirm that no concessions have been provided.

ECONOMIC DEVELOPMENT BOARD

In reply to **Hon. J.M.A. LENSINK:** (25 September 2003).

The Hon. P. HOLLOWAY: The Premier, and Minister for Economic Development has provided the following information:

1. The total final cost associated with the first Economic Growth Summit held 10 – 12 April, 2003 was $874,032.92 (this includes in kind support costed at $617,000). These costs were completely offset by the generous sponsorship of the South Australian business and broader community such that there was no net cost to Government.

2. Acting on the key recommendations of the review of the Department for Business, Manufacturing and Trade (DBMT) the Government merged the Office of Economic Development and the DBMT into a single entity. A new agency, Department of Trade and Economic Development (DTED) commenced on 8 April 2004. It is a leaner administrative structure than the old Department of Industry and Trade, with a significant reduction in staff to 120 compared to 247 at the time of the review and over 300 at its high under the previous Government.

All senior Executive positions advertised have now been filled.

3. The approved budget for the operation of the Economic Development Board in 2003/04 was $1,335,000, which includes $630,000 to cover Board fees and related expenses. This does not include costs of DTED staff in supporting the Board.

4. The Office of the Venture Capital Board was established in December 2003 as a separate administrative unit and 5 staff and an annual budget of $1,333,000 have been transferred from DBMT. This Office supports the Venture Capital Board and the annual budget includes $350,000 for Board fees and related expenses. The Defence Industry Advisory Board is supported by the Defence Unit within DTED. The approved budget for DIAB in 2003/04 was $950,000, which covers Board fees and some Defence Projects. The Office for Infrastructure Development (OFID) was formed through transfer of staff and budgets from the Major Projects Group of DAIS and the Infrastructure Division of DBMT. The budget for OFID for 2003/04 was $2,349,000.

The Government will announce any new organisations as and when approval has been given to establish such organisations.

5. The Economic Development Board has a Charter and an established Performance Agreement with the Government. The Government is committed to performance measurement for itself, its advisory bodies, the public service and the wider community. It will be implementing a sophisticated benchmarking process in conjunction with its release of the State Strategic Plan, the creation and adoption of which was a key recommendation of the Economic Development Board.

SPEED CAMERAS

In reply to **The Hon. J.M.A. LENSINK** (24 June 2004).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

1. The speed function of fixed red light cameras has been activated at proclaimed sites since 15 December 2003.

2. Prior to implementation, all proclaimed sites for fixed speed / red light cameras were calibrated and tested by means of run-through testing to ensure accuracy of operation. The South Australian regime for testing fixed speed cameras is prescribed by the Road Traffic (Miscellaneous) Regulations 1999 and is required to be undertaken every seven (7) days. SAPOL has adopted a best practice approach to testing, exceeding the minimum requirements of the regulations.

CONSTITUTIONAL CONVENTION

In reply to **Hon. R.D. LAWSON** (25 February 2004).

In reply to **Hon. A.J. REDFORD** (25 February 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. Yes.
2. Yes.
3. No.
4. No.

In reply to **Hon. R.D. LAWSON** (26 February 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. No.
2. No.
3. No.

4. The report has been tabled in the House of Assembly and is available to all members of the public, including Members of the Legislative Council.

5. The member for Mitchell currently has several motions dealing with constitutional reform before the House of Assembly. These motions are substantially the same as the recommendations arising from the Constitutional Convention. The Government expects that these motions will provide a useful opportunity for the Parliament to debate the Constitutional Convention recommendations.

ELECTRICITY, J TARIFF

In reply to **Hon. SANDRA KANCK** (27 May 2004).

The Hon. P. HOLLOWAY: The Minister for Energy has provided the following information:

As the honourable member would be aware, the Government established the Essential Services Commission of South Australia (ESCOSA) as a strong regulator to protect the long term interests of South Australian consumers.

ESCOSA has confirmed the meter is an asset owned by ETSA. Meter removal is ETSA's responsibility and the cost associated with removing a meter is recovered from the customer.

Without knowing the specific details of the situation the Honourable Member refers to, it is difficult to address all the issues raised in the explanation to the question, however, in general the customer is advised to contact the retailer in order to request the removal of the meter. A coordination agreement, approved by ESCOSA, exists between ETSA and each of the electricity retailers to coordinate the provision of services between the businesses. Accordingly, on receiving a customer request to remove a meter, the retailer will contact ETSA to arrange for the meter's removal.

The removal of the meter will ensure the customer no longer receives the supply charge. Importantly, it is the customer's decision whether to incur the once-off removal cost or to continue to incur the supply charge of 4.89 cents per day. This supply charge is due to be removed for all customers as of 1 July 2005 following the ESCOSA decision on distribution prices.

It is worth noting that under the Electricity Pricing Order, issued by the former Government, ETSA Utilities' charges are either prescribed distribution services or excluded distribution services. Changes to the price of prescribed distribution services, such as supply charges, require approval by ESCOSA. Excluded distribution services, such as meter removals, must be charged on a fair and reasonable basis and must be consistent with the Distribution Code and other guidelines issued by ESCOSA. In the event of a dispute, ESCOSA will determine whether the price of the excluded distribution service is fair and reasonable and whether ETSA Utilities is complying with the Distribution Code and other relevant guidelines.

Accordingly, if the Honorable Member's constituent does not consider ETSA Utilities' charge to be fair and reasonable, I would suggest contacting ESCOSA on 8463 4446 to ensure that ETSA Utilities is complying with all of it's requirements.

Should the Honourable Member request it, the Office of the Minister for Energy would be pleased to follow up the constituent's enquiry.

PORT STANVAC OIL REFINERY

In reply to **Hon. SANDRA KANCK** (30 June 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. Mobil advise that the company has not sold the single point mooring buoy or any other items of marine equipment used at Port Stanvac.

Mobil has loaned some of its oil spill equipment to Transport SA, at no charge, during the period that the refinery is not operating. This equipment will enhance the Government’s ability to respond quickly to any spills which may occur.

2. In accordance with the terms of the Deed signed by Mobil and the Government, Mobil completed its site contamination assessment prior to the end of December 2003.

Mobil has also prepared its Stage 1 Remediation Action Plan and appointed an environmental auditor, as required by the Deed. The Stage 1 Remediation Action Plan has been provided to the EPA and to the auditor. Mobil is currently developing a scope of work for additional investigations to be undertaken and revising the Stage 1 Remediation Action Plan, in line with comments provided by the auditor.

3. In recent discussions, Mobil has reaffirmed its intention to complete the mothballing of the refinery and has reiterated its commitment to come back to the Government in accordance with the terms of the agreement between the two parties.

GREEN CITY DEVELOPMENT

In reply to **Hon. SANDRA KANCK** (19 July 2004).

The Hon. P. HOLLOWAY: The Minister for Infrastructure has provided the following information:

It is somewhat bemusing that the Honourable Member, whose party prides itself on its green values, is questioning the Government's decision to support the development of a five-star energy and green rated office building to put Adelaide on the map as a ‘green' city.

This Government has been entirely transparent in its decision to support the City Central development.

The gross rental for the 10,000 square metres the Government has agreed to lease in the new City Central office tower is $375 per square metre as from the lease commencement date, timed for approximately the second half of 2006, with an annual escalation rate of 4% over the life of the 10-year term. To ensure this is a realistic market value for this form of office accommodation in 2006 and beyond, the Government has secured an undertaking from the developer in relation to rental rates for tenancies in the remaining 60% of the 24,000 square metres of office space in the building. That undertaking will mean that the Government will pay no more per square metre than any other tenant who occupies the building.

The Real Estate Management (REM) group of the Department of Administrative and Information Services will soon recommend to Cabinet the agency or agencies that are in a position to take up a tenancy in the City Central Office Tower. As part of this exercise, REM will consider the agencies' existing lease arrangements, their future accommodation needs, the condition of their existing accommodation and what savings and penalties may be involved in achieving the best fit in terms of timing and cost.

Some of the agencies under consideration to relocate to City Central are currently in office accommodation in the CBD and are paying rates in the range of $290 - $312 per square metre gross rental. It is expected that these rates will be higher in 2006 when the City Central lease commences.

We will not be in a position to report on the extent of any premiums or penalties until REM completes its exercise and makes its recommendations to Cabinet.

Based on existing lease arrangements, the cost of the EDS building head lease to Government is currently about $1.0-$1.3 million per annum. This is the cost the Government is required to pay by virtue of the requirement for the Government to effectively underwrite the leasing of the building. The cost varies from year to year depending on occupancy levels and actual costs incurred in each individual year. Higher costs were incurred in the early years of the life of the building. The total cost to Government to date, from the time the head lease commenced in March 1999, is $9.3 million.

EMERGENCY TELEPHONE SERVICE

In reply to **Hon. IAN GILFILLAN** (19 July 2004).

The Hon. P. HOLLOWAY: The Minister for Emergency Services has provided the following information:

I advise that the specific question you raise regarding the pre-recorded message on the 000 emergency telephone services is a Telstra process issue and one which Telstra must justify in terms of when and how the message is activated.

South Australian Emergency Services have notified me that they are satisfied with the current Telstra Triple Zero emergency service. I have been advised that the recorded message was introduced because of the high number of non emergency calls to Triple Zero. Before the introduction of the recorded message, almost half of the 000 calls were made in error, which reduced response times. The recorded message is apparently reducing the number of hoax and erroneous calls allowing the call centre operators to deal with real emergency calls.

In regards to the issue of the appropriateness of a state based Telstra call centre. I will firstly describe the process that occurs when an emergency call is made by a member of the public.

A call to the 000 emergency telephone service is connected to the Telstra operator. Where the call is made by landline, the technology in place allows the operator to view the billing details for that line and the operator may simply ask which emergency service the caller needs before putting the call through to the appropriate emergency service, which then takes control. Using the same information, the emergency service dispatcher will ask supplementary questions to ensure that the caller requires an emergency response at that address showing on the screen.

In the case of an emergency call made by mobile telephone, the details provided by landline are not available to the operator. As a mobile telephone call can emanate from anywhere in Australia, the Telstra operator must enquire of the exact location, including which State the caller is making the call from, before asking which emergency service the caller requires. The caller is then connected to the emergency service which will take control and will ascertain exactly where the caller requires the emergency response directed.

Naturally, many of the actions are occurring concurrently, enabling the response to be directed without delay. It must also be mentioned that people using mobile telephones to report emergencies are often saving critical minutes by not having to locate a landline as was once the case for all emergencies.

The emergency services are in regular contact with Telstra to ensure that Telstra is provided with up to date contact information. The emergency services are constantly monitoring the emergency telephone service to ensure it continues to provide adequate capability to facilitate swift response to emergencies.

You might like to address the specific issues about local knowledge and the pre-recorded message on the 000 emergency telephone service in more detail with Telstra directly, or through the Commonwealth Minister for Communications.

ROAD FATALITIES

In reply to **Hon. T.G. CAMERON** (31 May 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

The comments referred to by the Hon. T.G. Cameron MLC, were made by the Coroner as part of a presentation to a seminar at Parliament House on 16 April 2004.

The basic theme of the Coroner's presentation was to draw attention to a matter of topical interest, namely, the position paper prepared by the United Kingdom Home Office in response to the two reports that arose from the Shipman case. The reports were the 'Fundamental Review' into the United Kingdom Coronial System and Dame Janet Smith's report into the Shipman case.

The position paper proposes establishing a system where all deaths are reported to a single agency, and are reviewed by a medical examiner who would maintain a database, monitor trends and target particular areas, institutions or doctors. The medical examiner would decide which deaths called for further investigation, and refer those cases to the Coroner.

The position paper also proposes independent investigators and other wide-ranging and useful reforms.

The Coroner commented that such a system would be better able to detect another Dr Shipman, whose patient death rate was six times higher than average. One of the reasons why Dr Shipman was not detected sooner was that the deaths of all of his victims were reported to the Registrar of Births, Deaths and Marriages rather than to a Coroner. The Coroner said:

> 'God forbid that something like that could happen here, but so long as doctors are the gatekeepers (who) decide if a case goes to Births, Deaths and Marriages or through the coronial system, I would suggest (that) the risk remains.

The Hon. T.G. Cameron's assertion that Dr Heddle, State President of the Australian Medical Association, supported these comments is correct.

As to the specific questions:

> The Coroner was consulted extensively during the drafting of the *Coroners Act 2003*. The Act, as the Hon Carmel Zollo said in the Legislative Council on 2 June 2004, makes important reforms, particularly to the definition of reportable deaths. However, it was always the Coroner's understanding that neither the former nor the present Government was contemplating the sort of reforms suggested by the position paper.

The Coroner is not aware of any suspicious deaths that have not been reported, nor would he be for obvious reasons. There have been several cases over the years where an investigation has been undertaken as a result of a report by a family member, or a whistleblower, rather than the treating doctor.

COURTS ADMINISTRATION AUTHORITY

In reply to **Hon. R.D. LAWSON** (6 December 2004).

In reply to **Hon. J.F. STEFANI** (6 December 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

1. The Attorney-General was advised on the 10 November 2004 that the Courts Administration Authority's (C.A.A.) 2003-04 financial statements would be qualified because two accounts forming part of the bank reconciliation were not reconciled. The C.A.A. only became aware of the pending qualification on 5 November, 2004.

2. At 10 November 2004, meeting the qualification was discussed at length and the State Courts Administrator advised that the reconciliation issue was about the current computing system. It is important to note that the Auditor-General in his report commented on the factors that makes the Authority's bank reconciliation complicated.

3. The Courts Administration Authority has established a project team to deal with the reconciliation issues raised in the Auditor-General's Report. About the current computer systems that affect the reconciliation: a replacement computer system is being investigated, however, owing to financial constraints a manual work-around is being done. In his report the Auditor-General acknowledged that the Authority had improved the arrangements for receipting and banking monies and processing information associated with those receipts to ledgers. Also, that the Authority was reviewing and revising its procedures and using new banking software.

In response to the supplementary question, the Auditor-General's Report states that … 'At the time of this report, the fixed asset reconciliation had been completed with the results reflected in the financial statements of the Authority'.

OUTER HARBOR

In reply to **Hon. SANDRA KANCK** (15 September 2004).

The Hon. P. HOLLOWAY: The Minister for Infrastructure has provided the following information:

1. There is no explicit agreement in the Ports Corp sale agreement, or any other document that I am aware of, that the Government would fund the dredging of Outer Harbor. The Labor Government is, however, committed to deepening the Outer Harbor channel. This project is an important element of infrastructure investment for the State that underpins the long-term viability and development of the port at Outer Harbor.

Flinders Ports, the industry and the public have been given an assurance by this Government of the deepening of Outer Harbor. As part of this commitment, the Government has worked closely with Flinders Ports to develop a business case for the channel deepening. The construction of the deep-sea grain port at Outer Harbor has already commenced. The deep-sea grain port, which includes a new grain terminal, new grain berth, a deepened channel (to 12.2 metres) and a deepened berth pocket (to 14.2 metres), is an important part of the overall works at Outer Harbor.

2. It is difficult to forecast the projected cost to the South Australian economy of not deepening the Outer Harbor channel. The failure to deepen the channel could lead to a reduced long-term investment level in the port which might result in inefficiencies and even the eventual closure of the port's container terminal. In these circumstances, the State's importers and exporters of containerised commodities will incur the additional cost of land-bridging their product to and from an interstate port. Furthermore, a deepened port will enable the State's bulk commodity exporters, such as the important grain industry, to receive the full benefits that flow from access to the larger vessels.

A recent cost benefit analysis undertaken to assess the likely economic benefit associated with deepening the channel showed the deepening could yield a net present value benefit over 20 years of around $465M resulting from the direct benefit in increased profits and lower costs to South Australian businesses. This cost benefit analysis forms the basis for the channel deepening business case.

For these reasons, this Government is committed to deepening the Outer Harbor channel.

3. The deepening will ensure that the State optimises the value of the other infrastructure initiatives the Government has committed to at Outer Harbor, including: the Port River Expressway (stages 1, 2 and 3); the upgrade of the LeFevre Peninsula rail corridor; the provision of essential services (power, water, stormwater, sewerage, telecommunications etc) at Outer Harbor; and the deep-sea grain port. Conversely, if the channel is not deepened and the long-term viability of the port is brought into question, then clearly the benefits of the other infrastructure initiatives will be diminished. That is why this Government is committed to deepening the Outer Harbor channel and why we are working closely with Flinders Ports and industry to deliver this project.

PORT NOARLUNGA COMMUNITY LAND

In reply to **Hon. SANDRA KANCK** (6 December 2004).

The Hon. P. HOLLOWAY: The Minister for Urban Development and Planning has provided the following information:

No. This land is classified as community land under the Local Government Act 1999 and any removal of this classification is subject to the approval of the Minister for Local Government. The land can only be sold if the Minister for Local Government approves the removal of this community land classification.

The land does not form part of the Metropolitan Open Space System or Coast Park and is currently zoned 'Tourist Accommodation'. The Development Plan provisions guide what forms of development are appropriate within this zoning classification.

The Open Space Advisory Committee has no role in assessing a Council request to revoke a community land decision.

VICTIM SUPPORT SERVICE

In reply to **Hon. IAN GILFILLAN** (16 September 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

Since becoming Attorney-General the Hon. Michael Atkinson has increased grants to the Victim Support Service.

In May, 2004, the Attorney-General approved grants from the Victims of Crime fund, payable to the Victim Support Service, for about $1.3 million to cover the cost of counselling and other services from the V.S.S's Adelaide office and the existing five regional services. New offices of the V.S.S. have also been opened in Whyalla and Murray Bridge.

On top of the almost $700,000 paid annually by the State Government to run the Victim Support Service's Adelaide office and State-wide helpline, the Attorney-General has increased by $50,000 this year the grant for the operation of the existing regional services and allocated an extra $132,500 for the establishment of two new regional services, in Whyalla and Murray Bridge.

The $1.3 million was an increase on the $1.1 million paid to the Victim Support Service the year before.

In May, 2003 the Attorney-General approved grants from the Victims of Crime Fund to the Victim Support Service that included an extra $60,000 per year to employ a specialist homicide worker.

In 2002 the Attorney-General increased the general grant paid to the Victim Support Service by $15,000 for accommodation. The Attorney-General also bought a video player-recorder and television for each regional service so that staff could help victims in ways such as comforting them while waiting for court or show them videos, such as the video about court companions. The total cost was about $2,500.

The Attorney-General has been generous in his financial support for the Victim Support Service. We accept, however, that victims need better services to help them deal with the harm that has been unexpectedly inflicted on them.

The Attorney-General is continuing to work on strengthening victims' rights to services and compensation by improving the rules for Victims of Crime payments.

The Attorney-General assures this Chamber, and the Hon. Ian Gilfillan, that the Government will continue to make practical improvements in the administration of criminal justice that will benefit victims.

BAXTER DETENTION CENTRE

In reply to **Hon. IAN GILFILLAN** (13 October 2004).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner for Police has advised that the South Australian Police together with personnel from the Australian Federal Police, Australian Protective Service and Department of Immigration Multicultural and Indigenous Affairs were deployed to the Baxter Immigration Detention Facility over Easter 2003 in response to well publicised plans by various groups to stage protests at the facility. Various groups stated intentions that range from peaceful protest to attempts to breach the security fences and assist persons in the facility to escape.

South Australian Police commanded the operation with other agencies operating under their own command, but in conjunction with SAPOL. All personnel were briefed prior to the operation and on each day of it. No order was given authorising removal of epaulettes or name badges for any SAPOL personnel. Personnel from other agencies were subject to their own command direction, however, SAPOL is unaware of any such instruction or order being given. None of the personnel from agencies were deployed on the front line or had direct contact with protestors during this operation. They remained at all times to the rear in reserve to assist SAPOL if required.

The allegation made in a complaint against police was investigated and the Police Complaints Authority provided his findings. Mr Gilfillan in his statement to the Legislative Council stated that he had photographs supporting the claims of his constituent. The photographs should be produced to the Police Complaints Authority.

Police General order 8700 (Public Order Management Plan) has been amended as follows:

> When deployed to a public order incident, you may only remove epaulettes and names badges where authorised in the operation order or by the Police Commander responsible for the incident.

Police Commanders responsible for the management of Public Order incidents are to ensure that members are readily identifiable, and should instruct them to establish their name or identification number onto protective dress or equipment, by using adhesive tape or similar

The General order is clear and other than for very compelling Occupational Health safety and Welfare reasons, which would be the extreme exception, no other circumstances apply which would authorise the removal of epaulettes or name badges.

SMOKE ALARMS

In reply to **Hon. IAN GILFILLAN** (8 November 2004).

The Hon. P. HOLLOWAY: The Minister for Urban Development and Planning has provided the following information.

The Regulations under the *Development Act 1993* provide that it is an offence if a smoke alarm or smoke alarms are not installed in a residential building by the building owner.

There is no requirement in the Development Act Regulations relating to the replacement of batteries in smoke alarms.

Councils have powers to investigate non-compliance with requirements to install smoke alarms in residential buildings and will respond to a complaint where no smoke alarms have been installed.

Information on tenancy agreements available on the Office of Business and Consumer Affair's website talks about tenant and landlord responsibilities.

According to this information, a landlord has an obligation under the Residential Tenancies Act to ensure the premises (and ancillary property) comply with health, safety and housing standards and must provide the premises in a reasonable state of cleanliness and repair and must maintain them (having regard to their age, character and prospective life). On the other hand, a tenant has an obligation to notify the landlord/agent of maintenance and repairs required and to not intentionally or negligently cause or permit any damage to the premises or ancillary property.

YOUTH CRIME

In reply to **Hon. A.L. EVANS** (20 September 2004).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has advised that since April 2004 local resources have been deployed to police the Holden Hill Local Service Area including Modbury and other hotspot areas. On 2 September 2004 Operation Golden Grove was introduced utilising resources from other police areas to patrol Golden Grove during afternoon and evening periods on Thursday, Friday and Saturday. Patrols have generally been supplied from the following resources for the first 3 weekend brackets:

- Star/Water Response 1 patrol, 2 person crew (week 1 and 2 only)
- Star/Dog Response 1 patrol 1 person 1 dog (week 1 and 2 only)
- Star Response varies from 1 to 3 patrols, 2 crew each patrol when available and on week 3, Adelaide LSA 1 patrol, 2 person crew
- Elizabeth LSA 1 patrol, 2 person crew
- Port Adelaide 1 patrol, 2 person crew
- The week of 23 September Thursday, Friday, Adelaide LSA 1 patrol, with patrols being used from AFL Football celebrations.

The joint Operation Golden Grove will be reviewed shortly.

BUSINESS ENTERPRISE CENTRES

In reply to **Hon. J.S.L. DAWKINS** (6 December 2004).

The Hon. P. HOLLOWAY: The Minister for Small Business has provided the following information:

1. A Steering Committee, comprising members from the State Government, Local Government Association, Small Business Development Council, Business Enterprise Centres SA and Business SA, was appointed to review the delivery of small business services, particularly through the existing network of Business Enterprise Centres.

The Committee was assisted by a consultant who has undertaken research, liaised with the multiple partners involved and assisted in formulating recommendations.

The final report has been completed and presented to my office for consideration.

It is expected that this will be followed by an extensive consultation process with both the Local Government Association and a full range of metropolitan Councils.

2. The report needs to be considered by both the South Australian Government and the Local Government Association and final funding approvals and structural models implemented. It was originally anticipated that the new structure for small business service delivery would operate from 1 July 2005.

The Department is in continuous contact with individual Business Enterprise Centres, and Councils and full briefings on the report and the proposed new structures will be held early in February. It needs to be recognised that the input of individual Local Government Authorities, as partners with the State Government in the delivery of such services, needs to be undertaken. A process of on-going communication with the staff of the BECs will also be undertaken to ensure staff are kept up to date on progress with implementation of any new model.

JURORS' ALLOWANCE

In reply to **Hon. T.G. CAMERON** (16 September 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

There has not been a review undertaken by the Sheriff to establish just how much (on average) it costs country jurors to sit on a country jury.

Mount Gambier Circuit

From information held by the Sheriff's Office, 213 jurors attended the six Mount Gambier circuit sittings of the Supreme Court and District Court held during the last 18 months. This has resulted in each juror attending on average five days and travelling on average 36 kilometres (one way) on each occasion.

Of the total number of jurors attending, 62% (133 jurors) actually travelled less than the average distance of 36 kilometres. 51% (109 jurors) travelled no more than 10 kilometres (one way) on each occasion as they resided within Mount Gambier.

Port Augusta Circuit

In comparison, 282 jurors attended the nine Port Augusta circuit sittings of the Supreme Court and District Court held during the last financial year. This resulted in each juror attending on average seven days and travelling on average 72 kilometres (one way) on each occasion.

Of the total number of jurors attending 28% (77 jurors) actually travelled less than the average distance of 72 kilometres (one way) whilst 61% (173 jurors) had travelled between 89 and 96 kilometres (one way) owing to their residing at either Port Pirie or Whyalla.

Allowances

The allowance paid to country jurors is comparable with their city counterparts, however, the travel allowance payable to jurors in both areas has remained unchanged since 1982. Given the substantial increase in fuel and running costs since 1982, combined with the then government rate of 60 cents per kilometre (now 62 cents per kilometre), I consider it appropriate and reasonable that the rate be increased. A budget bilateral bid is being submitted for this.

Financial Year End June 2004

For the financial year ending June 2004, these total amounts were paid to jurors where "Juror Fees" incorporates the $20 base rate per day plus any additional amounts up to a further $80 per day and "Travel Allowance" was paid at the rate of 20 cents for each kilometre travelled:

Adelaide Jury District:	
Juror Fees:	$875,652
Travel Allowance:	$105,781
Northern Jury District:	
Juror Fees:	$94,546
Travel Allowance:	$64,377
Southern Jury District:	
Juror Fees:	$12,224
Travel Allowance:	$ 4,296

Higher amounts can be paid to jurors in some circumstances. Pursuant to the Juries (Remuneration of Jury Services) Regulations 2002, if the Attorney-General declares a case to be a long trial, jurors serving on that trial will receive a larger fee. To date, three such declarations have been made.

INDIGENOUS MINING VENTURE

In reply to **Hon. J.S.L. DAWKINS** (9 December 2004).

The Hon. P. HOLLOWAY: The Mineral Resources Group of the Department of Primary Industries and Resources (PIRSA) is actively involved in the promotion of indigenous enterprises and with development of specific training and skills for indigenous people to gain employment in industries such as mining, construction and land management.

PIRSA Mineral Resources Group (MRG) has held several discussions with Mr Elliot McNamara about assisting Walga Mining with establishing themselves as a viable mining contracting company. MRG has provided Walga Mining with a grant of $25,546 from the Plan for Accelerating Exploration (PACE) initiative – Theme 5, to assist with development of a business plan and business setup costs. MRG is also investigating the possibility of ongoing management and governance support via the services of Rural Solutions SA, and will certainly continue to assist the company in negotiating with various organisations to access training opportunities so that its employees can work in the mining sector.

Walga has been invited to be part of the rehabilitation of the chrysoprase pits located near Pipalyjatjara, within the Anangu Pitjantjatjara Yankunytjatjara Lands. The dual aims of this rehabilitation project are to demonstrate to Anangu that restoration of land after mining is achievable and to provide on-the-job training in skills required by the mining industry. The Chrysoprase training project is being coordinated by Spencer TAFE and funded by an allocation of $100,000 from PACE.

I believe enterprises such as Walga provide a model that demonstrates indigenous people can engage with business on an equal footing.

WOMEN, RENTAL ACCOMMODATION

In reply to **Hon. T.G. CAMERON** (23 September 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

The South Australian Sex Discrimination Act was introduced in 1975—nine years before the Federal Sex Discrimination Act. In 1984 the SA *Equal Opportunity Act* was enacted, which made discrimination for impairment, race, sex, sexuality, pregnancy or marital status unlawful. Age was added in 1990.

The Government has acknowledged that Equal Opportunity laws have needed improvements and that is why the Government intends

to introduce changes to the *Equal Opportunity Act* for consideration by Parliament soon.

The *Equal Opportunity Act* provides remedies for women experiencing discrimination when seeking lodging. The Act also makes it unlawful to refuse housing to someone because they intend to live there with their children.

Anyone experiencing discrimination when seeking housing can lodge a complaint with the Equal Opportunity Commission, which offers a gratis and confidential conciliation service to help people resolve concerns.

The number of complaints made to the Equal Opportunity Commission about housing issues are low. A slight increase in the number of telephone enquiries about these issues has, nevertheless been experience since the report *Sexcluded? Women, Homes and Sex Discrimination* was released.

On 26 October, 2004, the Equal Opportunity Commission held a welcoming event for newly-arrived migrants from the Sudan as part of Refuge Week. Similar concerns were raised by members of the Sudanese community about difficulties they face in finding lodging for rent, particular for families with children.

In the Equal Opportunity Commission's experience, the difficulties faced by families with children seeking lodgings can apply across the board, regardless of family structure or income level. It appears that some landlords may be favouring tenants without children, though this is not usually explicitly stated to be so.

The Equal Opportunity Commission is now considering how it can work with landlord and tenant groups to deal with this. Some things have already been done:

- staff have been interviewed on community radio stations, such as FreshFM, about how to tackle discrimination when looking for a place to live
- a new section of information for landlords and tenants is being written for the Commission's new website.

This Government is currently considering amendments to the *Equal Opportunity Act*. The *Sexcluded* report made a recommendation that social status (e.g., homelessness) be included as a new ground of discrimination under the *Equal Opportunity Act*. The Government will consider this suggestion.

LICENSED PREMISES

In reply to **Hon. T.G. CAMERON** (23 November 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1 & 2. The Equal Opportunity Act makes sex discrimination in the provision of goods and services unlawful.

This covers licensed premises and includes: refusing men entry to pubs and clubs; applying more stringent dress codes to men; and making men pay for drinks that are offered to women gratis.

The equal opportunity jurisdiction is largely civil, not criminal. Therefore, it is not strictly accurate to talk of penalties against licensed premises found 'guilty' of sex discrimination.

Rather, this jurisdiction provides redress for the detriment experienced by those who, on balance, have been discriminated against.

Remedies are therefore flexible and can include compensation for economic loss or injury to feeling, apologies, and agreements by businesses to undertake equal opportunity training with management and staff.

Regular telephone enquiries are received from members of the public who believe they have been discriminated against when refused entry to a club, often on the grounds of not meeting the dress code.

The Commissioner for Equal Opportunity has received two formal complaints in the past two years (one each in 2002-03 and 2003-04)., from men claiming sex discrimination at licensed premises.

In one case a man alleged sex discrimination because he was removed from a nightclub for not complying with the dress code.

The complaint was declined because what this man said he was wearing was prohibited by the club's dress code and there was no evidence that women were being allowed to breach the dress code by wearing similar items.

The other complaint was from a man who thought he should be allowed to open a pub for men only because he did not agree with equal opportunity laws.

In the same time period, no complaints about sex discrimination by licensed premises have been received from women.

3. Although the number of complaints by men about this issue is low, the Commissioner for Equal Opportunity informs me that this is one area where men are now more likely to be discriminated against than women.

However, it should not be forgotten that in the past it was women who were routinely banned from entering pubs and refused service.

Although the overall level of sex discrimination by licensed premises has improved, the racism faced by Aboriginal people in pubs and clubs is an ongoing concern.

MINING EXPERT GROUP

In reply to **Hon. A.J. REDFORD** (9 November 2004).

The Hon. P. HOLLOWAY: The cost for the dinner was $4498.03. This event was a formal component of the Plan for Accelerating Exploration (PACE), Theme 8—the 'Resources Industry Ambassador' program. The aim of this program is to improve Mineral Industry perceptions of South Australia's mineral potential using a group of invited industry experts. The cost of the dinner was met as part of that program.

MEMBERS, TRAVEL

In reply to **Hon. R.I. LUCAS** (14 September 2004).

The Hon. P. HOLLOWAY: Regarding the Opposition Leader's question on my visit to Thailand, I undertook to provide him with details on that visit. The visit included Malaysia, Thailand and Singapore from 11 to 20 August to pursue closer economic relations with these key ASEAN economies.

In the nine-day visit, I met with senior ministers and senior business people and investors in all three countries. The majority of my discussions focussed around South Australia's export capabilities in key areas, including automotive production, education, health, environmental services, and food and wine.

While South Australia's trade relations with the ASEAN region are significant, there is great potential for growth.

Australia's free trade agreements with Thailand and Singapore will allow South Australian exporters, including service providers, to establish themselves in these markets before they open up further to other countries.

Moreover, Australia has recently announced that it will negotiate a free trade agreement with Malaysia – and there are important moves toward a free trade agreement between the 11 ASEAN nations and Australia and New Zealand.

Two-way trade between South Australia and the ASEAN region totalled over $1.76 billion in 2003-04, with South Australian exports amounting to more than $728 million. The ASEAN region as a whole is South Australia's fourth largest export market (after the United States, Japan and the United Kingdom). Any free trade arrangements with the region would be an enormous boost to the State economy.

In Malaysia, I met with senior managers of DRB HICOM, one of Malaysia's largest automotive and property development companies, Pantas Motors, and Malaysia's Multimedia Development Corporation to explore areas of possible cooperation in automotive manufacturing, IT and multimedia services.

I also met with the Executive Director of YTL Corporation and the Chairman of Jasa Kita, both significant investors in South Australia.

I met with the Malaysian Minister for Health, Dr Chua Soi Lek, in Kuala Lumpur. The Malaysian Government is keen to explore telemedicine options for its disparate health system. I extended a formal invitation to Dr Chua to visit South Australia and I am pleased to advise that he will be visiting South Australia in early December to examine South Australia's capability in this area and possible provision of telemedicine services to Malaysia.

Training of Malaysian health specialists will be an important step in furthering South Australia's health services exports.

Malaysia's Minister for Natural Resources and Environment , Hon Dato Sri Haji Adenan B Haji Satem will also be visiting this month to meet with senior mining officials and to look at some local mining operations.

In Thailand I met with the Vice Minister for the Office of the Prime Minister, the Minister for Natural Resources and Environment, the Minister for Commerce, and with members of the Board of Trade and the Federation of Thai Industries. I also met with private companies, including the RCL shipping company and Mitsubishi Motors Corporation Thailand.

The major purpose of my visit was to open up opportunities for South Australian businesses arising from the Thailand-Australia Free Trade Agreement (TAFTA).

South Australian businesses now have a window of opportunity to take advantage of lower tariffs not yet available to their foreign competitors in the Thai market.

As a result of the visit, a delegation of Thai automotive producers visited Adelaide in early October to meet with industry representatives here in South Australia.

I have also invited the Minister for Natural Resources and Environment, Mr Suwit Khunkitti, to visit South Australia to inspect South Australia's world-leading management in water resources and waste water.

The potential of South Australia's environmental services to become an important export earner for the State is significant. It is my hope that Mr Khunkitti's visit will spearhead sales in this area to Thailand.

In Singapore, I met with the new Minister for Trade and Industry, Mr Lim Hng Kiang, the first Australian official to do so. I also met with the Economic Development Board and IE Singapore, which is Singapore's lead agency spearheading Singapore's international economic growth.

I visited the NTUC Fairprice food pavilion, where a vast range of South Australian food and beverage products are showcased.

I also met with important investors in South Australia as well as senior business people, including from Dover Fisheries, Cockpit Hotel International, SembiCorp Environmental Management Pty Ltd, to encourage the ongoing flow of capital into South Australia.

Lastly, but certainly not least, I hosted a number of functions with South Australia's alumni organisations in both Singapore and Malaysia. The impact and influence of graduates from our universities cannot be underestimated. Many of these graduates are now senior business and government representatives and a number of up-and-coming younger graduates are set to make their mark – and take their connections with South Australia with them.

Some of our best business links—including our best investment opportunities—are a direct result of these alumni connections. It is my view that education exports, while valuable in themselves, have an important multiplier effect in our overall trade balance. Working with South Australia's international alumni will be an important part of our overseas trade activities in the future.

BUDGET PAPERS

In reply to **Hon. R.I. LUCAS** (22 September 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. South Australia is not the only jurisdiction that has experienced difficulties in producing accurate functional data. Indeed, both ABS officers and the Commonwealth Grants Commission have expressed concerns about the quality of functional data generally across governments, particularly at the sub-function level.

In response to those concerns, Treasury undertook a review of the functional data published in the last budget in order to identify areas where the data, and the processes used to produce the data, could be improved. The errors were discovered as a result of this internal review.

It should be noted that the processes used to produce the functional data in the last budget were similar to those that have been in place for several years.

Treasury has not conducted a review of functional data published before 2002-03 and so cannot rule out that those data do not also contain errors.

The corrections do not have any financial impact on agencies.

The functional data are produced by Treasury and Finance from financial information submitted by agencies. The data cannot be produced until all agencies have finalised their budgets shortly before the budget papers must be ready for printing. This means that the functional data are usually produced under significant time pressures.

The errors in this case occurred because some data were not properly coded by Treasury and were assigned to incorrect functions. In addition, there were also some reclassifications of expenses. In particular:

- some health and social security expenditure data were incorrectly allocated to housing in the allocation process; and
- First Home Owner Grants were reclassified to the housing function following advice from the ABS after the budget.

2. The corrections to the expenses by function tables have no impact on the appropriations paid to individual agencies during 2004-05. There is no impact on the budget or funding for any agency.

The expenses by function tables classify, according to Australian Bureau of Statistics (ABS) definitions, the ultimate purpose of agency expenditure.

3. As noted above, Treasury has not conducted a review of functional data published before 2002-03 and so cannot rule out that those data do not also contain errors.

4. Revised data for 2002-03 have been included in the corrigendum already provided to Parliament. This revised data for 2002-03 will also be published in the historical data tables to be included in the 2003-04 Final Budget Outcome document.

SALARY SACRIFICE

In reply to **Hon. R.I. LUCAS** (23 September 2004).

The Hon. P. HOLLOWAY: The Minister for Industrial Relations has provided the following information:

1. Unfortunately there has been a considerable delay in the Commonwealth Government providing details of the transitional grants.

The Commonwealth did not release details of proposed funding arrangements until mid-August 2004. South Australian entities eligible to claim compensation grants submitted the necessary forms to claim the grants to the Australian Taxation Office (ATO) by the deadline of 30 September 2004.

However, no funds have as yet been received from the Commonwealth.

2. The State Government has worked swiftly to ensure affected entities submitted compensation funding claims on time to ATO so that the eligibility of entities and compensation amounts can be confirmed.

3. The Government has determined that eligible employees in eligible agencies which already have an advice from ATO regarding their FBT exemption status, will be able to resume salary sacrificing straight away, without having to wait any longer for ATO sign off. I am advised that apparently 1,200 of the 2,900 affected employees have already resumed salary-sacrificing arrangements.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. R.I. LUCAS:** (26 October 2004).

The Hon. P. HOLLOWAY: I am advised by the Department of Trade and Economic Development (DTED) that it did not receive any money in relation to the Anangu Pitjantjatjara Lands.

The former Department of Business Manufacturing and Trade and former Office of Economic Development each paid $53,000 to PIRSA in December 2003.

PIRSA has subsequently advised DTED that both amounts were paid to Tjukurpa Anangu Pitjantjatjara Yankunytjatjar Law and Culture.

PIRSA has advised DTED that the $106,000 received from the former agencies was not transferred to the Crown Solicitor's Trust Account.

STANDARD & POORS

In reply to **Hon. R.I. LUCAS** (22 November 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

Since the 1990's, the South Australian Government has engaged the services of international credit rating agency Standard & Poor's to rate the State of South Australia and all debt issued through the South Australian Government Financing Authority. An annual rating surveillance fee is paid to Standard & Poor's in consideration for the analytical services rendered in connection with rating the State.

In June 2003, in addition to the standard rating service, the South Australian Government accepted the enhanced analytical service provided by Standard & Poor's. The enhanced service involved the production of a comparative report on South Australia relative to other Australian states and selected international peers. The additional fee for the enhanced service was US$42,500.

The table below summarises the payments made to Standard & Poor's for each financial year since 1999-2000.

	Financial Year					
Service	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05
Annual Surveillance Fee (1)	US$100,000	US$100,000	US$105,000	US$107,500	-	-
Annual Surveillance Fee and Comparative Report (1)	-	-	-	-	US$114,167 (3)	US$150,000
Ratings Direct	US$28,750	US$30,100	US$31,700	US$33,400	US$34,600	(4).
SA Asset Management Corporation (2)	A$ 15,000	-	-	-	-	-
SA Water Corporation (1)	A$24,000	A$24,500	A$26,000	A$28,000	A$30,000	(4).

1. Excludes Goods and Services Tax.
2. The SA Asset Management Corporation's credit rating was withdrawn in the 2000-01 financial year.
3. The 2003-04 financial year payment includes a credit of US$35,833 in respect of the annual fee paid under the superseded agreement.
4. No payments made for the 2004-05 financial year to date.

Aside from the annual surveillance fee (including the enhanced analytical service), the South Australian Government Financing Authority subscribes to Standard & Poor's Internet based Ratings Direct, Global Issuers and Structured Finance Services. RatingsDirect is an Internet based service, which provides access to Standard & Poor's public credit ratings and risk analysis information. The service is utilised by SAFA to manage its credit exposures arising from its investment activities.

The services of Standard & Poor's were also utilised to provide a shadow credit rating for SA Water Corporation and, in the past, a credit rating for the SA Asset Management Corporation.

Payments for these services are detailed in the above table.

INTERNATIONAL FINANCIAL REPORTING STANDARDS

In reply to **Hon. R.I. LUCAS** (9 December 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. The Department of Treasury and Finance (DTF) is assisting the SA public sector to implement changes associated with the transition to the new standards by assessing the impacts of the new standards, organising information forums and facilitating discussion of issues at both whole-of-government and individual agency levels. DTF has undertaken the following initiatives to assist agencies in the process:

Communication

- Active representation on the Heads of Treasuries Accounting and Reporting Advisory Committee (HoTARAC) allowing SA to comment on issues affecting accounting within the public sector;
- Formation and facilitation of exposure draft and complex asset reference groups that have membership from SA government portfolios and Auditor-General's Department to consider the impact of proposed accounting standards as they are released. The reference groups have met 10 times in the last year;
- Development of the Financial Management Team website http://www.treasury.sa.gov.au/fmt, a secure one-stop-shop for IFRS information, DTF guidance and publications. The majority of information to assist SA Government agencies with the implementation of IFRS is available on this secure website rather than the external DTF website;
- The Financial Management Team in DTF provides assistance on accounting standard / policy statement interpretation and application; and
- Liaison with the Auditor-General's Department and agencies in relation to IFRS issues.

Publications

- Publication of the Government on Target bulletin providing quarterly updates for agencies on issues relating to IFRS (7 issues released to date), including detailed attachments on particular IFRS issues and accounting standards;
- Development of SA's first Model Financial Report for Departments and Statutory Authorities illustrating the DTF preferred reporting format. These models will be updated for IFRS reporting requirements; and
- Development of new and/or revised Accounting Policy Statements (APS), updated for IFRS implications.

Training

- The Government Accounting and Information Forum (held bi-annually). The September 2004 GAIF attracted over 200 delegates and featured an afternoon session dedicated to IFRS issues. This session was led by a Melbourne based chartered accountant specialising in IFRS; and
- Accounting standards, Model Financial Report and Accounting Policy Statement update presentations have also been held.

DTF has also been liasing with the Auditor-General on specific IFRS issues. The Auditor-General has advised he will be consulting with his counterparts in other jurisdictions before finalising his position on some IFRS issues.

2. Chief Executives of each public authority are responsible for the financial reporting and management of their authority. Given the extensive assistance provided to agencies by DTF outlined in the previous response, I am confident agencies will be able to provide their 2005-06 accounts in accordance with IFRS requirements.

Overall, DTF considers the transition to IFRS will not be particularly onerous for agencies, provided appropriate options available under the IFRS are chosen. DTF aims to ensure that where a particular option should be adopted for the SA public sector, accounting policy statements clarifying the requirements will be issued.

Budget information for the General Government sector is prepared on an Australian Bureau of Statistics, Government Finance Statistics basis (known as GFS reporting) rather than an Australian Accounting Standards basis (known as GAAP reporting). Because the AASB have not yet written an exposure draft (a document issued for comment before a standard is released) in relation to the harmonisation of GAAP and GFS reporting, DTF will be producing the 2005-06 budget according to existing standards (ie the agency 2005-06 budget data will be based on current GAAP, rather than IFRS).

3. DTF has formed an exposure draft reference group that considers the proposed accounting standards and any agency issues.

The Under Treasurer discussed each Chief Executive's IFRS implementation plan at the 2003-04 year end review. This will also occur in the 2004-05 year end review.

A review of Agencies' 2003-04 financial reports in the Auditor-General's Report to Parliament was undertaken. In particular agencies' note disclosures on the implementation and impact of IFRS were reviewed. This review did not highlight any major issues of concern.

CONSTITUTIONAL ADVICE

In reply to **Hon. R.D. LAWSON** (12 October 2004).

In reply to **Hon. J.F. STEFANI** (12 October 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1-3. The Attorney-General obtains constitutional advice from the Solicitor-General rather than the private bar. The Attorney-General and the government accept the advice provided by the Solicitor-General about the Parliamentary Remuneration (Non-monetary Benefits) Amendment Bill 2004. It is not the usual practice for this (or the previous) government to disclose its legal advice.

4. No.

5. No.

6. Not applicable.

In response to the supplementary question raised by the Honourable J.F. Stefani, this is not a matter that the Attorney-General can provide an answer to.

MOTORCYCLE THEFT

In reply to **Hon. R.D. LAWSON** (13 October 2004).

In reply to **Hon. J.F. STEFANI** (13 October 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

The ease with which motorcycles can be stolen and the lack of mechanisms for identifying stolen motorcycles and their parts do render them particularly susceptible to theft. For example, although engine immobilisers are available for motorcycles the ease with which a motorcycle can be loaded onto another vehicle limits the efficacy of the immobiliser as a deterrent. During the 2003/04 financial year, South Australia recorded a total of 393 motorcycle thefts. That equates to 4.3% of the State's total 9,246 motor vehicle thefts. Results from the National Motor Vehicle Theft Reduction Council's 2002 survey of motorcycle riders reveals that 85% currently use a steering lock, 53% use a manual lock (such as a U-Lock or a chain and padlock), 9% an immobiliser and less than 4% use any form of bike identification such as etching/engraving or electronic tagging.

The South Australian Vehicle Theft Reduction Committee (S.A.V.T.R.C.) advises Government on initiatives to reduce vehicle theft in South Australia. This committee is conscious of the need to continue promoting strategies to bring about sustainable reductions in vehicle/motorcycle theft.

The Committee provides advice to me on vehicle and motorcycle theft reduction issues, carries out effective vehicle and motorcycle theft prevention strategies and encourages co-operation between industry, government, members of the public principally affected and the National Motor Vehicle Theft Reduction Council (N.M.V.T.R.C.).

Staff from my Crime Prevention Unit and the Office of Crime Statistics and Research are members of S.A.V.T.R.C., along with representatives from the Police, Transport S.A., the insurance industry, the Motor Trades Association and the Royal Automobile Association of S.A. The joint industry and public sector committee is working with other relevant parties, including the National Motor Vehicle Theft Reduction Council, to deal with motorcycle theft.

One of the strategies the S.A.V.T.R.C. is exploring is the feasibility of having physical devices, such as anchor points, installed for the safe parking of motorcycles in identified car parks and general parking areas. Such a device would increase the effort required by the offender to steal the motorcycle, and also provide a deterrent.

The S.A.V.T.R.C. is monitoring the effectiveness of whole-of-vehicle marking systems, such as those that use microdot technologies to code the major parts on vehicles, including motorcycles. Such systems would provide dealers, police officers, registration authorities and insurance assessors the ability to check the identity of individual parts and to detect the presence of stolen parts.

Recent changes to establish a nationally consistent “Written-off Vehicle Registers” across all jurisdictions and the commencement of new identification inspection procedures will restrict the opportunities for professional motorcycle thieves to rebirth stolen motorcycles.

I concede that while these motorcycle marking system measures will not necessarily prevent the theft of a motorcycle, they will limit the ability of the offender to dispose of the motorcycle or its parts, reduce the profitability from the theft, and increase the risk of detection, apprehension and conviction.

The Minister for Transport has provided the following information.

The Department of Transport and Urban Planning, Transport SA conducts pre-licence motorcycle rider training via the Rider Safe program.

The training in Victoria referred to by the Hon Member is conducted by Honda Australia Rider Training (HART). HART is one of a number of Victorian training and assessment providers for the licensing of class “R-date” (restricted to motorcycles with an engine capacity not exceeding 250ml) novice riders through their “Level 1 to 5” course stages.

HART Level 1 to 5 rider training is the Victorian equivalent to the South Australian Rider Safe scheme.

The HART Level 6 to 10 stages for high powered motorcycles are conducted purely as a commercial venture and do not form any part of the motorcycle licensing process in Victoria.

The Motorcycling Task Force under the Road Safety Advisory Council is currently investigating motorcycle safety and motorcycle training matters.

MAGISTRATES

In reply to **Hon. R.D. LAWSON** (27 October 2004).

In reply to **Hon. A.J. REDFORD** (27 October 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

1. An industrial dispute can include matters about organisational and governance. The College of Magistrates had made a submission to the Remuneration Tribunal about Regional Managers. An industrial dispute was on foot.

2. No. An industrial dispute can include matters about organisational and governance.

MANOCK, Dr C.

In reply to **Hon. R.D. LAWSON** (11 November 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

1. No. The Solicitor-General has been asked to examine the third petition of mercy for the release of convicted murderer Henry Keogh. The Solicitor-General is carrying out a thorough investigation of the matters raised in the petition. The Solicitor-General has informed me that, as part of his investigation, he will examine the evidence raised at the Medical Board and referred to in the Hon. R.D. Lawson's question.

2. No. The matter will be dealt with as explained above.

3. The Attorney-General will make no further comment on that matter until the Solicitor-General has provided his advice to the Attorney-General and the Attorney-General has advised Her Excellency on the petition of mercy. The omission from the first Ministerial Statement of Justice Mullighan's overruling of Magistrate Baldino's criticism of Professor Tony Thomas was corrected in a subsequent statement given to Parliament.

VICTIMS OF CRIME ADVISORY COMMITTEE

In reply to **Hon. R.D. LAWSON** (25 November 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided this advice:

In 1999 the Hon. Trevor Griffin, the then Attorney-General, established a Ministerial Advisory Committee on Victims of Crime. The Committee, among other things, helped guide the Hon. Trevor Griffin's response to the recommendations of the Review on Victims of Crime.

The committee last sat on 30 November, 2001, about the time that Premier Kerin dismissed the Hon. Trevor Griffin as Attorney-General. The committee was due to sit again on 25 January, 2002, when the Hon. Robert Lawson was Attorney-General but it did not do so.

Since then, the committee has not been reconstituted.

The issue of re-establishing the committee has been raised with the Attorney-General, the Hon. Michael Atkinson M.P., by the Law Society of South Australia and the Victim Support Service (V.S.S.). The Victims of Crime Co-ordinator has given advice, including draft letters to the relevant Ministers and executive officers, which the Attorney-General is considering.

It is blatantly misleading, indeed wrong, for the Hon. Robert Lawson, MLC, to suggest that the Rann Labor Government is only paying lip service to victims of crime.

In the first year of the Government the Premier and the Attorney-General made a commitment to the people of South Australia to strengthen victims' rights. Funding for the Victim Support Service has increased. There is now a full-time homicide victims support worker. The five regional offices funded by the Hon. Trevor Griffin have been maintained with additional funding to established two new offices - one in Whyalla and the other in Murray Bridge.

The Attorney-General has provided funds to double the Office of the Director of Public Prosecution's Witness Assistance staff working with children as victims and witnesses. A remote witness transmittal for vulnerable witnesses has been set-up in the Mount Gambier Courthouse and further work is being done on a similar project for the Sir Samuel Way Courthouse in Victoria Square.

Victims compensation payments, despite the repeated disallowance of the Regulations under the Victims of Crime Act, have increased to about $10.3 million, with the average payment increasing from about $6,800 in 2002-03 to about $8,300 in 2003-04. South Australia remains the only State or Territory to compensate victims of the Bali bombings. The Federal Liberal Government has refused to do so.

The Victims of Crime Act came into operation on 1 January, 2003, and since then Mr. Michael O'Connell has been re-appointed as the Victims of Crime Co-ordinator. Although there has been no Ministerial Committee, Mr. O'Connell sits, along with Michael Dawson, the Chief Executive of the V.S.S., on committees formed to guide the Magistrates Court problem-solving court programme, including the Family Violence Programme Steering Committee and the Mental Impairment Court Steering Committee. Mr. O'Connell has formed ad hoc committees to help him. For example, he ran four forums to help resolve the disagreement on the procedures for victims compensation.

In addition to these achievements, the Minister for Families and Communities established a helpline to respond to the immediate needs of adult survivors of child sex abuse and their families; providing counselling and referral to specialist counselling. As well, on 25 November, 2004, the Minister announced one-off funding of $161,500 to help improve domestic violence services across South Australia. A new $2.32 million secure home for women and children fleeing domestic violence was opened the previous month.

The Government has also introduced a raft of legislation intended to create a more victim-oriented justice system. The Government, for example, has reformed the law on self-defence and removed the drunks' defence. The Government is trying to give victims the right to make oral submissions to the Parole Board and ensure that there is a victims' representative on the Parole Board. Victims needs have also been taken into account in the Government's reforms to confiscation-of-assets and proceeds-of-crime legislation.

The Government provided in its sentencing guideline legislation for victim-organisations to apply for a guideline. Consistent with this, earlier this year, the Attorney-General authorised payment of legal fees for a solicitor and barrister to represent victims' interests during the application for the sentencing guideline.

It is, therefore, wrong to suggest that the Government is only paying lip service to victims of crime. The Government has helped victims in a practical way and their lot has improved in the past three years.

KENO

In reply to **Hon. NICK XENOPHON** (14 October 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. A benchmark Segmentation Study undertaken for SA Lotteries in 2002 examined the spend characteristics of SA Lotteries' customers. From a sample of 1,500 people who had played an SA Lotteries' game in the previous 12 month period, Keno players were categorised into player segments as follows:

Heavy Players	Those who play Keno at least once per week
Medium Players	Those who play Keno a least once per month
Light Players	Those who play Keno at least once every 2-3 months
Lapsed Players	Those who have played once in the last 12 months

From this research, the breakdown of the average Keno spend per play, per player segment, is as follows:

All Players	$6.10
Heavy Players	$7.30
Medium Players	$7.20
Light Players	$6.20
Lapsed Players	$5.10

No other research has been undertaken by SA Lotteries in relation to specific amounts wagered by Keno players on a per transaction basis.

The overall amount spent by Keno players is tabled annually for the Parliament in SA Lotteries' annual report:

	Gross sales $('000)	Average # entries	Average spend/ transaction
2003-04	$70,425	218,113	$6.20
2002-03	$67,155	214,594	$6.01
2001-02	$64,838	215,577	$5.78
2000-01	$61,689	217,999	$5.44

As is evident, the average transactions align with the spend levels of a light player.

SA Lotteries' interest in player behaviour from a research perspective is only in relation to general patterns of behaviour by customers, or segments of customers, as such, information assists in marketing decisions in the main.

SA Lotteries does not correlate “bet” types or amounts to specific or across the board amounts won or lost on Keno or any other game.

The average return to Keno players, by way of prizes, is nominally 72.6% of gross sales.

2. In preparation for the implementation of the State Lotteries Responsible Gambling and Advertising Codes of Practice on 30 April 2004, SA Lotteries conducted a series of information and training sessions throughout metropolitan and regional South Australia in March and April to ensure that all SA Lotteries' agents have a thorough understanding of the requirements of the Codes and all have undertaken accredited responsible gambling training.

With 100% of SA Lotteries' agents and many of their staff represented at the training sessions conducted in Adelaide, Berri, Whyalla, Clare and Mt Gambier, there is a high level of responsible gambling awareness and commitment to gambling harm minimisation across SA Lotteries' state-wide network.

With approximately 1,000 representatives across the agent network (a minimum of one person per agency) accredited in accordance with the Australian National Training Authority's criteria for the training package “Provide Responsible Gambling Services” (THHADG03B) through the training provided by Wesley 4 Training, SA Lotteries' agents and their staff are formally aware of what steps (approach, intervention, referral and follow-up) must be taken to ensure that any person evidencing difficulties with their lotteries play is directed to professional support.

SA Lotteries continues to provide this training, through Wesley 4 Training, to all agent principals within the network and to any agency staff who wish to undertake this formal program in addition to the “train the trainer” packages which are in place at the agency level.

In addition, each member of SA Lotteries' corporate staff who has customer or agent contact has also undertaken this responsible gambling training in order to provide customers with the same level of support.

SA Lotteries is especially pleased to have worked closely with the Concerned Sector in South Australia in developing this responsible gambling training program that highlights the very real experiences of problem gamblers that have sought support through their agency and through the Break Even Network.

Furthermore, in accordance with the Codes, all SA Lotteries' agents are displaying responsible gambling materials, including brochures, posters, Gambling Helpline cards and stickers in their agencies ensuring that players are able to readily identify their avenues for assistance.

In accordance with the Codes of Practice, SA Lotteries requires that any instances of problem gambling evidenced by either agents or staff are reported to SA Lotteries. Since the implementation of the Codes of Practice, SA Lotteries has received five reports of agent/staff referral of customers to problem gambling assistance.

It is not possible to determine the number of customers who may have independently sought assistance having collected a Gambling Helpline card or brochure from an SA Lotteries' agency.

3. The software was installed and operational from 1 October 2004. Historical information has been extracted since 1 July 2004. From 1 July 2004 to 30 September 2004, the following details are provided:

Keno Report

Keno tickes sold per price range for the period 1/7/2004 to 30/9/2004

Range description	Tickets	% of total tickets	Amount	% of total amount
$1-$5	1,969,773	68.89%	$5,663,787.00	30.61%
$6-$10	542,122	18.97%	$4,722,573.00	24.69%

Keno Report
Keno tickes sold per price range for the period 1/7/2004 to 30/9/2004

Range description	Tickets	% of total tickets	Amount	% of total amount
$11-$20	240,675	8.42%	$3,989,492.00	20.86%
$21-$50	89,120	3.12%	$3,021,716,00	15.80%
$51-$100	14,453	0.51%	$1,186,024.00	6.20%
$101-$200	1,945	0.07%	$292,950	1.53%
$201-$501	731	0.03%	$240,070.00	1.26%
$501-$1,000	9	0.00%	$6,404.00	0.03%
$1,001-$2,000	3	).00%	$4,455.00	0.02%
Summary	2,857,831	100.00%	$19,127,471.00	100.00%

This analysis will be avilable on an ongoing basis.

4. Discussion on development of the necessary software program occurred during July 2004, with a request to undertake the software upgrade being authorised on 12 July 2004.

POLICE, NEW GUINEA CONTINGENT

In reply to **Hon. T.J. STEPHENS** (12 October 2004).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has advised that the Australian International Deployment Group (IDG) was established by the Australian Federal Police to provide police support to countries nominated by the Australian Government. These countries include the Solomon Islands, East Timor, Cyprus and Papua New Guinea. To assist with staffing of the IDG the Australian Federal Police sought assistance from State and Territory Police Services. The South Australia Police (SAPOL) were one of the first police services to offer to assist.

As the IDG was a newly created Group a number of administrative and legal matters had to be addressed between SAPOL and the Australian Federal Police. This included ensuring that SAPOL officers posted to the IDG were not disadvantaged in respect to workcover, superannuation and long service leave entitlements.

These issues have now been satisfactorily resolved. The SAPOL officers selected to participate in the IDG program will be undertaking their training at the Australian Federal Police facility in Canberra commencing in November, and subject to satisfactorily completing the training course, the officers will be posted to the Solomon Islands and Papua New Guinea in December.

The suggestion that South Australia was demanding triple the amount of money and that every other State had accepted the Australian Federal Police arrangements, in both cases is not correct. In fact, arrangements between the Australian Federal Police and some other State jurisdictions are still to be finalised.

In reply to question one, the response is that the suggestion is not correct.

In reply to question two, twelve SAPOL officers will be commencing International Deployment Group training in November and ten officers have already been notified of their overseas posting, initially the Solomon Islands and Papua New Guinea. The remaining two officers are reserves.

HEALTH RESPONSIBILITIES

In reply to **Hon. T.J. STEPHENS** (25 October 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. The Government is open to consideration of options aimed at delivering Australians a more efficient health system. The Government has been critical of the reduced funding provided by the Commonwealth under the Australian Health Care Agreements and will continue to seek improved funding arrangements.

2. It is true that, under present arrangements, the States receive GST revenue and health care grants from the Commonwealth which partly fund public hospitals, and the Commonwealth administers Medicare and private health insurance arrangements. It is these joint Commonwealth–State responsibilities in health which Premier Carr was suggesting could be subject to reform.

LAND MANAGEMENT CORPORATION

In reply to **Hon J.F. STEFANI** (27 October 2004).

The Hon. P. HOLLOWAY: The Minister for Infrastructure has provided the following information:

1. LMC Key Sales 2001-02.

Vendor	Site	Purchaser
LMC	Northgate stage 2	A V Jennings
LMC	Seaford	Land SA
LMC	Aldinga	Aldinga Eco Arts Village
LMC	Over 20 low value industrial and residential allotments	Various

In addition, LMC contributed land to the Golden Grove and Mawson Lakes joint ventures. This land was sold by joint venture partner Delfin on the market as individual allotments.

LMC Key Sales 2002/03

Vendor	Site	Purchaser
LMC	Northgate stage 2	A V Jennings
LMC	School site at Northfield	Oakden Baptist Church
LMC	Transport corridor sites at Seaford and Noarlunga	Passenger Transport Board
LMC	Over 20 low value industrial, residential and rural allotments	Various

2. LMC Disposals on Behalf of Other Government Agencies 2001-02

Vendor	Site	Purchaser
DHS	114-116 Hutt Street, Adelaide	Chris Diamantis
SAPOL	Former Plympton Police Station	A V Jennings Ltd
DETE	Portion of Kidman Park Primary School	Distinctive Property Holding Pty Ltd
DETE	Portion of Blair Athol Language Centre	Upjay Pty Ltd
DETE	Portion of Blair Athol Language Centre	City of Port Adelaide Enfield
DETE	Vale Park Primary School	Jet Properties Pty Ltd
DETE	Portion of Hendon Primary School	R&D Jovanovic
DETE	Beafield Education Centre	Diane Marie Casey
DETE	Fremont High School	Harry Charatis & Goran Lovrinov
DETE	Hillbank Child Care Centre (Lt 112)	Julia Rose Zobel and Mathew John Verwey
REM	CFS Headquarters	Master Plumbers Assoc
DETE	Portion of Mitcham Primary School	Melissa Draper
DETE	Hillbank Child Care Centre (Lt 113)	Linda Michelle Christie
DETE	Portion of Kidman Park Primary School	Brian Alonge
DETE	Portion of Brahma Lodge Primary School	SA Housing Trust
DETE	Hillbank Child Care Centre (Lt 111)	Karen Juluis
DETE	Portion of Ocean View College	SA Housing Trust
DETE	Portions of Cowandilla Primary School	1. A V Jennings Ltd and 2. M Varvaris & M Stefanopoulos

LMC Disposals on Behalf of Other Government Agencies 2002-03

Vendor	Site	Purchaser
DFEEST	Panorama TAFE annexe	Pinnacle Properties Pty Ltd
DECS	Ethelton Primary School	Mossop Group Pty Ltd
DECS	Portion of Cowandilla Primary School	S Edmonds
DECS	Portion of Para Hills High School	Kentia Developments Pty Ltd
DECS	Portion of Hampstead Primary School	SA Housing Trust
DECS	Netley Primary School	Karidis Corporation
DECS	Portion of Mansfield Park Primary School	Andrew Christopoulos
DEH	Pedder Crs Dudley Park	Aboriginal Housing Authority
DEH	Pedder Crs Dudley Park	Costas Eleftheriou
DECS	Thorndon Park Primary School	Adelin Pty Ltd
DEH	McPherson Reserve	Maczam Pty Ltd
CAA	Former Gawler Court House	NR Hoskyns

SHOPPING SURVEYS

In reply to **Hon. J.F. STEFANI.**

The Hon. P. HOLLOWAY: The Minister for Consumer Affairs has provided the following information:

I was not aware of any such survey. It was not a survey I authorised and was not undertaken by the Office of Consumer and Business Affairs. I regret that I do not have any other information that might help the Honourable member.

EXPORTS

In reply to **Hon. J.F. STEFANI** (15 September 2004).

The Hon. P. HOLLOWAY: As the member may be aware the Australian Bureau of Statistics (ABS) publishes South Australian merchandise export figures on a monthly basis and service statistics on a annual basis. Unfortunately, neither data sets present industry-based data, rather the export statistics are reported by commodity or, in the case of services, by activity.

The ABS does not have the necessary confidence in the accuracy of industry-based statistics for South Australia for it to publish them. This lack of confidence is created by the large proportion of South Australian goods (over 18 percent) that are classified as confidential for various reasons and the unreliability of state-based service export statistics.

In its work to date, the South Australian Export Council has expended considerable time on identifying and defining the key industry sectors, for exports, in the State. Through this work the Export Council has defined 15 sectors that will be pivotal to future export growth. As part of the Council's work, each sector was asked to provide statistics on their current export revenue. The table below presents the information the Council has been able to collect to date (2002-03 data presently):

Industry view of export revenue (2002-03)

Sector	2002-03 exports ($bn.)	Share of total exports 2002-03
Agri-food		1.87119.2%
Seafood and aquaculture	0.449	4.6%
Wine	1.630	16.7%
Tourism	0.417	4.3%
Education	0.230	2.4%
Automotive	1.410	14.5%
Engineering metals	0.870	8.9%
Mineral resources	0.990	10.2%
Forestry and timber products	0.067	0.7%
ICT/electronics	0.848	8.7%
Defence	0.125	1.3%
Creative industries	0.310	3.2%
Health	0.120	1.2%
Petroleum	0.400	4.1%
Professional and technical services	TBA	TBA
TOTAL	9.737	100.0%

The Export Council has accepted industry figures in good faith, but believes there maybe a significant overlap between industry estimates. The Export Council has attempted to reconcile the industry data with ABS data, where categories are mutually exclusive, to eliminate double counting.

The Export Council, with the assistance of the Office of Trade within the Department of Trade and Economic Development, will

continue to work with individual industry sectors and the ABS to attempt to improve the quality of industry-based export statistics for South Australia.

SPEED CAMERAS

In reply to **Hon. J.F. STEFANI** (16 September 2004).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has advised that SAPOL has been unable to break down the speeds into the categories that were requested, but have provided the following table detailing similar speed categories.

Number of motorist caught speeding (1/7/03-30/6/04).

Chief Street Brompton	Speed camera notices
40 – 54 km/h	993
55 – 70 km/h	462
71 – 84 km/h	22
Over 84 km/h	1
Grand Total	1,478

The Minister for Transport has provided the following information.

On 21 June 2001, this road was zoned 40km/h at the request of the City of Charles Sturt by the Minister of the day (Hon Diana Laidlaw MP).

Chief Street is a council road whose primary function is to serve local businesses and residents. Council considered the road was being used by an unwanted number of through traffic, and wanted to discourage this practice and encourage drivers to use the surrounding arterial roads, but without restricting access to business and residential premises. Council also wanted uniformity of speed limits throughout the "Hindmarsh Precinct" area.

LAND MANAGEMENT CORPORATION

In reply to **Hon. J.F. STEFANI** (25 October 2004).

In reply to **Hon. KATE REYNOLDS** (25 October 2004).

In reply to **Hon. A.J. REDFORD** (25 October 2004).

The Hon. P. HOLLOWAY: The Minister for Infrastructure has provided the following information:

The following tables provide details of:

- Purchases of key sites
- Agencies that were provided with services by LMC
- Sites that have provisions for public or community housing
- The sale process
- Conditions of sale

LMC key sales 2003-04

Vendor	Site	Purchaser	Method of Sale
LMC	Northgate	A V Jennings	Public Tender
LMC	26 industrial and residential allotments	Various	Various
LMC	Salisbury South	Kotses Trust (for Bickfords Pty Ltd)	Private Treaty
LMC	Craigmore	Land SA	Public Tender
LMC/SAHT	Seaford	Land SA	Private Treaty
LMC	Noarlunga Downs	SAHT	

LMC provided services to the following agencies:

1. Department for Administrative and Information Services (DAIS)
2. Courts Administration Authority (CAA)
3. Department of Further Education Employment Science and Technology (DFEEST)
4. Department of Education and Children's Services (DECS)
5. Emergency Services Administrative Unit (ESAU)
6. Department for Environment and Heritage (DEH)
7. Department for Human Services (DHS)
8. SA Lotteries Commission
9. Passenger Transport Board (PTB)
10. Planning SA
11. Police (SAPOL)
12. Primary Industries and Resources SA (PIRSA)
13. Office for Recreation and Sport (ORS)
14. SA Housing Trust (SAHT)
15. SA Metropolitan Fire Service (SAMFS)
16. SA Water
17. Sexual Health Information Networking and Education (SHINE SA)
18. Transport SA (TSA)
19. Department of Treasury and Finance (DTF)
20. Department of Water Land and Biodiversity Conservation (DWLBC)

Transactions on behalf of other agencies 2003-04

Vendor	Site	Purchaser	Method of Sale
DECS	Largs North Primary School	Colossus Developments	Public Tender
DEH	Old Noarlunga Lot 92 Hall Crescent	Roderick Dene & Beverley Watson	Public Auction
SAW	Portion of Ingle Farm Tank Site	Z Farah	Public Auction
DFEEST	North Adelaide School of Arts	Intercom Developments Pty Ltd	Public Tender
DECS	Portion of Christies Beach High School	SA Housing Trust	Private Treaty
DECS	Salisbury North – Former Dorothy Hughes Kindy Site	City Builders Pty Ltd	Public Auction
ESAU	CFS Headquarters – Stirling	Business World Office Machines Pty Ltd	Public Tender
DECS	Portion of Playford Primary School	Catholic Church	Private Treaty
DECS	Hectorville Primary School	SA Housing Trust	Private Treaty

Note: 1. Sites purchased by SAHT are for public or community housing.
2. Site at Seaford is subject to requirement that 15% of developed allotments are offered to SAHT for purchase for public or community housing.
3. All sales are on commercial conditions as contained in The Law Society of South Australia Contract for the Sale and Purchase of Land.

NATIVE VEGETATION

In reply to **Hon. CAROLINE SCHAEFER:** (14 September 2004).

The Hon. P. HOLLOWAY: The Minister for Environment and Conversation has advised:

1. All South Australian Government Departments, agencies and statutory authorities are required to prepare and publish Regional Impact Assessment Statements prior to implementing significant changes to the existing standard and level of Government services to rural and regional areas. The aim of this process is to provide an opportunity for community involvement and consultation in relation to such changes. The Native Vegetation Regulations 2003 provided changes to the regulatory regime in relation to native vegetation issues, but were not considered to significantly change Government services. For this reason a Regional Impact Assessment Statement was not prepared and published. However, regional and other impacts were considered by the Government when developing these regulations.

2. While it is not considered appropriate for the mining industry to be represented on the Native Vegetation Council, the mining and petroleum industry will be consulted in relation to the development of procedures to manage the significant environmental benefit offsets applying to mining operations.

3. A review of the 2003 regulations has been sought by the Chamber of Mines and Energy. I indicated to the Chamber that I am not prepared to roll back the concept of the significant environmental benefit provisions (which apply to all developments across the State, including works of the Crown). However, I have asked the Department of Water, Land and Biodiversity Conservation to continue to liaise with PIRSA (Mines and Energy) to ensure that the provisions are appropriately applied. If appropriate, this may result in a review of the existing legislative provisions.

4. The provisions are not intended to halt economic growth in the State, but ensure that proposed developments recognise that native vegetation has a value. Thus the Government aims to encourage developers to determine whether there is a practicable alternative that would involve no clearance, or the clearance of less native vegetation or less significant native vegetation. As you have noted, the Government has stated goals in regard to increasing economic development. The Government has also stated goals for attaining sustainability which are intended to contribute to the State's well-being and prosperity.

Specifically, the change to the legislation accords with South Australia's Strategic Plan, Objective 3: Attaining Sustainability – Native Vegetation: Any clearance of native vegetation being offset by significant biodiversity benefit by 2005.

In addition to the above I provide the following:

The Department of Water land and Biodiversity Conservation (DWLBC), the Department of Primary Industries and Resources SA (PIRSA) and the Native Vegetation Council (NVC) have been working closely over the past twelve months to address specific concerns raised by the mining industry in relation to the native vegetation regulations.

A joint DWLBC and PIRSA proposal has been drafted in connection to this matter. This proposal addresses issues raised by the mining industry regarding regulatory matters under both native vegetation and mining legislation, and specific issues relating to the determination of Significant Environmental Benefit.

The objective of this proposal is to establish a legislative and administrative regime that not only protects native vegetation and meets objective 3 of South Australia's Strategic Plan: Any clearance of native vegetation being offset by significant biodiversity benefit by 2005, but also allows economic development and growth to continue in a sustainable manner.

The proposal is in the process of being reviewed at senior executive level. If the proposal is agreed to, it is intended that stakeholder consultation will be carried out at an early stage in order to provide an opportunity for representatives of the resources industry and conservation interests to provide comment.

MID NORTH REGIONAL DEVELOPMENT BOARD

In reply to **Hon. CAROLINE SCHAEFER** (23 September 2004).

The Hon. P. HOLLOWAY: The Minister for Regional Development has provided the following information:

1. As the Minister for Regional Development it is my responsibility to bring to the attention of Parliament at the earliest opportunity any issues of concern relating to corporate governance or financial control for agencies and boards and committees under my control.

When this issue was brought to my attention I judged it necessary, given the actions undertaken as outlined in my Ministerial Statement, to communicate the current status to Parliament.

2. The Executive Director, Office of Regional Affairs, Department of Trade and Economic Development provided a verbal briefing to the Minister's Regional Development Adviser on 16 September 2004 and to the Minister on 17 September 2004.

3. The former Minister for Regional Development's term coincided with the appointment of the new Chief Executive Officer by the Mid North Regional Development Board. Matters were being handled operationally, by the department, with the Board and its new Chief Executive. At that stage, there was no imperative requiring any brief to be provided to the former Minister.

ROYALTY PAYMENTS

In reply to **CAROLINE SCHAEFER** (13 October 2004).

The Hon. P. HOLLOWAY: The $340.5 million relates to consolidated account transactions that occurred between 1 March 1999 and 30 April 2004, including mineral and petroleum royalties, gas franchise fees less payments made pursuant to legislation.

The Government's banking is organised such that whilst individual agencies have an account in their own name, all accounts are part of a group and are recognised as one Government account. In this instance the money was transferred from the Department of Primary Industries and Resources (PIRSA) sub-account to the Treasurer's sub-account.

The transfer between sub accounts of the Government's account has no impact on the Consolidated Account. The Consolidated Account recognises receipts when received in the Government's account, irrespective of which sub account the money is deposited. Accordingly, the Consolidated Account recognised receipts of $75.2 million for the 2003-04 financial year. All amounts have been correctly recorded by PIRSA and the Department of Treasury and Finance in the financial years the transactions occurred.

I would like to stress that this transfer is an administrative arrangement, not an irregularity.

PIRSA, ACCOUNTING PRACTICES

In reply to **Hon. CAROLINE SCHAEFER** (22 November 2004).

The Hon. P. HOLLOWAY: The Minister for Agriculture, Food and Fisheries has provided the following information.

I would like to clarify the actions that Primary Industries and Resources SA (PIRSA) has undertaken to address the issues raised in the Auditor-General's Report. In relation to the cash issues, this involves reconstructing bank reconciliations and financial statements in order to identify and resolve all outstanding differences dating back to 1999. In order to resolve these matters, a project team has been formed, consisting of four PIRSA staff and an additional two specialist contract staff, with a target completion date of 28 February 2005.

Given the nature of the audit issues, the Deputy Chief Executive of PIRSA also commissioned an independent review of the corporate finance systems and processes. An external accounting firm has completed this review and its report is being considered.

Both of these actions, the reconciliations project team and the review of corporate finance systems and processes, have been undertaken independently from the Risk and Audit Committee, although the Committee has maintained a monitoring role.

The Risk and Audit Committee has been established within PIRSA since April 2001. Its primary objective is to assist the Executive in fulfilling its governance responsibilities relating to the management of the Department. The membership of the Committee comprises three senior PIRSA staff and one independent external member.

A risk management system has been rolled out within the Department over the past few years. The various Divisions within PIRSA have developed "Risk Profiles" that document identified risks and internal controls to effectively manage these risks. These include operational risks and are not restricted to financial risks.

The next stage in the development of the Department's risk management capability is the independent assurance of internal controls to manage the identified risks.

To further progress the controls for the "Risk Profiles", PIRSA is seeking to establish a panel agreement for the provision of

additional internal audit services, as and when required, that will provide advice and assistance on the ongoing development and maintenance of effective internal controls.

The PIRSA Risk Management and Audit Unit has until recently been resourced with only one staff member, the Principal Adviser, Risk Management and Audit. An additional position of Senior Risk and Control Analyst has now been created and is currently in the process of being advertised.

The purpose of establishing a panel agreement is to augment and provide specialist skills that do not currently exist in the agency.

The panel agreement will provide specialist internal audit advice and assistance in reviewing strategic and operational internal controls not just financial controls. This will enhance the risk management capability of PIRSA.

The establishment of a panel agreement is likely to include more than one outside body in order to cover all of PIRSA's strategic and operational risks and controls.

Given the complex nature of PIRSA's operations, a panel agreement will provide access to a wide range of skills and capabilities on an as needs basis. The scope of these skills could not be provided by PIRSA without employing a larger internal audit team and this cannot be justified on a full time basis.

The Principal Adviser, Risk Management and Audit Unit will manage the internal audit service providers on behalf of PIRSA and provide reports to the Risk and Audit Committee on internal controls to manage identified risks.

The Risk and Audit Committee will continue to evaluate the adequacy and effectiveness of PIRSA's risk and internal control systems through communication with and reviewing reports from the Auditor-General's Department, the PIRSA Risk Management and Audit Unit, and PIRSA Divisional Management.

There will be no overlap of duties.

MINING EXPLORATION, UPPER MALLEE

In reply to **Hon. CAROLINE SCHAEFER** (8 November 2004).

The Hon. P. HOLLOWAY:

1. Landowners have a number of opportunities to have their concerns and objections dealt with in the process of mining and exploration. These range from direct negotiation with the mining operator, putting their concerns to the Warden's Court and by responding to PIRSA Mineral Resources as part of the community consultation undertaken during the assessment of a mining tenement application.

Before a miner can enter onto land they must give 21 days notice of entry to the landowner. The landowner may enter into an agreement with the miner regarding access rights and compensation or may elect to object to the entry in the Warden's Court. The landowner has three months to object to the access.

A miner must also give the landowner 21 days notice before using any heavy machinery (called “declared equipment” in the Mining Act) and also has the right of objection on the Warden's Court.

The Mining Act provides that agricultural land is exempt from exploration and mining and remains exempt, unless the landowner signs that exemption away. If there is no agreement on conditions under which mining may proceed, either the miner or landowner may apply to the Warden's Court for a determination.

Section 61 of the Mining Act states a landowner is entitled to compensation for any economic loss, hardship or inconvenience caused by mining operations on their land. The amount of compensation may be determined by agreement between the landowner and the miner or failing resolution the matter may be resolved in the Warden's Court or the Environment Resources and Development Court.

A Rehabilitation Security Bond is collected by PIRSA and held as security to ensure that, if the mining company fails in its obligation to rehabilitate the land, then money is available for the State to carry out the required rehabilitation and the landowners is not left with the responsibility.

Under the Mining Act all applications for mining tenements must undergo a strict assessment of the impact of the proposed operation on the environment and the community. It is required by law that all landowners are consulted and those comments taken into consideration when determining the conditions under which the mining tenement may be granted.

2. I have met with farmers from the Murray Mallee and Loxton area and senior officers from the Mineral Resources Group of PIRSA have also held numerous meetings and information sessions with landowners and the local community. This has led to the formation of the Murray Mallee Community Consultative Committee, which provides a forum for community feedback to Southern Titanium and to State and local governments on all matters relating to the planned zircon mining operations in the area.

3. PIRSA is currently considering the implications of a proposal for Southern Titanium to pay a reduced mining lease rent only for the period of time that the lease is being held in reserve awaiting mining operations to take place. All land owners whose properties will be affected by mineral sand mining tenements have been notified of the proposal and asked to provide comment as they see fit. All comments arising from this consultation are being taken into consideration in determining whether the proposal will be approved, and if so, the conditions of such an approval.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. CAROLINE SCHAEFER** (26 October 2004).

The Hon. P. HOLLOWAY: The Minister for Agriculture, Food and Fisheries has provided the following information:

Section 23(2) of the Public Finance and Audit Act 1987 and Accounting Policy Statement 13 requires the Chief Executive and the officer responsible for financial administration to certify the financial statements. The financial statements for the Department of Primary Industries and Resources (PIRSA) were certified accordingly.

The discrepancies relate to bank account reconciliation differences that were first identified in June 2004. Bank reconciliations are of an administrative nature and discrepancies are corrected routinely when they are first identified. Given that PIRSA only became aware of the discrepancies in June this year, it immediately went about the task of locating the sources of the discrepancies and correcting them.

In undertaking this task PIRSA officers worked extended hours over June, July and August in an attempt to locate all differences in time to lodge the financial statements with the Auditor-General. However during this period it became evident that the differences occurred across several financial years dating back to1999 and to correct them would require a considerable amount of work involving the reconstruction of bank reconciliations and cash flow statements.

Subsequent to lodging the financial statement on 11 August, officers of the Auditor-General's Department verbally advised PIRSA that unless the discrepancies could be resolved in time for publishing the Auditor-General's report, or his supplementary report, the statements would be qualified.

The Chief Executive of PIRSA received written confirmation of the audit qualification from the Auditor-General on 29 September 2004. The Chief Executive subsequently provided a detailed briefing paper to each Minister of PIRSA on 4 October 2004.

DAIRY FARMERS

In reply to **Hon. CAROLINE SCHAEFER** (28 October 2004).

The Hon. P. HOLLOWAY: The Minister for the River Murray has provided the following information:

Four Government Irrigation Districts have formally applied to the Minister to convert to irrigation trusts. A further four Government Irrigation Districts will decide by 26 November 2004 whether to apply.

All irrigators in the eight Government Irrigation Districts and in the eighteen private reclaimed swamps (approximately 75) remain eligible for rehabilitation funding.

The catchment levy was not overcharged - it was based on the allocations that applied at the time.

Over the last two financial years the National Action Plan for Salinity and Water Quality has funded the project to an amount of $2.9 million. This has provided finance for concept plans for rehabilitation, meter trials, re-use trials, restructuring assistance, farm business planning, and capacity building through support for Lower Murray Irrigation (LMI). Much of this expenditure has been managed by the irrigation community through LMI.

LAYTON REPORT

In reply to **Hon. KATE Reynolds** (5 May and 23 September 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

The Government has considered each of the recommendations of the Robyn Layton Child Protection Review Report, which it commissioned, and determined its priorities. I refer the Honourable

member to the policy document entitled Keeping Them Safe, released in May 2004 and launched by the Minister for Families and Communities in September 2004. This document contains the Government's plans in response to the Child Protection Review. The document, Keeping Them Safe - Past Achievements and Future Initiatives, 2004-2005 summarises the Government's actions and plans in more detail.

The Honourable member also asked about recommendations in Chapter 15 of the Child Protection Review Report, about amendments to the Evidence Act. I advise that the Government has approved the preparation of a discussion draft of a Bill to amend the Evidence Act 1929 to improve the way evidence is taken from children and vulnerable witnesses. The discussion draft has been sent to the Criminal Trial Reform Working Group for comment.

The Criminal Trial Working Group is chaired by Justice Duggan, of the Supreme Court, and has membership comprising Justice Sulan, of the Supreme Court, Judge Rice, of the District Court, the Acting DPP Miss Wendy Abraham Q.C., senior defence barrister Mr Gordon Barrett Q.C., and a senior legal adviser to the Attorney-General on criminal-law matters.

The Government will fully consider the comments of this group of experienced persons, before a final Bill is approved for introduction in Parliament.

The discussion draft of the Bill includes all aspects of the Child Protection Review recommendations that the Government has accepted.

GOVERNMENT CONSULTANTS

In reply to **Hon. J.F. STEFANI** (23 October 2002)

In reply to **Hon. A.J. REDFORD** (23 October 2002)

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information:

A survey of all Chief Executive Officer's regarding consultancy expenditure for the period 14 March 2002 – 30 June 2002 has been carried out and the results are listed below.

Information regarding expenditure on consultants for the financial years 2002-03 and 2003-04 can be accessed via the relevant agencies Annual Reports.

14 March 2002 to 30 June 2002

	Number of Consultancies entered into	Total cost of contracts for consultancies entered into (GST exclusive) $'s	Total expenditure on consultancies during period (GST exclusive) $'s
Department of Treasury and Finance	7	31,213	31,213
Independent Gambling Authority	0	0	0
Ports Sales Proceeds	0	0	0
TAB Sales Proceeds	0	0	0
SAICORP	0	0	0
ESCOSA	31	730,890	730,890
ESIPC	3	95,750	50,887
Motor Accident Commission	18	148,159	148,159
SAAMC	1	4,793	4,793
Funds SA	1	460	460
Transmission Lessor Corp	2	14,970	14,970
Generation Lessor Corp	4	23,564	23,564
Distribution Lessor Corp	4	14,191	14,191
RESI	4	9,474	9,474
Auditor-General’s Department	12	N/A	55,574
Adelaide Entertainment Centre	2	18,467	18,467
Adelaide Festival Centre Trust	5	14,087	14,087
South Australian Motor Sport Board	0	0	0
South Australian Tourism Commission	7	33,537	28,577
Adelaide Cemeteries Authority	4	62,320	31,235
Adelaide Festival Corporation	0	0	0
Department of Industry and Trade (BMT)	11	371,606	432,741
DHS	74	866,312	655,360
Public Trustee	16	8,103	9,072
Water, Land and Biodiversity	35	301,548	206,911
Arid Areas Catchment Water Man Board	1	7,273	7,273
South East Catchment Water Man Board	3	309,094	33,217
River Murray Catchment Water Man Board	17	1,393,032	206,392
BioInnovationSA	0	0	0

HomeStart	9	N/A	88,086
SSABSA	7	27,283	27,283
PIRSA	18	167,384	87,485
Courts Administration Authority	0	0	22,727
St. Margaret's Rehabilitation Hospital	0	0	0
Dairy Authority of SA	0	0	0
Outback Areas Community Dev Trust	4	21,984	21,984
West Beach Trust	6	23,682	23,682
SA Lotteries	11	145,000	145,000
Playford Centre	23	92,694	100,204
Education Adelaide	0	0	0
Education and Children's Services	1	38,182	35,135
Attorney-General's Department	36	317,000	317,000
SA Ambulance Service	23	38,075	38,075
Department for Correctional Services	10	302,645	158,516
Emergency Services	11	123,706	123,706
State Electoral Office	0	0	0
Legal Services Commission	0	0	0
SA Police	3	94,000	174,000
DPC (including ARTS SA)	56	89,396	507,891
DAIS	60	2,504,916	1,142,438
DEH (including EPA) controlled entities	34	N/A	206,274
DEH (including EPA) controlled entities Capital WIP	8	N/A	70,720
DEH (including EPA) Administered entities	10	N/A	108,407
Department of Transport and Urban Planning	15	1,214,000	331,000
Spencer Institute of TAFE	1	27,137	27,137
WorkCover	23	367,408	367,408
ForestrySA	1	3,211	3,211
Land Management Corporation	9	161,478	172,695
SA Water	12	104,005	515,913
TOTAL - Contracts basis	580	10,322,029	7,024,423
TOTAL - Hourly rate basis	73	0	529,06

Note: N/A identifies those agencies that have responded that the consultants engaged are paid on an hourly rate basis without entering into a formal contract.

In response to the supplementary question, the Auditor-General audits the financial results and associated notes of public authorities based upon requirements under the Public Finance and Audit Act. Under the Act public authorities are required to prepare financial statements that comply with the Treasurer's Instructions and the Accounting Policy Statements.

Accounting Policy Statement number 13 includes the following definitions on determining expenditure relating to consultants and contractors:

"Consultant" means a person who is engaged by an entity for a specified period to carry out a task that requires specialist skills and knowledge not available in the entity. The objectives of the task will be achieved by the consultant free from direction by the entity as to the way it is performed and in circumstances in which the engagement of a person under normal conditions is not a feasible alternative.

"Contractor" means a person who is engaged by an entity for a specified period to carry out a defined task subject to direction by the entity as to the way in which that task is to be performed and in circumstances in which the engagement of a person under normal conditions of employment is a feasible alternative.

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. We have just seen an unprecedented number of questions being answered—and I congratulate the government on that. However, would it be possible to incorporate into the *Hansard* the actual questions that were asked so that we do not have to go back to the dates and trawl through *Hansard* over two and three years to determine what the question was that the government is seeking to answer?

The PRESIDENT: In the past it has been the practice for the minister to answer by saying 'on the subject of', to allow the member to instantly recall the question which they asked. However, I think members will find that the dates are there and members do have the facility and the technology to go back to those questions. It is a procedural matter, and by way of request—it is not by way of an order—it may be worthwhile for ministers when they are giving their answers to say the subject and keep everyone happy. It is the ministers' prerogative to do that, and I think that cooperation is always worthwhile.

ACTS INTERPRETATION (GENDER BALANCE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 March. Page 1245.)

The Hon. D.W. RIDGWAY: It is with pleasure that I rise to support this bill. It is relatively self-explanatory and not particularly contentious. It seeks to address the gender balance that exists on a number of government boards and committees. The bill will guarantee an equal choice of male and female nominees when making appointments requiring a non-government entity to nominate from the panel from which the Governor or minister may make an appointment. The bill is in line with the government's State Strategic Plan to target an increased number of women on all state government boards to 50 per cent (on average) by 2006. I do not believe that they will achieve that but, all the same, it is certainly an honourable goal.

Minister Key's office has indicated in briefings to some of my colleagues that, in order for the government to reach its target, approximately 69 per cent of all government appointments to boards and committees from now until June 2006 must be women. That is why I believe the target probably will not be reached. A statistical profile of women in South Australia produced by the Premier's Council on Women stated that the percentage of women on government boards was currently 32 per cent. So, we have an 18 per cent shortfall. Under the previous Liberal government, the number of women on government boards and committees steadily increased from 25.2 per cent in 1993 to 33.18 per cent in 2002. I refer to the Liberal Party policy over that period and remind members of this chamber of some of the initiatives introduced by the Liberal government during that time. In doing so, I refer to the document titled 'Focus on Women'.

One initiative was to relocate the Women's Information Service to a new high profile shopfront location in the city which better meets the needs of women and that the Women's Information Service be promoted to women in regional areas. The previous Liberal government also maintained its commitment to achieve 50 per cent representation of women on government boards and committees by the year 2000—alas we are still falling short of that. Another policy initiative was to investigate the establishment of a South Australian Women's Trust and to address the specific needs of women in rural areas and generally in areas of justice, education, employment, health, housing and safety.

It would also consider all options for extending work-based child care in the public sector as part of the family and work programs adopted progressively by all government agencies, and monitor the impact on women in the workplace of enterprise bargaining agreements. As part of the year 2000 celebrations we were to produce a video for wide circulation in the community to highlight women's contribution to South Australia and produce a selection of oral histories of women who win Order of Australia awards. I remember that a publication was produced in my local area in the South-East, that is the Tatiara area (which is an Aboriginal word for the good country), about women of Tatiara who made a significant contribution to that community over the past 100 years.

Other policy initiatives included facilitating the nomination of women for rewards and prizes, including the Young Entrepreneurial Woman Award and the Rural Woman of the Year Award; produce a number of other information services, including web pages and electronic information which would benefit both women and their families; ensure the Women's Advisory Council continues to be chaired independently of government and support the Women's Advisory Council to continue its important consultations with women of all ages and backgrounds across the state; and establish an accredited leadership program focusing on the mentoring of women entering business and the provision of role models. The document titled 'Focus on Women' also states:

> Personal and public safety for women will continue to be a focus, with renewed commitment to a reduction in crime. . . Sexual Assault Unit of the South Australian Police Force. . . ministerial forum on the prevention of domestic violence.

Members can see that a number of initiatives were included in the Liberal Party's policy documents during the last couple of elections and that they have had a big impact on the percentages of women on government boards and committees.

Most of the new legislation that we have passed in this chamber since I have been elected carries requirements in relation to the make-up of boards, for example, the NRM council, and other legislation which requires the selection panel be made up of at least one man and one women. The Liberal Party supports choice and selection on merit, but given that this government has not displayed the same trend in respect of increasing the number of women on government boards, this legislation is not unreasonable. Women only account for 9 per cent of board members in the top 200 companies, so this legislation is appropriate, given that women are still under represented at an executive level. This legislation, as I said earlier, is fairly simple. It does not force the government to appoint women to boards and committees, but merely to be presented with an equal number of men and women from whom to make that appointment.

The Liberal Party has always supported selection on merit, not on gender, and I am sure that if an appropriate number of high quality women are available, they will certainly be selected on merit rather than on the fact that they are merely a woman. The Liberal Party supports this bill.

The Hon. G.E. GAGO secured the adjournment of the debate.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (NEW ELECTRICITY LAW) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 March. Page 1311.)

The Hon. SANDRA KANCK: The minister's explanation begins almost as a boast that the government is 'again delivering on a key energy commitment'. I remind the minister that there is only one commitment that the electorate is interested in when it comes to energy, and that is the election promise that Labor made to reduce electricity prices in South Australia. That is something that South Australians are still waiting for. This is yet another one of those confounded pieces of legislation that was agreed to by a group of ministers from a variety of jurisdictions that has been written for us to pass unquestioningly. South Australia is the lead legislator, which gives us the dubious privilege of being the first jurisdiction to deal with this legislation—and I say 'dubious' because it gets us nothing. The passage of other template legislation regarding energy markets over the years shows that there is no real place even for questioning. It is like a group of adults patronising and tolerating a young

child. We will be patted on the head and assured that the grown-ups have it all under control—and, of course, we can always trust the grown-ups, can't we?

The Hon. Nick Xenophon interjecting:

The Hon. SANDRA KANCK: Yes, that is the same sort of thing. They are the experts and they know better. It is nine years since South Australia passed the National Electricity (South Australia) Act which, in legislative terms, is a relatively short period, yet now we have effectively a complete rewrite of it. It shows, as the Democrats have said from day one, that the national electricity market was fundamentally flawed in the first place. We tried to impose a UK model onto an Australian situation where markets are so far apart that each state acts as its own market and competition does not occur naturally.

Having turned over the electricity market to private operators, we have had to put rules in place to keep it under control. Without them, it would be like turning over the wild west to the gun slingers. I do not believe that this legislation will be able to fix the national electricity market. The experience to date of the NEM is that, always, we are uncovering the flaws and attempting to apply bandaids. The minister's second reading speech even speaks in a language that is foreign to this parliament. He tells us that the existing code will be remade as 'statutory rules' under the national electricity law.

What are statutory rules? It is obviously a pretty fundamental part of what we are dealing with in this bill, yet these are words that are alien to the drafting of this parliament. Whatever statutory rules are, the minister's speech fails to reveal it. Whatever they are, it appears the theory is that it will streamline things, thereby saving time, which in turn should reduce costs for the operators in the market and, presumably, we will all get cheaper power, and the cow will jump over the moon!

One of the outcomes of this legislation is that the National Electricity Code Authority (NECA) will be phased out, and no-one I have spoken to thinks that this is a loss. The establishment of NECA in Adelaide was the so-called reward for South Australia becoming part of the National Electricity Market and the lead legislator. I understand that, with the demise of NECA, little as that reward was, it is appropriate that the Australian Energy Regulator, which will take up some of NECA's functions, will be based in Adelaide following the winding down of NECA.

One of the striking features of this legislation is that there is to be just one market objective, and that is in clause 7 of the bill, as follows:

> The National Electricity Market objective is to promote efficient investment in, and efficient use of, electricity services for the long-term interests of consumers of electricity with respect to price, quality, reliability and security of supply of electricity and the reliability, safety and security of the national electricity system.

I would like to know how efficiency is measured. Who is going to measure that efficiency once we decide how it can be measured? How often will it be measured? How often will we hear reports back about the efficiency? Efficiency appears to be defined in terms of price, quality, reliability and security of supply. Last month, we had a gas shortage in the South-East of the state. That is not surprising because gas is a non-renewable fossil fuel resource and will inevitably run dry. But what does this particular objective have to say about how we use a fuel resource? If we use it all up, as we inevitably will do with gas—as in the South-East, for instance—we will not have security of supply. This objective fails to address it.

When we dealt with the setting up of the Australian Energy Market Corporation bill, I had three amendments. When I moved them, minister Holloway told the chamber in response to the amendments that the appropriate place for them was in the National Electricity Law. One of my amendments required the AEMC to observe the need for ecologically sustainable development and to take into account things like greenhouse gas emissions. Another one was about the AEMC conducting inquiries. All three of my amendments to the bill were defeated, but the Hon. Mr Holloway said:

> I have just spoken to the minister's officers, and I indicate that the government is prepared to take up the matters in her amendment with the other states in negotiations on the National Electricity Laws.

I see that those amendments I proposed last year as part of the AEMC bill have not appeared as part of this bill before us or in the National Electricity Law. I would like to know whether, in fact, the government's promise was followed through and, if it was not, why not? If it was, what happened? Why has it just died? What are the good reasons for not having amendments such as I attempted to put in last year in the National Electricity Law? It shows what happens when we get template legislation. We, as a parliament, have our mastery of legislation taken away from us.

My feeling is that, if we are the lead legislator, we should be able to set the lead. I cannot see the point of us being the lead legislator if we cannot get in a single thing that reflects what we want in this state. I think that, in looking at this bill, a fundamental question must be asked, as with any legislation: is there any value in passing the bill? I read through the House of Assembly *Hansard*, and all of the opposition and crossbench MPs who spoke on the bill expressed concern about it.

Although the shadow minister said it was not the intention of the opposition to oppose the bill but, rather, to raise concern, I note that Vickie Chapman, the member for Bragg, gave a four-word second reading speech, which was, 'I oppose the bill.' When I read this a few weeks ago I almost felt like cheering, because the opposition (not just this opposition but also Labor oppositions) has not been very good when dealing with electricity industry reforms. When Labor was in opposition we saw a similar thing in the House of Assembly, where member after member stood up and expressed concerns about the plans to disaggregate our vertically integrated electricity industry, but then let the legislation through. A couple of years later we saw the Labor opposition expressing concern about the establishment of the national electricity market, then it let the legislation through. If members had had the courage to vote against it, the sell-off of ETSA might not have happened and South Australians might not be having to pay the extraordinarily high prices for electricity that we do.

The Energy Users Group was one of the many groups that has lobbied me about this legislation. Members of the group expressed concern about it, and matters that they raised with me included the fact that the penalty regime in this legislation is not even as tough as the Trade Practices Act. They do not like the term 'consumer', because a generator can also be a consumer of electricity. They prefer instead the term 'end user'. They are concerned that, as end users of electricity (and it represents, I guess, the big end of the market with groups such as Telstra, and so on, that use a lot of electricity), they are being diminished in the legislation with different methods of dismissal for the end user reps on the reliability panel compared to the market participants on the panel (there are, by the way, three market participants for one end user on the

new reliability panel). So, it really goes against the end users, or consumers, as we might normally have called them.

They also expressed concern about the standing of end users in court, and they mentioned a case to me where one of the associations representing end users was not permitted to appear in a court case. It seems a very silly way to go about it, because it surely must be more effective to have a group that represents a range of end users rather than to have each end user one by one going to court. Despite its concerns, however, the Energy Users Group told me that it did want the bill passed despite its flaws.

I understand that all parties in this parliament, if not individual MPs, have received a document from the combined environment and social justice movements across Australia asking us to vote against this bill. It is a significant group, and it includes: the Total Environment Centre in New South Wales; the New South Wales Council of Social Service; the Queensland Consumers Association; the Worldwide Fund for Nature; the Conservation Council of South Australia; Climate Action Network Australia; the Environmental Defenders Organisation of New South Wales; Environment Victoria; the ACT Council of Social Service; the Alternative Technology Association; the South Australian Council of Social Service; the Australian Conservation Foundation; the Moreland Energy Foundation; the Public Interest Advocacy Centre; the Nature Conservation Council of New South Wales; the Tasmanian Council of Social Services; the Tasmanian Environment Centre; the Consumer Law Centre of Victoria; the Queensland Conservation Council; and the Consumers Federation of Australia. As I said, it is a significant group that has put this submission together to MPs in this parliament.

In their letter to us they rhetorically ask, 'What is wrong with the bill?' and they give the answer that it is 'legally doubtful, economically unsound and environmentally damaging'. They have used Dr Gavan McDonnell and a very large document that he has produced called 'What to do with the energy markets reform program'. Doctor Gavan McDonnell is no slouch. He emailed me his bio so that I could see that I was not dealing with someone who was just talking through their head. He played an integral role in establishing the National Electricity Market. He was appointed by the New South Wales government to conduct an inquiry into electricity legislative changes with parliamentary oversight of electricity development, improved environmental standards and accountability and the complete restructuring of the then state owned monopoly, the New South Wales Electricity Commission.

He has been an international investment banker in energy and infrastructure, and he completed several policy projects for the NEM, including as economic adviser to NEMCO's successful cost-cutting initiative, the ancillary services market—probably a world first. I will not go on because there is a whole page, but I have put what I have on the record so that members understand that this is a man who has not come from a position of being anti the National Electricity Market. He is a man who has been involved in its creation and who deeply understands how it works.

Since the bill passed the House of Assembly, Dr McDonnell has been in touch with our energy minister, Mr Conlon, and he has written to the federal Treasurer and the shadow minister in the South Australian parliament, Wayne Matthew. I will not go into it in huge detail, but I will read just some of the things that he has had to say about the legislation. In the letter that he wrote to the Hon. Patrick Conlon dated 15 March 2005, he states:

> I regret to have to say it, the means that you and your energy colleagues are using, minister, are dodgy, and the 'reforms' will be impotent.

He states:

> The model you and your energy colleagues were asked to approve is deeply flawed.

He also says:

> . . . much is wrong with the present National Electricity Market but it ain't broke and there need be no rush to fix it.

In his letter to the federal Treasurer and, again, I will read only bits and pieces—

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: This is from Dr Gavan McDonnell, who played a significant role in getting the National Electricity Market up and running in the first instance. He lists a series of dot points in his letter to the federal Treasurer about the problems that he sees in the bill. One of them outlines the implications of defining the energy market without an end user and, consequently, defining the electricity market in a way which is economically incoherent. He points out the following:

> . . . pricing inefficiencies, emission increases and other damaging environmental effects resulting from the lack of pricing of externalities and the subsidies this gives to certain fuels is another flaw in the bill.

What he says is similar to what he said in his letter to Patrick Conlon. He states:

> Although there is much amiss with the NEM, there is certainly no functional reason for the rush with which this process has been conducted, nor has one been given.

That is probably true, I have to say, although I did meet with locally based energy company INVESTRA last week, which told me it is keen to see this legislation passed because the gas reforms that it is waiting for will not happen until this legislation is passed; so, there is one reason that has been given for pushing this through. Dr McDonnell goes on in his letter to the federal Treasurer, as follows:

> I would suggest to you that, if the present legislation is proceeded with and is passed, as required unamended in all the affected jurisdictions, then the basic defects outlined above and others will inevitably produce a grossly inefficient market and regulatory system. Administrative deadlock as occurred in the UK system will not be long away. . . It would be much better for COAG to ask the MCE—

that is, the Ministerial Council on Energy—

> to suspend now the present process and to establish an independent audit and inquiry process as suggested in my review.

That is the large document that I previously referred to that the environment and social justice movements are quoting. When you consider this man, who has worked hand in hand with the national electricity market and its establishment, this is something we should seriously listen to. He is saying that we will—

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: No, unfortunately. That is interesting—anyone want to stage a coup?

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: Cheaper power prices, if you go into an administrative deadlock in the national electricity market, is something I would like to see. This is a real warning to us. I do not think we should just pass it by—it needs to be taken seriously.

The Hon. T.G. CAMERON: On a point of order, sir, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. SANDRA KANCK: The other piece of correspondence that Dr Gavan McDonnell provided to me was a copy of the letter he sent to the member for Bright and the shadow energy minister, the Hon. Wayne Matthew. I will not read the whole letter, but he says, in relation to this bill:

> I am afraid that the quality of the economic advice upon which the proposals were apparently based has been extraordinarily poor.

He further states:

> The function of COAG is to coordinate policy. To make new policy would at least stretch their electoral mandates if such policy had not been included in the platforms upon which they were elected. It could thus be unconstitutional.

He refers to the federal parliament's legal staff and Bills Digest. That opinion was that very basic issues of the rights of the commonwealth vis-a-vis the states were involved and also that the implications of the proposed arrangements under the subject legislation could well be extended to other markets, with significant effects upon competition reforms. That is not particularly a concern of mine, but if the government and energy ministers across the country are concerned about this they should be listening to what these other people are saying, rather than just getting a lawyer's opinion that suits them.

The other comment, the final dot point that Dr McDonnell makes in his letter to the Hon. Wayne Matthew, is that the removal of merits review effectively makes those responsible for the operation of the NEM unaccountable. I point out that Victoria has passed this same bill in its lower house but is waiting to see what this chamber does with this legislation before it proceeds any further.

The Hon. A.J. Redford: Very wise.

The Hon. SANDRA KANCK: Yes, very wise. Another person very active in commenting on energy issues in South Australia has been energy consultant Robert Booth. He sent me an email, which also referred to Dr McDonnell's work. Dr McDonnell is held in extremely high regard by anyone interested in this industry. At the end of his email to me Rob Booth said:

> Such a bad piece of legislation should not be allowed to became law. It needs to be rejected and done again, this time properly and with some expert input.

Nobody I have spoken to has praised this bill, although a few seem to think that it is better than nothing. Having read through and listened to the assorted views I have received about this bill, the Democrat view is that it is flawed and that we should take the opportunity now to tell its designers to start it again and get it right. We can do this by defeating it at the second reading.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTES AMENDMENT (DRINK DRIVING) BILL

Adjourned debate on second reading.

(Continued from 3 March. Page 1335.)

The Hon. NICK XENOPHON: I support this bill. In a sense, this bill is timely given the recent carnage on our roads. The shocking road toll in the month of March is something that gives significant cause for urgent action and to reflect on new measures to reduce in the community this scourge of people dying and being seriously injured so needlessly on our roads. The statistics of those who have been killed on the roads, in a sense, is the tip of the iceberg when one considers how many people are seriously injured—some with catastrophic injuries where they will be a quadriplegic, a paraplegic or a tetraplegic. That is something that ought to be taken into account. There is a huge cost to the community in terms of the enormous damage done.

In relation to the provision to allow mobile random breath testing at all times of the year, this has always been my preferred position. I note from media reports that, on the days that mobile random breath testing has been undertaken, the effectiveness of that measure—or the number of people caught by that method—is much greater than for the fixed RBTs. That indicates that it is a worthwhile measure. It sends a clear message to the community that anyone who is stupid enough to put themselves—and in particular others—at risk face a much greater chance of detection.

That is why I support that measure. I was disappointed that it did not go through the parliament a couple of years ago when it was considered as part of a package of measures, but I am pleased that there is bipartisan support for those particular provisions. I may wish to raise a number of matters during committee, but I indicate my wholehearted support for this bill. Also, I urge the government to consider, with some degree of urgency, the whole issue of drug testing of drivers. I know that the member for Mawson raised this issue recently in the media, and I agree with him.

If we are serious about dealing with the risks involved on the roads, we need to take into account the impact of cannabis, amphetamines, heroin and other drugs that can seriously impair a person's driving ability, make them a menace and cause significant risk to public safety on the roads. I indicate my support for the bill. I hope that this bill, along with other measures, makes some real impact in reducing the carnage on our roads.

The Hon. A.L. EVANS: I support the second reading of the bill. It will bring South Australia into line with all other Australian jurisdictions in an effort to address the problem of drink driving in South Australia. The government has previously stated that this bill aims to address motorists drink driving through two measures: the bill increases police powers to test randomly motorists' blood alcohol concentration (BAC); and empowers police immediately to suspend or revoke a driver's licence for drink driving with a BAC of .08 and above. In introducing the bill, the Hon. Paul Holloway (Minister for Industry and Trade) drew our attention to the statistics which showed a positive correlation between motorists drink driving and the increased risk of having a motor vehicle accident.

Motor vehicle accidents have the potential to cause terrible physical and psychological harm to those involved. The families of those injured may also be detrimentally affected by burdening them with additional roles of caring for and financially supporting an injured family member while they recover from the accident. As a result, motor vehicle accidents have the potential to increase the devastating havoc on affected families. As a community we have adopted motorist breath testing because it reduces death and injury on our roads.

Statistics previously referred to by the government in the debate on this bill have shown that currently stationary breath testing methods have limited effect. In support of this bill the

government has quoted latest police figures which show that, during a recent trial period of mobile random breath testing, mobile testing proved more effective in detecting drink drivers than stationary random breath testing stations. I believe that mobile random breath testing is a desirable step in ensuring greater motorist compliance with current drink driving legislation.

As I understand it, the proposed bill also institutes the immediate suspension of a driver's licence for drink driving with a BAC of .08 and above. Despite the initial apparent severity of this proposal, several safeguards have been built into the bill. Members of the community are protected against BAC testing instrument malfunctions to a requirement of no less than three BAC tests before their driver's licence can be suspended. Additionally, in the event that their driver's licence is suspended or revoked, the bill also importantly maintains an avenue of appeal through the judicial system.

The increased measures proposed in this bill to combat drink driving reinforces the message to the public that drink driving is unacceptable. My constituents would be supportive of a measure that sends a strong message to would be drink drivers. Also, they would be very concerned about the havoc and heartache drink driving wreaks on our communities and our families. It must not be tolerated. Accordingly, I am very much inclined to support the government in this endeavour.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank all members for their contribution to the debate and their indication of support, at least in principle, for the bill. The Leader of the Opposition indicated that the government would be moving an amendment, which we will. I understand that matter is still to be discussed in the opposition's party room. So, we will not proceed beyond about clause 3 in committee today, but I think it is important that we make a start on this important bill. I am sure that every member of this council would have been horrified by the very high road accident toll in this state over the Easter period.

Last year, we had one of the lowest road tolls for many years (if not ever) since statistics have been recorded. The police must be ever vigilant and we must keep our laws up to date, because the situation can easily go into reverse, and sadly that was the case over the Easter period. Although the causes of the road toll over Easter were not just drink driving—as I am sure members are aware, excessive speed was also a significant contributing factor—nonetheless, I think it is important that we see this measure passed as quickly as possible.

The Hon. Sandra Kanck raised a number of issues in her contribution. She suggested that police would consciously or unconsciously gravitate towards young drivers of old cars. Police currently have powers under both the Motor Vehicles Act and the Road Traffic Act to stop motorists and numerous constraints currently operate to prevent the inappropriate use of these powers. Internally, police are constrained by workload, professional practices and standards, general orders, supervision, personal integrity, internal disciplinary procedures, and the SAPOL Professional Conduct Branch. External constraints include the Police Complaints Authority and scrutiny by the courts, the media and parliament. All of those constraints operate to prevent the inappropriate use of these powers.

A person who believes they have been appropriately targeted or harassed may lodge a complaint with the officer in charge of the police local service area. Where appropriate, after preliminary examination, the matter may then be referred to SAPOL's Professional Conduct Branch. Where a report is made to the Professional Conduct Branch, the Police Complaints Authority is also informed. Alternatively, the aggrieved person has the option of lodging a complaint directly with the Police Complaints Authority.

The Hon. Sandra Kanck also argued that the proposal for immediate loss of licence was unfair. An immediate licence suspension by a member of SAPOL would not be based upon arbitrary or idiosyncratic criteria but three breath tests: a preliminary alcotest and two evidentiary breath analyses conducted not less than two or more than 10 minutes apart in accordance with procedures set out under the Road Traffic Act 1961. The accuracy of breath analysis instruments is already well-documented and accepted by the judiciary. In addition they must now meet very strict international standard provisions.

A person who has received a notice of immediate licence disqualification or suspension or who has received a notice from the Registrar of Motor Vehicles may make written application to the Magistrate's Court for an order to remove or reduce the period of disqualification or suspension on the following grounds:

1. On the basis of the evidence presented to the court, there is a reasonable prospect that the applicant would not be convicted of the offence alleged and the evidence does not suggest that the person might be guilty of another offence to which the immediate loss of licence provision applies.

2. If the offence involved is a category 2 or 3 offence and it is the person's first offence, the period of disqualification or suspension should be reduced to a period of not less than one month because the person might successfully argue that the offence was trifling.

3. The offence involved is a category 3 offence and on the basis of evidence presented there is a reasonable prospect that the person might be found guilty of a category 2 offence. In this case, the court may order that the disqualification or suspension period be reduced to six months.

The review process is weighted in favour of an innocent person. The sole purpose of this process is to review the issue of the immediate suspension/disqualification of the licence. It is not intended that the merits of the prosecution or defence case be tested. An applicant only has to establish that there is a reasonable prospect that they would not be convicted of the alleged offence. Whilst the Commissioner of Police is a party to these proceedings, he can decide whether or not to intervene. The grounds for an application reflect the defences to a drink driving charge currently available under the Road Traffic Act. Therefore, a person would not be able to make an application on the grounds of financial or social hardship or exceptional circumstances. The appeal provisions reflect the current provisions in the Road Traffic Act that allow a court to reduce the disqualification period for a category 2 or 3 drink driving offence to no less than one month.

The Hon. Sandra Kanck also referred to problems that might arise if somebody was caught a long way from their home. I can inform the honourable member that the government's amendment which has subsequently been circulated and which we will discuss at the appropriate stage in committee will address that matter. I think that amendment should adequately address the concerns of the honourable member. I think that addresses all the questions that were raised. I guess there will be others with which we can deal in committee. Again I thank members for their indication of support for the bill.

Bill read a second time.

In committee.

Clause 1.

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): I indicate that the level of conversation in the chamber is too high, and to facilitate the chair and others being able to hear the Hon. Mr Xenophon I ask that it be kept lower.

The Hon. NICK XENOPHON: Once this bill is passed (as appears to be the case), what is the government proposing to do to publicise these amendments to make it clear to motorists that they could be subject to mobile breath testing at any time and that there will be new powers to deal with the issue of drink driving?

The Hon. P. HOLLOWAY: The honourable member has asked a very reasonable question. I can advise him that the introduction of this measure, assuming it goes through the parliament, will be preceded by a very extensive education campaign. It will be a multimedia campaign. There are certainly plans for that, but I am not sure that we have any more details in relation to the budget or anything of that nature. I can certainly assure him that we will have a very extensive education campaign before its introduction so that the public will be well aware of the new measures. As I said, it will be multimedia, so obviously that will include television, newspaper and radio.

Clause passed.

Clauses 2 and 3 passed.

Progress reported; committee to sit again.

PARLIAMENTARY SUPERANNUATION (SCHEME FOR NEW MEMBERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 March. Page 1242.)

The Hon. R.I. LUCAS (Leader of the Opposition): Members will be aware of the background to this particular legislation. It originated as a result of some sparring that went on in the federal arena between respective parliamentary leaders and their parliamentary parties ultimately in terms of the perceived generosity of the commonwealth parliamentary superannuation scheme. As a result, the state Labor government and the state Liberal leader, Rob Kerin, subsequently indicated an intention to support legislative change to make it at least consistent with the proposed changes to superannuation for commonwealth parliamentarians. This legislation will close the existing superannuation schemes available to new members and will establish a new, less generous scheme for members elected at the time of the next general election.

Two schemes are currently open to members of parliament. A scheme, which is now referred to by the acronym PSS1, is the longest established scheme. The second scheme is now known as PSS2, which was the scheme established by the then Liberal government in the mid-1990s (about 1994-95). At that time, there had been concern about the perceived generosity of some aspects of the existing state parliamentary superannuation scheme, and the then government introduced legislation which closed the old scheme and, subsequently, made available provisions of the new scheme, the PSS2 scheme, to members elected after that particular scheme had been introduced. Now we will have the third scheme, PSS3, which will be available to members elected after the next general election.

The type of scheme being introduced is modelled on the accumulation-type schemes currently available to the Public Service. The government contribution will be 9 per cent of salary paid into the accumulation-type scheme similar to the public sector scheme. When a member elects to contribute at least 4.5 per cent of their salary into the scheme, the government contribution will increase to 10 per cent. So, a member could make contributions of less than 4.5 per cent of their salary and the government contribution will not increase by the 1 per cent but, if a member were to pay in 4.5 per cent or above of their salary into the accumulation-type scheme, the government contribution goes up from 9 per cent of salary to 10 per cent of salary. I am advised that, again, that is consistent with the Public Sector Superannuation Scheme that is currently available.

We are also told that the bill makes an amendment to the Parliamentary Remuneration Act 1990 to provide the option for members to salary sacrifice up to 50 per cent of their salary. We are also told that members of the new scheme will have automatic death and invalidity insurance cover, with a maximum cover of five times salary, and that the level of insurance cover will reduce over time as the length of service and the accumulated government contribution account balance increases. The bill also seeks to provide a facility for members to be able to pay a surcharge debt out of this lump sum superannuation benefit. They are the broad principles of the scheme as advised to the opposition. They are modelled on the public sector superannuation schemes that are currently available.

I have noted some continued public comment from media commentators and others critical that the new scheme only applies to new members elected after the next election. Commentators have sought to make the point that in some way this was unfair and that it ought to be, in essence, retrospective to existing members of parliament. The principles that have been adopted by the government and supported by the opposition in relation to this change are the same as have been modelled for most other workers. In particular, I refer to the Public Service superannuation schemes.

There was a lot of criticism in the period leading up to the decade of the 1980s, led in part by my colleague the Hon. Legh Davis, about the generosity of the Public Service pension scheme. Ultimately, the then Bannon Labor government in the 1980s closed down that particular scheme and introduced accumulation-type schemes for public servants. However, the Public Service Association and other bodies representing public sector workers put the view strongly to government that it would be unfair to take away the existing benefits of existing public servants who were members of the Public Service Pension Scheme. It was for that reason and other arguments that, when the new Public Service superannuation schemes were brought in, they did not apply to existing public servants who were in the more generous pension scheme.

The Hon. Nick Xenophon: They were not locked into it, though?

The Hon. R.I. LUCAS: I am not sure. The Hon. Mr Xenophon may well know the answer to the question that he has put. I am sure that if he does he can—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: No; I am not sure. I do not know, to be honest. It is probably a question that can be put to the minister in charge of the bill. Without talking about the issue that the Hon. Mr Xenophon has mentioned—that is, the capacity for a voluntary decision—the issue of whether or not existing workers would be compelled to move from the old

scheme to the new scheme was always resolved in accordance with long-established industrial principles that these changes would not be made retrospectively. Consistent with that long-established industrial principle, when the changes were made in the 1990s, they did not apply to existing members of parliament, and it is proposed by the Rann government that, when the new scheme is introduced, all it will mean is that existing schemes will close down for those members who are currently members of those schemes and the new members elected after the next general election will be included in the new scheme.

I know from the debate in the House of Assembly that it is never a popular issue to defend salary and remuneration benefits available to members of parliament. There is not a huge constituency out there anxiously listening and wanting to report in sections of the media those defences by members of parliament of the salary and remuneration arrangements for members of parliament. I note that there were two or three members who raised their head above the parapet in the House of Assembly (all from the Liberal side of the political fence), defending the position of members of parliament and expressing concern as to the potential long-term impact of some of the changes that are gradually being introduced in relation to superannuation over a period of years.

I have never been one to shy away from defending the position of members of parliament in relation to salary and remuneration packages and benefits. When contemplating whether or not to run for parliament and discussing it with one's family, clearly, one considers a number of issues, one of which is the remuneration package that is available to members of parliament. I was entering parliament at a relatively young age compared to other members and, again, whilst there is little support for this notion out there in the community, members of parliament are, on average, not paid at the same level as many other occupations in the community, which I would certainly argue are no more important than the role that members of parliament are asked to play. Indeed, I can think of a number of occupations where I would certainly argue that their role is less important than the role of members of parliament yet those people are paid significantly more.

One of the advantages of a parliamentary career was what was acknowledged as being a very generous superannuation scheme. When making decisions, I am sure that people who were making professional choices would take into account the fact that, whilst the salary was not as high as that of many other occupations, the superannuation benefit was certainly attractive when compared to that of many other occupations. When taken together, it was certainly a more attractive package for young people contemplating a professional career as a member of parliament.

What we have seen (and this process began, as I acknowledge, back in the mid 1990s) in the past 10 years or so is a smaller reduction in terms of the level of benefit in the mid 1990s, and now a very significant reduction in the level of benefit payable to new members of parliament, with no significant increase in salary for those members who will be so impacted. When this was first raised at the federal level, it was suggested that salaries would have to be increased for new members to compensate for the reduction in their superannuation benefit. But, of course, when push comes to shove, that is never a popular course to adopt. It has not been adopted in the commonwealth arena, and I understand that it has not been adopted in any of the other state arenas.

I can think of no other occupation that in and of itself volunteers to take such a significant cut in its relative remuneration package as have members of parliament through this course that we are adopting. I would have to say that there is something wrong with the shop stewards representing members of parliament in the respective caucuses and joint parliamentary party rooms that they could allow such a set of circumstances to eventuate with nary a complaint from anyone. As I said, in the House of Assembly debate the only heads coming above the parapets were members of the opposition. No government member was prepared to raise his or her head in terms of at least raising and canvassing some of these issues.

A lot of people say, 'Well, you don't go into parliament to become a millionaire,' and that is probably true (other than, perhaps, if you are in the New South Wales parliament). One does not choose to go into parliament as being the quickest path to riches. Many others have looked at the career, and in the past 10 years we have seen it more and more where professional people, in particular, and successful business people, look at the package that is available and say that they cannot afford it, given the commitments they have, in particular, with young families, mortgages and things such as that. As I said, it is an easy bang. The Hon. Mr Xenophon and others know that, if there is something modest like an additional car benefit being provided to members, they can receive multitudinous publicity by attacking any minuscule additional benefit that is provided to members.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Electoral allowances are there to provide resources to help one service one's electorate. They are not there as a take-home benefit or payment. The point I am making is that it is so easy to attack the benefits and payments made to members of parliament—and it is not just the Hon. Mr Xenophon, because there are others who have trodden the path before him. The Hon. Robin Millhouse was a past master at refusing a salary increase, at least for the first 12 months, and offering to pay it to a charity. However, no-one ever went back to him after the first 12 months to find out whether he was still paying the salary increase to charity, and he certainly did not knock back the increase in the superannuation benefit that was provided to him. I am not singling out individuals here other than to say that in any parliament, in any community, it is so easy to attack the benefits and the payments that are made to members of parliament. You will always receive favourable publicity for yourself and for your cause in adopting that course of action.

As I said, there has not been a huge amount of publicity for members of parliament in South Australia on the front page of *The Advertiser*—or, indeed, elsewhere—lauding the virtues of members in reducing by tens of thousands, or possibly, for some, hundreds of thousands of dollars, the superannuation benefit payable to those members of parliament in the future. On the other hand, the debate about a payment of $7 000 ($700 originally) for a car to undertake the work required of members of parliament certainly attracted significant publicity.

I think that the some of the lower house members have flagged—let me say that I think that it is a debating point rather than, in the end, a serious issue that can be addressed—and are raising the point, I know, in our party room and elsewhere, and some of them are timidly raising their heads above the parapet, as I said, and saying, 'Well, if everything is going to be of a community standard, maybe the community standard in relation to long service leave, annual

leave loading and a range of other industrial provisions ought to be applied to members of parliament as well.' It seems to be a convenience that the community standard provision is used where it can reduce the benefit to a member of parliament, but the community standard provision is not used when it could be used to actually provide additional benefits to members and their families.

I am now in a position where our children are older and, increasingly, we hope that, with part-time work, might be able to provide for more and more of their outgoings as opposed to their parents. That is not necessarily happening at the speed with which perhaps the parents might desire but, nevertheless, we are in that position. I am also in a position of holding higher office as Leader of the Opposition, so I am in a comfortable position, but I know that some of my colleagues over recent years—I am sure there would be in the Labor caucus—in particular with young children still at school, have had difficulty meeting their needs, because everyone in the community thinks that lower house members, in particular, have money coming out of their ears. They are required to be patrons of dozens and dozens of associations and clubs, to pay for trophies for sports days, school events, and so on, and have a variety of other expectations which—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: That's right; they donate prizes. There are expectations placed on members on the basis that people think they have money coming out of their ears. If members go to a function, people expect significant donations by way of raffle tickets and those sorts of things and, for some members who do not have a significant, high-office salary, particularly those with young families, it is difficult. I think that, at some stage, as a parliament we are going to have to address these issues.

In part, I was prepared to concede that the car was going to be an additional benefit to members of parliament and, together with the Treasurer, I was prepared to defend the provision of a car for members. I did not seek to hide from the fact that I believed it was an additional benefit for members, together with being important in terms of undertaking the tasks that they are required to do, as well. The point is that, at some stage, parliaments are going to have to address these issues. I noted in the last federal election that one or two very wealthy people on the Liberal side of politics were elected. I note that in Victoria a self-made millionaire believes he is entitled to a seat with the Labor Party and is ready to offer himself and his capacities to the Labor Party on a fast track to the front bench, I am sure.

We will probably end up with a combination of very wealthy people in parliament—there will always be people prepared to stand for office—but we will probably miss out on a lot of impressive young people who have the option in terms of choosing careers or professions for themselves and their families, who will, sadly, have to make the decision that they will not be able to take up the option of service to the community through being a member of parliament. The disparity between what they are paid as a member of parliament and a number of other occupations will be so great that they will not be able to afford to take up the particular option we are talking about.

As soon as this is raised in the community, the talkback jocks and others will say, 'Well, ho, ho, ho! What you're saying is that, with $103 000 or $105 000 a year, plus allowances etc., you are crying poor, and people are not going to buy it.' As I said, there will always be more than enough people seeking to come into the parliament but, in the end, I think we have to look seriously at whether or not we are significantly further restricting the group of people who offer themselves for service in the future.

In the future, are we going to see the Len Kings and Rob Lawsons of this world—people distinguished in their professions—prepared to offer themselves to the parliament at a younger age? Will there be successful business people prepared to offer themselves in terms of community service? When you look at the salaries of town clerks and city managers and the salaries in the public sector departments, you do not have to look just at the chief executives; just have a look at a department like the health department and there would be, I am guessing, 20, 30, 40 or 50 people paid a salary level greater than that of a backbench member of parliament. So, we are not just talking about chief executives of public sector departments who are paid significantly more than ministers are paid. The average salary package of a CEO in a public sector department is $250 000 to $300 000. Ministers are paid just under $200 000—probably $180 000 or $190 000. The CEOs they are in charge of are being paid up to $300 000 in South Australia, which pays less than most other states.

I was talking recently to the manager of a modest sized financial institution in South Australia (I mean really modest and not a big bank) who told me that the salary package was up to $300 000 for being the CEO of that organisation. One only has to look at the salaries of a number of other professions and occupations to know that a significant number of people, who in my view are not in more important professions than being a member of parliament, are paid significantly more. We will whine and groan about this on occasions whenever these bills come through. I suspect in the end very little will ever be done about it and these contributions will be consigned to the dustbin of history, only to be read occasionally by nostalgic members of parliament who pine for the old days when perhaps their superannuation and remuneration packages were more generous than those for newer members elected after 2006.

I guess my urging to the shop stewards in the Labor Party who are still active in caucus is that at some stage they, together with their equivalents in the Liberal Party and on the cross benches, should look at the attractiveness of the package for quality young and middle-aged people for state and federal parliaments. The direction in which we are heading means we will not do that in coming years and that that will be a loss to the community and to the parliament and something that someone ought to look at seriously.

Finally, in conclusion, I have circulated an amendment, which covers some three pages, but it is essentially one principle, namely, that the opposition wants to provide a once-off option for new members after the next election to choose either to go down the public sector accumulation-type scheme or the option or to choose their own private sector superannuation scheme. After the election they will have a period of time within which they will choose to stick with the scheme provided by the government—the PSS3—or to have the government's 9 per cent paid into a private sector scheme of their own choosing. If they think there is a more attractive private sector scheme from their viewpoint, they would have the option of choosing to go down that path.

The opposition is canvassing the amendment because we are aware that in the commonwealth and in some other state jurisdictions there will not be a state provided scheme for members of parliament. That is, members of parliament elected in those jurisdictions will be given the 9 per cent and

told to go off into the private sector and choose whatever scheme they want. There will not be a government provided members of parliament superannuation scheme in those jurisdictions.

The opposition canvassed moving down that path. The government's advisers gave us some reasons why that is not an attractive option for some members, which is why we have sought to provide the option where a member can decide—it is a once off choice—after the election to stick with the government option, PSS3, or to choose a private sector option—

The Hon. Nick Xenophon: Choice of super.

The Hon. R.I. LUCAS: It is choice of super, as the Hon. Mr Xenophon has indicated. After the election, new members will choose either the government option or one of a number of private sector options. Inevitably, with changes in the federal legislation, most employees will have that option anyway. We think the state government will inevitably have to move down that path, as there are all sorts of threats coming from the commonwealth government in relation to this and related issues, as we understand it. We urge members to look at the drafting.

The opposition is not locked into the drafting of that option. If there is a legislative deficiency in it, we are happy to further consider it. The Treasurer said that in some way it was providing salary sacrifice. There is no intention to provide any more salary sacrifice than was in the government's bill as it is providing salary sacrifice to new members after the next election, which is not available to existing members of parliament. Certainly the intention in the drafting is not to broaden that option. From the opposition's viewpoint, it would seek to retain that option, whether they happen to go down the private sector or public sector path with their superannuation choice. I urge members to at least contemplate that amendment in committee.

The Hon. J. GAZZOLA secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (CRIMINAL NEGLECT) AMENDMENT BILL

In committee.

Clause 1.

The Hon. P. HOLLOWAY: I will make some general comments on this clause that I should probably have made during my concluding remarks on the second reading. I would like to put them on the record now. In particular, I would like to take the opportunity to clarify the meaning of two parts of the bill. The Attorney-General has had some very late correspondence about the intended meaning of the bill, and I think it is advisable to place the clear meaning and intention of the bill on the public record.

First, a question was raised about the element of the offence of criminal neglect in new section 14(1)(c), namely, that the defendant was or ought to have been aware that there was an appreciable risk that serious harm would be caused to the victim by the unlawful act may be taken to require proof that the accused was aware or should have been aware of the particular unlawful act that caused the harm in this case. That is not what this section means or says. As I said in introducing the bill, the third element is that the accused was or ought to have been aware that there was an appreciable risk that serious harm would be caused to the victim by the unlawful act.

This is the common law test for criminal negligence for manslaughter by unlawful and dangerous act. The jury need not find that the accused foresaw the particular unlawful act that killed or harmed the victim. The charge of criminal neglect will stand even though the death was caused by an unlawful act of a different kind from any that had occurred before of which the accused should have been aware. The charge will stand even though there is no evidence of previous unlawful acts if it is clear that the act that killed or harmed the victim was one that the accused appreciated or should have appreciated posed an objective risk of serious harm and was an act from which the accused could and should have tried to protect the victim. The prosecution must prove that the defendant was aware of that risk or ought to have been so aware.

I was also asked how new section 14(2) works when the accused could have killed or harmed the victim him or herself. With respect, that is precisely the situation to which new section 14(2) is directed. In consultation with parliamentary counsel and the DPP, this section was drafted and redrafted with precisely that problem in mind. I repeat what I said of new section 14(2) when introducing the bill: when a person is charged with criminal neglect, the assumption is that the unlawful act that killed or harmed the victim was committed by someone else.

In cases where it is impossible to tell which of two or more people killed or harmed the victim, but it is clear that one of them did, it would be possible to escape conviction for criminal neglect by repudiating that assumption. The accused could simply point to the reasonable possibility that it was he or she and not someone else who killed or harmed the victim. To prevent this perverse outcome, the bill makes it clear that a person accused of criminal neglect cannot escape conviction by saying that there was a reasonable possibility that he or she was the author of the unlawful act. In such a situation new section 14(2) allows the jury to find that accused guilty of the charge of criminal neglect even though they may be of the opinion that he or she could have killed or injured the victim.

The Hon. R.D. LAWSON: Could the minister indicate who raised the questions which prompted the responses just given?

The Hon. P. HOLLOWAY: I will provide that information privately to the honourable member.

The Hon. R.D. LAWSON: My query was prompted because this bill was first introduced in a slightly different form subsequent to its being introduced on 30 June 2004. I believe that suggestions were made by the judiciary about the inappropriateness of the nomenclature then used, and in consequence of that amended language was used. It is all very well for the minister to indicate that he can privately provide me with information about who raised these concerns. However, this is a public committee stage, and I think that the committee is entitled to know, especially as the minister, in giving his explanation, has sought to put this on the record for the benefit of courts applying this legislation, the government's intended position in relation to it. That is a fairly extraordinary thing to do, because the rules ordinarily adopted by the courts are to take notice of the second reading explanation, but as far as I am aware the same status is not accorded to comments made during the course of debate or in committee.

The Hon. P. HOLLOWAY: The advice was received after the second reading explanation was given. Therefore, it was too late to address it at that time. That is exactly why I am putting it on the record at the earliest opportunity.

The Hon. R.D. LAWSON: I maintain our position in committee that it is undesirable to state that concerns have been raised, because unless the identity of the person raising the concerns is revealed or unless some reason is stated as to why as a matter of public policy that identity should not be divulged, it ought be put on the record. I state that in the context of this particular bill where it was the desire of the opposition that the bill be referred to the Legislative Review Committee, which would have had an opportunity to hear from persons such as the anonymous correspondent to whom the government is now seeking to respond through the medium of *Hansard*. It was our belief that that opportunity should have been provided: the Legislative Review Committee would have provided a very appropriate forum and it could have reported to the house. We have had the opportunity for the Legislative Review Committee to examine the bill, and I believe that in those circumstances the government ought to come clean and indicate the precise identity of those from whom it has taken advice in relation to this matter.

The Hon. P. HOLLOWAY: My advice is that the matter was raised by the judiciary. We disagree with the judiciary. However, in fairness to them, these bills are circulated for comment to the judiciary, and I think it is important that, if they raise questions, we respond in parliament, and that is what we are doing. In this case, we do not agree on the particular matter raised.

The Hon. R.D. LAWSON: I indicated a moment ago the opposition's position, and I place on the record again our regret that this matter was not referred to the Legislative Review Committee. I ask the minister to indicate whether or not the United Kingdom provisions in relation to this subject have actually been enacted and, if so, whether there have been any cases in the United Kingdom in which those provisions have been applied.

The Hon. P. HOLLOWAY: The UK legislation has been enacted, but we are not aware of any cases that have come forth under that legislation. I suppose we could make specific inquiries, but we are certainly not aware of any at this stage. It was not enacted that long ago. It is the Domestic Violence, Crime and Victims Act 2004, which is much broader than our act. We think it came into effect towards the end of last year, so it is probably not surprising if there have been no cases yet.

The Hon. R.D. LAWSON: I should also indicate for the benefit of the committee that the opposition appreciates the thorough response which the minister gave at the conclusion of the second reading debate, but we do not intend to pursue in committee those issues which were originally raised by us and which have been responded to by the minister, as we do not believe it would be fruitful to pursue those issues in committee.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without any amendment; committee's report adopted.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a third time.

The Hon. IAN GILFILLAN: It is appropriate to indicate that the Democrats opposed the bill at the second reading stage. We oppose the bill at the third reading stage. Members of the Legislative Council obviously have the opportunity to look back through our second reading contribution which, to a large extent, echoed the Law Society's profound concern at this legislation. Nothing occurred in the committee stage, and certainly no further discussion has given us any reason to revisit our earlier decision to oppose the bill strongly and to make the observation that, sadly, it is another example of the sort of, may I say, kinky legislation which this government is much too prone to introduce when it sees some particular situation where it can get some publicity and ingratiate itself with the public on what may look like quick fixes, but succeeding generations of South Australians will be left with the damage. Unfortunately, it is not just this legislation that illustrates that attitude to legal change.

I will not call it legal reform because it is certainly not reform, in our view. For this chamber's edification, I indicate quite clearly that the Democrats oppose the third reading.

Bill read a third time and passed.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The Hon. P. HOLLOWAY (Minister for Industry and Trade): By leave, I move:

That pursuant to section 5 of the Parliament (Joint Services) Act 1995, the Hon. R.K. Sneath be appointed to the Joint Parliamentary Service Committee in place of the Hon. C. Zollo, resigned, and the Hon. G.E. Gago be appointed as the alternate member to the Hon. R.K. Sneath.

Motion carried.

The Hon. P. HOLLOWAY: I move:

That a message be sent to the House of Assembly transmitting the foregoing resolution.

Motion carried.

PODIATRY PRACTICE BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 1180.)

The Hon. J.M.A. LENSINK: I indicate that the Liberal Party will be supporting this bill. It arises from the national competition policy and is pretty much a template of the Medical Practice Bill and the nursing bill which have already been passed by this parliament. I note that in its second reading explanation the government says that a clear principle underpinning the bill emphasises the need for transparency and accountability in the delivery of services not only by the individual podiatrist but also by the organisations that provide podiatry through the instrumentality of podiatrists (podiatry services providers). I also note that things have changed since the chiropodists bill was first enacted, not the least being that they are no longer called chiropodists but podiatrists, but that particular reference refers to the change in ownership of many health services.

One of the key issues in this legislation is that disciplinary powers of the board will extend to service providers, other than exempt providers, and persons who occupy positions of authority in such organisations. A question arose in my mind as I was reading the bill; that is, when they are talking about

exempt providers, they are talking about the organisations that come under the South Australian Health Commission Act, which is recognised hospitals, incorporated health centres and private hospitals.

I draw to the government's attention that often a contractual relationship exists with other organisations such as aged care facilities that might employ podiatrists and other allied health professionals on a contractual basis per service. I would like to clarify whether they will be captured under that particular area. I suspect that they are not because, if it is a contractual relationship, it is different but, if they are actually employing the podiatrist, they may well be captured by this. I am sure that they would be interested to know whether or not that is the case.

The bill also requires all service providers, that being the owners of the service, to report to the board unprofessional conduct or medical unfitness of persons through whom they provide podiatric treatment. I think that that recognises that there have been a number of changes in ownership restrictions. The NCP says that we are not to have those sorts of restrictions, so the traditional owner-operator may no longer be applying and, therefore, we need additional protections to ensure that the owners and the podiatrists are doing the right thing. It also provides for the registration of students which I understand is supported by the board and the University of South Australia.

One of the keys of the bill is to protect the public interest in health issues. As a health professional myself, the professions are very good at regulating themselves. Certainly, going through physio school, it was almost bludgeoned into us that we were to, at all times, act in the best interests of our clients. The standards are very well regarded by the professions and the schools, and the vast majority of students would end up practising with a considerable amount of pride and public responsibility. So, I think the boards and the registered organisations and professional associations should be commended for their interest in maintaining standards and, through things such as continuous professional development, to ensure that people are maintaining current practices.

Indeed, sometimes the joke is made to me that, as a physio, perhaps I would like to practise on one of my colleagues, if they have a sore neck or so forth, and I have to inform them that I am not allowed to because I have not practised for five years; so, that measure has been brought in to ensure my colleagues are protected from my unfit hands. While I might say these things in jest, in reality I think it is a very sensible measure that this parliament has taken to ensure that people's practice is current. While on the subject of current practice and such things as peer review, I also foreshadow that I will move the same amendment as moved by the Hon. Dean Brown in the lower house to increase the number of podiatrists on the board to five, with four rather than three being elected. I think that people who are best in a position to judge, and judge harshly, the practice of podiatrists are indeed their peers and, therefore, I think that is a sensible measure.

I am very pleased that the government did not go down the path that it was pursuing in late 2003 in which it was proposing to have a bill to cover all sorts of allied health professionals. As a physio, I would not have much idea of what podiatrists do or be in any sort of a position to judge their practice as competent or not. So, I am pleased that each of the professions will retain not only their own identity but also their own acts in a way that serves the community in a much better situation. With those brief comments, I indicate the opposition's support for the bill with an amendment to the composition of the board.

The Hon. R.K. SNEATH secured the adjournment of the debate.

STATUTES AMENDMENT (LIQUOR, GAMBLING AND SECURITY INDUSTRIES) BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 1139.)

The Hon. R.D. LAWSON: I rise to indicate the Liberal opposition's support for the second reading of this bill. The bill will amend the Security and Investigation Agents Act 1995, the Liquor Licensing Act 1997 and the Gaming Machines Act 1992. The bill has five major effects which can be briefly described as follows. First, it introduces an associate test under the Security and Investigation Agents Act so that the licensing authority, which in this particular case is the Commissioner of Consumer Affairs, must take into account the character of the associates of applicants for security licences and also must take those into account when assessing whether the applicant or licensee is fit and proper to hold a security agent's licence. Secondly, the bill makes investigation of associates, so-called, by the licensing authority (that is, the Liquor and Gambling Commissioner) mandatory under the Liquor Licensing Act. The expression 'associates' is widely defined to include family and other associates by a process that we find in other legislation.

Thirdly, the bill makes it mandatory for the relevant licensing authority to refer all applications under either the Security and Investigation Agents Act or the Liquor Licensing Act to the Commissioner of Police so that the Commissioner may investigate the probity of those applicants. The Commissioner will then be required to provide information to the relevant licensing authority about criminal convictions and other information which the Commissioner holds and which, in his view, is relevant to whether an application should be granted. Fourthly, the bill provides police with a right of objection against an applicant and a right of appeal against the grant of a licence under the Security and Investigation Agents Act, which is similar to the rights of intervention which are already afforded to the police under the Liquor Licensing Act and the Gaming Machines Act.

Fifthly, it allows the use of criminal intelligence and protects the confidentiality of that intelligence. In our view, that is the most significant element in this bill. 'Criminal intelligence' is defined in the act as 'information relating to actual or suspected criminal activity, whether in this state or elsewhere, the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement'. The bill provides that, where criminal intelligence is used in any proceedings under these three acts, including in determinations of applications and also disciplinary proceedings that can lead to cancellation of a licence or approval, that criminal information or criminal intelligence must not be disclosed. That disclosure extends not only to the applicant (or, if there is already a person holding a licence, to that licensee) but also to the representatives of that person, be they legal representatives or otherwise.

One understands the conundrum that law enforcement authorities have in relation to criminal intelligence. Clearly,

confidential sources are often the source of criminal intelligence, and those sources would not be available to the police if the sources themselves thought that their identity would be divulged to other persons. And, of course, there is the likelihood and the probability that there might be retribution against those providing police with information if the source of the information is revealed. In these cases where, under this legislation, criminal intelligence is used, the Police Commissioner is not required to divulge not only the identity of the source of it but is not obliged to divulge the intelligence itself, and can simply provide a response to the particular licensing authority that the grant of that licence would be contrary to the 'public interest'.

There is one important protection. We would ordinarily regard provisions of this kind as draconian and insupportable. However, the saving grace (if that is the correct expression) for this mechanism here is the fact that, in the event of an appeal against a licence refusal or some disciplinary action being taken against a licensee or approved person, the District Court, which hears such appeals, must be furnished with the information, and the legislation ensures confidentiality by providing that the court must be closed to all, including the applicant, the licensee or the approved person and that person's representatives.

These disciplinary and licensing appeals are heard in the District Court, and very often there is a lay assessor who sits with the District Court judge. I suppose a question we would want answered in relation to this bill is whether or not it is envisaged that the criminal intelligence will be divulged to a lay assessor who happens to be sitting with a judge on one of these applications.

These confidentiality of criminal intelligence provisions are modelled on provisions that are contained in the Firearms Act 2003 and, of course, the justification for including those provisions in that legislation was a desire to prevent organised crime from obtaining firearms. As in the Firearms Act, 'criminal intelligence' is defined as information about actual or suspected criminal activity, the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement. The classification of information as criminal intelligence may be made only by the Commissioner of Police personally or by a deputy or assistant commissioner of police. We also regard that as an important protection.

There are some other models of legislation of this kind that give these discretions to officers of a far lower rank than the Commissioner or a deputy or assistant commissioner. Although these amendments are not retrospective, the bill does allow criminal intelligence to be used to take disciplinary action against existing licensees or approved persons even where that criminal intelligence existed at the time the licence or approval was granted.

The government was asked in a letter by me to the Attorney-General whether there were any other models of legislation of this kind in Australia, and the information provided is as follows: sections 10 and 21E of the Firearms Act 1977 of this state are comparable; the Queensland Weapons Act 1990, section 142A(2); and also the Northern Territory Firearms Act, section 40A. The Attorney-General also responded that the confidentiality provisions in this bill are similar to those in sections 15(6) and 15(7) of the Security Industry Act 1997 (NSW). He states:

> Under that NSW act, criminal intelligence is relevant only to applications for 'master licences' that authorise the licensee to employ or provide persons to carry on security activities.

The Attorney goes on:

> A more comprehensive scheme for protecting the confidentiality of criminal intelligence is contained within the National Security Information (Criminal Proceedings) Act 2004.

It is a commonwealth statute. He continues:

> Section 11(b) of that statute equates 'criminal intelligence' with 'law enforcement interests'. Section 8, in turn, has the effect of making 'law enforcement interests' a synonym for 'national security'. The scheme of this Commonwealth Act, therefore, is to provide a means of maintaining the confidentiality of law enforcement interests, including criminal intelligence, where loss of confidentiality might prejudice those interests.

We have some reservations about the fact that legislation which is being introduced at a national level to address national security interests is being extended to a more mundane field of community activity, namely, the activities of security agents. However, notwithstanding our reservations on that, the fact that there is an opportunity for judicial examination of the circumstances of the use of these provisions is of crucial importance. It is upon that basis that the opposition will be supporting the legislation.

I also sought from the Attorney information about the number of security agents' licences which are applied for in each category, and how many of those have been refused under the existing regime which, of course, does not allow the use of criminal intelligence in the same way as envisaged in this legislation. For the benefit of the committee, I indicate that the largest number of applications which the commissioner receives are for a security agent restricted to guard work as an employee; and in 2004 there were over 880 applicants for that particular category, of whom only 20 were refused. For a security agent restricted to crowd control working as an employee, there were 881 applicants—there can be some doubling up of these applications because many applied for more than one category—of whom 20 were refused, and it is probably fair to assume that it was the same 20 who were refused. Over 806 applied for the position of security agent restricted to canine handling as an employee, and 20 were refused.

Apart from those categories where 20 applicants were refused, most classes have either nil or one refusal each year. Incidentally, the total number of applications was 1041, of whom 23 were refused. Of corporations, there were 34 corporate applications, and only one refusal.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. R.D. LAWSON: Before the adjournment I provided the chamber with details of the number of applications received in 2004 for registration under the Security and Investigation Agents Act, and the relatively small number of refusals for those applications. I want to turn now to the provisions of the bill dealing with the subject of crowd controllers. Technically a crowd controller is a security agent who is restricted to crowd control work. There are relatively few security agents who hold licences that are only limited to crowd control work, because many have additional responsibilities and seek registration, but the role played by crowd controllers (more colloquially known as bouncers) is a very important one.

In this respect the opposition agrees that there is a need for appropriate controls of those who work as crowd controllers. We are, however, somewhat cynical about the fact that the

government has seized upon the tragic death of David Hookes, as well as a number of other well-publicised examples of violence from what might be termed over-energetic bouncers, and this bill does restrict the power of crowd controllers to use force in the ejection of persons from licensed premises. The bill will provide that physical removal or prevention of entry can only occur in the presence of an authorised person and in particular defined circumstances. This is designed to overcome the problem of the management of premises denying any knowledge of the action of crowd controllers, and it does place responsibility where it should rest, that is, with the management of the premises concerned.

This is a major issue. The Premier has made statements about the bikie gangs from time to time, and would have us believe that he is going to demolish their fortresses and drive them out of town—although notwithstanding all of his huff and puff, there has been very little action in connection with the government's campaign on this—yet I would have thought the government would have exercised the existing powers that it has to get rid of this undesirable element from the security industry. However, the government says that it needs additional legislative powers. We agree that some additional powers would be appropriate.

The opposition has been provided with a copy of a letter from a firm of solicitors, Fletcher and Lawson (no relation I assure you, Mr President), to the Premier. It is a letter written by that firm on behalf of clients for whom it acts who have entertainment and licensed premises within the central Adelaide area. After describing the client for whom it acts, the solicitors say to the Premier:

> One of the services [offered by the licensed venues] is ensuring that patrons are in a safe environment, and that is achieved by engaging licensed security officers that are responsible for the safety of people and property at the premises. This is achieved through high visibility of security officers. By being seen the officer may discourage anyone who might be considering theft, damage or personal injury. A security officer's main purpose at the premises is prevention.

Emphasis is given to the word 'prevention'. The letter continues:

> Our client's security officers are trained to stay calm, observe and report events to the police and/or management when an offence is committed. Security officers are stationed at the entrance and inside our client's premises. They are well dressed and their functions are:
>
> 1. Access, control and screen those that enter to ensure that the premises' dress code and standards are kept;
> 2. Check IDs, if required, to ensure that each person is old enough to legally enter the premises;
> 3. Engage in conversation to detect mannerism, attitude and intoxicated persons;
> 4. Monitor patrons' conduct on the licensed footpath area and inside the premises to ensure that everyone behaves and has a good time without being harassed;
> 5. Deal with confrontations with aggressive patrons and with those who have been refused entry;
> 6. Personable, friendly and can talk to people without appearing threatening or intimidating.

The letter continues:

> Our client believes that the mere presence of a well-trained security officer often reminds patrons that their actions are being scrutinised. Our client has experienced that when a person has been refused entry due to not being able to meet the strict dress code and guidelines set, or being asked to leave due to disturbance created inside the premises, they have on occasions become quarrelsome and made threats of physical injury towards the security officer or the duty manager. Of course, once this occurs the police are immediately called for assistance.

To interpose, this is a letter describing the sorts of things you would expect of the responsible operator of an entertainment venue in metropolitan Adelaide. The impression sought to be created by the government, the Premier in particular, is of an industry that is unconcerned about the safety of patrons, of an industry that has been infiltrated by organised bikie gangs, that is a hot bed of criminal activity. The letter from which I am quoting indicates that the people who operate these venues, as one would expect if one gave a moment's thought to the question, are mindful of the safety of their patrons and are anxious to ensure that their patrons have a good time in a safe environment. I think this letter illustrates what I am sure is the wider concern of those in the liquor and entertainment industry, that is, to have a heart-felt desire to have effective measures to ensure the protection of its patrons.

We are deeply concerned about the fact that we have a government that seeks to cynically exploit the fears of some—probably parents, grandparents and the like—who have never been to any of these venues in metropolitan Adelaide, and who have this vision of a lawless enterprise. That is a unfortunate impression the Premier has sought to engender for his own base political purposes, to suggest that he is being, as he always says without apology, tough on these venues.

The letter from Fletcher and Lawson highlights the fact that we have people in this industry who are concerned and who want to look to effective measures to ensure the protection and safety of their patrons. They go on:

> There have been occasions where security officers and duty managers have been assaulted and injured.

Of course, the Premier never talks about duty managers or security officers being assaulted, because the general view in the community is that it is only innocent bystanders, such as David Hookes, who are viciously assaulted by hyperactive, musclebound bouncers who are aggressive and acting in a way that is entirely out of control.

An honourable member interjecting:

The Hon. R.D. LAWSON: Indeed: hyperactive and over-aggressive. I am looking across the chamber at the Hon. Bob Sneath (newly appointed member of the JPSC), but his benign countenance reassures me that, indeed, we are in safe hands under his tutelage. The letter further states:

> However, even though the police are called there is no immediate protection to the staff member on duty and threats made have sometimes caused fear and distress to the staff member concerned. There is nothing that can be done to prevent further occurrence or threats, even if the person is barred, as there is no provision in any of the legislation to obtain particulars from that person for notices to be served (not unless the provisions of the Summary Offences Act are invoked dealing with trespassers), and this is not a guarantee that the offender will comply by providing particulars.

On some occasions the Hon. Bob Sneath is very keen to defend the rights of working people. It is interesting to see that there are those who work in the entertainment and liquor industry who are subjected to violence and aggressive behaviour by patrons and others. This government seeks to attack, as it were, the security industry rather than recognise that it is an industry in which workers who are going about their daily duties are themselves the subject of attack from criminal elements. The letter continues:

> In the event the police attend quickly and the offender is still around, they may be able to obtain particulars of the person. Barring notices can be issued, and even a charge of assault may pursue. However, this is at the discretion of the police (if the person is prosecuted) and not the employer.

That is an important matter because the substance of the complaint of the solicitors is that the employers/operators of these venues have very little powers. They do rely upon the

police to attend promptly. They are prepared to accept responsibility as operators of the venue to take certain actions. What they are concerned about is that their staff are the front line, and this legislation seems to deprive the operators (the owners) of these businesses of the opportunity to take decisive action themselves; rather, it is left to the police or, in certain circumstances, the employee who is intimidated to take action.

I am not surprised that employees are simply not prepared—nor should they be required to be prepared—to lay complaints and put themselves in the firing line in legal proceedings against people who are intimidating them. We believe that this legislation, in so far as it relates to crowd controllers, is insufficiently strong in relation to protecting staff members. It is insufficient in its failure to give to venue owners and operators sufficient powers. True it is that we will support the fact that the bill will require the owners and operators of venues to authorise the removal of people.

However, we believe that that in itself is insufficient, because you are not giving to the owners and operators the power, as it were, to step into the shoes of their employees and make complaints, lodge prosecutions and seek orders. Physical removal or prevention of entry to premises under this bill will occur only after the person has failed to comply with a request to leave by an authorised person. As I say, 'authorised persons' is defined in the bill, but basically it is someone with authority at the particular venue. The bill will create a new category of 'approved crowd controller'.

This is created under the Liquor Licensing Act and also the Security and Investigation Agents Act—what is termed 'a security agent authorised to control crowds'. This latter category of officer can be required to undertake an alcohol test whilst on duty. They can also be required to undertake a drug test. These measures we believe are appropriate. The bill does give the Commissioner power to suspend a security agent's licence. The present disciplinary system under the Security Investigation Agents Act requires proof of unlawful conduct, and it is common for there to be significant delays (up to a year, and even more in some cases) between the laying of a charge and a conviction.

Accordingly, this bill gives the Commissioner for Consumer Affairs the power to suspend a security agent's licence upon the agent being charged with a prescribed offence. The second reading explanation states that it is intended to prescribe offences of violence as well as drug and firearm offences for licences requiring authorised crowd control work with the addition of theft and robbery offences in the case of licences authorising guarding work. Again, in respect of this particular issue (namely, these particular offences which will entitle the commissioner to suspend the licence), I have, by letter, sought information from the Attorney-General. I specifically asked:

> What offences are likely to be prescribed for the purposes of proposed sections 23A and 23B?

I am indebted to the Attorney-General for responding in the following terms:

> Proposed new paragraph s23A(1)(a) provides that if a licensee (or director of a body corporate that is a licensee) 'is charged with an offence of a class specified by regulation' then the Commissioner may suspend the licence, with such suspension coming into effect immediately on service.

The letter continues:

> You have asked what offences are likely to be prescribed for this purpose. Note that the next paragraph in the Bill, proposed paragraph 23A(1)(b), would give the Commissioner a wide discretion to suspend a licence in any circumstances in which the Commissioner is satisfied 'that it would be contrary to the public interest if the holder of a security agent's licence were to continue to be licensed.' It would be consistent with this paragraph to give the Commissioner a similar wide discretion in the circumstances contemplated by proposed paragraph s23A(1)(a).
>
> Therefore, although regulations have not been drafted, the list of prescribed offences for the purposes of proposed paragraph s23A(1)(a) is likely to be at least as extensive as the list of disentitling offences in the Security and Investigation Agents Regulations 1996.
>
> Proposed new section 23B may be relied upon less frequently, at its effect will be decisive in a few cases. If and when a security agent is charged with any offence prescribed for purposes of s23B(1), the Commissioner would be required—

the word 'required' is emphasised—

> to suspend the agent's licence. It is intended to prescribe assault and drug offences for this purpose.

The Attorney has referred to the type of prescribed offences that are likely to excite the interests of this particular provision—and we agree with them.

The next issue of importance is the question of when a suspension will apply. Although a licensee will have a right to be heard about any licence suspension, the suspension will apply from the date of service of the notice of suspension. There is a right of appeal, which I mentioned earlier, and that is important. In the states of New South Wales, Queensland, Victoria and Western Australia, either the licensing authority has the power to revoke licences or automatic cancellation applies if the licensee is convicted of a disentitling offence. This bill will provide for automatic cancellation of a security agent's licence where the licensee has been convicted of a prescribed offence.

It is this element of automatic suspension that gives us serious concern. I would have expected those opposite, who always claim to represent the interests of working people, to raise concerns about it. To deprive anybody of their livelihood automatically upon the actions of a third party is something about which one would expect members opposite to be seriously concerned. We have heard nothing from them. Unfortunately, they believe that the popular line is to say that the only problems are caused by illegal bikie gangs—who are, of course, unpopular and rightly so—so we will adopt the populist line, which the Premier follows, and say, 'Okay, if anybody is associated with those gangs, their licence to engage in their own livelihood can be automatically suspended without any right of appeal.'

We think that is entirely inappropriate. It is for that reason that I have placed on file an amendment which will require that, whilst there might be automatic suspension of a licence, if the person who holds the licence makes an immediate appeal to the court, the court must deal with that appeal within the period of one month. We think it is unfortunate that somebody might be deprived of their livelihood for a month—that is a serious imposition for many families—but that is the price we may have to pay.

The government proposed that in certain circumstances a person could be deprived of their livelihood by bureaucratic action for up to a year or perhaps 15 months. True it is that they would have an opportunity then to have their case heard, but by that time they would no longer be in the industry because they could not afford to be, they would have lost their opportunity to pursue their occupation. We will introduce this amendment—and I hope it will be supported—to ensure that, if this draconian provision is to apply, the person against whom it is to apply will have an opportunity to appeal immediately, and it will be up to the court to

determine whether or not they are deprived of their authority to work.

The bill also provides that security agents and applicants under the Liquor Licensing Act may be fingerprinted. We think this is reasonable in the circumstances. Similar provisions apply under the Gaming Machines Act. The bill provides that the Commissioner of Police may, but is not required, to destroy fingerprints on the application of a former licensee, employee or an applicant whose application is refused. The bill will also require the Commissioner of Consumer Affairs to require crowd controllers or applicants for a security agent's licence authorising crowd control work to undertake psychological assessment to demonstrate their fitness to hold a licence. These are discretionary powers. We support them. However, rather than having a discretionary test in relation to this, many feel that it would be more appropriate to have a mandatory test that all applicants are required to undertake psychological assessment to demonstrate fitness to hold a licence.

The bill provides that holders of licences may be required to undertake refresher training or continuing development, and we support that element. I mentioned earlier that this bill will require certain persons who hold licences to be exposed to the possibility of random drug tests, and we certainly support that. It has been put to us that those drug tests ought also include tests relating to steroids, because there is evidence that ingestion of steroids can have certain effects on the psyche of the person who ingests the steroids. It is widely believed—and we certainly are not in a position to dispute it—that many people in the crowd control industry are users of steroids, and certainly any viewer of television programs might be inclined to suspect that some of those very well developed crowd controllers are using some substances to assist them in building their bulk.

Bulk is something you know all about, Mr President—in, of course, the right places. The Adonis like shape of many members of this chamber is achieved by natural means—exercise and consumption of appropriate foods and beverages—but there are some in the security industry who, it is widely suspected, use substances other than naturally occurring substances to achieve their bulk. It has been suggested that the use of steroids ought to be monitored through this process. I know people within the security industry believe that it would be appropriate, and I think it is a matter for regret that the government has failed to seize this opportunity to require, in certain circumstances, that tests be taken for steroid use rather than for other forms of illicit substances.

The government claims to have widely consulted in relation to this bill, but the evidence the opposition has received suggests that it has not. It is true that the Australian Hotels Association and the various organisations representing people in the security industry have expressed support for the general principles of greater and more effective control of these industries in the face of not only the David Hookes incident (tragedy as it is) but also some other tragic incidents involving security agents. Whilst there is that general support for some legislative measure, I think it is a matter of regret that the government seems not to have consulted as thoroughly as one might have expected with a measure of this kind.

Information supplied to the opposition by organisations who represent security agents and also those who employ them—these are highly respectable and responsible organisations—suggest that they have not been as closely consulted as they should have been in relation to the bill currently before the council. I have indicated that we will be supporting the bill in principle. During the committee stage, we will be pursuing a number of issues which have been raised by industry organisations about the thoroughness and effectiveness of the consultation process, and we will also be seeking to elicit from the government answers to many of the questions of a detailed nature that have been raised by the industry. That said, I indicate once again the support of the Liberal opposition for the passage of this bill, especially in its principal objectives, but I indicate that we will be moving the amendment which I have foreshadowed and will pursue answers to other issues that have arisen in our consultations with the industry.

The Hon. R.K. SNEATH secured the adjournment of the debate.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

No 1. Clause 11, page 6, lines 27 and 28—
Delete the clause and substitute:
11—Amendment of section 66—Automatic release on parole of certain prisoners
(1) Section 66—delete 'The' and substitute:
Subject to subsection (2), the
(2) Section 66—after its present contents as amended by this section (now to be designated as subsection (1)) insert:
(2) Subsection (1) does not apply to—
(a) a prisoner if any part of the imprisonment for which the prisoner was sentenced is in respect of a sexual offence; or
(b) a prisoner of a class excluded by the regulations from the application of subsection (1) (but the regulations may not exclude a prisoner liable to serve a total period of imprisonment of 3 years or less).
No 2. Clause 12(1), page 6, lines 30 and 31—
Delete subclause (1) and substitute:
(1) Section 67(1) and (2)—delete subsections (1) and (2) and substitute:
(1) This section applies to a prisoner if—
(a) section 66 does not apply to the prisoner; and
(b) a non-parole period has been fixed for the prisoner; and
(c) the prisoner is not serving a sentence of indeterminate duration.
(2) If this section applies to a prisoner—
(a) the prisoner; or
(b) the Chief Executive Officer, or any employee of the Department authorised by the Chief Executive Officer,
may apply in the prescribed manner to the Board for the prisoner's release on parole.
No. 3 Clause 15, page 8, lines 21 to 37—
Delete the clause.

PHYSIOTHERAPY PRACTICE BILL

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

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is one of a number of Bills being drafted to regulate health professionals in South Australia. Like the *Podiatry Practice Bill 2004* introduced earlier this session, the Physiotherapy Practice Bill is based on the *Medical Practice Act 2004*. I would like to point out to the House that this Bill is very similar, and for the most part identical, to the Medical Practice Act and the Podiatry Practice Bill. The provisions are therefore largely familiar to the House. The Physiotherapy Practice Bill replaces the *Physiotherapists Act 1991*. The key purpose of the current Act as set out in its long title is "to provide for the registration of physiotherapists and to regulate the practice of physiotherapy".

Consistent with the Government's commitment to protecting the health and safety of consumers, the long title of the Physiotherapy Practice Bill states that it is a Bill for an Act "to protect the health and safety of the public by providing for the registration of physiotherapists". At the outset it is made clear that primary aim of the legislation is the protection of the health and safety of the public, and that the registration of physiotherapists is the key mechanism by which this is achieved.

The current Act was reviewed in line with the requirements of National Competition Policy. The Review identified provisions of the Act restricting competition that were not justifiable on the grounds of providing a public benefit. Consistent with the Government's commitment to National Competition Policy, the Physiotherapy Practice Bill 2005 omits these provisions.

The Bill removes the ownership restrictions that exist in the current legislation and allows a physiotherapy services provider, being a person who is not a registered physiotherapist, to provide physiotherapy through the instrumentality of a registered physiotherapist.

The Bill includes the following measures to ensure that non-registered persons who own physiotherapy practices are accountable for the quality of physiotherapy services provided:

- a requirement that a corporate or trustee physiotherapy services provider notify the Board of their existence and provide the names and addresses of persons who occupy positions of authority in the provider and of the physiotherapists through the instrumentality of whom they provide physiotherapy;
- a prohibition on physiotherapy services providers giving improper directions to physiotherapists or physiotherapy students through the instrumentality of whom they provide physiotherapy;
- a prohibition on any person giving or offering a benefit as inducement, consideration or reward for a physiotherapist or physiotherapy student referring patients to a health service provided by the person, or recommending that a patient use a health service provided by the person or a health product made, sold or supplied by the person;
- a requirement that physiotherapy services providers comply with codes of conduct applying to such providers (thereby making them accountable to the Board by way of disciplinary action).

The definition of "physiotherapy services provider" in the Bill excludes "exempt providers". An exempt provider is a recognised hospital, incorporated health centre or private hospital within the meaning of the *South Australian Health Commission Act 1976*. These providers are accountable to me under that Act. I have the power to investigate and make changes to the way a hospital or health centre may operate, or vary the conditions applying to a private hospital licensed under that Act. It is therefore not reasonable that these providers be accountable to both me and the Board. Without this exclusion from the definition, the Board would have the capacity to conduct disciplinary proceedings against these providers and effectively prohibit a hospital or health centre from providing physiotherapy services.

The Bill requires all providers (including exempt providers) to report to the Board unprofessional conduct or medical unfitness of persons through the instrumentality of whom they provide physiotherapy. In this way the Board can ensure that services are provided in a manner consistent with a professional code of conduct and the interests of the public are protected. The Board may also make a report to me about any concerns it may have arising out of this information.

The Board will have responsibility under the Bill for developing codes of conduct for physiotherapy services providers. I will need to approve these codes. This is to ensure that they do not contain provisions that would limit competition, thereby undermining the intent of this legislation. It also gives me some oversight of the standards that relate to the profession and providers.

This Bill, like the Medical Practice Act, deals with the medical fitness of registered persons and applicants for registration and requires that where a determination is made of a person's fitness to provide physiotherapy, regard is given to the person's ability to provide physiotherapy without endangering a patient's health or safety. This can include consideration of communicable diseases.

This approach was agreed to by all the major medical and infection control stakeholders when developing the provisions for the Medical Practice Act and is in line with the way in which these matters are handled in other jurisdictions, and across the world. It is therefore appropriate that similar provisions be used in the Physiotherapy Practice Bill.

Provision is made for 3 elected physiotherapists on the Board, and 1 physiotherapist selected by me from a panel of 3 physiotherapists nominated by the Council of the University of South Australia. The membership of the Board also includes a legal practitioner, a medical practitioner and 2 persons who are not legal practitioners, medical practitioners or physiotherapists. This ensures there is a balance on the Board between physiotherapists and non-physiotherapists and enables the appointment of members to the Board who can represent other interests, in particular, those of consumers.

In addition there is a provision that will restrict the length of time which any one member of the Board can serve to 3 consecutive 3 year terms. This is to ensure that the Board has the benefit of fresh thinking. It will not restrict a person's capacity to serve on the Board at a later time but it does mean that after 9 consecutive years, they will have to have a break.

Standards and expectations by Government in regard to transparency and accountability are now much more explicit than in the past and the *Public Sector Management Act 1995*, as amended by the *Statutes Amendment (Honesty and Accountability in Government) Act 2003*, provides a clear framework for the operation of the public sector, including the Physiotherapy Board of South Australia.

Provisions relating to conflict of interest and to protect members of the Board from personal liability when they have acted in good faith are included in Schedule 2 of the Bill pending commencement of the amendments to the Public Sector Management Act.

Consistent with Government commitments to better consumer protection and information, this Bill increases the transparency and accountability of the Board and ensures that information about a physiotherapy services provider is available to the public.

Currently most complaints are taken to the Board by the Registrar acting on behalf of the complainant. Complainants do not usually take their own case to the Board for fear of having costs awarded against them and, because they are not a party to the proceedings, they do not have a legal right to be present during the hearing of those proceedings. This is obviously an unsatisfactory situation and I have had the relevant provisions of the Medical Practice Act mirrored in this Bill to provide a right for the complainant to be present at the hearing of the proceedings. This ensures that the proceedings, from the perspective of the person making the complaint, are more transparent. The Board can however, if it considers it necessary, exclude that person from being present at the hearing of part of the proceedings where, for example, the confidentiality of certain matters may need to be protected.

New to the Physiotherapy Practice Bill is the registration of students. This provision is supported by the Physiotherapists Board and the University of South Australia, which is the only provider of education for physiotherapy students in South Australia. It requires that students undertaking a course of physiotherapy based in South Australia, interstate or overseas are subject to the same requirements in relation to professional standards and codes of conduct as a registered physiotherapist while working in a practice setting where they are gaining their clinical experience.

Physiotherapists and physiotherapy services providers will be required to insure, in a manner and to an extent approved by the Board, against civil liabilities that might be incurred in connection with the provision of physiotherapy or with disciplinary proceedings. This is designed to ensure that there is adequate protection for the public should circumstances arise where this is necessary.

The Bill replaces the broad prohibition on the provision of physiotherapy for fee or reward by unqualified persons with offences of providing "restricted therapy" unless qualified or providing prescribed physical therapy for fee or reward unless qualified. This is consistent with the need for the legislation to be as precise as

possible in describing the services that should be provided only by registered persons.

"Restricted therapy" is defined to mean "the manipulation or adjustment of the spinal column or joints of the human body involving a manoeuvre during which a joint is carried beyond its normal physiological range of motion" or any other physical therapy declared by the regulations to be restricted therapy.

It is therefore clear to a practitioner and the public precisely what can be done only by a physiotherapist or other suitably qualified person. Because of the significant health risks associated with the provision of restricted therapy by unqualified persons, the legislation ensures that the provision of such therapy is restricted to registered persons. Physiotherapy services other than restricted therapy or prescribed physical therapy can be provided by other practitioners so long as they do not hold out to be a physiotherapist, or use words restricted for the use of physiotherapists, such as "manipulative therapist" or "physical therapist".

This Bill balances the needs of the profession and physiotherapy services providers with the need of the public to feel confident that they are being provided with a service safely, either directly by a qualified practitioner or by a provider who uses registered physiotherapists.

As I stated in the beginning, the Physiotherapy Practice Bill is based on the Medical Practice Act and the provisions in the Physiotherapy Practice Bill are in most places identical to it. One exception is that unlike the Medical Practice Act, this Bill does not establish a Tribunal for hearing complaints. Instead, like the current practice, members of the Board can investigate and hear any complaint.

By following the model of the Medical Practice Act, this and other Bills that regulate health professionals will have consistently applied standards and expectations for all services provided by registered health practitioners. This will be of benefit to all health consumers who can feel confident that no matter which kind of registered health practitioner they consult, they can expect consistency in the standards and the processes of the registration boards.

I believe this Bill will provide an improved system for ensuring the health and safety of the public and regulating the physiotherapy profession in South Australia and I commend it to all members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Medical fitness to provide physiotherapy

This clause provides that in making a determination under the measure as to a person's medical fitness to provide physiotherapy, regard must be given to the question of whether the person is able to provide physiotherapy personally to a patient without endangering the patient's health or safety.

Part 2—Physiotherapy Board of South Australia

Division 1—Establishment of Board

5—Establishment of Board

This clause establishes the Physiotherapy Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate

Division 2—Board's membership

6—Composition of Board

This clause provides for the Board to consist of 8 members appointed by the Governor, empowers the Governor to appoint deputy members and requires at least 1 member of the Board to be a woman and at least 1 to be a man.

7—Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. However, a member of the Board may not hold office for consecutive terms that exceed 9 years in total. The clause sets out the circumstances in which a member's office becomes vacant and the grounds on which the Governor may remove a member from office. It also allows members whose terms have expired, or who have resigned from the Board, to continue to act as members to hear part-heard proceedings under Part 4.

8—Presiding member and deputy

This clause requires the Minister, after consultation with the Board, to appoint a physiotherapist member of the Board to be the presiding member of the Board, and another physiotherapist member to be the deputy presiding member.

9—Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

10—Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

Division 3—Registrar and staff of Board

11—Registrar of Board

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

12—Other staff of Board

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

Division 4—General functions and powers

13—Functions of Board

This clause sets out the functions of the Board and requires it to exercise its functions with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of physiotherapy in South Australia.

14—Committees

This clause empowers the Board to establish committees to advise the Board or the Registrar or assist the Board to carry out its functions.

15—Delegations

This clause empowers the Board to delegate its functions or powers to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

Division 5—Board's procedures

16—Board's procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

17—Conflict of interest etc under Public Sector Management Act

This clause provides that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector Management Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with physiotherapists generally or a substantial section of physiotherapists in this State.

18—Powers of Board in relation to witnesses etc

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

19—Principles governing proceedings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. It requires the Board to keep all parties to proceedings before the Board properly informed about the progress and outcome of the proceedings.

20—Representation at proceedings before Board

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

21—Costs

This clause empowers the Board to award costs against a party to proceedings before the Board and provides for the taxation of costs by a Master of the District Court in the event that a party is dissatisfied with the amount of costs awarded by the Board.

Division 6—Accounts, audit and annual report

22—Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

23—Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

Part 3—Registration and practice

Division 1—Registers

24—Registers

This clause requires the Registrar to keep certain registers and specifies the information required to be included in each register. It also requires the registers to be kept available for inspection by the public and permits access to be made available by electronic means. The clause requires registered persons to notify a change of name or nominated contact address within 1 month of the change. A maximum penalty of $250 is fixed for non-compliance.

25—Authority conferred by registration

This clause sets out the kind of physiotherapy that registration on each particular register authorises a registered person to provide.

Division 2—Registration

26—Registration of natural persons as physiotherapists

This clause provides for full and limited registration of natural persons on the register of physiotherapists.

27—Registration of physiotherapy students

This clause requires persons to register as physiotherapy students before undertaking a course of study that provides qualifications for registration on the register of physiotherapists, or before providing physiotherapy as part of a course of study related to physiotherapy being undertaken outside the State, and provides for full or limited registration of physiotherapy students.

28—Application for registration and provisional registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide physiotherapy or to obtain additional qualifications or experience before determining an application.

29—Removal from register

This clause requires the Registrar to remove a person from a register on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

30—Reinstatement on register

This clause makes provision for reinstatement of a person on a register. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide physiotherapy or to obtain additional qualifications or experience before determining an application.

31—Fees and returns

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their practice of physiotherapy, continuing physiotherapy education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register a person who fails to pay the annual practice fee or furnish the required return.

Division 3—Special provisions relating to physiotherapy services providers

32—Information to be given to Board by physiotherapy services providers

This clause requires a physiotherapy services provider to notify the Board of the provider's name and address, the name and address of the physiotherapists through the instrumentality of whom the provider is providing physiotherapy and other information. It also requires the provider to notify the Board of any change in particulars required to be given to the Board and makes it an offence to contravene or fail to comply with the clause. A maximum penalty of $10 000 is fixed. The Board is required to keep a record of information provided to the Board under this clause available for inspection at the office of the Board and may make it available to the public electronically.

Division 4—Restrictions relating to provision of physiotherapy

33—Illegal holding out as registered person

This clause makes it an offence for a person to hold himself or herself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class unless the other person is registered on the appropriate register. In both cases a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

34—Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In each case a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

35—Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $50 000 is fixed.

36—Restrictions on provision of physiotherapy by unqualified persons

This clause makes it an offence to provide restricted therapy, or to provide prescribed physical therapy for fee or reward, unless the person is a qualified person or provides the therapy through the instrumentality of a qualified person. A maximum penalty of $50 000 or imprisonment for 6 months is fixed for the offence. However, these provisions do not apply to physiotherapy provided by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case. The clause makes it an offence punishable by a maximum fine of $50 000 to contravene or fail to comply with a condition of an exemption.

37—Board's approval required where physiotherapist or physiotherapy student has not practised for 5 years

This clause prohibits a registered person who has not provided physiotherapy of a kind authorised by their registration for 5 years or more from providing such physiotherapy without the prior approval of the Board and fixes a maximum penalty of $20 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

Part 4—Investigations and proceedings

Division 1—Preliminary

38—Interpretation

This clause provides that in this Part the terms ***occupier of a position of authority***, ***physiotherapy services provider*** and ***registered person*** includes a person who is not but who was, at the relevant time, an occupier of a position of authority, a physiotherapy services provider or a registered person.

39—Cause for disciplinary action

This clause specifies what constitutes proper cause for disciplinary action against a registered person, a physiotherapy services provider or a person occupying a position of authority in a corporate or trustee physiotherapy services provider.

Division 2—Investigations

40—Powers of inspectors

This clause sets out the powers of an inspector to investigate suspected breaches of the Act and other matters.

41—Offence to hinder etc inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $10 000 is fixed.

Division 3—Proceedings before Board

42—Obligation to report medical unfitness or unprofessional conduct of physiotherapist or physiotherapy student

This clause requires certain classes of persons to report to the Board if of the opinion that a physiotherapist or physiotherapy student is or may be medically unfit to provide physiotherapy. A maximum penalty of $10 000 is fixed for non-compliance. It also requires physiotherapy services providers and exempt providers to report to the Board if of the opinion that a physiotherapist or physiotherapy student through whom the provider provides physiotherapy has engaged in unprofessional conduct. A maximum penalty of $10 000 is fixed for non-compliance. The Board must cause reports to be investigated.

43—Medical fitness of physiotherapist or physiotherapy student

This clause empowers the Board to suspend the registration of a physiotherapist or physiotherapy student, impose conditions on registration restricting the right to provide physiotherapy or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation under clause 42, and after due inquiry, the Board is satisfied that the physiotherapist or physiotherapy student is medically unfit to provide physiotherapy and that it is desirable in the public interest to take such action.

44—Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious. If after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can censure the person, order the person to pay a fine of up to $10 000 or prohibit the person from carrying on business as a physiotherapy services provider or from occupying a position of authority in a corporate or trustee physiotherapy services provider. If the person is registered, the Board may impose conditions on the person's right to provide physiotherapy, suspend the person's registration for a period not exceeding 1 year, cancel the person's registration, or disqualify the person from being registered.

If a person fails to pay a fine imposed by the Board, the Board may remove their name from the appropriate register.

45—Contravention of prohibition order

This clause makes it an offence to contravene a prohibition order made by the Board or to contravene or fail to comply with a condition imposed by the Board. A maximum penalty of $75 000 or imprisonment for 6 months is fixed.

46—Register of prohibition orders

This clause requires the Registrar to keep a register of prohibition orders made by the Board. The register must be kept available for inspection at the office of the Registrar and may be made available to the public electronically.

47—Variation or revocation of conditions of registration

This clause empowers the Board, on application by a registered person, to vary or revoke a condition imposed by the Board on his or her registration.

48—Constitution of Board for purpose of proceedings

This clause sets out how the Board is to be constituted for the purpose of hearing and determining proceedings under Part 4.

49—Provisions as to proceedings before Board

This clause deals with the conduct of proceedings by the Board under Part 4.

Part 5—Appeals

50—Right of appeal to District Court

This clause provides a right of appeal to the District Court against certain acts and decisions of the Board.

51—Operation of order may be suspended

This clause empowers the Court to suspend the operation of an order made by the Board where an appeal is instituted or intended to be instituted.

52—Variation or revocation of conditions imposed by Court

This clause empowers the District Court, on application by a registered person, to vary or revoke a condition imposed by the Court on his or her registration.

Part 6—Miscellaneous

53—Interpretation

This clause defines terms used in Part 6.

54—Offence to contravene conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of $75 000 or imprisonment for 6 months.

55—Registered person etc must declare interest in prescribed business

This clause requires a registered person or prescribed relative of a registered person who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest. It fixes a maximum penalty of $20 000 for non-compliance. It also prohibits a registered person from referring a patient to, or recommending that a patient use, a health service provided by the business and from prescribing, or recommending that a patient use, a health product manufactured, sold or supplied by the business unless the registered person has informed the patient in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of $20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a registered person to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the referral, recommendation or prescription that is the subject of the proceedings relates.

56—Offence to give, offer or accept benefit for referral or recommendation

This clause makes it an offence—

(a) for any person to give or offer to give a registered person or prescribed relative of a registered person a benefit as an inducement, consideration or reward for the registered person referring, recommending or prescribing a health service provided by the person or a or health product manufactured, sold or supplied by the person; or

(b) for a registered person or prescribed relative of a registered person to accept from any person a benefit offered or given as a inducement, consideration or reward for such a referral, recommendation or prescription.

In each case a maximum penalty of $75 000 is fixed.

57—Improper directions to physiotherapists or physiotherapy students

This clause makes it an offence for a person who provides physiotherapy through the instrumentality of a physiotherapist or physiotherapy student to direct or pressure the physiotherapist or student to engage in unprofessional conduct. It also makes it an offence for a person occupying a position of authority in a corporate or trustee physiotherapy services provider to direct or pressure a physiotherapist or physiotherapy student through whom the provider provides physiotherapy to engage in unprofessional conduct. In each case a maximum penalty of $75 000 is fixed.

58—Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $20 000 or imprisonment for 6 months.

59—Statutory declarations

This clause empowers the Board to require information provided to the Board to be verified by statutory declaration.

60—False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $20 000.

61—Registered person must report medical unfitness to Board

This clause requires a registered person who becomes aware that he or she is or may be medically unfit to provide physiotherapy to forthwith give written notice of that fact of the Board and fixes a maximum penalty of $10 000 for non-compliance.

62—Report to Board of cessation of status as student

This clause requires the person in charge of an educational institution to notify the Board that a physiotherapy student has ceased to be enrolled at that institution in a course of

study providing qualifications for registration on the register of physiotherapists. A maximum penalty of $5 000 is fixed for non-compliance. It also requires a person registered as a physiotherapy student who completes, or ceases to be enrolled in, the course of study that formed the basis for that registration to give written notice of that fact to the Board. A maximum penalty of $1 250 is fixed for non-compliance.

63—Registered persons and physiotherapy services providers to be indemnified against loss

This clause prohibits registered persons and physiotherapy services providers from providing physiotherapy unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person or provider in connection with the provision of physiotherapy or proceedings under Part 4 against the person or provider. It fixes a maximum penalty of $10 000 and empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.

64—Information relating to claim against registered person or physiotherapy services provider to be provided

This clause requires a person against whom a claim is made for alleged negligence committed by a registered person in the course of providing physiotherapy to provide the Board with prescribed information relating to the claim. It also requires a physiotherapy services provider to provide the Board with prescribed information relating to a claim made against the provider for alleged negligence by the provider in connection with the provision of physiotherapy. The clause fixes a maximum penalty of $10 000 for non-compliance.

65—Victimisation

This clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

66—Self-incrimination

This clause provides that if a person is required to provide information or to produce a document, record or equipment under this measure and the information, document, record or equipment would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide the information or produce the document, record or equipment, but the information, document, record or equipment so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than an offence against this measure or any other Act relating to the provision of false or misleading information.

67—Punishment of conduct that constitutes an offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

68—Vicarious liability for offences

This clause provides that if a corporate or trustee physiotherapy services provider or other body corporate is guilty of an offence against this measure, each person occupying a position of authority in the provider or body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the principal offence.

69—Application of fines

This clause provides that fines imposed for offences against the measure must be paid to the Board.

70—Board may require medical examination or report

This clause empowers the Board to require a registered person or a person applying for registration or reinstatement of registration to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.

71—Ministerial review of decisions relating to courses

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

72—Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Physiotherapists Act 1991*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by or under this measure or any other Act or law; or

(b) with the consent of the person to whom the information relates; or

(c) in connection with the administration of this measure or the repealed Act; or

(d) to an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide physiotherapy, where the information is required for the proper administration of that law; or

(e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of $10 000 is fixed for a contravention of the clause.

73—Service

This clause sets out the methods by which notices and other documents may be served.

74—Evidentiary provisions

This clause provides evidentiary aids for the purposes of proceedings for offences and for proceedings under Part 4.

75—Regulations

This clause empowers the Governor to make regulations.

Schedule 1—Repeal and transitional provisions

This Schedule repeals the *Physiotherapists Act 1991* and makes transitional provisions with respect to the Board, registrations and physiotherapy students.

Schedule 2—Further provisions relating to Board

This Schedule sets out the obligations of members of the Board in relation to personal or pecuniary interests. It also protects members of the Board, members of committees of the Board, the Registrar of the Board and any other person engaged in the administration of the measure from personal liability. The Schedule will expire when section 6H of the *Public Sector Management Act 1995* (as inserted by the *Statutes Amendment (Honesty and Accountability in Government) Act 2003*) comes into operation, or if that section has come into operation before the commencement of clause 3 of Schedule 2, the Schedule will be taken not to have been enacted.

The Hon. R.D. LAWSON secured the adjournment of the debate.

OATHS (ABOLITION OF PROCLAIMED MANAGERS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is intended to accompany the *Justices of the Peace Bill 2004*.

Proclaimed managers and proclaimed police officers are appointed under s33 of the *Oaths Act 1936*. In past years, this section also referred to proclaimed postmasters. Section 33 was amended in 1998 to remove proclaimed postmasters.

Legislation allowing for the appointment of "proclaimed bank managers" was introduced in 1913 because at that time, in country towns, some justices of the peace were either unavailable, or too busy hearing criminal matters. In contrast, the local bank manager was thought to be easily accessible, and a person who was likely to know, and be known by, most members of the public in the vicinity. This is no longer true. In fact, some authorised deposit-taking institutions no longer have employees who fit the statutory description of "a person appointed to be in charge of the head office or a branch office in the State.

Because the *Justices of the Peace Bill 2004* imposes new forms of regulation on justices of the peace, it would be inappropriate to permit remaining proclaimed managers to continue to have responsibilities similar to the responsibilities of justices of the peace, without a similar level of accountability.

All financial institutions who employ proclaimed managers were consulted on this matter.

From the few responses received, it was apparent that most banks did not recognise the risk of conflict of interest. The responses revealed that few, if any, proclaimed managers were available after-hours, or to assist persons who were not customers of their bank. However, some banks noted that if proclaimed managers were abolished, the individuals concerned could apply to become justices of the peace.

Therefore, this Bill provides for the repeal of the relevant provisions in the *Oaths Act*. It includes transitional provisions to permit proclaimed managers to apply to become justices of the peace by 1 January, 2007.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Part 1 and Part 2 of this measure will come into operation on assent.

Part 3 and Schedule 1 of this measure will come into operation on 1 January 2007.

3—Amendment provisions

This is the usual interpretation provision for an amending measure.

Part 2—Amendment of *Oaths Act 1936* to take effect immediately

4—Amendment of section 33—Appointment of persons to take declarations and attest instruments

These amendments provide that, despite current subsection (1) of section 33, after the commencement of this amendment, the Governor may not appoint a manager to take declarations and attest the execution of instruments. All such appointments that have not earlier been terminated will terminate on 31 December 2006.

Part 3—Amendment of *Oaths Act 1936* to take effect on 1 January 2007

5—Amendment of heading to Part 5

This amendment is consequential on the implementation of the policy to cease appointing persons to be proclaimed managers.

6—Amendment of section 32—Interpretation

This amendment proposes to remove the definitions of ***manager*** and ***proclaimed manager*** and is consequential.

7 to 9—Amendment of sections 33 to 35

The proposed amendments to sections 32 to 35 are consequential and remove references to managers.

Schedule 1—Related amendments of *Evidence (Affidavits) Act 1928*

1—Amendment of section 2A—Power of members of police force to take affidavits

This proposed amendment is consequential on the cessation of appointing proclaimed managers under the *Oaths Act 1936*.

The Hon. R.I. LUCAS secured the adjournment of the debate.

PARTNERSHIP (VENTURE CAPITAL FUNDS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Partnership (Venture Capital Funds) Amendment Bill 2004* amends the *Partnership Act 1891* to provide for the registration and administration of a new form of corporate entity, the incorporated limited partnership. These reforms introduce into South Australia's partnership regime the business structure preferred by international venture capital investors and will allow South Australian based venture capital funds to access a new Commonwealth taxation regime.

The Bill provides that a limited partnership that is registered, or intends to be registered, as a Venture Capital Limited Partnership or Australian Fund Of Funds under the Commonwealth *Venture Capital Act 2002*, or is or intends to operate as a Venture Capital Management Partnership within the meaning of the *Income Tax Assessment Act 1936*, may apply to be registered as an incorporated limited partnership.

Once registered, an incorporated limited partnership—

- will have a legal existence separate from that of its partners;
- will have the legal capacity of an individual both in and outside the State (including the power to acquire, hold and dispose of real and personal property or a beneficial interest in such property, and acquire rights, and be subject to other liabilities in its own name); and
- may sue and be sued.

Registration as a separate legal entity will protect the limited partners from liability for the debts of the partnership provided that, subject to allowable safe-harbour activities, they do not engage directly in the day-to-day management of the partnership's business.

Other key amendments contained in the Bill establish a registration regime to be administered by the Corporate Affairs Commission, provide certainty as to the relationship between the general and limited-liability partners, expand the safe-harbour provisions to allow for more involvement by limited partners in the management of partnerships, and provide for the mutual recognition of incorporated limited partnerships registered under the legislation of other jurisdictions.

These amendments mirror changes to partnership legislation in Victoria, New South Wales, Queensland and the Australian Capital Territory. Other States and the Northern Territory are expected to follow.

These reforms build upon measures already carried out by the Government as part of its push to support the development of an active and sustainable private equity sector in South Australia, such as the establishment of the Venture Capital Board, to help achieve this objective, thereby improving the access to equity funding for local entrepreneurs, to establish and build their businesses.

Background

Part 3 of the *Partnership Act* already provides for the registration of limited partnerships. Limited partnerships are partnerships that, in addition to the general partners (who run the business of the partnership and are jointly and severally liable for all debts of the partnership), have limited-liability partners. These limited-liability partners contribute equity to the partnership but take no active role in the day-to-day management of the partnership's business. In return, their liability is limited to a fixed amount, usually the extent of their subscribed capital.

The limited-liability structure allows for a degree of separation between the ownership and the control (in terms of the day-to-day business activities) of the partnership.

Limited partnerships gained popularity in the early 1990s as a relatively simple and inexpensive commercial vehicle for attracting risk or venture capital.

Venture capital is equity funding provided by professional investors to new and growing enterprises that have the potential for big returns on investment. Venture capital is high risk, in that there is a higher risk of loss of investment, owing to failure or inadequate performance of investee companies, than with other investments, such as the share market.

Venture capital is an important source of funds for start-up companies, expanding businesses and companies in an acquisition/buy-out stage. It is one of the main sources of funding for the biotechnology, information technology and communications sectors. Venture capital is often the sole or primary source of capital to fund the commercialisation of risky concepts and innovations. In most cases, venture capital investors work with the management of the company or entity in which they have invested. As well as contributing funds, venture capitalists contribute expertise.

Limited partnerships had advantages over the traditional company structure in terms of attracting venture capital investors: not being companies, they were treated differently for taxation purposes, and were not subject to much of the regulation under the *Corporations Law* (now *Corporations Act 2001*).

However, in 1992, the Federal Government began taxing limited partnerships as companies. This reduced the attraction of limited partnerships for venture capital purposes. In their place, Australian venture capital funds have generally been structured as either unit trusts or companies. This posed a problem in that, internationally, the preferred vehicle for venture capital investment was the limited partnership.

In 2002, the Commonwealth enacted legislation aimed at attracting venture capital funds into Australia.

The *Taxation Laws Amendment (Venture Capital) Act 2002* amended the taxation laws to change the tax treatment of three types of limited partnerships used to invest in Australian venture capital companies:

- Venture Capital Limited Partnerships;
- Australian Fund of Funds, a limited partnership that pools investment for the purposes of investing in other Venture Capital Limited Partnerships; and
- Venture Capital Management Partnerships, a limited partnership that is the general partner of a Venture Capital Limited Partnership or Australian Fund of Funds.

These changes mean that eligible limited partnerships will be taxed according to internationally-recognised standards. Most importantly, they will be taxed as flow-through entities.

The *Venture Capital Act 2002* established a registration and reporting process for Venture Capital Limited Partnerships and Australian Fund of Funds.

The aim of the Commonwealth's legislation is to encourage additional foreign investment into the Australian venture capital market and to assist the venture capital industry by encouraging leading international venture capital managers to locate in Australia.

For limited partnerships to come within the new taxation regime, they must be limited partnerships established under Australian law or, if foreign limited partnerships, the law in force in their respective jurisdictions.

It is this requirement that makes the amendments contained in this Bill essential if we are to encourage venture capital investment firms to locate in South Australia and firms located in other jurisdictions to invest here.

Summary of the main provisions of the Bill

Clause 5 inserts new section 1C into the Act. This new provisions states that the general law of partnership does not apply to incorporated limited partnerships, except as provided by the Act. An incorporated limited partnership will be a separate legal entity and for the purposes of the *Corporations Act 2001*, a body corporate. Therefore, in most cases, the firm will be subject to those provisions of the *Corporations Act* that deal with bodies corporate, such as directors' duties, the prohibition on disqualified persons being involved in management and the regulation of fundraising.

Proposed section 51D provides for the registration of three types of partnerships as incorporated limited partnerships:

- a partnership that is registered, or that is proposed to be registered, under Part 2 of the *Venture Capital Act 2002 (Cth)* as a Venture Capital Limited Partnership or Australian Fund Of Funds within the meaning of that Part; or
- a partnership that is, or that is proposed to be, a Venture Capital Management Partnership within the meaning of section 94D(3) of the *Income Tax Assessment Act 1936*.

Proposed section 49 provides that, in order to be registered as an incorporated limited partnership, a Venture Capital Limited Partnership or Australian Fund Of Funds or Venture Capital Management Partnership must have at least one, but no more than 20, general partners, and at least one limited partner. A body corporate may be a partner.

Under proposed section 52, application for registration as an incorporated limited partnership must be made to the Corporate Affairs Commission (C.A.C.) and must be made in accordance with prescribed procedures.

Proposed section 53 provides that, once registered, the C.A.C. must issue the incorporated limited partnership with a certificate of registration, which is conclusive evidence that the partnership was formed on the date of registration, and enter the partnership (and details about its partners and business activities) on a separate division of the register of limited partnerships. The partnership is obliged to update the C.A.C. about any changes to the required particulars.

An incorporated limited partnership is formed when registered with the C.A.C. In addition, an incorporated limited partnership wishing to qualify as either a Venture Capital Limited Partnership or an Australian Fund of Funds will need to register with the Commonwealth's Pooled Development Fund Board. This board ensures that the firm meets the Commonwealth's requirements for these two forms of venture capital fund.

The general partners are responsible for the management of the partnership, while limited partners are investors. Rights and duties between the partners must be set out in a partnership agreement in accordance with proposed section 51B. This agreement has effect as a contract between the incorporated limited partnership and the partners. Proposed section 51C clarifies the relationships between partners in an incorporated limited partnership. Specifically:

- a general partner, the partnership or an officer, employee, agent or representative of a general partner or the limited partnership is not the agent of, nor can he bind, a limited partner in the absence of express agreement;
- a limited partner is not the agent of, nor can he bind, a general partner, the limited partnership or another limited partner in the absence of express agreement (subject to the prohibition on a limited partner taking part in the management of the business);
- subject to where a limited partner breaches the safe-harbour provisions, the limited partnership and the general partners, not the limited partners, are the proper parties to any action by or against the limited partnership.

Under proposed section 64A, a limited partner in an incorporated limited partnership has a limitation on his liability. Under this section, a limited partner has no liability for the liabilities of the incorporated limited partnership or of the general partners. This does not affect a limited partner's obligation to contribute capital or property to the firm.

Under section 12 general partners are liable only for the debts of the limited partnership that are unable to be satisfied by the limited partnership.

Proposed section 64C allows South Australian-registered incorporated limited partnerships to operate in other jurisdictions while maintaining their incorporation and limited liability status, and proposed section 64D extends the limited-liability status to limited partnerships enacted under similar legislation in another jurisdiction. Where a statute in another jurisdiction is not similar to this Bill, it can, for the avoidance of doubt, be prescribed by regulation to ensure recognition of those partnerships in South Australia.

A limited partner's limitation on liability is balanced by a prohibition on their taking part in the management of the incorporated limited partnership. However, certain safe-harbour provisions are prescribed in section 65A within which a limited partner is able to participate in the management of the incorporated limited partnership. These provisions essentially allow a limited partner to oversee their investment, assist the growth of the enterprise and ensure that the incorporated limited partnership is being managed effectively. A limited partner who breaches this provision and engages in wrongful conduct will be personally liable for loss or injury caused directly to a third party as a result of that conduct, where that third party reasonably believed that the limited partner was a general partner.

Proposed section 65A ensures that the safe-harbour provisions provide for conduct by a person acting on behalf of the limited partner. This extends to conduct not only directly in respect of an

incorporated limited partnership and its general partner, but also in respect of associated-entities functions.

Proposed section 71A provides for the making of regulations dealing with the winding-up of an incorporated limited partnership. Although the regulations are yet to be finalised, they will provide for the winding-up of incorporated limited partnerships in three circumstances:

- voluntary winding-up, by special resolution of the limited partners or in accordance with the partnership agreement;
- winding-up upon a certificate issued by the Corporate Affairs Commission where the partnership has ceased to carry on business, where none of the partners is a limited partner, where incorporation of the partnership has been obtained by mistake or fraud, where the partnership exists for an illegal purpose or where the partnership ceases to be (or, within a prescribed period, fails to be) registered as a Venture Capital Limited Partnership or Australian Fund Of Funds or a venture capital management partnership, within the meaning of section 94D(3) of the *Income Tax Assessment Act 1936*.
- winding up in insolvency or in the public interest (to be governed by Part 5.7 of the *Corporations Act 2001)*.

I commend the Bill to members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Partnership Act 1891*

General remarks—

Currently, the *Partnership Act 1891* (the ***principal Act***) provides for 2 forms of partnerships—common law partnerships and limited partnerships. The object of the Bill is to amend the principal Act to provide for a new form of partnership—an incorporated limited partnership. Unlike common law partnerships and limited partnerships, an incorporated limited partnership is a separate legal entity from its partners. Like a limited partnership, it has general partners who manage the business of the partnership and limited partners who contribute investment capital to, but do not manage, the business. The liability of the limited partners for the debts and obligations and other liabilities of the partnership is accordingly limited. Partnerships with this structure are typically used for international venture capital investment. The Bill will enable individuals, corporations and partnerships that are engaged in certain venture capital projects in Australia to form such an incorporated limited partnership by being registered under the principal Act. The Bill also amends the principal Act to clarify and expand on provisions relating to limited partnerships and the liabilities of partners in them.

4—Amendment of section 1B—Interpretation

The proposed amendments to section 1B provide for the necessary definitions relating to incorporated limited partnerships. The amendments emphasise the different nature of this new form of partnership by making it clear that references in the principal Act to a partnership or firm that is an incorporated limited partnership are references to the separate legal entity that is distinct from the persons or partnerships that constitute it. As such, it has rights and liabilities that are distinct from those of the partners in it, whether limited or general. Accordingly, must of the existing law of partnership has no application to incorporated limited partnerships, the partners in incorporated limited partnership or to the relationship between an incorporated limited partnership and its partners.

One of the definitions proposed to be inserted is ***liability***. References elsewhere in the principal Act to debts or obligations are replaced with references to the more widely defined liabilities.

5—Insertion of section 1C

1C—Application of laws to partnerships and incorporated limited partnerships

New section 1C provides that except so far as they are inconsistent with the express provisions of the principal Act, the rules of equity and common law relating to partnership will continue in force. However, except as provided, the law relating to partnership does not apply to or in respect of an incorporated limited partnership, the partners in an incorporated limited partnership or to the relationship between an incorporated limited partnership and its partners.

6—Amendment of section 1—Definition of partnership

This proposed amendment is consequential on the introduction of incorporated limited partnerships into the law.

7—Amendment of section 2—Rules for determining existence of partnership

This proposed amendment provides that section 2 (which sets out the rules for determining the existence of a partnership) does not apply in the determination of the existence of an incorporated limited partnership. Similar amendments are made to sections 22 to 31 and by inserting new sections 20A and 31A.

8—Amendment of section 4—Meaning of "firm

The proposed amendment has the effect of excluding incorporated limited partnerships from the operation of section 4. Section 4 of the principal Act provides that persons who have entered into partnership with one another are, for the purposes of the principal Act, called collectively a firm, and the name under which their business is carried on is called the firm-name. The proposed amendment to section 1B inserts the meanings of ***firm*** and ***firm-name*** in relation to an incorporated limited partnership (see clause 4 of the Bill).

9 to 22—Amendment of sections 5 to 18 of the principal Act

The amendments proposed to sections 5 to 18 of the principal Act describe the liability of the general partners in an incorporated limited partnership. They include amendments to ensure that the persons authorised to do an act or execute an instrument for an incorporated limited partnership do not generally include a limited partner and that the general partners are jointly liable with the incorporated limited partnership for its liabilities; but that such liability is limited to that which the incorporated limited partnership cannot satisfy or as otherwise provided by the partnership agreement.

23—Amendment of section 20—Partnership property of firms other than incorporated limited partnerships

The proposed amendment provides that section 20 does not apply to an incorporated limited partnership.

24—Insertion of section 20A

20A—Partnership property of incorporated limited partnership

New section 20A provides that all property, and rights and interests in property, acquired, whether by purchase or otherwise, on account of an incorporated limited partnership, or for the purposes and in the course of the business of the partnership, are called, in the principal Act, ***partnership property***, and must be applied by the partnership exclusively for the purposes of the partnership. No partner in an incorporated limited partnership, by virtue only of being a partner in the partnership, has any legal or beneficial interest in its partnership property.

25 to 29—Amendment of sections 22 to 27

The proposed amendments to sections 22 to 27 provide that those sections do not apply to or in respect of incorporated limited partnerships.

30—Amendment of section 28—Duties of partners to render accounts etc

The proposed amendment to section 28 extends the operation of that section to incorporated limited partnerships.

31 to 33—Amendment of sections 29 to 33

The proposed amendments to these sections provide that those sections do not apply to incorporated limited partnerships.

34—Insertion of section 31A

31A This new section provides that Division 4 of Part 2 (Dissolution of partnership) does not apply to incorporated limited partnerships.

35—Repeal of Part 2 Division 5

Division 5 provides for the savings of the rules of equity and common law applicable to partnerships. This Division is to be repealed. That savings provision is now to be found in new section 1C(1).

36—Substitution of heading to Part 3

The new heading proposed is "Limited partnerships and incorporated limited partnerships".

37—Substitution of Part 3 Division 1

Current Division 1 consists of sections 47 and 48. The definitions contained in current section 47 have been relocated in section 1B. Current section 48 provides for the application of Parts 1 and 2 to limited partnerships. The application provision will now be provided for in new Division 1 (the substituted section 47).

38—Substitution of heading to Part 3 Division 2

The substituted heading includes incorporated limited partnerships.

39—Substitution of section 49

48—Limited partnership or incorporated limited partnership is formed on registration

New section 48 provides that a limited partnership or incorporated limited partnership is formed by and on registration of the partnership under this Part as a limited partnership or incorporated limited partnership (as the case may be).

49—Composition of limited partnership or incorporated limited partnership

New section 49 provides that a limited partnership or incorporated limited partnership must have—

(a) at least one general partner; and

(b) at least one limited partner.

A corporation may be a general partner or a limited partner in a limited partnership or incorporated limited partnership. A partnership (including an external partnership) may be a general partner or a limited partner in a limited partnership or incorporated limited partnership.

40—Amendment of section 50—Size of a limited partnership or incorporated limited partnership

The proposed amendment to section 50 limits the number of general partners that a limited partnership or incorporated limited partnership may have.

41—Substitution of section 51

Current section 51 has now been substantially re-enacted in new section 48. New section 51 provides for the separate legal entity of an incorporated limited partnership. New section 51A provides for the powers of an incorporated limited partnership and new section 51B makes provision for what must be contained in a partnership agreement (which must be in writing) for an incorporated limited partnership. New section 51B(3) further provides that a partnership agreement also has effect as a contract between the incorporated limited partnership and each partner, under which the partnership and each partner agree to observe and perform the agreement so far as it applies to them. New section 51C describes the relationship of partners in incorporated limited partnerships to others and between themselves.

42—Substitution of heading to Part 3 Division 3

The new heading is consequential.

43—Insertion of section 51D

New section 51D describes who may make application for registration of a limited partnership or incorporated limited partnership.

44—Amendment of section 52—Application for registration

The proposed amendment to section 52 details what must be contained in an application for registration as a limited partnership or incorporated limited partnership.

45—Substitution of section 53

53—Registration of limited partnership or incorporated limited partnership

New section 53 provides that if an application for registration of a limited partnership or incorporated limited partnership has been duly made, the Commission must register the limited partnership or incorporated limited partnership. There are a couple of exceptions to this rule that are listed. Registration is effected by recording in the Register the particulars in the statement lodged with the Commission.

53A—Acts preparatory to registration do not constitute partnership

New section 53A provides that any act done in connection with the making of an application for registration by or on behalf of persons or partnerships (including external partnerships) proposing to be the partners in a proposed partnership does not of itself create a partnership between those persons or partnerships.

46—Amendment of section 54—Register of Limited Partnerships and Incorporated Limited Partnerships

The proposed amendment to section 54 provides that the Commission is required to keep, in such form as it considers appropriate, a register of limited partnerships and incorporated limited partnerships registered under this Part (to be called the ***Register of Limited Partnerships and Incorporated Limited Partnerships***).

47 and 48—Amendment of section 55 and substitution of section 56

These proposed amendments are consequential.

49—Substitution of heading to Part 3 Division 4

This amendment is consequential.

50—Amendment of section 58—Liability of limited partner limited to amount shown in Register

This amendment proposes to insert a new subsection (2) which provides that if a partnership (the ***investing partnership***) is a limited partner in a limited partnership (the ***principal partnership***), a partner in the investing partnership has no separate liability to contribute to the liabilities of the principal partnership, but nothing in this subsection affects any liability of the investing partnership as a limited partner to contribute to those liabilities.

51 to 53—Amendment of sections 59, 60 and 61

These amendments are consequential on the insertion of a definition for ***liability***.

54—Amendment of section 62—Liability for limited partnerships formed under corresponding laws

One proposed amendment to section 62 will enable the law of a jurisdiction other than another State, Territory or country to be declared to be a corresponding law for the purposes of that section (which relates to recognition of laws concerning limitation of liability of limited partners in limited partnerships similar to proposed section 64D). New section 62(4) provides that section 62 is additional to, and does not derogate from, any rule of law under which recognition is or may be given to a limitation of liability of a partner in a partnership (including an external partnership).

55—Insertion of section 62A

This new section is an equivalent provision for limited partnerships to proposed section 64E.

62A—Effect of sections 61 and 62

New section 62A provides that no implication is to be taken as arising from section 61 or 62 that a limited partner has any liability (or but for that section would have any liability) in connection with the conduct of a partnership's business outside the State that the limited partner would not have in connection with the conduct of a partnership's business within the State.

56—Amendment of section 63—Contribution towards discharge of liabilities

This amendment is consequential.

57—Insertion of Division 4A

This new Division comprises new sections 64A to 64E. New section 64A provides that a limited partner has no liability for the liabilities of the incorporated limited partnership or of a general partner but not so as to prevent the satisfaction of such liabilities by the contributions of capital or property by limited partners, or by the enforcement of the obligation to so contribute. The limitation on liability is qualified by proposed section 65A which provides that a limited partner must not take part in the management of the incorporated limited partnership. A limited partner who does take part in the management may be liable for acts taken by the partner that cause loss or injury to a third party if the third party reasonably believed the limited partner was a general partner. However, the limited partner's liability is limited to that incurred as a direct result of such acts and to liability that

would be3 incurred if the partner were in fact a general partner.

Proposed section 64C makes it clear that it is intended that the limitation on the liability of a limited partner in an incorporated limited partnership conferred by or under the principal Act extends to liability incurred outside the State.

Proposed section 64D provides for the recognition of the limitation of liability of partners in incorporated limited partnerships formed under the law of another jurisdiction for liabilities incurred in the State, provided that the low substantially corresponds to the provisions of the principal Act relating to incorporated limited partnerships or is declared to be a corresponding law.

Proposed section 64E provides that sections 64C and 64D cannot be taken to imply that a limited partner in an incorporated limited partnership can have liability for conduct or acts omissions outside the State that would not attract liability if done within the State.

58—Amendment of section 65—Limited partner not to take part in management of limited partnership

Proposed subsection (6) emphasises that the list in new section 65A is not an exhaustive list of actions that may be taken that do not amount to taking part in the management of a business.

59—Insertion of sections 65A and 65B

Proposed section 65A provides that a limited partner is not to be regarded as taking part in the management of the business of the incorporated limited partnership merely because the partner engages in specified acts. The acts specified include those that a limited partner in a limited partnership may currently do under section 65 of the principal Act without being considered to be taking part in the management of the business of the limited partnership. However, these are expanded and enhanced to recognise the active role that limited partners in incorporated limited partnerships may play in overseeing the investments of the partnership and in advising and assisting the investees. For example, proposed section 65A(3)(g) will enable a limited partner to give advice to, consult or act as an officer or director of an associate (as defined in new section 65B) of the incorporated limited partnership with whom the incorporated limited partnership invests and to participate in committees dealing with requests from general partners for consent to do various things.

60 to 63—Amendment of sections 66, 67 and 68 and substitution of heading to Part 3 Division 6

These amendments are consequential.

64—Insertion of section 71A

71A—Winding up of incorporated limited partnerships

New section 71A provides regulations may make provision for the winding up of incorporated limited partnerships, including by applying, with or without modification, specified provisions of the *Corporations Act 2001* of the Commonwealth.

The limit on the penalties that may be fixed for offences against the regulations under this Act does not apply in relation to any regulation that makes provision for the winding up of incorporated limited partnerships.

65—Insertion of sections 71B to 71E

New sections 71B to 71E are to be inserted at the beginning of Part 3 Division 7.

71B—Execution of documents

New section 71B provides for the execution of documents by an incorporated limited partnership, with or without using a common seal.

71C—Entitlement to make assumptions

New section 71C entitles a person who deals with an incorporated limited partnership or with a person who has acquired property from the partnership to make the assumptions set out in new section 71D, unless the person knew or suspected that the relevant assumption was incorrect, and for the inability of the partnership to assert that any of the assumptions are incorrect.

71D—Assumptions that may be made under section 71C

New section 71D sets out various assumptions that may be made, including providing that a person may assume compliance with the partnership agreement of an incorporated limited partnership and that a person who appears to be a general partner or agent of the partnership is such a person, has the customary powers and duties of such a person and properly performs those duties.

71E—Lodgment of certain documents with Commission

New section 71E requires an incorporated limited partnership to lodge certain documents with the Commission.

66 to 69—Amendment of sections 75 to 78

The proposed amendments to these sections provide, respectively, for the identification of incorporated limited partnerships by inclusion of the words "An Incorporated Limited Partnership" (or "L.P." of "LP" as an abbreviation) after the firm-name, to enable limited partnerships to use such appropriate abbreviations, to require an incorporated limited partnership to keep a registered office in SA, to describe methods of serving documents on limited partnerships and incorporated limited partnerships and to provide that an entry in the Register in relation to an incorporated limited partnership constitutes notice of certain matters.

70—Insertion of sections 79A to 79C

79A—Offences by partnerships

New section 79A provides that where the principal Act provides that a general partner (being a partnership and including an external partnership) in a limited partnership or incorporated limited partnership is guilty of an offence, the reference to the general partner is to be read as a reference—

(a) to each partner in the partnership (or external partnership); or

(b) if the partnership (or external partnership) is one in which any partner has under the law of the place where it is formed limited liability for the liabilities of the partnership, each partner in the partnership whose liability is not so limited.

It is a defence for the partner to prove that the partner took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

79B—Duty to furnish information

This new section provides for a duty for an incorporated limited partnership to provide the Commission with such information as the Commission requires in order for the Commission to be able to monitor the partnership's compliance with the legislation. It is an offence if the partnership fails to comply with such a request within the time required.

79C—Confidentiality

The Commission or a person employed or engaged in the administration of the principal Act must not, except to the extent necessary to carry out their functions, give to another person, whether directly or indirectly, any information acquired by the Commission or that person in carrying out those functions.

71—Amendment of section 83—Regulations

The proposed amendment will expand the power to make regulations relating to matters such as the keeping of records by limited partnerships and incorporated limited partnerships and to enable the regulations to exempt persons or classes of persons or other matters or things form provisions of the Act.

72—Insertion of section 84 and Schedule 1

84—Relationship with Corporations legislation

New section 84 will enable the regulations to declare that a matter dealt with by the principal Act or the regulations is an excluded matter for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth. the regulations may also declare a matter dealt with under the principal Act to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Corporations legislation.

Schedule 1—Savings, transitional and other provisions

New Schedule 1 contains provisions of a savings or transitional nature, including a provision to enable the regulations to make provision for matters of a savings or transitional nature consequent on the amendment of the principal Act.

Schedule 1—Related amendment of *Business Names Act 1996*

1—Amendment of section 28A—Limited liability partnerships and incorporated limited liability partnerships

These amendments provide that a limited partner of a limited liability partnership or incorporated limited liability partnership is not to be regarded as carrying on the business of the partnership and is not a proprietor of a business name registered in relation to the partnership for the purposes of the *Business Names Act 1996*.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ACTS INTERPRETATION (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill amends the *Acts Interpretation Act* to assist in the interpretation of South Australian legislation and statutory instruments. The Bill deals with five matters.

Firstly, the Bill provides that definitions of digital media and the processes of capturing digital records are to be considered as within the meaning of their analog counterparts. These provisions are intended to save the purpose and effect of existing statutory provisions if their validity is subsequently challenged. The Bill also requires that a person who is under a legal obligation to produce a computer record must make it available in a form in which it can be understood.

Secondly, the Bill removes any doubt about the effect of various portions or components of Acts, regulations, rules, by-laws or statutory instruments. It deals with the status of clauses in schedules, headings, margin notes, dictionaries, examples, exceptions, qualifications and headings to chapters, subsections and paragraphs.

Thirdly, the Bill clarifies the Governor's powers to fix not only a day but also a time for commencement of Acts and statutory instruments and allows for the variation of commencement proclamations.

Fourthly, the Bill replaces section 39 of the Act to clarify that the power to make regulations, rules or by-laws includes power to vary or revoke the regulations, rules or by-laws and that the power to vary or revoke is exercisable in the same way, and subject to the same conditions as the power to make the regulations, rules or by-laws. It also includes a power to provide for the expiry of regulations, etc.

Fifthly, the Bill deals with several miscellaneous meanings and definitions. It—

- defines AS or Australian Standard, AS/NZS or Australian/New Zealand Standard for use across the Statute Book;
- extends the meaning of "***statutory instrument***";
- provides a new section to assist in the interpretation of words and phrases that have meanings related to a defined word or phrase;
- clarifies the meaning of sitting days of Parliament;
- updates references to registered post and certified mail;
- defines the manner in which an Act may authorise or require a body corporate to sign or execute a document;
- provides that the reference to forms in section 25 of the Act includes forms approved by Ministers or others under an Act as well as forms set out in regulations; and
- removes unnecessary phrases from section 44 of the Act.

1—Definitions of digital media

Dozens of South Australian statutes contain references to items such as videotapes, films, audiotapes, photographs, books, maps, plans, drawings and documents. Some of these words are also used within statutes as verbs giving, for example, authorised officers the authority to photograph, film or videotape items, events or persons, often for the purpose of obtaining evidence.

Many if not all of these words are arguably descriptive only of old technological methods that are rapidly being phased out for digital technology. It is not clear whether statutory references to analog methods of, or analog devices for, capturing, storing or reproducing words, pictures, designs, maps, sounds etc. will necessarily be interpreted by Courts as including the newer digital methods and devices.

It is possible that if invited to do so a Court may find that particular statutory provisions authorise the use of, or prohibit the use, only of 'video *tape*' and that the statute says nothing about *digital* video recording. The same may be said of other analog media and their digital counterparts. Therefore in some circumstances there may be a lack of statutory power to utilise or to prevent the use of digital technology.

References to analog media are found in South Australian statutes in many places. For example:

- there are requirements for police to use videotapes or audiotapes to record interviews and searches under the *Summary Offences Act 1953* and the *Criminal Law (Forensic Procedures) Act 1998*.
- intellectual property and other rights are protected by prohibitions against filming, photographing, copying or recording, for example in the *National Parks Regulations 2001*, *Adelaide Festival Centre Trust Regulations*, *History Trust of South Australia Regulations 1995*, and *Art Gallery Regulations 2002*.
- authorised officers fulfilling regulatory functions are granted statutory powers to take photographs, visual recordings, films or video recordings. These powers are contained in many Acts, including *Offshore Minerals Act 2000*, *Development Act 1993*, *Environment Protection Act 1993*, and the *Food Act 2001*.
- statutes such as the *Evidence Act 1929*, *Workers Compensation and Rehabilitation Act 1986*, and *Summary Procedure Act 1921* regulate the use that may be made in certain proceedings of videotape and photographic material.
- words such as "books", "papers" and "documents" are sometimes defined in such a way or qualified in their context (as in the phrase "book, document or other record") in such a way that a computer record would be assumed to be equivalent. However this is not always so. A common phrase in many statutes is "books, papers or documents". Since many statutes do not adopt any definition of "books", "papers" or "documents" it is at least arguable that computer records might not be included.
- the same argument could apply to statutory provisions that mention "plans", "maps" and "drawings". It is not always clear from the context whether a computer record of a "plan", "map" or "drawing" is within the meaning of the statutory provision.

There is no suggestion that public authorities ought to be required to accept application forms or other records in digital media format if they believe that paper or analog versions are still required. In the most obvious example, at the Land Titles Office, "maps" and "drawings", along with all other instruments, must be in a "form approved by the Registrar General" under section 54 of the *Real Property Act 1886*. Development applications under the *Development Regulations 1993* can now be accepted electronically, but only if the Council or other relevant authority consents to this method, as provided for in section 8 of the *Electronic Transactions Act 2000*. All that is being proposed in this Bill is a legislative definition which states, in effect, that records stored digitally and the processes of capturing them are within the statutory meaning of their original analog counterparts. This would save the purpose and effect of existing statutory provisions if their validity is subsequently challenged.

The Bill also requires that a person who is under a legal obligation to produce a computer record must make it available in a form in which it can be understood.

2—Clarifying the status of various components of an Act

Acts, regulations, rules, by-laws or statutory instruments may contain various components. They may contain preambles, schedules, dictionaries, appendices, chapter headings, part headings, division headings, subdivision headings, section headings, marginal notes, footnotes, other notes, examples, qualifications, exceptions, tables, diagrams, maps, other illustrations (and their headings), punctuation, lists of contents and so on. The status of one component

or its omission might be a matter relevant to the interpretation of a provision or an entire instrument.

The Bill provides greater clarity in understanding the nature of these components. It lists all the components mentioned above, and clarifies, subject to any express provisions to the contrary, which of them form part of an Act or statutory instrument, and which do not.

The Bill also provides that no portion of an Act (including any Schedule or preamble) requires enacting words such as "the Parliament of South Australia enacts" to be effective as a substantive enactment.

The Bill also deals with the effect of examples in Acts. It provides that examples are not intended to be exhaustive and may extend, but not limit, the meaning of a provision. This matter is currently dealt with in some Acts where examples appear, but not others. The section represents a consistent provision that can be relied upon across the Statute Book. Corresponding Acts of the Commonwealth, the Australian Capital Territory, the Northern Territory, Queensland and Victoria contain similar provisions dealing with the standing of examples.

3—Fixing commencement dates and times

The Bill clarifies the Governor's powers to fix not only a day but also a time for commencement of Acts, provisions in Acts and statutory instruments. It includes, in Schedule 1, amendments to the *Subordinate Legislation Act 1978* that are consequential.

The Bill also enables a commencement proclamation to be subsequently varied so as to delay the day or time of commencement of an Act.

4—Variation, revocation and expiration of regulations, rules and by-laws

The Bill substitutes section 39 of the Act to bring it into line with the corresponding provisions of most other Australian jurisdictions (although the Commonwealth and Victorian provisions make an exception "where the contrary intention appears"). Each jurisdiction provides that the restrictions that apply to the making of the subordinate legislation apply also to the variation or revocation of the subordinate legislation.

The provision allowing for the variation or revocation of regulations, rules or by-laws will not introduce any extraneous limitation on the exercise of the power that does not apply to the initial making of the regulations, rules or by-laws.

If there is an intention not to allow variation or revocation of a regulation then an express provision to that end should be enacted in the relevant Act.

The Bill also clarifies that regulations etc may include a provision specifying a day on which the regulations etc expire.

5—Other definitions and meanings

Across the Statute Book and, in particular, in regulations there are many references to Australian Standards (either as in force at a particular time or as in force from time to time). The body that publishes or approves the publication of the Standards has, since 1988, used the trading name Standards Australia. The Standards Association of Australia was incorporated under a Royal Charter in 1951. It was registered as a company limited by guarantee in 1999 under the name Standards Australia International Limited. In November 2004 the company changed its name to Standards Australia Limited. The Bill will ensure that references in the Statute Book are updated as necessary and it will simplify future references to Australian Standards. It will be sufficient to refer to the standard by its designation or title, without reference to the publishing body.

The *Acts Interpretation Act* defines "***statutory instrument***" to include any "instrument of a legislative character." Difficult questions can arise as to whether a particular instrument is of a legislative or administrative character. The amendment includes as statutory instruments all proclamations, notices, orders or other instruments made by the Governor or a Minister and published in the *Gazette*. The result is that the provisions of the Acts Interpretation Act relating to matters such as citation, commencement and construction of statutory instruments will clearly apply to all such instruments.

The Bill also includes an amendment to resolve potential uncertainty and the need for cumbersome definitions when Acts use different grammatical forms of a defined word or phrase. For example, the words "build" and "builder" are related to the word "building". If, in an Act, the word "building" was defined but the words "build" and "builder" were not separately defined, the legal meaning of "build" and "builder" might not necessarily correspond to the legal definition of "building". The amendment establishes a general presumption that such corresponding meanings apply. There is a similar provision in section 7 of the corresponding New South Wales statute, the *Interpretation Act 1987* (NSW).

The Bill also clarifies that a reference in an Act to sitting days of Parliament includes days that may span successive sessions of Parliament and successive Parliaments.

The Bill updates references to certified mail and registered post to reflect current services provided by Australia Post.

The Bill provides that an Act under which a body corporate signs or executes a document is taken to require or authorise either the fixing of a common seal, or signing in accordance with the Act under which the body was incorporated.

The Bill provides that section 25 of the Act is to apply to forms prescribed or approved under an Act—forms to the same effect may be used provided that deviations are not calculated to mislead.

Finally, the Bill removes two unnecessary references to "statutory instruments" in section 44. These references are unnecessary because statutory instruments are already within the meaning of an "Act" in section 44, under the provisions of section 14BA(1).

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Acts Interpretation Act 1915*

4—Amendment of section 4—Interpretation

This clause inserts a number of definitions into section 4 of the principal Act. An Act or regulation will be able to refer to AS or AS/NZS or Australian Standard or Australian/New Zealand Standard without further definition and the reference will work regardless of whether the standard was published by the relevant body in its current form or in any of its previous guises.

The definitions include definitions of "data storage device", "record" and "document", and these definitions reflect new digital technology, as against simply the analog technology contemplated at the time of many Acts being enacted. By doing so, the measure clarifies any possible confusion as to whether new forms of technology are caught by existing terminology as used in those Acts. For example, items such as computer discs are now clearly included as a form of device on which information is capable of being stored.

This clause also alters the definition of statutory instrument. It provides that a proclamation, notice, order or other instrument made by the Governor or a Minister under an Act and published in the Gazette will be regarded as a statutory instrument, whether or not it is of a legislative character. The result is that the provisions of the *Acts Interpretation Act* relating to matters such as citation, commencement and construction of statutory instruments will clearly apply to all such instruments. This will avoid the need to delve into the question of whether a particular instrument is or is not of a legislative character.

The clause also inserts new subsection (2) into section 4 of the principal Act, which extends references to analog methods or items of information capture or storage to include a reference to the digital equivalent. For example, a reference to "videotape", in the form of a verb, would include a reference to digital videorecording, rather than simply recording images and sound on a videocassette.

5—Insertion of section 4AA

This clause inserts new section 4AA into the principal Act, which provides that if an Act defines a word or phrase, other parts of speech and grammatical forms of the word or phrase have, unless the contrary intention appears, corresponding meanings

6—Substitution of section 6

This clause substitutes section 6 of the principal Act, and provides that separate enacting words for a section or other portion of an Act are not required in order to have effect as a substantive enactment.

7—Amendment of section 7—Commencement of Acts

Section 7 is amended to allow for commencement of Acts by proclamation at a specified time as an alternative to commencement on a specified day. This is sometimes necessary in a uniform law situation where the commencement proclamation needs to take into account different time zones.

Section 7 is also amended to enable commencement to be delayed by a further proclamation.

8—Insertion of section 10A—Commencement of certain statutory instruments

This clause makes it clear that statutory instruments (other than regulations, rules and by-laws) may commence on a day or at a time specified in the instrument. It also states that, if no commencement provision is included, the instrument will be taken to come into operation on the day on which it is made, approved or adopted. The rules for regulations, rules and by-laws are set out in the *Subordinate Legislation Act 1978*.

9—Amendment of section 14A—Application and interpretation

This clause inserts new subsection (3) into section 14A of the principal Act, and provides that a reference to a section in the relevant Part extends to a clause of an Act and a regulation, rule, by-law and a clause of a statutory instrument.

10—Amendment of section 14B—Citation

Section 14B(3) is amended so that, unless the contrary intention appears, a reference in legislation to an interstate or Commonwealth Act will be a reference to that Act as in force from time to time.

11—Substitution of section 19

This clause substitutes section 19 of the principal Act, and sets out what does, and does not, form part of an Act. The clause also inserts section 19A into the principal Act, setting out the limits of examples in an Act.

New section 19 deals with the question of what material forms or does not form part of an Act. The current provision does not cover all the components of an Act used in accordance with current drafting practice. For example, it does not mention dictionaries (a device used in the Australian Road Rules and some other regulations under the *Road Traffic Act*) or examples, exceptions or qualifications. It does not cover Chapter, subsection or paragraph headings. The new provision clarifies the position.

It provides that the following form part of an Act:

- preambles, schedules, dictionaries and appendices (including their headings);
- chapter headings, part headings, division headings and subdivision headings;
- examples, qualifications, exceptions, tables, diagrams, maps and other illustrations (including their headings), except where they form part of a note does not form part of an Act;
- punctuation;

and that the following do not form part of an Act:

- section headings;
- notes (including their headings);
- lists of contents.

New section 19A deals with the effect of examples in Acts. It provides that examples are not exhaustive and may extend, but not limit, the meaning of a provision. This matter is currently dealt with in some individual pieces of legislation where examples appear but not others. The section presents a consistent provision that can be relied on across the Statute Book. The *Interpretation Acts* of the Commonwealth, the ACT, the NT, Queensland and Victoria contain provisions dealing with the standing of examples.

The provision is subject to any express provision to the contrary in an Act.

12—Amendment of section 25—Variation of forms

Section 25 currently provides: "Whenever forms are prescribed by any Act, forms to the same effect are sufficient provided that deviations from the prescribed forms are not calculated to mislead." The provision may be interpreted as only applying to forms set out in regulations. The amendment ensures that the provision extends to any form approved under an Act. This will include the many forms approved by Ministers and other persons. An Act or regulation could expressly require that the only form that may be used is one obtained from a particular source if that is desirable in a particular case.

13—Insertion of section 27A

A new section is inserted about the interpretation of legislation that refers to a number of sitting days. The provision provides that, subject to a contrary intention, sitting days are to be counted regardless of whether they fall within the same session of Parliament or even within the same Parliament.

14—Amendment of section 33—Service by post

This clause amends section 33 to reflect current postal arrangements. A reference to certified mail is to be read as a reference to registered post.

15—Substitution of section 39

This clause substitutes section 39 of the principal Act, and sets out provisions relating to the variation, revocation and expiration of subordinate instruments.

The *Interpretation Acts* of each Australian jurisdiction contain provisions corresponding to section 39. This amendment brings the South Australian provision into line with the corresponding provisions (except the corresponding provisions in the Commonwealth and Victoria where reference is retained to "unless the contrary intention appears").

Each jurisdiction provides that the restrictions that apply to the making of the subordinate legislation apply also to the variation or revocation of the subordinate legislation. Proposed subsection (2) reflects this aspect of the current provision and of the corresponding provisions in other Australian jurisdictions.

The result is that there will be a power to vary or revoke regulations, rules or by-laws in the same manner as they were made. However, an Act could always expressly limit that power in a particular case.

The new section also provides that regulations, rules and by-laws may include a provision specifying a day on which the regulations, rules or by-laws expire.

16—Amendment of section 44—Interpretation of references to summary proceedings

This clause amends section 44 of the principal Act to delete unnecessary references to statutory instruments. The whole Part is expressed to apply to both Acts and statutory instruments.

17—Insertion of sections 51 and 52

This clause inserts new section 51 into the principal Act, setting out that where a person who keeps information by computer or other process is required under an Act to produce the information or a document containing the information or to make the information or a document containing the information available for inspection, the requirement obliges the person to produce or make available for inspection a document containing the information in a form capable of being understood.

This clause also inserts new section 52 into the principal Act, setting out how a provision requiring or authorising the signing or execution of a document is to be read in relation to a body corporate. The provision contemplates the common seal being affixed to the document or the document being signed as authorised by the Act under which the body corporate is incorporated.

Schedule 1—Related amendment of *Subordinate Legislation Act 1978*

1—Amendment of section 10AA—Commencement of regulations

This amendment provides that regulations, rules and by-laws may come into operation at a time specified in the relevant instrument.

The Hon. R.I. LUCAS secured the adjournment of the debate.

FIRE AND EMERGENCY SERVICES BILL

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

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

On 14 May 2003, the Government tabled in the Parliament the report on the review of the emergency service undertaken by the Hon John Dawkins AO, the Hon Stephen Baker and Mr Richard McKay.

In broad terms, the review examined the extent to which the Country Fire Service, the South Australian Metropolitan Fire Service, the State Emergency Service and the Emergency Services Administrative Unit are effectively meeting Government policy and community expectations in relation to emergency services; the suitability of the current governance arrangements; and whether the administration and support provided to the emergency service organisations is consistent with best practice, avoids unnecessary duplication and is cost efficient and effective.

Members will recall that the review team made a number of recommendations relating to the restructuring of the emergency services sector. In particular, the review team recommended the establishment of a Fire and Emergency Services Commission.

On 17 July 2003, the Government tabled its response to the Emergency Services Review. The Government supported most of the recommendations as presented by the review team. Some of the recommendations were adopted in part or with minor amendment. Some of the recommendations are being further developed during the implementation process.

The purpose of this Bill is to establish the legislative framework to implement those recommendations of the review team that were supported by the Government.

The contributions of the emergency service organisations, and the volunteer associations and unions that represent the volunteers and staff in the emergency services sector, have been invaluable in developing a structure that will serve to improve the governance and accountability of the emergency services sector and facilitate the achievement of efficiencies and savings through the closer coordination and collaboration of the organisations in the delivery of services to the community.

The Bill establishes the South Australian Fire and Emergency Services Commission, and articulates its functions and powers. Broadly speaking, the Commission will have a governance role in the sector and will be responsible for overseeing the management of the emergency service organisations, and providing strategic direction, organisational and administrative support to the emergency service organisations.

A Board will manage and administer the Commission. The Board will consist of the Chief Officer of each of the emergency service organisations and a Chair, preferably a person with operational experience. These members of the Board will have the ability to vote on any matter arising for decision by the Board. The Board will also consist of two people with knowledge or experience in fields such as commerce, finance, economics, accounting, law or public administration. One will be a public service employee from a relevant Government department. At present, this person will be an employee in the Justice Portfolio. Neither of these two members will have voting rights. Finally, the Board will also consist of a member drawn from the Advisory Board in order to present the interests of volunteers. This member will also not have voting rights.

The Chair of the Board will be the Chief Executive of the Commission. The Commission will be staffed to carry out the service functions of the Commission.

The Bill will repeal the *South Australian Metropolitan Fire Service Act 1936*, the *Country Fires Act 1989*, and the *State Emergency Service Act 1987*. The South Australian Metropolitan Fire Service, the South Australian Country Fire Service and the South Australian State Emergency Service will continue in existence under the new legislation. Each of the emergency service organisations will be headed by a Chief Officer who will be responsible for the management and administration of the organisation in accordance with the strategic framework developed by the Commission for the emergency services sector.

The emergency service organisations retain their operational functions and the operational provisions necessary to carry out their functions. The operational provisions are transferred from the legislation being repealed, with modification to achieve consistency between the organisations to the extent practicable.

The Bill also contains miscellaneous provisions that provide consistency across the sector for issues such as offences for obstructing emergency service officers in the performance of their functions to protection from liability for honest acts or omissions in the performance of functions under the Act. The majority of the miscellaneous provisions can be found in similar form in the legislation being repealed.

The Bill also amends the *Emergency Services Funding Act 1998*, so that the Community Emergency Services Fund can be applied to fund the costs of the Commission.

Finally, the Bill contains transitional provisions to enable the transition from the existing structures to the new structures.

This legislation is a significant step in reforming the emergency services sector. The time and effort that has gone into its development represents the commitment of the Government and the people in the emergency services sector to a reform process aimed at improving the delivery of emergency services to the South Australian community.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Interpretation

This clause sets out the definitions required for the purposes of the measure.

An ***emergency services organisation*** will be—

(a) the South Australian Metropolitan Fire Service (SAMFS); or

(b) the South Australian Country Fire Service (SACFS); or

(c) the South Australian State Emergency Service (SASES).

The ***emergency services sector*** will comprise—

(a) the South Australian Fire and Emergency Services Commission; and

(b) SAMFS; and

(c) SACFS; and

(d) SASES.

An ***emergency*** will be an event that causes, or threatens to cause—

(a) the death of, or injury or other damage to the health of, any person; or

(b) the destruction of, or damage to, any property; or

(c) a disruption to essential services or to services usually enjoyed by the community; or

(d) harm to the environment, or to flora or fauna.

However, in conjunction with this definition of ***emergency***, the measure will not apply to any action to bring an industrial dispute to an end or to control civil disorders (but may apply in relation to any fire or other emergency arising during the course of an industrial dispute or any civil disorder)—see clause 5.

In exercising a power or function under Part 4, a relevant authority will be required—

(a) to have due regard to the impact of any action on the environment; and

(b) to seek to achieve a proper balance between bushfire prevention and proper land management in the country.

4—Establishment of areas for fire and emergency services

The Commission will establish a fire district or fire districts for the purposes of the operations of SAMFS. Any part of the State outside a fire district will constitute the area or areas for the purposes of the operations of SACFS. SASES will act in relation to any part of the State.

5—Application of Act

This measure will not limit or derogate from the provisions of any other Act.

Part 2—South Australian Fire and Emergency Services Commission

Division 1—Establishment of Commission

6—Establishment of Commission

The South Australian Fire and Emergency Services Commission is to be established. The Commission will be a body corporate. The Commission will be an agency of the Crown.

7—Ministerial control

The Commission will be subject to the control and direction of the Minister. However, any Ministerial direction under this provision will need to be in writing and a statement of the fact of the giving of any Ministerial direction will be published in the Commission's annual report.

Division 2—Functions and powers of Commission

8—Functions and powers

This clause sets out the functions of the Commission. The Commission will have the powers necessary or expedient for the performance of its functions. The Commission will prepare a charter relating to its functions and operations. The charter will be publicly available.

9—Directions

The Commission will be able to give directions to SAMFS, SACFS or SASES. However, the Commission will not be able to give a direction relating to the procedures to be followed in response to an emergency, or relating to dealing with any matter that may arise at the scene of an emergency.

Division 3—Constitution of board

10—Commission to be managed by a board

The Commission is to be managed by a board. The board will be the governing body of the Commission and any act or decision of the board in the management or administration of the affairs of the Commission will be an act or decision of the Commission.

11—Constitution of the Board

The Board will be constituted by a presiding member (being the Chief Executive of the Commission), each Chief Officer of each emergency services organisation, and 2 other persons appointed by the Governor on the recommendation of the Minister. 1 of the appointed members will be a member of the Public Service. An appointed member will be known as an ***associate member***.

12—Terms and conditions of membership

This clause sets out the terms and conditions of membership of the board. An associate member will hold office for a term not exceeding 5 years and is eligible for reappointment.

13—Vacancies or defects in appointment of members

An act or proceeding of the Board will not be invalid by reason only of a vacancy in its membership or a defect in an appointment.

14—Proceedings

This clause sets out the procedures that are to apply in relation to the proceedings of the Board.

15—Conflict of interest

This clause deals with the issue of conflicts of interest for members of the Board.

Division 4—Chief Executive and staff

16—Chief Executive

This clause provides for the office of Chief Executive of the Commission. A person will be able to be appointed to this position for a term not exceeding 5 years and will be eligible for reappointment. The Chief Officer will be responsible for managing the staff and resources of the Commission and giving effect to the policies and decisions of the Board insofar as they relate to the management of the Commission.

17—Staff

The staff of the Commission will comprise persons appointed by the Commission and persons employed in any public sector agency who are made available to assist the Commission.

Division 5—Advisory Board and committees

18—Advisory Board

The Minister will appoint an Advisory Board for the purposes of this measure. The Advisory Board will be able to provide that a copy of any written advice furnished to the Minister be tabled in Parliament.

19—Committees

The Commission will be able to appoint committees to assist the Commission as the Commission thinks fit.

Division 6—Delegation

20—Delegation

The Commission will be able to delegate powers and functions.

Division 7—Accounts, audits and reports

21—Accounts and audit

The Commission will be required to keep proper accounting records and to prepare annual statements of account. These accounts will include consolidated statements of account for the emergency services sector.

22—Annual reports

The Commission will prepare an annual report. The annual report will incorporate the information contained in the annual reports of the emergency services organisations. The Minister will be required to have copies of the annual report laid before both Houses.

Division 8—Common seal and execution of documents

23—Common seal and execution of documents

This clause relates to the use of the common seal of the Commission and the execution of documents.

Part 3—The South Australian Metropolitan Fire Service

Division 1—Continuation of service

24—Continuation of service

The South Australian Metropolitan Fire Service (SAMFS) will continue in existence. (SAMFS is an agency of the Crown and holds its property on behalf of the Crown.)

25—Constitution of SAMFS

SAMFS will consist of the Chief Officer, all officers and firefighters, and all employees of SAMFS. The Chief Officer will be responsible for the management and administration of SAMFS and an act or decision of the Chief Officer in the management or administration of the affairs of SAMFS will be an act or decision of SAMFS.

Division 2—Functions and powers

26—Functions and powers

This clause sets out the functions of SAMFS. SAMFS will be able to exercise any powers that are necessary or expedient for the performance of its functions.

Division 3—Chief Officer and staff

27—Chief Officer

This clause makes specific provision with respect to the office of Chief Officer of SAMFS. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SAMFS and may therefore—

(a) control all resources of SAMFS; and

(b) manage the staff of SAMFS and give directions to its members; and

(c) assume control of any SAMFS operations; and

(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SAMFS.

28—Deputy Chief Officer and Assistant Chief Officers

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

29—Other officers and firefighters

The Chief Officer will appoint other officers and firefighters. An appointment under this clause will be made following procedures set out in subclause (2) (other than where the appointment is to the lowest rank in SAMFS). These procedures are currently found in section 40A, 40B and 40C of the existing Act.

30—Employees

The Chief Officer will be able to engage other persons as employees of SAMFS.

31—Staff

The staff of SAMFS will comprise all officers, firefighters and other employees of SAMFS. SAMFS will also be able to make use of the services of persons employed in a public sector agency.

32—Workforce plans

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SAMFS must accord with the plan.

33—Delegation

The Chief Officer will be able to delegate powers and functions.

Division 4—Fire brigades

34—Fire brigades

The Chief Officer will establish fire brigades within fire districts.

Division 5—Fire and emergency safeguards

35—Interpretation and application

This clause sets out terms that are to be defined for the purposes of the Division relating to fire and emergency safeguards. The scheme established by this Division is the same as the scheme in Part 5 Division 3 of the current Act.

36—Power to enter and inspect a public building

The Chief Officer or any authorised officer will be able to inspect any public building to ensure that there are adequate

measures in place to protect against fire or another emergency.

37—Rectification where safeguards inadequate

If adequate measures are found not to be in place in a public building, the Chief Officer or the authorised officer will be able to take action, or require action to be taken, to remedy the situation.

38—Closure orders

This clause sets out the powers of the Chief Officer or an authorised officer to issue a closure order in relation to a public building in a case where the safety of persons cannot be reasonably ensured by other means. A closure order will initially operate for a period not exceeding 48 hours. The Magistrates Court will be able to extend the period of operation of a closure order (and will be able, on application, to rescind a closure order).

39—Powers in relation to places at which danger of fire may exist

This clause allows the Chief Officer to enter any building, vehicle or place where he or she has reason to believe that there may be a source of danger to life or property through the outbreak of fire.

40—Related matters

A person exercising a power under this Division may be accompanied by 1 or more members of SAMFS or police officers. It will be an offence to fail to comply with an order under this Division.

Division 6—Powers and duties relating to fires and emergencies

Subdivision 1—Exercise of control at scene of fire or other emergency

41—Exercise of control at scene of fire or other emergency

This clause sets out the circumstances where SAMFS may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the new *Emergency Management Act 2004*.

Subdivision 2—Exercise of powers at scene of fire or other emergency

42—Powers

This clause sets out the powers that may be exercised by an officer of SAMFS, and any person acting under the command of an officer, at the scene of a fire or other emergency. This provision will operate subject to the provisions of the new *Emergency Management Act 2004*.

Subdivision 3—Related matters

43—Provision of water

A water authority may be directed to send a competent person to the scene of a fire or other emergency to assist in the provision of water.

44—Disconnection of gas or electricity

A body supplying gas or electricity to any place where a fire or other emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

Division 7—Discipline

Subdivision 1—The Disciplinary Committee

45—The South Australian Metropolitan Fire Service Disciplinary Committee

This clause provides for the continuation of the South Australian Metropolitan Fire Service Disciplinary Committee.

Subdivision 2—Disciplinary proceedings

46—Chief Officer may reprimand

The Chief Officer may reprimand an officer or firefighter who the Chief Officer finds to have been guilty of misconduct.

47—Proceedings before Disciplinary Committee

The Chief Officer may lay a complaint against an officer or firefighter for alleged misconduct. The Disciplinary Committee may exercise various powers if it finds that an officer or firefighter has been guilty of misconduct.

48—Suspension pending hearing of complaint

The Chief Officer may suspend an officer or firefighter, on full pay, pending the determination of a complaint.

Subdivision 3—Appeals

49—Appeals

An appeal will be to the District Court against a decision of the Disciplinary Committee or Chief Officer in the exercise of disciplinary functions.

50—Representation of parties and costs

An appellant may be represented by a member of an industrial association to which the appellant belongs or by a legal practitioner.

51—Participation of assessors in appeals

The District Court will sit with assessors in any proceedings under these provisions.

Division 8—Related matters

52—Accounts and audit

SAMFS will be required to keep proper accounting records and to prepare annual statements of account. These will be audited by the Auditor-General.

53—Annual reports

SAMFS will prepare an annual report and provide it to the Commission

54—Common seal and execution of documents

This clause relates to the use of the common seal of SAMFS and the execution of documents.

55—UFU

The associations that comprise UFU are to be recognised as associations that represent the interests of firefighters.

56—Fire prevention on private land

This clause makes special provision to ensure that conditions on private land in a fire district do not cause an undue risk in relation to the outbreak or spread of fire. It is similar to section 60B of the current Act.

Part 4—The South Australian Country Fire Service

Division 1—Continuation of service

57—Continuation of service

The South Australian Country Fire Service (SACFS) will continue in existence. (SACFS is an agency of the Crown and holds its property on behalf of the Crown.)

58—Constitution of SACFS

SACFS will consist of the Chief Officer, all other officers, all SACFS organisations and members, and all employees of SACFS. The Chief Officer will be responsible for the management and administration of SACFS and an act or decision of the Chief Officer in the management or administration of the affairs of SACFS will be an act or decision of SACFS.

Division 2—Functions and powers

59—Functions and powers

This clause sets out the functions of SACFS. SACFS will be able to exercise any powers that are necessary or expedient for the performance of its functions.

Division 3—Chief Officer and staff

60—Chief Officer

This clause makes specific provision with respect to the office of Chief Officer of SACFS. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SACFS and may therefore—

(a) control all resources of SACFS; and

(b) manage the staff of SACFS and give directions to its members; and

(c) assume control of any SACFS operations; and

(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SACFS.

61—Deputy Chief Officer and Assistant Chief Officers

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

62—Other officers

The Chief Officer will be able to appoint other officers to the staff of SACFS.

63—Employees

The Chief Officer will be able to engage other persons as employees of SACFS.

64—Staff

The staff of SACFS will comprise all officers and other employees of SACFS. SACFS will also be able to make use of the services of persons employed in a public sector agency.

65—Workforce plans

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SACFS must accord with the plan.

66—Delegation
The Chief Officer will be able to delegate powers and functions.

Division 4—SACFS regions
67—SACFS regions
The Chief Officer will be able to establish SACFS regions within the country.

Division 5—Organisational structure
68—Establishment of SACFS organisations
The Chief Officer will be able to establish SACFS brigades. The Chief Officer will also be able to establish an SACFS group in relation to 2 or more SACFS brigades within a region.

69—South Australian Volunteer Fire-Brigades Association
This clause provides for the continuation of the South Australian Volunteer Fire-Brigades Association.

Division 6—Command structure
70—Command structure
This clause sets out the SACFS command structure. The relative authority of each officer and member of SACFS will be in accordance with a command structure determined by the Chief Officer.

Division 7—Fire prevention authorities
Subdivision 1—The South Australian Bushfire Prevention Advisory Committee
71—The South Australian Bushfire Prevention Advisory Committee
72—The Advisory Committee's functions
The South Australian Bushfire Prevention Advisory Committee will continue in existence.

Subdivision 2
73—Regional bushfire prevention committees
74—Functions of regional committees
75—District bushfire prevention committees
76—Functions of district committees
The scheme for regional bushfire prevention committees and district bushfire prevention committees will continue.

Subdivision 3—Fire prevention officers
77—Fire prevention officers
This clause provides for the appointment of a fire prevention officer by each rural council.

Division 8—Fire prevention
Subdivision 1—Fire danger season
78—Fire danger season
The Chief Officer will fix the fire danger seasons for the State. A fire danger season will continue to be fixed after consultation with any regional bushfire prevention committee.

79—Fires during fire danger season
This clause sets out controls during a fire danger season.

Subdivision 2—Total fire ban
80—Total fire ban
The Chief Officer will be able to impose total fire bans. It will be an offence to fail to comply with a ban under this clause.

Subdivision 3—Permits
81—Permit to light and maintain fire
This clause continues the permit system relating to lighting and maintaining fires.

Subdivision 4—Power of direction
82—Power to direct
This clause sets out a specific power of direction where a fire has been lit contrary to the Act, or where a fire may get out of control.

Subdivision 5—Duties to prevent fires
83—Private land
This clause makes special provision to ensure that owners of private land in the country take reasonable steps to protect property on the land from fire and to prevent or inhibit the spread of fire.

84—Council land
A rural council must take reasonable steps to protect property on land under the care, control or management of the council from fire and to prevent or inhibit the spread of fire.

85—Crown land
Government bodies must take reasonable steps to protect property on land under the care, control or management of the relevant bodies from fire and to prevent or inhibit the spread of fire.

Subdivision 6—Miscellaneous precautions against fire
86—Fire safety at premises
An authorised officer may require the owner of premises of a prescribed kind in the country to take specified steps to prevent the outbreak of fire at the premises, or the spread of fire from the premises
87—Removal of debris from roads
88—Fire extinguishers to be carried on caravans
89—Restriction on the use of certain appliances etc
90—Burning objects and material
91—Duty to report unattended fires
These clauses provide for various matters with respect to fire safety within the country. These provisions are based on provisions in the current Act.

Subdivision 7—Supplementary provisions
92—Power of inspection
This is a specific power of inspection to ensure that appropriate measures have been taken on any land with respect to the prevention, control or suppression of fires.

93—Delegation by councils
This is a specific power of delegation by councils to fire prevention officers under this scheme.

94—Failure by a council to exercise statutory powers
This clause addresses the action to be taken if a council fails to exercise or discharge a power or function under this scheme.

95—Endangering life or property
This clause creates a specific offence relating to endangering life or property through the lighting of fires in a fire danger season.

Division 9—Powers and duties relating to fires and emergencies
Subdivision 1—Exercise of control at scene of fire or other emergency
96—Exercise of control at scene of fire or other emergency
This clause sets out the circumstances where SACFS may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

Subdivision 2—Exercise of powers at scene of fire or other emergency
97—Powers
This clause sets out the powers that may be exercised by SACFS at the scene of a fire or other emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

Subdivision 3—Related matters
98—Provision of water
A water authority may be directed to send a competent person to the scene of a fire or other emergency to assist in the provision of water.

99—Disconnection of gas or electricity
A body supplying gas or electricity to any place where a fire or other emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

Division 10—Related matters
100—Accounts and audit
SACFS will be required to keep proper accounting records and to prepare annual statements of account. The accounts of SACFS will be audited by the Auditor-General. The accounts of an SACFS organisation will be audited in accordance with the regulations.

101—Annual reports
SACFS will prepare an annual report and provide it to the Commission.

102—Common seal and execution of documents
This clause relates to the use of the common seal of SACFS and the execution of documents.

103—Fire control officers
The Chief Officer will be able to appoint fire control officers for designated areas of the State.

104—Giving of expiation notices
An authority from a council to issue expiation notices under this Part may only be given to a fire prevention officer.

105—Appropriation of penalties

If a council lays a complaint for a summary offence against this Part, any fine recoverable from the defendant must be paid to the council.

Part 5—The South Australian State Emergency Service

Division 1—Continuation of service

106—Continuation of service

The State Emergency Service will continue as the South Australian State Emergency Service (SASES). (SASES is an agency of the Crown and holds its property on behalf of the Crown.)

107—Constitution of SASES

SASES will consist of the Chief Officer, all other officers, all SASES units and members, and all employees of SASES. The Chief Officer will be responsible for the management and administration of SASES and an act or decision of the Chief Officer in the management or administration of the affairs of SASES will be an act or decision of SASES.

Division 2—Functions and powers

108—Functions and powers

This clause sets out the functions of SASES. SASES will be able to exercise any powers that are necessary or expedient for the performance of its functions.

Division 3—Chief Officer and staff

109—Chief Officer

This clause makes specific provision with respect to the office of Chief Officer of SASES. The Chief Officer of SASES. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SASES and may therefore—

(a) control all resources of SASES; and

(b) manage the staff of SASES and give directions to its members; and

(c) assume control of any SASES operations; and

(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SASES.

110—Deputy Chief Officer and Assistant Chief Officers

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

111—Other officers

The Chief Officer will be able to appoint other officers to the staff of SASES.

112—Employees

The Chief Officer will be able to engage other persons as employees of SASES.

113—Staff

The staff of SASES will comprise all officers and other employees of SASES. SASES will be able to make use of the services of persons employed in a public sector agency.

114—Workforce plans

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SASES must accord with the plan.

115—Delegation

The Chief Officer will be able to delegate powers and functions.

Division 4—SASES units

116—SASES units

The Chief Officer will be able to establish SASES brigades.

Division 5—Powers and duties relating to emergencies

Subdivision 1—Exercise of control at scene of emergency

117—Exercise of control at scene of emergency

This clause sets out the circumstances where SASES may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

Subdivision 2—Exercise of powers at scene of emergency

118—Powers

This clause sets out the powers that may be exercised by SASES at the scene of an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

Subdivision 3—Related matter

119—Disconnection of gas or electricity

A body supplying gas or electricity to any place where an emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

Division 6—Related matters

120—Accounts and audit

SASES will be required to keep proper accounting records and to prepare annual statements of account. The accounts of SASES will be audited by the Auditor-General. The accounts of an SASES unit will be audited in accordance with the regulations.

121—Annual reports

SASES will prepare an annual report and provide it to the Commission.

122—Common seal and execution of documents

This clause relates to the use of the common seal of SASES and the execution of documents.

123—S.A.S.E.S. Volunteers' Association Incorporated

S.A.S.E.S. Volunteers' Association Incorporated is recognised as an association that represents the interests of members of SASES units.

Part 6—Miscellaneous

124—Investigations

An authorised officer will be able to investigate the cause of a fire or other emergency.

125—Obstruction etc

126—Impersonating an emergency services officer etc

These are offence provisions.

127—Protection from liability

This clause provides protection from personal liability in relation to persons acting under the Act.

128—Exemption from certain rates and taxes

Emergency service organisations are to be exempt from water and sewerage rates, land tax and the emergency services levy (and see Schedule 6 in relation to council rates).

129—Power to provide sirens

An emergency services organisation or a council will be able to erect, test and use sirens to warn of the threat or outbreak of fire or the threat or occurrence of an emergency.

130—Provision of uniforms

A body within the emergency services sector may issue uniforms and insignia.

131—Protection of names and logos

The Commission will be able to protect and control the use of certain logos and titles.

132—Attendance by police

This clause makes specific provision with respect to the attendance of police officers at the scene of a fire or other emergency.

133—Disclosure of information

A person suspected of committing, or being about to commit, an offence may be required to provide his or her full name and address and to provide evidence of his or her identity.

134—Unauthorised fire brigades

This clause controls the establishment of other fire brigades in the country.

135—Interference with fire plugs, fire alarms etc

136—False or misleading statements

137—Continuing offences

138—Offences by bodies corporate

These clauses relate to offences.

139—Onus of proof

This clause will require a person who lights or maintains a fire during the fire danger season or on a day on which a total fire ban was imposed to prove some lawful authority to light or maintain the fire.

140—Evidentiary

This is an evidentiary provision.

141—Insurance policies to cover damage

A policy of insurance against damage or loss due to fire or another emergency will be taken to extend to damage or loss arising from measures taken under this Act.

142—Payment of costs and expenses for certain vessels and property

This clause provides for the recovery of costs and expenses involving a fire on a vessel for which an emergency services levy has not been paid.

143—Fees
The regulations may set out fees and charges for the provision of prescribed services.
144—Services
It will be possible for an entity to be engaged to provide a special service for a fee set by the relevant organisation.
145—Acting outside the State
146—Recognised interstate organisations
These clauses relate to interstate situations.
147—Inquests
The Commission or any emergency services organisation is entitled to be heard at any inquest into the causes of a fire or other emergency and may be represented at the inquest by counsel or by one of its officers.
148—Regulations
This clause relates to regulations under the Act. A regulation may be made with respect to a matter specified in Schedule 5.
149—Review of Act
A review of the operation of the Act is to be undertaken after the second anniversary of the commencement of the Act.
Schedule 1—Appointment and selection of assessors for District Court proceedings under Part 3
Schedule 2—Code of conduct to be observed by officers and firefighters for the purposes of Part 3
Schedule 3—Supplementary provisions relating to the South Australian Bushfire Prevention Advisory Committee
Schedule 4—Supplementary provisions relating to regional and district bushfire prevention committees
Schedule 5—Regulations
Schedule 6—Related amendments, repeals and transitional provisions
These schedules provide for related matters.

The Hon. R.I. LUCAS secured the adjournment of the debate.

HERITAGE (BEECHWOOD GARDEN) AMENDMENT BILL

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

INDUSTRIAL LAW REFORM (FAIR WORK) BILL

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

CHILDREN'S PROTECTION (MANDATORY REPORTING) AMENDMENT BILL

In committee.

Clauses 1 and 2 passed.
Clause 3.
The Hon. R.D. LAWSON: I move:

Page 2, after line 15—
Insert:
(3) Section 11—after subsection (3) insert:
(4) This section does not require a minister of religion to divulge any information communicated to him or her in the course of a confession.
(5) In subsection (4)—
confession means a confession made by a person to a minister of religion in his or her capacity as such according to the rules or usages of the religion of the minister;

Whilst it is well known that the sacrament of confession is an important element of the Roman Catholic faith, my amendment extends not only to confessions made according to the Catholic faith. Confession is also an element in the Anglican Church and, I believe, certain Orthodox denominations. It is not necessarily an element, insofar as I am aware, of some of the other Protestant denominations.

The principle, however, is important and, most significantly, Robyn Layton QC, as she then was, prepared her report on child protection, in March 2003, as the Hon. Nick Xenophon reminds me—almost two years ago, as the Hon. Kate Reynolds reminded the committee—but it has not yet been completely actioned by this government, which is very fond of suggesting that it has good credentials in relation to child protection. The important point is that Robyn Layton said that her requirement was for mandatory reporting to not apply in relation to information divulged in the course of a formal confession, and it is for that reason, as well as in order to respect the religious practices of a significant number of people in our community, that this amendment has been moved.

This is not a question of balancing on the one hand the protection of children against, on the other hand, religious observance. This is about not trading one off against the other. We do not believe that this is trading one off against the other. We simply believe that it is appropriate that the well-entrenched sanctity of confession is preserved. Robyn Layton heard all of the arguments. She produced an 800-page report. It cost $500 000, and her recommendation was that we not seek to violate the seal of the confessional, and we believe that she had good reasons for doing so, and we are happy to support them.

The Hon. KATE REYNOLDS: It has been quite a while since we last debated this bill and, as the Hon. Robert Lawson pointed out, it is more than two years since the government received the report from Robyn Layton QC, as she then was. I think it is important that we go back to some of the initial debate and questions that were raised during the second reading debate nearly two years ago. First, I would like to take members back to September 2003, just after this bill was first introduced when the former social justice minister Stephanie Key said:

A heads of churches working group was developing a response to the Layton report, including mandatory reporting by the clergy.

I am quoting from an article in *The Advertiser* entitled 'Confessional No Place To Hide Sex Abusers'. The minister at the time said the government intended to introduce its own laws in several months. That was in September 2003. In July 2004, the Hon. Carmel Zollo spoke to this bill during the second reading debate. I would like to quote a couple of remarks because I think they are important. She referred to that general undertaking given by the then social justice minister and said that the government would be consulting with churches and religious organisations regarding a private member's bill.

She said they needed to be aware of the proposed amendment to mandated notifier provisions. She noted that there were two opposing views about whether or not the confessional should be included, and that there was a need to ensure that the wider opinion of the religious community was included on the public record. The Hon. Carmel Zollo said:

Letters inviting comment have been sent to all religious organisations where it has been possible to obtain the name of a contact. A pro forma question has been provided which aims to assist in obtaining clear opinion and good information on all aspects of the proposed private member's bill.

She then also referred to a statement made by the Minister for Police in the other place on 2 June, when he informed the house that the government would introduce legislation

extending mandatory reporting requirements to staff and volunteers of church and other religious organisations.

The Hon. Nick Xenophon interjecting:

The Hon. KATE REYNOLDS: As the Hon. Nick Xenophon points out, that was 10 months ago. She said also that the government needed to consider the details (that is, the details of this bill that we were debating at this time) in the context of the legislative changes that were imminent. So, more than two years ago we had the Layton report with recommendations relating to the existing legislation. Then we had promises about the government taking action—promises made in September 2003. There were more promises nearly 12 months ago. However, unless I have missed it, there is in fact absolutely nothing on the horizon from the government. I am interested to hear what feedback the government has received in response to that pro forma questionnaire that was sent out to all religious organisations that the government could find asking them to provide feedback about the bill. I think it is important that members be provided with that before we discuss this amendment and certainly before we vote.

The Hon. CARMEL ZOLLO: As I said in my second reading speech—and I spoke at some length on 21 July—this government has made child protection a priority from the moment it took office.

The Hon. Kate Reynolds: It is not a legislative priority.

The Hon. CARMEL ZOLLO: Well, $200 million in extra funding is not bad at all, and we have committed more than $200 million in extra funding for this vital area.

The Hon. Kate Reynolds interjecting:

The Hon. CARMEL ZOLLO: We are putting our money where it is very important, and I think you should acknowledge that. We increased child protection staff by 250 child care workers, and we have obviously also widened the safety net for our children regardless of where they are, and of course we saw the Commission of Inquiry (Children in State Care) (Miscellaneous) Amendment Bill.

In relation to the amendment before us, as I indicated at the second reading stage, we will not support the legislation nor the amendment of the Hon. Rob Lawson. It is our intention to introduce our own bill, which will be comprehensive, rather than agreeing to piecemeal measures such as this one. I am not sure whether the Hon. Nick Xenophon has consulted with the minister in another place as to progressing this legislation today. I certainly have not, but, nonetheless, we will not support the Hon. Robert Lawson's amendment. The Minister for Families and Communities, who obviously has carriage of child protection issues within the government, is working on a broader bill of child protection measures, which will also examine the issues surrounding mandatory reporting. It is our intention that our bill will be more comprehensive, rather than agreeing to the piecemeal measures we see before us.

I said during the second reading stage that there was a change of ministry between the Hons Steph Key and Jay Weatherill at the time, and I do not have before me the results of the survey as this is private member's legislation that has been brought forward today. This is not our legislation. I know the minister is hoping to meet with church leaders as soon as a time can be arranged. From my own limited personal knowledge of the Catholic Church, confession can be viewed in different contexts and circumstances, so you obviously have the sacrament of confession and then one might confess to a religious person outside the sacramental setting, which is not the same. I understand that priests would not be able to break their sacred vows without divulging what they have been told when told to them by an adult in either circumstance, even if they then may deal with the situation in a different way in relation to helping the confessor. Also, it would depend on who was confessing. A child confessing would be treated differently, I believe. It is very important to explore properly what the word confession can mean to all religions who practice that usage.

There are many unanswered questions. For instance, we need to discuss measures that could be put in place to ensure that the provisions in the amendment are not abused. In short, there is still more discussion to be had. We will oppose this legislation at the third reading.

The Hon. IAN GILFILLAN: I support the Hon. Robert Lawson's amendment. A uniquely valuable situation has evolved through centuries of religious practice in the Christian church, and one of the basic tenets of the understanding of a confession in the circumstances addressed in the amendment are that the contents of that confession will remain confidential between the penitent and the confessor. It is unlikely that legal measures, which supposedly will force a priest to divulge what he or she may hear in the confessional, would draw out the revelation of sex abuse that otherwise would remain secret, but in the meantime there could be heavy personal penalties imposed on those who want in their religious life to have the benefit of a confession. A true confession may well lead to further action on that person's part, which does reveal, because it is a constructive step, that sex abuse may be being referred to. I will support the amendment moved by the Hon. Robert Lawson and, if it is successful, I will also support the bill. If it is not successful, I will not support the bill.

The Hon. CARMEL ZOLLO: It is the government's intention to engage with the church groups on the impact of any measure to include the confessional.

The Hon. A.L. EVANS: I also support the amendment. I come from a church where we have already initiated mandatory reporting for all our people, including Sunday school teachers and children's workers. We have police checks on all in our church—we have taken a strong line on it. Freda Briggs was involved with us several years ago to help set up a structure. However, what I do at our church I cannot ask other churches to do, particularly the Roman Catholic Church, the Greek Orthodox Church and the Church of England, because in the Catholic tradition they have made promises and this would force them to make a decision between the government and their church. It places them in an impossible position. Therefore, I support the amendment. As we know, lawyers have a similar protection, so I will support the amendment.

The Hon. NICK XENOPHON: I want to respond to some of the matters raised by the minister in her response. The minister said that the government has spent $200 million in extra funding with respect to child protection. Obviously, that is welcomed. However, there must be a legislative framework to deal with mandatory notification of a large group of people who would have potential knowledge or who deal with children, whether it be church workers, Sunday school teachers or ministers of religion. Also, the bill makes reference to recreational services in line with the recommendations made by Robyn Layton QC (as she then was) more than two years ago.

You can pour all this money into child protection (and, obviously, it will have some impact) but, unless you have a system to ensure mandatory notification, the effectiveness of

the additional moneys that are expended, I think, must be put into question. If you want to maximise the effectiveness you need to expand the class of individuals who are subject to mandatory notification. This was recommended more than two years ago by Robyn Layton QC. I acknowledged in my second reading contribution that this bill goes a step further in that it does not provide an exemption for the confessional.

I acknowledged in my second reading contribution that I had been guided more recently by the view of people such as emeritus professor Freda Briggs following the release of the report by former justice Olsson in relation to the matters that he investigated with respect to the Adelaide Diocese of the Anglican Church in that the most important matters with which to deal were at least to ensure mandatory notification for church workers. As I understood it, the professor's preferred position—and I am trying to summarise the views of Professor Briggs as fairly as possible—was that there be no exemptions. She said that she would rather have something that would cover most instances.

I have referred previously to the case of a Catholic priest in Queensland who had gone to the confessional over a period of 20 years and confessed to some 1 500 instances of abusing children. No mechanisms were in place to bring that person to account at the time, and so many children were abused. It is a difficult issue. I respect and understand the arguments opposing my position with regard to the confessional in that it might discourage some people coming forward. I have been guided by Professor Bill Marshall who attended at the Vatican several years ago with respect to the whole issue of child abuse. He was invited by the Vatican to discuss this issue.

A question put to Professor Marshall at a symposium held at the University of South Australia last year was that there ought not be any exemptions because these people who commit crimes against children need to face up to the consequences of their actions in a very direct sense in terms of legal consequences. They need to face the courts and to undertake whatever treatment and counselling is necessary to reduce the risk of their reoffending. They are the issues. They are finely balanced but, on balance, I believe that it is right not to support this amendment.

In terms of the government's position, I am grateful to the Hon. Kate Reynolds for setting out a chronology of this issue, as well as the Hon. Rob Lawson. It is more than two years since the Layton report was handed down. The government's arguments are that it needs some comprehensive legislation with respect to this issue. The Hon. Steph Key (the then minister for social justice) said in September 2003 that something was coming within a couple of months. The Hon. Kevin Foley announced in parliament on 2 June 2004 that legislation was coming—

The Hon. Kate Reynolds interjecting:

The Hon. NICK XENOPHON: Yes. I am grateful to the Hon. Kate Reynolds. The Deputy Premier said that the government would urgently introduce legislation to cover this. It is just over 10 months later and nothing has happened. I feel that it is incumbent on this chamber at least to progress this matter so that this bill can go to the other place. The government must be jolted into dealing with this important legislation. Whilst I differ with the Hon. Mr Lawson and others, obviously, on the issue of the confessional, it is important that we deal with this, and at the very least that the bill be passed to encompass the Layton recommendations. That is very important.

We have been waiting almost two years in relation to the Hon. Steph Key's apparent undertakings. As the police minister, the Hon. Kevin Foley made an announcement 10 months ago about urgent legislation to be introduced. Nothing has happened. I believe that it is incumbent on this chamber to prod the government into action. I note and understand that the Hon. Kate Reynolds will have a few things to say about what the Hon. Carmel Zollo said in her comprehensive contribution on 21 July 2004 and the fact that there was consultation with 180 religious organisations. What has happened with that? I think that is a legitimate question.

My aim is at least to progress this matter so that, by this week, it can be out of this place so that the other place can deal with it. The government says that it will do it bigger and better. Well, the recommendation was made by Robyn Layton. It was a very clear recommendation. I have gone a step further, and I acknowledge that. Rocket science is not involved in this—it is to include a class of people who have not been included hitherto in the legislation with respect to expanding the classes of individuals in section 11(2) of the Children's Protection Act. The fact that it has taken the government so long to act, I believe, is unacceptable. I urge the government to reconsider its position.

The Hon. R.D. LAWSON: I think it is regrettable that the Hon. Nick Xenophon has chosen continually to assert that his bill actually does implement the recommendations of Robin Layton QC. His bill does not do that. Robin Layton suggested that there be an expansion of the class of persons who are mandatory reporters. That did not include those who receive information in the course of the sacrament of confession. It is quite wrong for the Hon. Nick Xenophon to continually suggest that he is merely implementing the recommendations of the Layton report. We have sought to bring his bill into conformity with the recommendations of the Layton report. We, with him, condemn the government for its failure to produce a comprehensive response to Layton, but it is quite wrong for him to pick and choose, as he has done here.

He believes that it is popular to require the churches to divulge all information that they might have which might affect allegations of sexual abuse—and we support that—but we do not support (neither did Layton recommend) that information divulged in the course of the sacrament of confession be divulged. We do not believe it is a trade-off; we believe that both positions are entirely principled. It is a matter really of great regret that the Hon. Nick Xenophon has sought to go further because, with the greatest respect to him, I believe that he and many others believe that it is popular in the electorate to overlook the religious observances and principles which have been developed and for which many do not have much sympathy.

We believe Layton was entirely correct to put forward a principled proposition, and we support it, but we do not support the wider position that the Hon. Nick Xenophon seeks to enunciate. If he had been true to his word, he would have put forward Layton's submission, and we would have supported it. What we have had to do, therefore, is introduce an amendment—I am grateful for the expressions of support that we have received for our amendment—to ensure that what Layton suggested is adopted.

The Hon. NICK XENOPHON: I will clarify my position. I thought I made it clear that this bill does go beyond Layton but that its foundation is the Layton report recommendations. I acknowledged that in my second reading explanation—I made that clear—but if I have caused some confusion or consternation, then I hope that I have clarified

it again. In terms of this measure being popular, I have had a lot of correspondence from constituents who do not agree with me. I have not taken this step lightly, but I believe that at certain times certain churches—I am not singling out any particular church—have let down their parishioners, their congregations, in the way that they have very poorly handled allegations and the fact of child abuse.

Reference has been made to the valuable work that Professor Bill Marshall did with the Vatican relating to clergy being abusers and the way that the church institutionally dealt with that. These are serious matters. I believe it is finely balanced—I do not see it as black and white. If you do not exempt the confessional, what impact will that have? I err on the side of those who say that it is better to ensure that there is mandatory notification so that those who have abused can face up to the consequences of their actions and hopefully ensure that others are not abused by them. I have cited the Queensland example, which was reported widely last year, as an instance of where many children were abused.

Having said that, I am at one with the Hon. Mr Lawson in saying that we need to have a fallback position, in a sense, if the Layton report recommendations are accepted in their original form. I acknowledge what the Hon. Mr Lawson is proposing to do with his amendment. It is a significant improvement on the current position where there is no requirement for mandatory notification for the class of people whom this bill proposes to encompass. I note that the Hon. Kate Reynolds also has some concerns. My intention, with the will of this place, is to progress this bill so that by the end of this week it has been dealt with in this chamber, and then it will be up to the government in the other place to put their position as to why they should not deal with this measure as a matter of urgency.

The Hon. CARMEL ZOLLO: I want to reiterate the government's position. We believe that there is still more consultation and discussion to be had, because we think it is important to get this right. We want to see our own legislation, which will contain all the right safeguards, put in place. Regarding the Hon. Robert Lawson's amendment, we need to ensure that measures are in place so that there can be no abuse of the mandatory reporting provision. I think the government's proposed legislation will provide for further discussion, and I think the community of South Australia will be better served by having that opportunity. I recognise that we do not have the numbers in the chamber, so I indicate that we will be voting against the third reading and we will not be supporting the Hon. Robert Lawson's amendment for the reasons I have mentioned.

The Hon. KATE REYNOLDS: I am not sure what the government's position on this is in relation to its being a conscience vote. I seem to recall that the Liberals said that this was a conscience vote for them, but I think it is importantthat this committee give careful consideration to this amendment in the context of its potentially being a conscience vote for the government. There might be some people who are brave enough to declare their position, exclusive of what they have been told to do in the party room. Certainly I know that privately some members have been very uncomfortable with the government's position on this.

I again return to the comments made by the Hon. Carmel Zollo in July 2004—nearly 12 months ago—and, with the indulgence of members, I will read a little more from the record in relation to public consultation and the remarks that the Hon. Carmel Zollo just made in the past few minutes. On 21 July 2004, the Hon. Carmel Zollo said that the previous minister for social justice gave a general undertaking to consult with the churches and religious organisations regarding this private member's bill. She said:

> This consultation was considered necessary because there are over 180 religious organisations in the state. They need to be aware of the proposed amendment to mandated notifier provisions and consider the implications of the bill for their respective organisations.

I do not think I referred to this part earlier. The Hon. Carmel Zollo continues:

> To date, the views mostly—though not exclusively—of the two mainstream Christian churches have been on the public record, one of which has a sacred communication whereas the other does not. As a consequence, there are two opposing views about whether or not the confessional should be included.
>
> There is a need to ensure that the wider opinion of the religious community is included on the public record. . . The commencement of this consultation was delayed, due to changes in ministerial portfolios last March; and letters inviting comment have been sent to all religious organisations where it has been possible to obtain the name of a contact. A proforma questionnaire has been provided which aims to assist in obtaining clear opinion and good information on all aspects of the proposed private member's bill.

Clearly the government, on behalf of the taxpayers of the state, has spent some money seeking views from at least some religious organisations about their mandated notifier obligations, and I would assume from the comments made by the Hon. Carmel Zollo seeking comment from them about whether or not, in their view, the confessional (or whatever terms might be used according to different denominations to describe that event) should be included or excluded from any mandated notifier's obligations.

I think it is very important that this information that has been collected at taxpayers' expense be brought back to this committee so that we can hear those views and consequently inform our vote. I think I have decided which way I want to vote in relation to the Hon. Robert Lawson's amendment, but, if our money has been spent gathering these views, I would like to hear them. The Hon. Carmel Zollo has said that more consultation and discussion is needed. Well, frankly, the government has had plenty of time to have these discussions. It has had plenty of time to undertake that consultation. It has had plenty of time to come to a position which is something other than, 'Yes, we are going to get around to it some time down the track.' This is important, and it can be done. There really is no excuse for delaying beyond this week, but, if the government spent taxpayers' dollars getting those views from the churches, I would like to hear them.

Progress reported; committee to sit again.

ADJOURNMENT

At 9.14 p.m. the council adjourned until Tuesday 5 April at 2.15 p.m.